

PLANNING COMMITTEE AGENDA

Tuesday, 24 September 2019 at 7:15pm

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

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 18th September 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications. There are no applications under Part B.

PART A

Planning Applications

5a	Application No. 19 00735 FUL - Land South of Silver Street, WETHERSFIELD	6 - 34
5b	Application No. 19 00739 REM - Land adjacent to Braintree Road, CRESSING	35 - 66
5c	Application No. 19 00802 REM - Land West of Station Road, EARLS COLNE	67 - 86
5d	Application No. 19 01013 FUL - Braintree Enterprise Centre, 46 Enterprise Drive, BRAINTREE	87 - 103
5e	Application No. 19 01092 FUL - Land West of A131 London Road, GREAT NOTLEY	104 - 131
5f	Application No. 19 01157 FUL - Land adjacent to 5 Coniston Close, GREAT NOTLEY	132 - 147

PART B

Minor Planning Applications

There are no applications under 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

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8 Urgent Business - Private Session

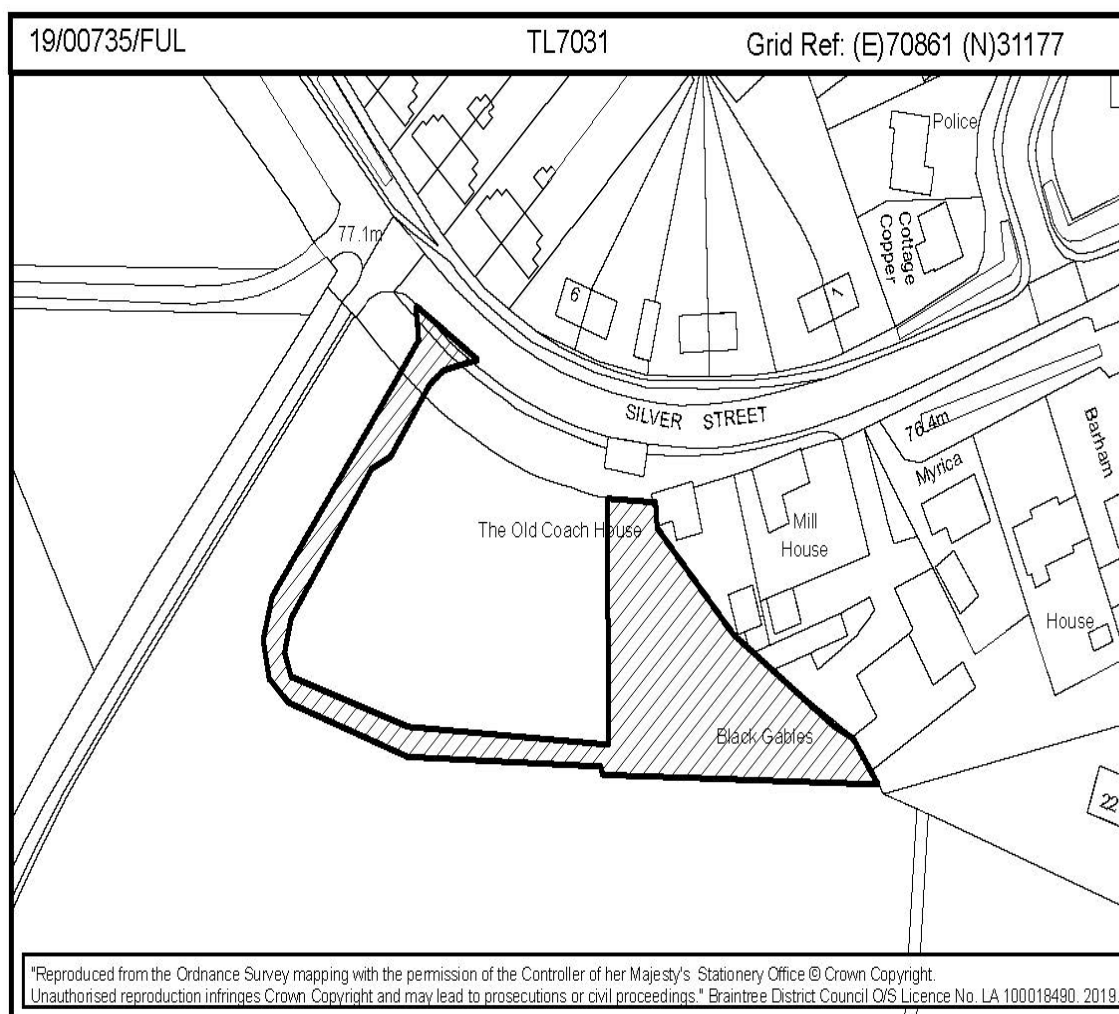
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/00735/FUL
DATE: 24.04.19
VALID:
APPLICANT: Wethersfield Developments Ltd
C/o Agent
AGENT: Phase 2 Planning
Mrs Lisa Skinner, 250 Avenue West, Skyline 120, Great Notley, Braintree, CM77 7AA
DESCRIPTION: Erection of 1 No. two storey detached dwelling, detached double garage, access and associated works.
LOCATION: Land South Of, Silver Street, Wethersfield, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQGEMTBF G7U00>

SITE HISTORY

17/00093/REF	Erection of 9 dwellings with associated access and landscaping.	Appeal Dismissed	13.03.18
19/00073/REF	Erection of 5, two-bedroom, one and a half storey dwellings with associated infrastructure.		
17/00313/FUL	Erection of 12 dwellings with associated access and landscaping.	Withdrawn	23.05.17
17/01621/FUL	Erection of 9 dwellings with associated access and landscaping.	Refused	27.10.17
17/02253/FUL	Erection of 9 dwellings with associated access and landscaping.	Granted	10.05.18
18/01407/DAC	Application for approval of details reserved by conditions 3, 5 and 8 of approved application 17/02253/FUL	Granted	28.09.18
18/02038/VAR	Application for a variation of condition 9 of planning permission 17/02253/FUL- the condition to read 'Prior to the first occupation of the development a priority junction off Silver Street to provide access to the proposal site shall be provided in accordance with the details shown on Drawing CA16-019-S278(1) C4.	Granted	25.01.19
18/02118/FUL	Erection of 5, two-bedroom, one and a half storey dwellings with associated infrastructure.	Refused	29.03.19
19/00073/REF	Erection of 5, two-bedroom, one and a half storey dwellings with associated infrastructure.		

18/02118/FUL	Erection of 5, two-bedroom, one and a half storey dwellings with associated infrastructure.	Refused	29.03.19
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density

RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP80	Landscape Features and Habitats

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation at the request of the Chair and Vice Chair of the Planning Committee.

It should be noted that the application has been appealed against non-determination and thus the Local Planning Authority can no longer determine this application.

SITE DESCRIPTION

The application site comprises of a triangular area of land measuring approximately 0.16ha and is located to the south west of Wethersfield village, on the southern side of Silver Street. The site is situated outside of the defined development boundary for Wethersfield in the Adopted Local Plan. However, it is situated within the proposed amended development boundary in the Draft Local Plan.

The site is currently being used as the site compound for the adjacent development to the west which is under construction (planning application reference: 17/02253/FUL). The site has previously formed part of an agricultural field. The site is undulating in topography and is sited at a lower level than Silver Street.

The site abuts the boundary of neighbouring properties The Old Coach House and Black Gables. There was a hedge along the frontage of the site which has been partially removed.

PROPOSAL

The application seeks full planning permission for the erection of 1no. two storey detached dwelling and detached double garage. The proposed property is 'L' shaped in plan form, orientated fronting west with the detached garage located abutting the western boundary with its frontage facing south. The property would benefit from a large garden area.

Immediately adjacent to the application site a scheme of 9no. houses is currently under construction (Application Reference 17/02253/FUL). Access to the proposed dwelling is achieved via the internal estate road that is currently under construction on the adjacent site.

The site and the land immediately adjacent to it has been subject to a number of planning applications, including a dismissed appeal, as set out above.

CONSULTATIONS

ECC Highway Authority

No Objection.

BDC Ecology

No Objection. Advisory recommendations relating to nesting birds between 1st March and 31st August. Under Wildlife and Countryside Act 1981 it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Nest boxes should be placed as a net gain for biodiversity.

BDC Environmental Health

No objection subject to conditions relating to demolition, site clearance and construction.

PARISH / TOWN COUNCIL

Wethersfield Parish Council have objected to the planning application. In summary the following comments have been made:

- Loss of privacy to the residents of The Old Coach House. The rear elevation of proposed dwelling is in their line of sight.
- The site has previously been agreed to be a buffer between the approved new development and the existing properties, The Old Coach House and Black Gables.
- The village does not have a shop and the post office is open twice weekly for two hours in the village hall.
- Several large houses have been for sale in the village and remain unsold.
- In the village plan the main request by residents was for affordable housing and the previous developer of the site did approach the council with a suggestion of changing the arrangement to include 20 small houses instead of the nine large ones. Unfortunately they did not pursue this which would almost certainly have found favour within the village.
- Separating this as a separate dwelling protects the developer from making any s106 contribution to the village.

REPRESENTATIONS

The planning application has been advertised as a Departure from the provisions of the Development Plan. A site notice was displayed adjacent to the application site for a 21 day period and immediate neighbours were notified by letter.

In response 43 objection comments have been received in response to the neighbour notification, the contents are summarised below:

In summary the following objection comments have been made:

- **Concerns regarding existing development under construction**
- Concern regarding legitimacy of Wethersfield Developments
- Impact on structural soundness of Coach House Way (which was built in 1800)
- Concern about dust and disruption caused by existing development under construction
- Concern about traffic/parking on pavements by construction vehicles.
- Concern about vibration and noise from development

- **Highway/Parking Issues**
- Increased traffic and congestion
- The entrance/exit is dangerous and is on a blind corner
- 2 car parking spaces is not sufficient
- There are parking problems already in the village

- **Impact on Neighbouring Amenity**
- Loss of privacy
- Overlooking of garden and house (Old Coach House and Black Gables)
- Loss of light and over shadowing
- Overbearing
- Detrimental effect on quality of life
- Landscaping proposed will block sunlight and damage foundations

- **Design and Layout Issues**
- Insufficient parking provision for new development
- Out of character with the surrounding development
- Lack of affordable housing provision
- Village needs affordable housing
- There is not a need for large houses in the village

- **Impact on Facilities/Services**
- There are no services such as doctors surgery, shop, post office and garage
- School is at capacity

- **Other**
- Parish Council asked for this land to be left for the community to enjoy
- The land should be left as a buffer as agreed
- Setting a precedent for future development on surrounding fields
- Noise and pollution
- The wall surrounding The Old Coach House dates back to 1790.
- Keep Wethersfield as a small village
- The village is dying
- Proposal does not benefit village
- One house wont significantly contribute to housing quota
- Clear avoidance of requirement for affordable housing

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) and the Braintree District Core Strategy (2011).

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy.

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town

Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is proposed for allocation for residential development in the Draft Local Plan. Policy LPP1 of the Draft Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and therefore development is acceptable in principle.

However, as application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

A material consideration on the determination of this application is a recently refused application at the site. Planning application 18/02118/FUL sought planning permission for the erection of 5, two-bedroom, one and a half storey dwellings with associated infrastructure. The application was refused for the following reasons:

1. The siting, layout, design and bulk form of the proposal would result in a cramped form of development that is harmful to both the character and appearance of the locality and the amenity of neighbouring dwellings and prospective occupiers of the proposed dwellings. The proposal is contrary to the NPPF, Policies RLP2, RLP9, RLP10 and RLP90 of the Braintree District Local Plan Review, Policies CS8 and CS9 of the Braintree District Core Strategy, Policies LPP1, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

2. The proposed development triggers the need for affordable housing contribution when considered cumulatively with the adjacent development (planning application reference 17/02253/FUL). However, the submitted application fails to demonstrate a provision of affordable housing and therefore is considered contrary to the NPPF and Policy CS2 of the Braintree District Core Strategy.'

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

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

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a

new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

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

The development will bring both social and economic benefits, albeit limited in nature relative to the scale of the development. The development will provide a minimal contribution towards housing for the local area. In addition the development would provide benefits during the construction stage and thereafter with prospective occupiers supporting the services/facilities within nearby towns/villages.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

The site was put forward in the 'Call for Sites' as part of the process for the new Local Plan. The site was considered initially by the Local Plan Sub Committee on the 9th May 2016 (ref: WETH414). Officers recommended to the Committee that the site not be allocated for residential development. Officers advised that *'the site would provide approximately 11 dwellings. The site is lower than the level of the road, and would not be a natural extension to development in the village, and does not have a natural boundary to contain the site'*. Members of the Sub Committee resolved for the site to be included within a revised village envelope within the new Local Plan.

Accordingly the application site is therefore located within the proposed Development Boundary for Wethersfield within the Draft Local Plan and identified as an allocated residential site.

Planning permission has been granted (reference 17/02253/FUL) on part of the allocated site for 9no. dwellings and is currently under construction. A previous application (Application Reference 17/01621/FUL) on this site was refused and dismissed on appeal. This appeal decision forms a material consideration in the determination of this application.

The Planning Inspector stated in the appeal decision,

'25. Wethersfield is a small village but contains a primary school and pre-school as well as a post office/shop, recreation ground and village hall amongst other facilities. From the appeal site, it is possible to walk to all of these facilities via pavements. Nevertheless, these facilities would not meet every day-to-day need and there would be a requirement to travel beyond Wethersfield on a regular basis. Bus services to larger settlements run around once an hour during the week and provide access to a wider range of services and facilities including employment and the railway station at Braintree.'

26. There would inevitably be a need for private car use to access services and facilities beyond Wethersfield in locations where the bus services do not reach and at times when the services are not available or convenient. However, based on the services and facilities within Wethersfield and the fairly regular bus services during the week, future occupants of the proposed development would not be overly reliant on the private car. Thus, the negative social and environmental effects in terms of the accessibility of services and protecting natural resources would be limited.

The Inspector concluded that the development would not be isolated and that the proposed development would represent a suitable location for housing having regard to the accessibility of local services and facilities and would accord with Policy CS7 of the Adopted Core Strategy. It can therefore be concluded that this application for the site on the land adjoining the appeal decision is in accordance with Policy CS7 of the Adopted Core Strategy.

Design, Layout and Landscaping

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (paragraph 124) that 'good design is a key aspect of sustainable development' and that (paragraph 127) developments should 'function well and add to the overall character of the area...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate landscaping'.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

RLP80 of the Adopted Local Plan requires proposals for new development to integrate in to the local landscape. This is echoed in Policy LPP71 of the Draft Local Plan.

The site currently provides a buffer between the existing neighbouring dwellings to the east of the site (The Old Coach House and Black Gables) and the development that is currently under construction to the west. The area of land subject to this application was purposely left out of the development area when negotiating the permission on the adjacent site, given the impact built development on this part of the site would have upon the adjoining neighbouring properties and vice versa as a result of the land level differences. This is discussed in more detail below.

The proposed dwelling is sited within close proximity to the southern boundary of the site and thus does not maintain the building line of the adjacent development which is arranged to front the access road. The dwelling would terminate the view at the end of the access, however it relates poorly to the street scene given that the majority of the frontage of the property would be hidden from view. The development does not therefore contribute positively to the street scene.

The siting of the dwelling close to the southern and western boundaries, given the need to keep the development away from the neighbouring properties to the east, makes for a contrived layout which does not integrate into the wider development. Therefore whilst the proposal accords in the main with the Essex Design Guide by way of providing 25m back to back distances between properties, this only seeks to compromise the development in other areas,

suggestive that the site cannot accommodate the proposed development and secure a good standard of design and layout.

The submitted plans propose gates at the entrance to the site enclosing the development from the 9no. units adjacent. This is not compatible with the open character and appearance of the surrounding area and the development under construction and would compromise the character and appearance of the street scene.

In considering a previous appeal (Application Reference 17/01621/FUL) at the adjacent site the Inspector made reference to the southern boundary. The Inspector commented that the properties which backed on to the southern boundary of the site, presented a clear contrast with the remaining field of which it currently forms part and reinforced an enclosed layout and enclave of development. The Inspector specifically noted that the contrast between the residential development and the countryside could be reduced by development that faced towards the countryside, like at the adjacent West Drive. In response to this the development on the adjacent plot was amended such the development now faces south which allows for a permeable boundary where the site meets the open countryside.

The application site has been designed such the southern boundary of the site will require a secure boundary treatment and the approach taken on the adjacent site to allow a more sympathetic transition between the built development and the countryside has not been proposed. A solid boundary treatment along the length of the southern boundary results in a poor relationship with the adjoining countryside and would be to its detriment.

The application proposes a 5 bedroom, two storey dwelling. In Officers opinion the design of the property is poorly considered which implicates the appearance of the site and further hinders its integration with the wider development. The roof pitch is overly slack and the scale and mass of the property doesn't relate to the properties being constructed adjacent. The single storey element is an unusual design appearing as a later addition rather than a cohesive design. The fenestration proposed on the front elevation at first floor level is unbalanced and the property lacks general attention to detailing.

The position of the garage is at odds with the approach on the wider site and results in all car parking activity taking place immediately adjacent to the private amenity area and side elevation wall of plot 4 on the adjacent site and only 9m from the neighbouring property at The Old Coach House, which is elevated in comparison on the application site. The positioning of the garage does not make for a good level of amenity.

The proposed dwelling would benefit from a garden area which exceeds the suggested provision as set out within Essex Design Guide. The level of privacy that will be achieved and the quality of this space for future occupiers is discussed further below.

It is noted that Officers acted positively and proactively during the application process and sought to negotiate revisions to the scheme by allowing amendments to the plans in an attempt to overcome concerns identified with the design and layout of the development. Upon receipt of the revised drawings, the revisions had not satisfactorily overcome Officer concerns and it was apparent that further amendments were unlikely to result in an acceptable development. As such Officers could not support the proposal for the reasons elaborated upon above.

To conclude, the proposed development fails to secure a high standard of design and layout and does not successfully integrate with the adjacent development. The proposal conflicts with Policies RLP80 and RLP90 of the Adopted Local Plan, Policies CS5 and CS9 of the Core Strategy, Policy LPP55 of the Draft Local Plan and the NPPF.

Impact on Neighbouring Amenity

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

The site is within close proximity to the residential properties of The Old Coach House and Black Gables (and its annexe). These neighbouring properties (and their habitable windows) are sited directly on their western boundary adjoining the site.

There is approximately 30 metres between the eastern elevation of the proposed dwelling and Black Gables, 15 metres between the east elevation and the annexe and approximately 25 metres from the northern elevation of the proposed dwelling and The Old Coach House.

Officers have undertaken a site visit to the Old Coach House and Black Gables.

The Old Coach House is sited at a higher level than the application site and has habitable windows and its garden overlooking into the site. The proposed dwelling has no windows at first floor level on the north elevation and therefore overlooking into The Old Coach House has been mitigated to an extent. However, the impact on amenity for prospective occupiers of the dwelling remains a concern. Due to the level issues within the site, The Old Coach House will overlook into the garden of the proposed dwelling which would have a detrimental impact on the amenity of prospective occupiers given little, if any privacy will be secured.

The Black Gables although situated approximately 30 metres from the site has a first floor terrace area which overlooks the countryside and directly into the site and the proposed garden area. During the Officer site visit it was noted that there are habitable windows on the east elevation of the annexe

(associated with Black Gables) which are sited directly on the boundary with the site. The application fails to demonstrate that any consideration has been given to this and therefore, there is concern regarding overlooking and loss of privacy for prospective occupiers of the dwelling and the neighbouring properties.

It should be noted that the Planning Inspector in assessing a previous proposal on the adjacent site referred to the relationship of the appeal site (which adjoins this site) with The Old Coach House and Black Gables and stated that, *'A previous application for 12 dwellings in this location was withdrawn in May 2017. An extract of the plans in the appellant's statement of case shows that the previous site extended as far as the side boundary with The Old Coach House and Black Gables with housing nearer to both properties than is the case with the appeal scheme. The previous application was withdrawn due to the impact of the development on the living conditions of the occupants of the two properties. The appeal site is therefore smaller with a buffer to the two existing properties.'* This submitted application would result in the loss of this 'buffer'.

Whilst the proposal accords in the main with the Essex Design Guide by way of providing 25m back to back distances between properties, this should only be seen as a basis for what is considered necessary to provide a sufficient standard of amenity and then consideration must be given to the particular development and characteristics of the site. The Essex Design Guide cannot take account of individual circumstances, which is where planning judgement is required. In this case there is the matter of topography and also the siting of the neighbouring properties in relation to the shared boundary.

The proposal would result in a poor level of amenity for future occupiers of the proposed property and would impact to an unreasonable extent upon the amenities of the neighbouring properties, in conflict with the NPPF, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

Highway Impact

The proposed development is to be accessed utilising the approved access from Silver Street and the internal estate road approved for the adjacent development. The Highways Authority have been consulted and raise no objections to the proposal.

The application proposes sufficient car parking provision to accord with the adopted car parking standard.

Ecology

Policy RLP 84 of the Adopted Local Plan states that *'planning permission will not be granted for development, which would have an adverse impact on badgers or species protected under various UK and European legislation'*. Policy LPP70 of the Draft Local Plan states that *'development proposals shall provide for the protection of biodiversity and the mitigation or compensation of*

any adverse impacts. Additionally enhancement of biodiversity should be included in all proposals'.

The Council's Ecologist has reviewed the application and has no objection but recommends that a number of nest boxes should be provided for nesting birds. This could reasonably be secured by an appropriately worded planning condition on any grant of permission.

Affordable Housing

The Planning Statement submitted with the planning application states in paragraph 6.27, *'The application would provide a single dwelling and this falls below the thresholds for the provision of affordable housing and this includes the development of units on the adjoining land.'*

Paragraph 5.2 of the Braintree District Council Affordable Housing Supplementary Planning Document refers to the sub division of plots and states that an entire site will be used to determine whether an affordable housing policy is applicable. In reaching a view on this the Council will take into account such factors as landownership, site history and the natural boundaries of the site.

The application site is adjacent to a consented scheme (Application Reference 17/02253/FUL) for 9no. dwellings. There is a physical relationship between the site and the consented scheme and it is therefore not considered unreasonable for the Council to consider the two sites cumulatively with an appropriate affordable housing contribution applied. Indeed, a previous application 17/00313/FUL for 12 dwellings (withdrawn) encompassed the whole site allocated in the Draft Local Plan.

The site (as a whole) is considered as a 'major development' within the context of the National Planning Policy Framework (NPPF3, February 2019). (Paragraph 63 of the NPPF). Affordable Housing contributions can therefore be sought.

Policy CS2 of the Adopted Core Strategy requires 'a target of 40% affordable housing provision on sites in rural areas and a threshold of 5 dwellings or 0.16ha in rural areas' to meet the needs of people unable to gain access to the open market. Policy CS2 further states, 'The Local Planning will take economic viability into account where it is proved to be necessary to do so'. Failure to demonstrate that the proposal could not viably deliver some affordable housing would undermine the framework aims to create mixed and balanced communities.

The proposal is therefore considered contrary to Policy CS2 of the Adopted Core Strategy as it does not provide affordable housing provision.

Habitat Regulations Assessment (HRA / RAMS)

The application site is not located within a Zone of Influence (ZOI) of the natura 2000 sites and therefore a HRA is not required in this case.

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 as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development in the Draft Local Plan. However, as the application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

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

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

The development of one dwelling would have a negligible influence on the vitality of the community and it would not be large enough to bring about the creation of new services within the settlement. It is recognised that the building of houses generates economic benefits through the construction process and also the spending power of the residents. This is applicable to housing development generally and the benefit should be given moderate weight. However, the failure to provide affordable housing would have an adverse impact on the social and economic merits of the site.

In terms of the settlement hierarchy in both the Adopted Development Plan and the Draft Local Plan, although not a town or key service village, Wethersfield provides some facilities to the benefit of its residents which are within reasonable walking distance from the application site. The application site is connected to these services by an existing footpath. In the appeal at the adjoining site the Inspector considered the accessibility of services and facilities from the site. The Inspector acknowledges that there would be a need to use a private car to access services and facilities beyond Wethersfield, however based on the services and facilities within Wethersfield and the fairly regular bus services, he concluded that future occupants of the proposed development would not be overly reliant on the private car and therefore the negative social and environmental effects in terms of the accessibility of services and protecting natural resources would be limited. The Inspector concluded that the development would not be isolated.

The proposal would fail to secure a high standard of design and layout of harm to the character and appearance of the site and wider area, failing to create a cohesive development with the neighbouring site. In addition the topography of the land and layout of the site results in a detrimental impact on the amenity of neighbouring properties and fails to secure a satisfactory level of amenity for the future occupiers of the proposed dwelling. The proposed development conflicts with Policies RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policies LPP55, and LPP71 of the Draft Local Plan. Cumulatively these reasons weigh against the proposal in the overall planning balance.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

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

- 1 The proposal by way of its layout and design would result in a contrived development, appearing at odds with the adjacent development. The dwelling is poorly considered in scale, form and appearance, distinct from the dwellings adjacent, with which it should form one cohesive development. Furthermore the development of this site, given the topography of the land and position of adjoining residential properties is detrimental to the amenity of neighbouring properties and the amenity of future occupiers would be compromised. Moreover the development by way of the approach to the southern boundary fails to ensure a sympathetic transition between the site and the open countryside beyond. The proposed development fails to secure a high quality design or a good standard of amenity for future occupiers or the occupiers of neighbouring properties, nor does it successfully integrate in to the street scene or the immediate countryside setting, of harm to the settlement and amenity of the countryside.

Cumulatively the adverse impacts of the development outweigh the benefits and the proposal fails to secure sustainable development, contrary to the NPPF, Policies CS5, CS7, CS8 and CS9 of the Braintree District Core Strategy, Policies RLP80 and RLP90 of the Braintree District Local Plan Review and Policy LPP55 and LPP71 of the Braintree District Publication Draft Local Plan.

- 2 The proposed development triggers the need for affordable housing contribution when considered cumulatively with the adjacent development (planning application reference 17/02253/FUL). However, the submitted application fails to demonstrate a provision of affordable housing and therefore is considered contrary to the NPPF, Policy CS2 of the Braintree District Core Strategy and Supplementary Planning Document Affordable Housing (2006).

SUBMITTED PLANS

Block Plan	Plan Ref: 0083 _BP
Proposed Floor Plan	Plan Ref: 0083GA1
Proposed Floor Plan	Plan Ref: 0083_GA2
Proposed Elevations	Plan Ref: 0083_GE
Location Plan	Plan Ref: 0083_SP_
Garage Details	Plan Ref: 0083

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 20 February 2018

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 March 2018

Appeal Ref: APP/Z1510/W/17/3189866

Land to the south of Silver Street, Wethersfield CM7 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Julia MacKay Properties/Mr Thompson against the decision of Braintree District Council.
 - The application Ref 17/01621/FUL, dated 30 August 2017, was refused by notice dated 27 October 2017.
 - The development proposed is erection of 9 dwellings with associated access and landscaping.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Julia MacKay Properties/Mr Thompson against Braintree District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The plans determined by the Council are listed on the decision notice. They included block and site plans as well as plans and elevations for three types of dwellings A, B and C (drawing 1206B refers to Type E dwellings, but the main parties have confirmed that this was a typographical error and should read Type C). Minor amendments were made to the room layouts of the three dwelling types earlier on in the application process and were accepted by the Council.
4. Further amended plans were submitted by the appellant close to the determination of the application. They included a revised block plan that would move the position of most dwellings, especially Plots 1, 3, 5, 6 and 7. The Type C dwelling would be replaced with Type J and Type K, and the Type A dwelling on Plot 1 would be replaced with a Type L dwelling. New plans and elevations were included for each new dwelling type and show changes to the size and layout of the dwellings to be replaced.
5. The Council refused to accept the further amended plans and has stated that they do not overcome their concerns, although no detailed explanation has been provided. The appellant has requested that I take the further amended plans into consideration. However, the amendments in terms of dwelling types

and position are materially different to the plans that the Council determined and I cannot be certain that interested parties would not be prejudiced by the lack of consultation on the amendments.

6. The appeal process should not be used to evolve a scheme. It is important that my assessment is made on the plans determined by the Council and on which interested parties' views were sought. Therefore, I have not taken into account the further amended plans as part of my decision. A fresh planning application would need to be submitted if the appellant wished to proceed with these plans.

Main Issues

7. The main issues are:

- (a) The effect of the proposed development on the character and appearance of the area;
- (b) The effect of the proposed development on the living conditions of future occupiers of the development; and
- (c) Whether the location would provide a suitable site for housing in terms of the accessibility of services and facilities.

Reasons

Character and appearance

8. The appeal site is situated on the south side of Silver Street on the southern edge of Wethersfield. The site forms part of a much larger agricultural field which has expansive views south across the countryside. The topography of the site varies. The northern part adjoining Silver Street is lower than the road and largely screened by a mature boundary hedgerow but then rises to the south. There is also vegetation along the western boundary. In contrast, the southern and eastern boundaries of the site have no existing boundary treatment. At present, the site clearly forms part of the countryside in terms of its character and appearance, albeit on the edge of the village.
9. To the north of the appeal site is a line of modern semi-detached properties of similar size and style along the north side of Silver Street. To the east across a small parcel of field is a collection of detached buildings and properties of varying ages and architecture including The Old Coach House and Black Gables. Beyond that is another line of modern properties along West Drive. On the northern edge of Wethersfield is a line of modern housing along Saffron Gardens and Hereward Way.
10. Most of the properties referred to in the previous paragraph face onto the road, although Black Gables is set back behind other properties. The spatial and visual relationship between properties on the edge of Wethersfield and the adjoining countryside varies and there is an irregular shape to the village. The properties on West Drive front onto the road with open countryside beyond. Conversely, the Saffron Gardens and Hereward Way properties have rear gardens which back onto the countryside. The collection of buildings including The Old Coach House and Black Gables border the countryside along their flank and rear elevations with brick walls and fencing.

11. The appeal site is included as a residential housing allocation in the Braintree Publication Draft Local Plan (PDLP) as WETH414 with an indicative capacity of 9 dwellings. The appellant has provided extracts from the PDLP showing the boundary of the site allocation. The appeal site has a different boundary to the site allocation and appears to protrude further south with the proposed location of housing beyond the extent of the allocation. The Council states that at pre-application stage officers were willing to consider a different site area in order to improve the site layout. The PDLP has yet to pass through examination and the Council notes a number of objections to the site allocation WETH414. Therefore, while the allocation is an indication of the Council's potential approach to development in Wethersfield, I can only give the PDLP and the allocation limited weight.
12. The appellant highlights that there was a housing allocation covering a larger area than the appeal site in the draft Site Allocation and Development Management Plan (SADMP). The SADMP was never submitted for examination but the appellant notes that the Council adopted the allocations and development management policies for decision-making purposes. I do not have sufficient details on the previous allocation in terms of how it compares to the PDLP allocation or the extent of any unresolved objections. As such, I can only give the SADMP allocation limited weight.
13. A previous application for 12 dwellings in this location was withdrawn in May 2017. An extract of the plans in the appellant's statement of case shows that the previous site extended as far as the side boundary with The Old Coach House and Black Gables with housing nearer to both properties than is the case with the appeal scheme. The previous application was withdrawn due to the impact of the development on the living conditions of the occupants of the two properties. The appeal site is therefore smaller with a buffer to the two existing properties.
14. The proposed development would be set behind the existing hedgerow in a cul-de-sac layout. As such, it would not face onto Silver Street although properties would be visible above the hedgerow. The five properties along the southern side of the site would back onto the remaining field and wider countryside with a proposed hedgerow and post and wire fence along the southern and eastern boundaries. This would form a clear contrast with the remaining field and reinforce an enclosed layout and enclave of development.
15. Any arrangement of nine dwellings on this appeal site would likely result in a cul-de-sac layout as there is seemingly insufficient space along the Silver Street frontage to accommodate this number of dwellings. A linear form of development would likely result in loss of the existing hedgerow and could also extend too close to windows on the flank elevation of The Old Coach House. Nevertheless, the contrast between residential development and the countryside could be reduced by development that faced towards the countryside like at West Drive. This would still take on a cul-de-sac layout but would limit the extent of boundary fencing and planting immediately next to open fields. The development along Saffron Gardens and Hereward Way forms a much longer and largely unbroken line of rear gardens adjoining the countryside rather than an enclave of development as would be the case here. Thus, it does not justify a similar approach.

16. In terms of detailed design issues with the proposed development, the Plot 1 dwelling would present a largely blank side elevation upon entering the cul-de-sac, which would be visually poor. The boundary treatment for the principal garden at Plot 1 would likely continue the blank frontage given the need for it to be sufficiently tall for privacy purposes. This could then continue on the other side of the road for the side boundary of the Plot 3 dwelling, although this boundary may not need to be as high given greater distances between its garden and the front elevations of the Plot 7 and 8 dwellings. The car parking spaces for the Plot 3 dwelling and one of the spaces for the Plot 4 dwelling would be separated from the main dwelling and the visitor parking space to one side of the appeal. However, all these spaces would still be sufficiently close to the dwellings and overall development to avoid a poor visual relationship or inconvenience for future occupants.
17. As evidenced by the various iterations of site layouts, there are many possible design options for this appeal site. It is an unusual shape with constraints including neighbouring properties and level changes. The appellant has attempted to provide a spacious form of development, provide south facing gardens and retain the mature hedgerow. It may be possible to achieve a satisfactory layout of development, but the proposed development would not do this based on its enclosed layout and the poor positioning of the Plot 1 dwelling and its boundary treatment.
18. Concluding on this main issue, the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it would not accord with Policies CS5, CS8 and CS9 of the Braintree Core Strategy 2011 ('the Core Strategy') and Policies RLP80 and RLP90 of the Braintree Local Plan Review 2005 (LPR) insofar as these policies seek to protect landscape character and secure high standards of design and layout in all new development in harmony with the character and appearance of the surrounding area. The development would also not meet the aims of the National Planning Policy Framework (NPPF) which requires good design that responds to local character and reflects the identity of local surroundings.

Living conditions of future occupiers

19. The proposed development involves a mix of 3-bed (Type B), 4-bed (Type A) and 5-bed (Type C) properties. The 4-bed property on Plot 1 would be located in the northern corner of the appeal site adjacent to the existing mature hedgerow that runs along the boundary of the site with Silver Street. The hedge was not in leaf at my site visit due to the time of year, but its height was around 2 to 3 metres above the ground level for the Plot 1 property accentuated by the drop in levels from Silver Street.
20. The rear elevation of the Plot 1 property would be located within a metre or two of the hedge. At ground floor, this elevation would contain a lounge with its principal fenestration (patio doors) facing towards the hedge with a small window on the flank elevation. An adjoining breakfast room would also have its only windows facing the same direction, although would have an open plan arrangement with the kitchen at the front. The proximity of the hedge would have a significant effect on outlook and light for the lounge and breakfast room that would only be partly offset in terms of light and views from the flank window and kitchen window respectively. This would result in harm to the living conditions of occupiers of the Plot 1 property.

21. The patio doors would open onto a narrow strip of garden with the principal garden space located on the other side of the property. This would be less than ideal for occupiers wishing to access the garden via the patio doors. Although the front garden space could be enclosed by tall boundary fencing or hedging, there would be direct overlooking from the first floor of the properties on Plots 3 and 9, with the property at Plot 3 particularly close. The position of the principal garden space for the Plot 1 property would not be satisfactory and would further the harm to the living conditions of its occupiers. The appellant refers to similar distances between existing gardens and plots on the corner of Silver Street and Saffron Gardens. However, they do not appear to be sufficiently comparable to the proposed development in terms of orientation and distances and so have had little bearing.
22. The three 5-bed properties at Plots 5, 6 and 7 would be situated along the southern boundary of the appeal site. The gap between the rear elevation of each property and the southern boundary would be quite short for properties of this size and would include boundary hedging too. The ground floor rear elevation of each property would include external doors which would be the principal access into the rear garden. The short depth would provide a rather cramped effect from this elevation, although would be partly offset by the garden continuing around the side of each property to ensure a reasonable overall size of private outdoor space.
23. Concluding on this main issue, the proposed development would have a harmful effect on the living conditions of future occupiers, particularly in terms of the Plot 1 property. Therefore, it would not accord with Policy RLP90 of the LPR which seeks a high standard of layout and design and no undue impact on the amenity of any nearby residential properties. The development would also conflict with the NPPF which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Accessibility of services and facilities

24. The appeal site is outside of the defined village envelope and therefore considered to lie within the countryside. Policy RLP2 of the LPR and Policy CS5 of the Core Strategy restrict development outside of settlement boundaries to protect the character of the countryside as well as non-renewable and natural resources.
25. Wethersfield is a small village but contains a primary school and pre-school as well as a post office/shop, recreation ground and village hall amongst other facilities. From the appeal site, it is possible to walk to all of these facilities via pavements. Nevertheless, these facilities would not meet every day-to-day need and there would be a requirement to travel beyond Wethersfield on a regular basis. Bus services to larger settlements run around once an hour during the week and provide access to a wider range of services and facilities including employment and the railway station at Braintree.
26. There would inevitably be a need for private car use to access services and facilities beyond Wethersfield in locations where the bus services do not reach and at times when the services are not available or convenient. However, based on the services and facilities within Wethersfield and the fairly regular bus services during the week, future occupants of the proposed development would not be overly reliant on the private car. Thus, the negative social and

environmental effects in terms of the accessibility of services and protecting natural resources would be limited.

27. Although the development would provide new homes in the countryside and in an enclosed cul-de-sac layout, the appeal site adjoins Wethersfield with a pavement link to the rest of the village. On that basis, the homes would clearly not be isolated in terms of being remote or far away from other places, buildings or people. As a development of nine houses on the edge of the Wethersfield, it would help to support services and facilities within the village including the school and post office/shop, and support services in nearby settlements. Thus, the development would accord with paragraph 55 of the NPPF which seeks to locate housing where it would enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside.
28. Concluding on this main issue, the proposed development would represent a suitable location for housing having regard to the accessibility of local services and facilities. Therefore, while not in complete accordance with Policy RLP2 or CS5 in terms of its countryside location, the site specific circumstances indicate that the accessibility of services and facilities would be acceptable. Moreover, the development would accord with Policy CS7 of the Core Strategy which promotes accessibility for all and states that future development will be provided in accessible locations to reduce the need to travel.

Planning balance

29. The Council accepts that it is presently unable to demonstrate a 5 year housing land supply. According to evidence submitted by the appellant and not disputed by the Council, the supply as of 30 September 2017 stood at either 4.97 or 3.9 years depending on whether the Liverpool or Sedgfield methodology is used. I note that the Council is taking action to address the shortfall in terms of the progress of the PDLP and the grant of planning permission for housing. Nevertheless, there is a shortfall either way which carries weight in my decision.
30. As a consequence of the shortfall, relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF. Where relevant policies are out of date, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies of the NPPF indicate development should be restricted.
31. However, the amount of weight to be attributed to any policy conflict remains a matter for the decision-maker. I consider that Policies RLP2 and CS5 remain broadly consistent with the NPPF in terms of recognising the intrinsic value of the countryside and seeking to protect natural resources. Policies CS8, CS9, RLP80 and RLP90 seek good design and the protection and enhancement of landscape character and the built environment, all of which is consistent with the NPPF.
32. In terms of adverse impacts, there would be harm to the character and appearance of the area based on the proposed layout of the development and detailed design elements particularly in relation to the Plot 1 dwelling. There would also be harm to the living conditions of future occupiers of the development particularly in terms of the Plot 1 dwelling. These impacts are

primarily designed based and not fundamentally restricting the delivery of housing. Therefore, I attribute significant weight to the adverse impacts and the conflict with Policies CS5, CS8, CS9, RLP80 and RLP90.

33. Turning to the benefits of the development, the provision of nine dwellings would boost housing supply and help to address the current shortfall regardless of which methodology is used. It would also provide economic investment in terms of their construction. The development would be in a suitable location in terms of the accessibility of services and facilities and would help to support the vitality of rural communities. The conflict with Policies RLP2 and CS5 in terms of its countryside location is therefore limited and there is no conflict with paragraph 55 of the NPPF. However, the benefits provided by the housing are tempered by the relatively small number of dwellings and so can only be attributed moderate weight.
34. Therefore, the adverse impacts of development would significantly and demonstrably outweigh the benefits of the development. In the circumstances, the proposal would not benefit from the presumption in favour of sustainable development as specified in paragraph 14 of the NPPF.
35. Concluding on the planning balance, the development would result in harm to the character and appearance of the area and the living conditions of future occupiers and would be contrary to a number of policies from the adopted development plan. The application of paragraph 14 of the NPPF as a material consideration does not indicate that development would be acceptable or would represent sustainable development in this instance.

Other Matters

36. I note that interested parties have raised a number of other matters, but given my overall conclusion, it has not been necessary to consider them in any detail.

Conclusion

37. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

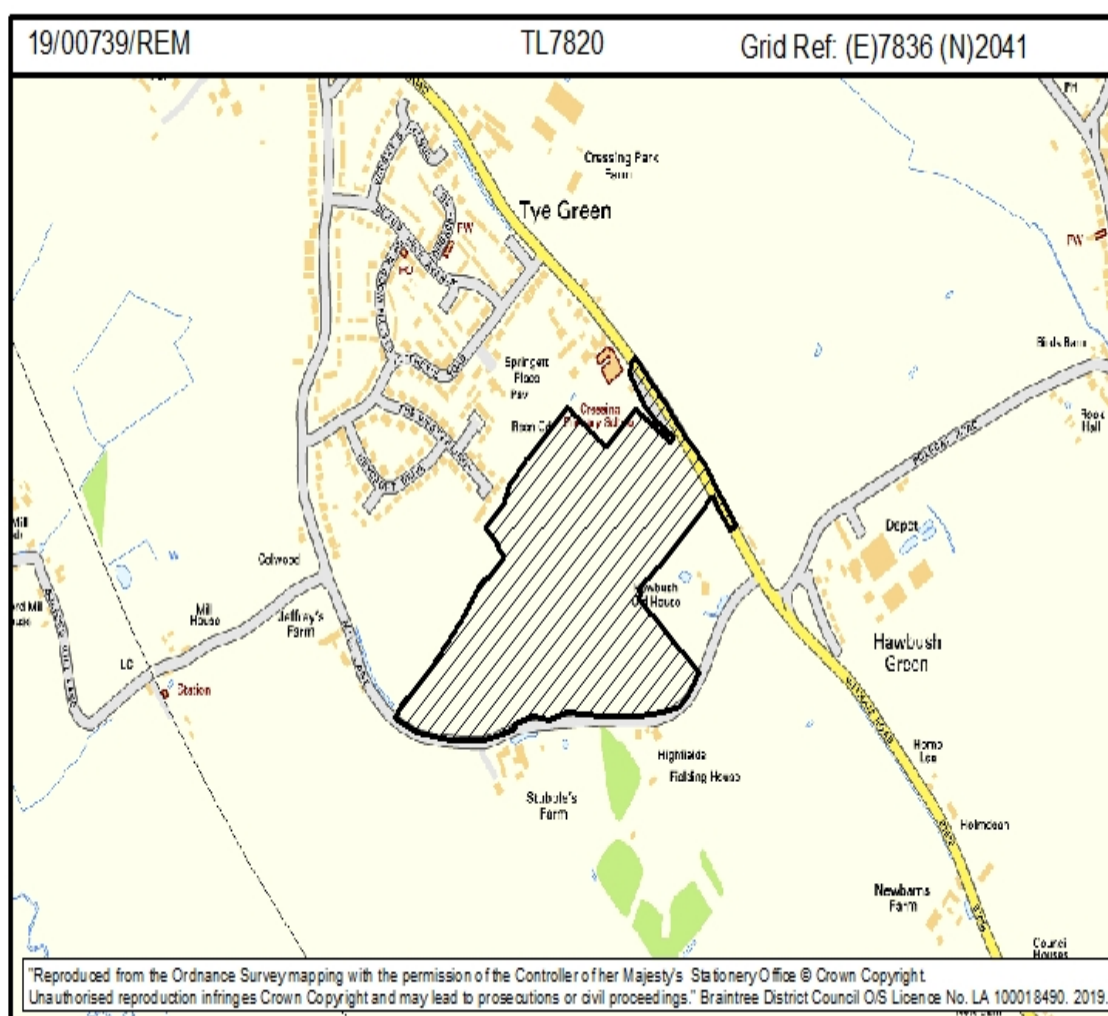
INSPECTOR

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 19/00739/REM DATE: 25.04.19
 VALID:
 APPLICANT: Countryside Properties PLC
 Countryside House
 AGENT: Strutt & Parker LLP
 Ms Jennifer Carroll, Coval Hall, Rainsford Road, Chelmsford, Essex, CM1 2QF
 DESCRIPTION: Development of up to 225 residential dwellings; associated access (including provision of a new roundabout on Braintree Road); public open space; play space; pedestrian and cycle links; landscaping; and provision of land for expansion of Cressing Primary School
 LOCATION: Land Adjacent To, Braintree Road, Cressing, Essex

For more information about this Application please contact:
 Mr Neil Jones on:- 01376 551414 Ext. 2523
 or by e-mail to: neil.jones@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQGWKVBF0IG00>

SITE HISTORY

16/00004/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Residential development of up to 300 dwellings with associated access, infrastructure and open space	Screening/Scoping Opinion Adopted	15.08.16
16/02144/OUT	Development of up to 225 residential dwellings; associated access (including provision of a new roundabout on Braintree Road); public open space; play space; pedestrian and cycle links; landscaping; and provision of land for expansion of Cressing Primary School	Granted with S106 Agreement	18.12.18
87/02202/OUT 19/01464/DAC	Residential development Application for approval of details reserved by condition 3(a) of approved application 16/02144/OUT	Refused Pending Consideration	25.02.88

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Cressing Neighbourhood Plan

At the request of Cressing Parish Council, the District Council approved a Neighbourhood Plan area covering the whole Parish in 2013. The Neighbourhood Plan Group have progressed the Neighbourhood Plan (NP) through the process towards the Plan being formally adopted and forming part of the Development Plan for Cressing.

The Plan has been reviewed by an independent Neighbourhood Plan Examiner for review following the Regulation (Reg) 16 public consultation that ran during June and July 2019.

The NP policies reproduced for committee are regulation 16 versions which have not taken into account consultation responses, including objections submitted by the District Council to the examiner. The Neighbourhood Plan Examiners Report is expected to be published soon but until the report is published the appropriate weight to be applied in decision making should be limited.

Notwithstanding this, the following Policies from the Neighbourhood Plan are considered to be relevant:

- Policy 1: Protecting and Enhancing the Natural Environment -
Development proposals must protect, and where possible, enhance the natural environment. All proposals should seek to deliver net environmental and biodiversity gains, in addition to protecting existing habitats and species.
- Policy 2: Protection of Special and Sensitive Landscapes
Development proposals will only be permitted where proposal will protect and enhance access to the countryside; biodiversity and the special features and the overall character of the Landscape Character Area.
- Policy 3: Maintaining the character and integrity of the Parish
Development outside of settlement boundaries must not allow any potential coalescence between settlements.
- Policy 4: Protecting the Historic Environment
The Neighbourhood Plan will encourage the protection, and where appropriate enhancement, of heritage assets including designated and non-designated heritage features.
- Policy 5: Infrastructure, Services, and Utilities
Developers should demonstrate that sufficient capacity exists in local infrastructure, services, and utilities within the Parish and surrounding area to cater for the needs arising from the development, and where necessary clearly outline mitigation measures. This should include Utilities including Ultrafast broadband; Education facilities; and healthcare.
- Policy 6: Protecting and Enhancing Community Facilities and Public Open Spaces
Developers will be required to contribute towards the provision and enhancement of public open space, (allotments; amenity green space;

children's play and youth play space and integrate with current green infrastructure network.

- Policy 7: Housing

The Parish Housing Strategy Report evaluated all potential development sites and concluded that the two sites referred to as CRESS 192 and CRESS 193 [the application site'],

- Policy 8: Design, Layout, Scale, Character, and Appearance of New Development

Requires that development proposals must be of a high design quality and which responds positively to the character and appearance of the surrounding area, responding to the scale, design, density, height and layout of existing development in the surrounding area, and protect neighbour amenity. The policy also states that design should incorporate sustainable design features. Designs should also ensure that homes are provided with front and rear gardens or usable amenity space; built at a low density, in a layout that provides a safe environment with high quality and safe pedestrian and cycle routes; and be 'tenure blind'. Finally the policy requires engagement with the Parish Council to allow them the opportunity to influence the design of the scheme.

- Policy 9: Economy

Development which creates new employment opportunities, directly or indirectly, will be supported and proposals which will cause a loss of land or buildings used for employment purposes will not be opposed unless they result in environmental benefits or an alternative use would have a greater community benefit, or it can be demonstrated that the use is no longer viable.

Development on best and most versatile agricultural land will only be supported where it is demonstrated that the proposed development cannot be located on lower quality agricultural land.

Development will not be supported where it would have a detrimental impact on tourism assets, including Cressing Temple Barns, the Essex Way footpath.

- Policy 10: Improvements to highway safety, connectivity and sustainable transport

The NP supports a range of transport related infrastructure projects, including Improvements to Galleys Corner; improvements to existing pedestrian and cycle links throughout the Parish; improved connectivity including new pedestrian and cycle links to improve connectivity between settlements and facilities within the Parish and beyond; safety improvements on the B1018; improving access to Cressing Train Station, and lighting facilities at the Station; increasing the frequency and provision of bus services; and traffic calming measures on appropriate local roads throughout the Parish. The installation of electric vehicle charging point infrastructure should be provided within all developments providing parking in accordance with minimum standards set out by ECC.

- Policy 11: Developer Contributions

Subject to viability new development will be required to contribute towards the provision of relevant infrastructure in the Parish, as discussed and agreed with the Parish, District and County Council, and

in accordance with the schemes identified in the NP. Developers must demonstrate that the impact of the proposed development on local infrastructure in the area, and demonstrate how developer contributions towards local infrastructure will satisfactorily mitigate the identified impacts. Where appropriate mitigation will be secured towards visitor management measures to mitigate in combination impacts from recreational disturbance at the Essex Coasts habitat sites.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest and because Cressing Parish Council has objected to the proposal contrary to Officer Recommendation.

SITE DESCRIPTION

The application site currently comprises 13.6 hectares of predominantly arable agricultural land located to the southern end of Tye Green, Cressing. With the exception of hedgerows and trees along its boundaries, the land is relatively featureless.

It is however located adjacent to the south western side of the B1018 Braintree Road forming a gateway into the village just beyond its junction with Mill Lane when travelling in a north westerly direction. Located immediately to the west of this junction is a Grade II listed building, Hawbush Old House, which is a privately occupied dwellinghouse.

On the opposite side of the Braintree Road site frontage is Cressing Primary School, which along with its associated playing field, shares its south eastern and south western boundaries with the site. Beyond this, the north western site boundary abuts the village's recreation ground, which also accommodates the Cressing Sports & Social Club, as well as a children's play area.

Existing residential development located within The Westerings backs onto the remainder of the site's north western boundary, along with the development of 118 dwellings currently being built out by Bellway pursuant to outline planning permission 16/00397/OUT, and the Reserved Matters which were approved January 2018 under application 17/01671/REM. The Bellway development is accessed from Mill Lane and is separated from this site by indigenous field hedgerows.

Mill Lane runs adjacent to the site's southern boundary and runs in a loop around Tye Green connecting to Braintree Road at both ends, as well as Bulford Mill Lane which leads to Cressing Station and the village of Black Notley beyond. The Mill Lane frontage is marked by an established, partly continuous, indigenous hedgerow and a ditch that separates the site from the carriageway.

In addition to the aforementioned Hawbush Old House, there are two other Grade II listed buildings located along and on the opposite side of Mill Lane, including a listed barn at Stubble's Farm and Jeffrey's Farmhouse due north west of the site's western-most tip.

PROPOSAL

This application seeks approval for details of all the Reserved Matters for a residential development of 225 dwellings with associated infrastructure and landscaping, pursuant to outline planning permission 16/02144/OUT that was granted planning permission on 18th December 2018.

The outline planning permission was granted with all matters reserved, except the access arrangements to the site which were approved. Whilst the grant of Outline planning permission establishes the principle of development on the site, approval is still required from the Local Planning Authority for the Reserved Matters – in this case the detail of the appearance; landscaping; layout and scale of the development, for the whole site.

It is proposed that the development would consist of 225 dwellings, as allowed under the Outline planning permission, consisting of a mixture of dwellings with detached, semi-detached; terraced and four blocks of apartments. The dwelling sizes would range from 1 – 5 bedrooms. The storey heights of buildings would range from one to two and a half storeys. The application also provides details for the public open space; play space; and landscaping.

In addition to the usual full set of layout and elevational drawings the application is also supported by a suite of documents, including:

- Accommodation Details
- Arboricultural Impact Assessment
- Archaeological Desk-Based Assessment
- Boundary Treatment Plan
- Building Heights Plan
- Contaminated Land – Phase One Assessment
- Design & Access Statement
- Drainage Strategy & Technical Report
- Ecological Assessment
- Garden Sizes Plan
- Heritage Statement
- Landscape and Ecological Management Plan
- Landscape Management Plan
- Landscaping Strategy
- Levels Strategy
- Lighting Assessment
- Materials Strategy
- Noise Impact Assessment
- Parking Strategy
- Planning Statement
- Play Area Proposals
- Road Hierarchy & Adoption Plans

Swept Path Analysis
Tenure Plan
Transport Assessment
Utilities & Infrastructure Report

CONSULTATIONS

External Consultees

ECC Education – No response formally received on the latest revised plans at the time of preparing this report. Officers will update Members at Planning Committee.

Essex Police (Designing out Crime Officer) – No objection subject to further detail.

Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. They would invite the developer to consult with them as part of their work to comply the Building Regulations and at the same time as achieving a Secured by Design award.

Highway Authority – No objection

Highways England – No objection

The Reserved Matters application would not have any severe traffic safety impact on the strategic road network, A120.

Historic Buildings Consultant – No objection

Mitigation regarding the harm that the Council's Historic Buildings Advisers identified as part of the Outline planning application was addressed by creating a buffer between the assets and the new development.

As part of the consideration of the Reserved Matters application the District Council should carefully consider the following to minimise the impact on heritage assets - the proposed hedgerow and planting along the site boundary; external lighting near the designated heritage assets should be minimal; and the materials and colours of the proposed dwellings.

Historic Environment Adviser – No objection

They report that an archaeological evaluation carried out at the above site, in response to application 16/02144/FUL, has uncovered significant archaeological remains across the development site for which an archaeological excavation and monitoring will be required. This work will need to take place prior to development in order to satisfy the conditions on the 2016 application. No further conditions should be required.

Lead Local Flood Authority (ECC SuDS) – Holding objection

The LLFA have reviewed the application documentation in respect of the conditions that were imposed on the outline planning permission. They initially issued a holding objection to the discharge of condition 18 of 16/02144/OUT as additional calculations are required to show there will be no flooding within the

pipe network along with detailed engineering drawings of the system components. When the SuDS team were advised that there was a condition attached to the Outline Planning Permission that still required the submission and approval of the detailed surface water drainage strategy the SuDS team have confirmed that they can withdraw their holding objection.

Natural England no objection subject appropriate mitigation, being secured by legal agreement or planning condition, to mitigate the impact of the new dwellings on the Blackwater Estuary Special Protection Area & Ramsar site, as a result of recreational disturbance. In summary, this mitigation should include:

- Open space/green infrastructure provision of sufficient quality
- A financial contribution to fund visitor management measures at the Blackwater Estuary Special Protection Area & Ramsar site, in line with the Essex Coast RAMS, secured by appropriate planning condition or s106 legal agreement

Internal Consultees

BDC Ecology – No objection to the Reserved Matters application.

Having reviewed the terms of the outline decision notice and the information submitted with the application with regards ecology the Council's Ecological Adviser states that they are satisfied that the lighting scheme demonstrates that impacts to bat species will be avoided during the occupation phase of the development.

Overall, the Landscape Management Plan demonstrates an appropriate 5 year management plan for the soft landscaping area but some minor amendments are required before they would recommend approval of the document pursuant to the discharge of condition 24.

BDC Environmental Services – No objection

Note that the contaminated land assessment provided with the application indicates that there will be a need for investigation of possible pesticide contamination during the site geotechnical assessment and that ground gas monitoring should take place.

Lighting - With regard to the lighting assessment then the submission has carried out a detailed assessment of potential nuisance to nearby existing residents. Where the report concludes that the risk of visual intrusion is mitigated by existing vegetation then it should be confirmed that the vegetation is evergreen else there should be a re-evaluation of the mitigation to confirm the conclusions remain the same in respect of the visual intrusion aspect of the lighting.

Noise – Dwellings have been designed appropriately to provide an acceptable standard of amenity for future residents. The applicant has confirmed that suitable boundary treatments will be provided to the gardens near the Braintree Road to ensure that occupants can also enjoy a reasonable standard of amenity in their private amenity space.

BDC Housing Enabling – Supportive of the application as the scheme will deliver 90 Affordable Homes that will assist the Council in meeting demand.

BDC Operations (Waste) – No objection

The plans will not cause any problems to our waste collection crews to gain access to collect all waste. Where BDC are required to access via private drive the Council should be supplied with assurances that the roads will be built to a standard similar to adopted highway, and that BDC will not be accountable for damage claims.

PARISH / TOWN COUNCIL

Cressing Parish Council: Objects to the application. A summary of the main issues raised in their letter are set out below:

The Parish Council refer to their objection letters dated 25th January and 11th October

2017, in relation to the application for outline planning permission for this site.

Principle of development

The District Council should put on hold all applications where multiple dwellings are proposed until the Local Plan has been re-written and approved by the Inspector.

The Parish Council consider this site to be unsuitable for residential development for the following reasons:

- Concerns about access, highway capacity and traffic volumes
- Inadequate train station
- Lack of community facilities including school; GP; shops and other facilities usually expected of a proposed development of this size
- Sewerage and drainage which are already problematic in that area
- The development would detract from the Brain Valley Special Landscape area
- The scale of development is grossly disproportionate compared to the current size of
- Tye Green and adversely change the character of the village
- The site is a historical asset being close to Hawbush Old House (Grade II Listed), Stubble's Farm, which is believed to be the site of the stables of Cressing Temple, lies on the opposite side of the road, along with its Grade II listed barn
- The site is agricultural land which is currently farmed and contributes to the village
- Pollution to Tye Green and the surrounding hamlets such as Hawbush Green

PUBLICITY

The application was publicised by way of advertisement in the Braintree & Witham Times; six site notices were displayed on or adjacent the application site and neighbour notification letters sent to properties immediately adjacent to the site.

21 letters of representation have been submitted in respect of the application, objecting to the proposal. A summary of the main issues raised in the representations are set out below:

Principle of Development

- The land was previously considered unsuitable to build on
- The route to the train station is unsafe and the station facilities are not suitable to accommodate a significant increase in passengers
- Listed buildings on Mill Lane will be subject to more damage from flooding and vibration caused by increased traffic
- The development will link settlements of Tye Green and Hawbush Green
- Properties will not be affordable – a 2-bed house on the Bellway development costs £299,000 and few local people will earn £80,000 plus which a first time buyer would need to buy a starter home
- Most local residents were opposed to the grant of outline planning permission for this site
- If the Council had adopted a new Local Plan development of greenfield sites such as this one would not be allowed

Open Space & Landscaping

- The Play area is only put forward as a “Proposal” not as something the developer will provide
- There are two litter bins in the proposed Play area but can find NO Dog Litter bins
- There no path for dog walks, or just walks on green alongside Mill Lane, or connecting with the public footpaths in that area
- The removal of the hill in sports field will remove an area where children of the village can play
- Mill Lane is a protected lane and the hedge along it should be protected and where there is not hedge then new hedgerow should be planted
- All introduced plants should be grown in the UK and licensed disease free stock to avoid spreading diseases to existing trees
- The strength of the along Mill Lane is overstated – e.g. the hedging opposite Stubbles Farm is sparse and yet documents appear to suggest a dense hedge and planting should be required to ensure an adequate buffer and to effectively screen the site from a listed property
- More trees need to be planted in groups within the proposed hedgerows in order to reflect the natural generation of hedgerow growth through the centuries. The hedgerow species specifically mentioned by Countryside are acceptable but there does need to be a good mix of species with particular emphasis on, field maple and hawthorn. In my view there need to be at least three rows of hedging plants, positioned at least a metre apart, in order to establish in due course a wide hedge
- It is suggested that the open space will be used to build more homes as soon as permission for this development is given

Ecology

- Development will result in loss of habitats and harm to wildlife

Infrastructure

- If more than 300 houses are built on one site then developers are under an obligation to provide amenities such as doctors surgeries; dentist; school; community centre, etc
- Other countries require that infrastructure is put in place before housing is built
- There are existing problems with utility provision, including cuts in power supply and telephone services and poor broadband services. These latest houses will overwhelm sewerage, gas, electricity, water and telephone infrastructure
- Water pressure – the area already suffers low water pressure and more houses will exacerbate this problem
- The White Notley sewage works is already exceeding its license to discharge into the River Brain from the Environment Agency and this is before the new houses in Tye Green are occupied. Also needs to be a considerable upgrading of the pipe work in Mill Lane that is the proposed discharge point. Required works must be completed before any occupancy
- The developer is only giving land to the school as a sweetener and the development will not provide new classrooms, doctors/dentist or a new community hall
- The proposals do not provide a safe route for children and parents to the school within the development site. It is also suggested that a path is provided across the land that is to be given to the County Council to extend the school
- The school is to be extended but the parking area by the school is already full so where will additional cars be parked
- This application does nothing to improve inadequate infrastructure in terms of roads, train station, bus service, and lack of facilities
- Healthcare provisions continues to deteriorate – there is no surgery in the village forcing patients to drive. The surgery is covered by locums and is understaffed
- The area is already prone to flooding and the run off of rain water from the development will increase the risk of flooding

Design & Layout

- The development will be located close to three Grade II listed buildings on Mill Lane and other Grade II listed buildings on other roads in the surrounding area. An adequate buffer should be place between the listed buildings and the site
- The design of the buildings is uninspired and show zero thought has gone into them. BDC should require more character and imaginative design. The house types and design do not fit into the feel of the village
- The design is considered to compare poorly to other developments – references are made to the neighbouring site being built by Bellway; Great Notley; and the Lodge Farm development in Witham
- BDC should insist that the buildings are more imaginative in design
- The design could be improved – references are made in representations to various features including adding porches; chimneys; windows with stone sills; brickwork course variation; variation in roof pitch; ornamental design

for soffit boards; ornamental window lintels; flint work. Varying the placement of housing stock across the site and variation in materials – e.g. weather boarded houses, rendering and pargetting and houses with a higher specification

- The proposals are an attempt to maximise profit
- The proposed homes adjacent to The Westerings are taller than existing homes and are not in keeping with the style and character of the village
- Lighting should be permitted that is sympathetic to the area and should not be permitted to blight the site and surrounding properties
- The site abuts the Brain Valley Special Landscape area, this development would detract from the surrounding landscape
- All the blocks of flats and social housing have been pushed to the periphery of the estate. Two large blocks of flats together are proposed in the vicinity of an important Grade 2 listed building and a protected lane
- Affordable Housing should be incorporated throughout the estate. The Neighbourhood Plan says that Social Housing should be ‘pepper potted’ through the estate. The argument that it is easier for the housing association to manage is spurious as they are all on the same estate and situation within a matter of meters
- There are roads on the peripheries of the estate that are circular routes which is not acceptable in modern planning either in regard to policing or antisocial driving behaviour and safety of pedestrians

Neighbour Amenity

- Gardens and properties of neighbouring properties will be overlooked
- Loss of privacy, overshadowing and loss of light
- The plans do not contain detailed measurements from existing properties to proposed new dwellings
- Flats are being placed immediately behind peoples gardens and bedrooms which will increase overlooking and loss of privacy
- Noise and dust will be a problem for those living adjacent to the site during construction on top of that previously experienced from the Bellway development
- The link to the sport field along the back of private houses and marked as ” link to neighbouring development” creates an unnecessary security risk to the back of existing homes
- Previous proposals were for trees and shrubs planted along the boundary of properties on The Westerings. To respect those residents a 5-10m wide woodland belt should be planted along this boundary

Highways

- Building a roundabout close to the primary school will cause accidents
- The roundabout will cause tailbacks and will lead to cars using alternate, unsuitable routes through Cressing
- Insufficient space to park cars will lead to parking problems in other parts of the village.
- There should be a covenant that all parking spaces and communal areas can only be occupied by cars with a maximum agreed size i.e. transit van, registered, insured, licensed and roadworthy.

- The roundabout on the B1018 will create congestion and increase the amount of noxious fumes to be inhaled by the children and waiting parents
- There is also no information on how vehicular access will be prevented on links to Bellway site
- A minimum of 225 vehicles will be exiting on to the B1018 each day, adding more problems to the B1018
- The B1018 should be traffic calmed
- It is not safe to walk or cycle along either the B1018 or Mill Lane

Other Matters

- There has been no consideration for renewable and sustainable energy
- Archaeology - There is no documentation showing the results of the site work that was done in 2018 which according to Place Services uncovered significant finds which require further work before the site can commence building

Additional Comments received following August 2019 reconsultation

- There should be no vehicular access allowed onto Mill Lane from the development
- Nothing in the revisions have made my objections any less meaningful
- Revised plans have improved the design
- The Affordable Housing is still not 'tenure blind'
- The construction of the roundabout will cause considerable disruption and delays
- There is no construction method plan available
- The school has only just been able to stop having mixed year classes but the increase in numbers will mean the school has to expand and have mixed year classes again
- The developer should provide a safe all weather route to and from school within the site and not be on the sports field
- Any footpath across the sports field would limit the size of the football pitch which could stop the village team remaining in their league
- The new play area should be fenced to keep dogs out
- The path around the open space should be an all-weather path linking all of the open space as well as the public footpath on the other side of Mill Lane.
- The land that was marked "additional educational land or residential" should be "additional educational or community land" to prevent more houses being added at a later date
- £104,022 will be no help in providing a new community hall
- The sports field would benefit from improved drainage and car park, and replace the meeting area in front of the social club

Other matters relating to the Reserved Matters application:

The introduction of speed bumps/rumble strips into the design serves no safety purpose, but will cause considerable noise disturbance to those living nearby. Design is not appropriate – it is not sympathetic to the character and rural nature of Cressing; does not reflect the character or density of the existing settlement and there is a designated Conservation Area less than a mile away in Cressing Village.

The Cressing Neighbourhood Plan is now approaching Reg.16 status and the Parish Council recommends that the developer looks at the character study and visual design statement in order to understand the village, its environment and its history.

Listed buildings - there are 3 Grade II Listed buildings on Mill Lane and their quiet rural aspect and outlook will be spoilt by the development.

The Parish Council dispute that the applicant has engaged with the local community concerning its plans and is also concerned that the proposals for the site have bypassed both the Local Development Plan and Neighbourhood Plan processes

If the development proceeds the Parish Council would expect a major contribution towards the infrastructure, open spaces and community facilities, including a new village hall.

Supplementary Comments from meeting - June 2019

Parish Council want to see details of the infrastructure that is to be put in place for this development before any work commences on the site, including details of additional space for the school.

The footpath from this site, through the Bellway development, to Cressing Station is considered unsuitable and in parts unsafe for pedestrians and this must be remedied.

The Cressing Neighbourhood Plan is now at Reg.16 stage and this site has been included in the Plan by the Neighbourhood Plan Group.

Response to revised plans – August 2019

Social Housing – the groups of social housing are too large and should be split into groups of 15 to 20 units. The flats should not be on the edges of the estate but integrated throughout, or be focal points of views on entering the development. Currently it is very obvious they are social housing.

S106 Contributions – reiterate demand to know details and plans from ECC about when the school will be expanded and from BDC about when doctors, dentist and pre-school provision will be available.

Additional Educational Land - If the additional land of 0.385ha available for purchase to accommodate school expansion is not used for that purpose it should be made available for community use and be available to be purchased at the same cost as the agreed educational rate. Not for additional housing.

Estate Roads - still showing circular routes that will encourage unneighbourly behaviour.

Access to and from Bellway Estate - it should be ensured by covenant that the access points between the two estates are only ever used for cycle and pedestrian access and can never altered to vehicular.

Parking - covenants on the type and size of vehicle should be introduced to avoid overnight lorry parking/non-resident station users etc.

Design - appears to have become even less diverse and bland than the previous plans and does not reflect semi-rural nature of the site

Introduced Tree planting in the Landscaping

RAMS mitigation – is the mitigation required to meet this requirement to be provided.

REPORT

PRINCIPLE OF DEVELOPMENT

The site is located outside the village development envelope in the Adopted Local Plan and it was not included as a site to be allocated for development in the Draft Local Plan, however the principle of development has already been firmly established through the grant of Outline planning permission (reference 16/02144/OUT) issued on 18 December 2018. This application seeks approval only for the reserved matters pursuant to the outline consent.

It is noted that a lot of the issues raised in objections that have been received from the Parish Council and local residents refer to matters that would have been considered when outline planning permission was sought. A lot of the issues relate to the village infrastructure (including health and education; utilities; community facilities and safety and capacity on the highway network). Where problems were identified that required mitigation then the Council imposed conditions on the outline planning permission, or secured obligations through the S106 legal agreement. The legal agreement that formed part of the outline planning permission requires the provision of land within the site to be given to the County Council which they can use to extend the primary school, with the option that ECC can purchase a further parcel of land in the event they wish to extend the school further. There are also financial contributions payable to ECC towards the provision of new Early Years & Childcare places; primary school places and secondary school transport and further contributions towards providing new or improved outdoor sports provision; community hall; health services and recycling facilities which providers can use to create additional capacity to meet the increased demand arising from the development. The Council cannot revisit these issues as part of this Reserved Matters application.

Although at the time of writing this report only limited weight can be applied to the policies contained within the draft Cressing Neighbourhood Plan it is noted that the Plan proposes to allocate the site for residential development, reflecting the fact the site has outline planning permission.

Whilst all the concerns of residents regarding the principle of development are noted planning permission has already been granted for up to 225 dwellings on this site and the Council therefore consider that the principle of residential development has been established and is acceptable. The only matters that the Council can now consider are the detailed Reserved Matters – the layout, appearance, landscaping, access and scale.

SITE ASSESSMENT

Design, Appearance and Impact upon the Character and Appearance of the Area

With the principle of development already being established, the current Reserved Matters application seeks approval only for the following detailed matters:

Appearance;
Landscaping;
Layout; and
Scale.

Policy RLP90 of the Adopted Local Plan requires a high standard of design and layout in all developments. Designs are required to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy requires *'the highest possible standards of design and layout in all new development'*. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The draft Cressing Neighbourhood Plan requires new developments to be of a high quality and make a positive contribution to the character and appearance of the area, having first assessed the character of the area. Policy 8 seeks among other criteria that housing is designed to be provide residents with gardens and access to amenity space; have a tenure blind appearance; use appropriate materials; have a low density; and should not result in significant harm to neighbouring properties. The layout should also maximise connectivity within, and through, the development and to the surrounding areas through the provision of safe pedestrian and cycle routes.

At the national level, the NPPF is also clear in its assertion (para 56) that *'good design is a key aspect of sustainable development'* and that (para 58) developments should *'function well and add to the overall character of the area...establish a strong sense of place...are visually attractive as a result of good architecture and appropriate landscaping'*.

In accordance with the outline planning permission the applicant proposes a 255 unit scheme. The Outline planning permission was granted subject to a condition that the development be in accordance with the approved parameter plan which established the location of the vehicular access to the site off Braintree Road and the spine road leading in to the development; the location and extent of the Education Land (which is to be provided or offered for sale to Essex County Council for the potential expansion of Cressing primary School); the maximum building heights in different parts of the site; the location of the

spine road leading in to the development. Each aspect of the Reserved Matters application is discussed below.

Appearance

The appearance of the dwellings has been the subject of careful consideration by the applicant and Officers. The appearance and architecture of the proposed development is influenced by the Essex Design Guide as well as positive elements from buildings in the immediate environs of the site. The house designs externally are predominately traditional and reflective of the local vernacular.

The appearance of the dwellings will vary with a total of 19 different house types, although some of these different house types are simply variations of the same house type. To provide a consistent appearance it has been agreed that there will be a limited palette of external materials, as there is on the existing dwellings to the north of the site.

Through discussions with the Council's Urban Design consultant and Officers the applicant has made revisions to the house type and apartment block designs which include the provision of additional chimneys and architectural detailing with additional stone cills and headers added to window openings; the omission of rooflights to the front elevations of one house type to reduce the visual clutter to the roofscape; the removal of large porches to be replaced with door surrounds and flat roof porches; additional fenestration on side elevations that are exposed to the public realm and the omission of an unsympathetic house type.

Materials have also been grouped largely into clusters to provide a consistent appearance within streets, but with variation and interest provided through varying house types and variation in the application of secondary architectural features such as porches, bay windows, and chimney stacks.

Additional changes are also proposed in respect of the proposed means of enclosure around properties and parking courts.

Taking into account all of above, it is considered that the development would provide well designed houses and flats that would successfully create its own character while also responding to local context. It is considered the appearance of the development is acceptable in this regard.

Landscaping

The scheme provides generous Public Open Space provision, well in excess of the Council's minimum standards and which is distributed across the site. The main Public Open Space will be a central park or Green that will be framed by housing facing onto it. This central area will include the provision of a Local Equipped Area of Play (LEAP) which includes benches, ground modelling to add interest and new tree planting to provide areas of shade.

The proposed landscape scheme seeks to retain and enhance boundary vegetation, specifically along Mill Lane and Braintree Road and on land adjacent to Hawbush Old House. In response to comments received during the consideration of this application the proposed boundary planting has been strengthened.

The landscaping scheme continues through the development with the main road leading into the development being a tree lined avenue and many gardens being provided with front entrance garden and amenity green space to the outer edge of the South, East and West border. This perimeter buffer incorporates elements of the SUDs scheme and features a train of attenuation basins and swales which feed down towards the main detention basin in the south-west corner of the site. This area will also contain a leisure path, tree planting and land modelling to provide an attractive area of Open Space for local residents to enjoy. The proposal also includes several smaller landscaped areas providing visual relief as well as various trees and hedges throughout the site, including within parking courts.

The applicant has provided a Landscape Strategy plan and it is recommended that the detailed landscaping scheme is submitted and approved by the Council. Officers note that the Landscape Strategy shows planting beneath the windows of habitable rooms on some of the ground floor flats, but not all. This is necessary to ensure a reasonable degree of privacy for the occupants of those dwellings and it is recommended that an informative is added to the decision notice to advise the applicant that this will be required.

Layout

The application proposes the erection of 225 dwellings on the site. The site measures 13.6ha, of which 5.07ha will be Open Space (37% of the site). Up to 0.8ha has been allocated for transfer to the County Council to allow the Primary School to be expanded. The net developable area is 7.725ha, which means the net density of development is 29.12 dwellings per hectare.

The only vehicular access to the site will be off the new three arm roundabout that is to be constructed on Braintree Road. A number of representations have raised concerns about vehicular access from Mill Lane, or from the Bellway development which borders part of the site. No such access is proposed. The green buffer between the proposed developable area and Mill Lane has been maintained as set out in the approved parameter plan and provides a minimum separation distance of 45m.

The estate roads have been designed with a clear hierarchy to aid legibility with the spine road coming into the development having tree lined verges and footways and lower order roads off the spine road including shared surface roads. The roads have been designed and will be constructed to keep traffic speeds down to provide a safer environment for pedestrians and cyclists.

All dwellings will have private amenity spaces (or communal in the case of the flats) that comply with the standards in the Essex Design Guide and Members

will note that many dwellings are provided with rear gardens that exceed the minimum standards.

The layout of dwellings have been designed so that all the new dwellings comply with the Essex Design Guide standards for separation and orientation. Concerns have been raised regarding the proposed siting of flats to the rear of properties that back on to the site from The Westerings. The block closest to the The Westering's properties will be Shared Ownership tenure. Again separation distances between the two storey flats and the properties on The Westerings comply with the Essex Design Guide. The flats stand at least 15m from the boundary of the properties. The developer has also proposed the retention of a landscape belt to form an additional buffer between the new developments and existing dwellings. The buffer will be fenced and gated so that access will be restricted to maintenance staff who need to access the area for maintenance.

The Affordable Housing has been provided in four clusters, with each group consisting of between 7 and 30 units. With the exception of a group of seven dwellings being provided for Affordable Rent, next to the Education Land, each cluster contains a mix of dwellings for Affordable Rent and Intermediate Housing being provided as Shared Ownership.

The Parish Council believe that the Affordable Housing is not well integrated within the development; should be split in to smaller clusters; and that it would not appear tenure blind. Officers are satisfied that the Affordable Housing is being provided in a tenure blind manner and note the fact that Affordable Housing clusters include areas adjacent to the landscape buffer and the Recreation Ground. The Parish Council's preference to have Affordable Housing clustered in smaller groups is noted but there is currently no policy basis to require this and Officers consider that the distribution of the Affordable Housing is acceptable.

The layout includes the two pedestrian / cycle links that the developer will be required to provide to connect to the Bellway development that is currently under construction. The Highway Authority will adopt these links and their final design will be subject to approval by Essex County Council. As pedestrian / cycle links the design will include measures to prevent vehicles using them to drive between the developments.

The application site is immediately adjacent the current school site and the developer is providing additional land to the County Council to allow for the school to be extended. Representations have been received which raise concerns over highway safety and travel to and from the primary school. With regards the vehicular access to the site this was approved as part of the Outline planning permission. Concerns about the proximity of the roundabout to the front of the Primary School are noted but these were considered as part of the Outline planning application and the Highway Authority are content that the highway arrangement is safe. The layout of the development provides a number of routes that pedestrian and cyclist can use from within this development and by virtue of links with the development on Mill Lane the site

will also provide a safe, convenient and attractive pedestrian route from neighbouring developments.

There will be a link from the site onto the Recreation Ground, which in turn would provide access to the rear of the existing school site. Access will also be possible from Braintree Road (without having to cross the main road), via a footway that runs out from the site and connects to the existing footway around the drop off area at the front of the school.

Scale

A building height parameter plan was approved as part of the Outline planning permission. This established that the housing along the most sensitive edges of the site (along Mill Lane; closest to the Hawbush Old House, a Grade II listed building, and to the rear of the properties on The Westerings) will be a maximum of two storeys and have ridge heights no higher than 8.5m. Across the remainder of the development building heights are restricted to a maximum of two and a half storey across no more than one third of the area and to a maximum ridge height of 11m. The scheme is predominantly two storey, including the apartment blocks. Across the site there are 10 x two and half storey houses. Officers are satisfied that these taller buildings have been used appropriately to add visual interest and legibility to the scheme.

As Members will be aware the Council cannot control the mix of housing through Reserved Matters applications, however whilst discussing the scale of the development it is considered relevant to refer to the mix of housing that is proposed.

The S106 agreement requires that 40% of the dwellings are provided as Affordable Housing and the Council's Housing Enabling Officer has agreed the mix of units that will form the 90 Affordable homes that will be provided within the development. This consists of 16 x 1-Bed 2-Person Flats; 20 x 2-Bed, 4-Person Flats; 40x 2-Bed 4-Person Houses; 7 x 3-Bed 5-Person Houses; 5 x 3-Bed 6-Person Houses; and 2 x 3-Bed 6-Person Bungalows and the Council's Housing Enabling Officer is satisfied that this mix reflects the demand for properties on the Council's Housing Register.

With regards the mix of market housing Officers have also sought to secure a reasonable mix of market housing which includes a substantial number of smaller and medium sized dwellings. For market sale the applicant proposes 28 x 2-Bed Dwellings; 68 x 3-Bed Dwellings; 34 x 4-Bed Dwellings and 5 x 5-Bed Dwellings.

In terms of internal amenity, all private and affordable housing would comply with the Nationally Described Space Standards (NDSS). As such, all occupiers of the development would benefit from a good quality of amenity. It is considered that this is a positive benefit which weighs in favour of the application in the planning balance.

Taking into account all of the above, it is considered that the development would be acceptable from a scale perspective.

Heritage

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan seeks to protect listed buildings and their settings. Whilst the NPPF also seeks to protect designated heritage assets such as this the approach is not consistent with paragraph 196 which states that harm to heritage assets to be balanced against public benefits.

When the application for outline planning permission was being assessed careful consideration was given to the impact that development could have on Hawbush Old House and the barn at Stubbles Farm, both are designated as Grade II listed buildings. Stubbles Farmhouse was also considered as a non-designated heritage asset. The Outline application was significantly revised to try and address the concerns of the Council's Historic Buildings Consultant. These changes included a reduction in the maximum number of dwellings (from 300 to 225), increased green buffer on the eastern part of the site adjacent to Hawbush Old House with a varying depth of 35-75m and providing an offset of between 115-140m and minimum of 45m depth along Mill Lane. A building height parameter plan was also agreed that restricted the height of new dwellings that would be closest to the designated heritage assets. The Council's Historic Buildings Consultant concluded that even with these changes the proposal would result in less than substantial harm to the significance of these heritage assets, and that this harm would be at the lower end of the spectrum.

However paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Council decided that the public benefits of the scheme would outweigh that level of harm to the setting of the listed buildings. It is against this background that the Council's Historic Buildings Consultant has commented on this application for approval of Reserved Matters.

They comment that mitigation of the impact on the setting of the listed buildings has been provided through the restrictions placed on building heights and through the layout, with the landscape buffer being of a sufficient size to provide an adequate distance between the assets and the new development.

They do however recommend that the Council's Landscape Officer and Urban Design Consultant provide advice regarding the suitability of the proposed planting and the choice of materials and colours to be used on the new dwellings. They also recommend that lighting should be minimal in the areas closest to the heritage assets.

It is noted that the Parish Council's objection refers to the presence of the Cressing Conservation Area but Officers consider given the distance between Tye Green and the intervening open countryside the development would not

have an adverse impact on the character and appearance of that designated heritage asset.

Ecology

The Outline planning application included an Ecological Assessment of the site submitted by the applicant. The report concluded that the site was predominantly arable farmland with some trees and hedgerow along some of the site boundaries. Survey work identified limited habitat diversity within the site. Accordingly the Council attached conditions to the Outline planning permission which require approval and implementation of a Landscape and Ecology Management Plan (LEMP) (Condition 24); the need for updated surveys if the commencement of development is delayed (Condition 25); controls on tree and hedge removal during bird nesting season (Condition 26); and the provision of bird boxes and bat roosts (Condition 33). The applicant will need to discharge conditions 24 (prior to first occupation) and 33 (prior to development above ground level). The provision of Open Space on the site also offers the opportunity to enhance the ecological value of the site by introducing more varied habitats and through enhancements to the retained hedgerows through supplementary planting and gapping up of hedges.

Habitat Regulations Assessment (HRA / RAMS)

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

The application site sits within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, which one of the Natura 2000 sites located on the Essex coast. As required under the Habitat Regulations the Council has completed an Appropriate Assessment to assess whether there would be an impact on the Blackwater Estuary SPA & Ramsar site. Having identified that there would be an in combination effect on the protected site the AA identified the mitigation required to prevent the development causing a likely significant adverse effect upon the coastal site.

In accordance with the advice in Natural England's consultation letter and published guidance the mitigation package will include a financial contribution of £150 per dwelling towards visitor management measures at the protected coastal sites. In addition the agreed mitigation included the promotion of the local footpath network by installing an information board within the site showing local (circular) walking routes including a 2.7km daily walking routes. The Appropriate Assessment produced by the Council has been reviewed and accepted by Natural England.

Noise

Condition 16 of the Outline planning permission established the amenity standards that the Council would require for all future residents of the development. The Reserved Matters application included details which demonstrated that properties will be designed so as to provide an acceptable level of noise inside dwellings. The Council's Environmental Health Officer was concerned that some of the private amenity spaces provided for dwellings fronting Braintree Road could be exposed to noise levels that exceeded the Council's standards. This can be effectively mitigated by providing 1.8m high brick walls along the affected boundary. The conditions attached to the Outline planning permission concerning noise and means of enclosure will ensure that all future residents can enjoy a reasonable standard of amenity.

Highway Considerations

The application for outline planning permission sought approval for access (with all other matters reserved). The application included details of the proposed roundabout that will be constructed on the B1018 to provide access to the development. This is the sole vehicular access into and out of the site.

The Parish Council's objection raises a number of concerns about the suitability of the roundabout and the impact on the highway network, including Mill Lane and Bulford Mill Lane that are proposed to become Protected Lanes in the Publication Draft Local Plan, but the access arrangements have been approved and in granting Outline Planning permission the District Council has already accepted the principle of residential development on the site.

The Highway Authority have required some minor modifications to the road layout within the development. Following the receipt of revised plans the Highway Authority have confirmed that they have no objection to the proposed development.

Parking

Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle and cycle parking should be provided for all new development in accordance with the Essex County Council Parking Standards 2009. The scheme would provide car parking and cycle parking in compliance with the Council's Adopted Parking Standards with 1-bedroom dwelling being provided with 1 parking space, and dwellings with 2-bedrooms or more being provided with a minimum of 2 parking spaces. The majority of dwellings will be provided with on-plot parking, usually to the side of the dwelling. The apartment blocks have been provided with parking within parking courts which have been designed to be safe and useable spaces.

Visitor parking has been provided at a level that meets the Council's adopted parking standards. Revised plans have been submitted during the course of the

application which has more evenly distributed across the development site. Details of cycle storage has also been supplied for each dwelling.

It is noted that the Parish Council has objected to the proposed traffic calming - speed bumps/rumble strips – as they consider that these serve no purpose and the noise generated will disturb those living nearby. Such design features are quite common within large new residential developments which are usually designed to have a 20mph speed limit. The Highway Authority consider such features to be necessary, along with signage and other aspects of road design to change drivers behaviour and keep average speeds down below 20mph. It is not considered that the noise generated by traffic passing over these features would have an unacceptable impact on the amenity of dwellings nearby.

Other Matters

Community Infrastructure:

The Parish Council's letter of objection refers to a general concern about the availability of infrastructure and services in Tye Green to support the residents of the proposed development.

Railway Station - there are no facilities and no safe pedestrian routes and very limited short and long stay parking

Healthcare – the Parish Council report that GP surgeries in Braintree and Silver End are not accepting new patients and many residents of Cressing and Braintree are without a GP.

Education – Plans to increase Cressing Primary School will not accommodate the numbers of children who may require places from this development and further increases in the size of the school will change the nature of what is a small village school. There is no safe walking route to any secondary school from Cressing.

Whilst these concerns are noted, these are all matters considered as part of the Outline Planning Application. A new pedestrian path along part of Bulford Mill Lane has been provided by Bellway as part of the planning obligation for their development on Mill Lane. Both the Local Education Authority and NHS England raised no objection to the proposed development subject to mitigation being secured through the planning process. Financial contributions were secured towards capacity improvements at the Silver End GP Surgery and Cressing Primary School. The developer will also been required to transfer land to the County Council to allow for the expansion of the Primary School, with an option to make a further parcel of land available to the County Council in the event that they require this to further extend the school.

Broadband

The applicant has confirmed that Openreach will be providing Broadband to the site and that Hyperoptic will provide fibre to properties to allow customers have two options to get internet access as soon as they move in.

S106 Matters

Full details of the Heads of Terms for the S106 were provided to Members in the Officer Report to Committee when the Outline application was considered and it is not proposed to repeat those here. There are however a couple of issues that have been raised in representations regarding specific obligations and these are reported below.

Works to the Recreation Ground

The application site abuts the village Recreation Ground and in addition to the payment of a financial contribution towards improved Outdoor Sport provision the S106 requires that the developer use reasonable endeavours to provide a footway from the development across the Recreation Ground to its car park to allow residents to continue on in to the village across Jeffreys Road. Objectors are concerned that the construction of a hard surfaced path across the Recreation Ground could bisect the football pitch which would then not meet league requirements. Officers were aware of the football pitch and believed that a path could be constructed without interfering with the football pitch, however the detailed design and alignment of the path were to be subject to the agreement of the landowner – the Parish Council. The applicant advises that they have contacted the Parish Council concerning these works but have not received a response. If the Reserved Matters are approved Officers can contact the Parish Council to gain an understanding of what the Parish Council position is but ultimately if the Parish Council do not want to allow a path to be constructed they can prevent this and the obligation on the applicant would cease.

In addition there is a requirement that a soil mound is removed from the southern end of the recreation ground and reinstatement to a condition suitable for use as a football pitch. Some local residents are opposed to the loss of the mound claiming that it is used by children as a natural play feature. Officers still consider that increasing the area of flat ground suitable for ball games would provide a more valuable asset to the local community, however as stated above the applicant can only carry out the work if the land owner agrees. If it is decided that they do not want the works to be undertaken they can refuse to allow this and the applicants obligation will cease and the mound will remain unchanged.

Drainage & Water Supply

The Parish Council report that a number of residents in Tye Green have problems with the sewage and drainage system and that properties in The Westerings are prone to flooding after heavy rain. The Parish Council also

report very low water pressure for properties at the eastern end of Mill Lane and a significant investment will be required to provide adequate pressure for the new housing. Anglian Water (AW) were consulted on the Outline Planning Application and they stated that the White Notley Water Recycling Centre had available capacity for the flows from this development.

AW did identify that there would be a risk of flooding downstream of the development as the foul water network did not have sufficient capacity to accommodate the flows from the new houses, however they raised no objection subject to a condition requiring a drainage strategy to be designed and implemented to mitigate these risks. The recommended condition forms part of the Outline consent (Condition 22).

The proposed development is located within Flood Zone 1 (having the lowest probability of flood risk).

Local residents are also concerned that covering the field in additional housing will significantly increase the flooding problem in this area. When a previously 'greenfield' area is covered by buildings or hard surfaces, the increase in impermeable surfaces, such as paved areas and roofs, increase the quantity and rate of surface water run-off which can increase the risk of flooding. In this regard, national and local planning policies require that developers to employ sustainable drainage systems which are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.

The applicant proposes that a piped surface water network will be designed to convey run-off within the development parcels, with the network either discharging to a new swale that would be constructed to run through the landscape buffer around the eastern and southern parts of the site, or into one of the three attenuation basins that would be connected by the swales. The water would move through the drainage system to the basin in the south west corner of the site, from where the water would be discharged into a watercourse at a controlled rate, so as to manage the risk of flooding beyond the site. The attenuation basins and swales within the site have been designed to provide storage for events up to the critical 1 in 100 year storm event.

The Lead Local Flood Authority (Essex County Council) are responsible for ensuring that the SuDS system has been suitably designed to handle and discharge the surface water generated from the site in an appropriate manner and which does not increase flood risk downstream. The applicant will need to formally submit the detailed SuDS scheme to discharge the conditions on the Outline planning permission before they can commence development and the submitted details will need to include the additional information referred to within the LLFA consultation response. Officers have confirmed with the SuDS team that they have no objection to the Reserved Matters application being approved and they are content to deal with the approval of the surface water drainage system through the discharge of the planning condition.

It is noted that some local residents have raised concerns about surface water flooding and refer to existing ground conditions and flood events in the The

Westerings. A developer cannot be expected to deal with existing flooding issues in the surrounding area. The proposed drainage would see flows (foul and surface water) directed to the south which should mean that existing conditions in The Westerings are not exacerbated by this development.

PLANNING BALANCE AND CONCLUSION

The application site is located outside of the Village Development Boundary on the Inset Map within the Adopted Local Plan. It was not included as an allocated site within the Local Plan, although it is designated for development in the emerging Neighbourhood Plan. With regards planning policy the site is situated in the countryside and countryside planning policies would apply. However, the principle of development has been established under the approved original outline consent (Application Reference 16/02144/OUT). This Reserved Matters application seeks permission for all the matters reserved at the outline permission stage, namely the layout and scale of the development; detail of the access; appearance and landscaping.

There are no objections from the relevant statutory technical consultees and Officers consider that the proposed access; appearance; landscaping; layout and scale of the development are acceptable in planning terms.

In this respect the development is considered to result in a high quality scheme of a layout, scale and detailed appearance that would respect the locality and provide for acceptable amenity for future occupiers, with no unacceptable harm to neighbouring residents. Matters relating to access and other highways considerations are also assessed to be acceptable.

Further, the application would provide social sustainability benefits with the provision of 225 dwellings, including 90 Affordable Homes, which would include two wheelchair adaptable bungalows (2 x 3 bedroom 5 person). The proposal would also give rise to the provision of public open space and children's play space on site, in excess of the minimum standards required to meet the needs for a development of this size. Financial contributions towards the off-site provision of outdoor sports facilities would also be provided, along with a contribution towards a new community hall facility. Additionally when completed the site will provide a safe and attractive route to walk to school for local residents to use.

Environmentally, pedestrian and cycle access will be achieved within the site which will provide an alternative to driving at least for short journeys. There is a good bus service provision in the locality whilst the rail station is both accessible and provides regular mainline services. Westerings. Against the development is some less than substantial harm to the setting of listed buildings on land near the site.

Economically - The development would also generate a construction jobs during the build phase. And will provide local businesses with additional footfall and potential additional income.

It is acknowledged that the scheme represents a significant addition to the size to the village but Officers consider that the proposed scheme represents an appropriate and reasonably sympathetic design response following lengthy discussions. Having assessed the specific merits of the application, Officers consider that the adverse impacts of permitting the proposed development would not significantly and demonstrably outweigh the benefits which the proposal would bring when considered against the Council's policies and the requirements of the NPPF, both individually and taken as a whole. It is therefore recommended that the application is approved, subject to conditions.

RECOMMENDATION

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

- 1 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.

- 2 All windows and entrance doors to the dwellings hereby approved, which have glazing bars shall have the glazing bars fixed to external glazed pane.

Reason

To ensure that the detail has the traditional appearance required for the traditional architecture that has been used in the design of the dwellings.

- 3 Construction above damp proof course of any building shall not be commenced until additional drawings that show details of proposed new eaves, verges and ridges 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. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure that the detail has the traditional appearance required for the traditional architecture that has been used in the design of the dwellings.

- 4 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

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

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

INFORMATION TO APPLICANT

1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

3 You are reminded of the need to comply with all relevant conditions attaching to the outline planning permission 16/02144/OUT dated 18th December 2018.

4 The applicant is advised that in discharging Condition 23 of the Outline Planning Permission (16/02144/OUT) the Council will require details of planting around the windows serving habitable rooms on the ground floor of the apartment blocks hereby approved.

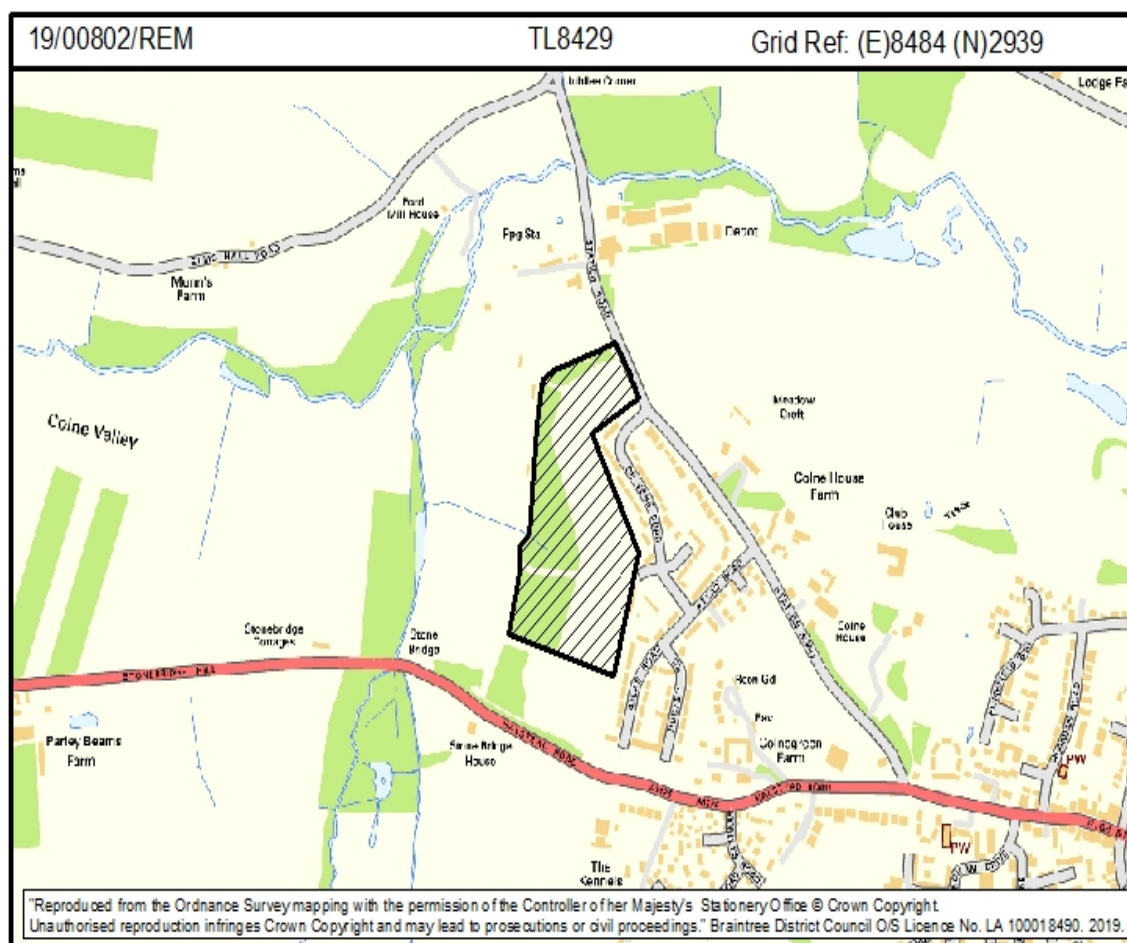
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/00802/REM
 DATE: 03.05.19
 VALID:
 APPLICANT: C/O Agent
 AGENT: Ms Catherine Williams
 33 Margaret Street , London , W1G 0JD
 DESCRIPTION: Application for approval of reserved matters following outline approval 18/00121/OUT - Relating to the development of the site to provide 90 residential dwellings (Use Class C3) and associated infrastructure works.
 LOCATION: Land West Of, Station Road, Earls Colne, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQXOKPBF GDM00>

SITE HISTORY

17/01892/FUL	Erection of a stable block with associated hardstanding, fencing, vehicular access and access track	Withdrawn	25.04.18
18/00121/OUT	Outline planning application for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access	Granted with S106 Agreement	08.01.19
19/00745/DAC	Application for approval of details reserved by condition 6A of approval 18/00121/OUT - Outline planning application for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access	Part Grant, Part Refused	16.05.19
19/01112/DAC	Application for approval of details reserved by condition 5 of approved application 18/00121/OUT	Pending Consideration	
19/01223/DAC	Application for approval of details reserved by condition nos. 7, 8 and 9 of approved application 18/00121/OUT	Pending Consideration	
19/01224/DAC	Application for approval of details reserved by condition no. 11 of approved application 18/00121/OUT	Pending Consideration	

19/01225/DAC	Application for approval of details reserved by condition no. 19 of approved application 18/00121/OUT	Pending Consideration
19/01226/DAC	Application for approval of details reserved by condition no. 20 of approved application 18/00121/OUT	Pending Consideration
19/01227/DAC	Application for approval of details reserved by condition 21 of approval 18/00121/OUT - Outline planning application for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access	Pending Consideration
19/01228/DAC	Application for approval of details reserved by condition 13 of approval 18/00121/OUT - Outline planning application for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access	Pending Consideration
19/01229/DAC	Application for approval of details reserved by condition 14 of approval 18/00121/OUT - Outline planning application for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters	Pending Consideration

	reserved except for means of access	
19/01351/NMA	Application for a non-material amendment following grant of planning permission 18/00121/OUT - to remove the requirement for all hardstanding to be permeable.	Pending Consideration

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
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

Earls Colne Neighbourhood Plan

The Earls Colne Neighbourhood Plan is in its infancy, at the very early stages. As such, it is considered that no weight can yet be attached to it in decision making.

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement
Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the application is considered to be of significant public interest. The Parish Council also object to the application contrary to Officer's recommendation of approval.

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Village Envelope of Earls Colne.

It measures approximately 6.78 hectares and consists primarily of an agricultural field and a large wooded area which forms a substantial tree belt to the site's northern and western boundaries.

The site is bounded by existing dwellings located on De Vere road to the east and by Millennium Green to the south. The eastern site boundary also includes a section of frontage to Station Road. To the north and west lies further countryside, which slopes down towards the River Colne and Bourne Brook respectively.

There is no formal vehicular access to the site with an agricultural access currently being taken from the site's boundary with Station Road.

In terms of gradient, the highest point of the site is located at its south-eastern periphery with the land falling towards both the west and the north by a maximum of up to (approximately) 11m.

PROPOSAL

Outline planning permission (Application Reference 18/00121/OUT) was approved at the site for the erection of up-to 90 dwellings, which included the access to the site. This application considers the other detailed matters reserved for consideration, namely; Layout, Appearance, Scale, and Landscaping.

In respect to Layout, an internal spine road would run the entire length of the site, with small subsidiary shared surface roads branching off towards the

woodland area. The existing unmade footpath towards the Millennium Green behind Plots 66-52 would be retained, as well as a potential footpath link to De Vere Road. Parking and garden sizes would be provided in accordance with standards.

In respect to Appearance, the development would provide a contemporary character, with a predominance of brick (of a few subtle varieties) and some weatherboarding. Chimneys have been added to more prominent buildings in the street scene. In respect to Scale, the development would consist of two storey dwelling houses, with 6* one bedroom, 30* two bedroom, 24* three bedroom, and 30* four bedroom houses. In respect to Landscaping, the development would respect the location of the existing woodland edge, while also providing a large landscaped area at the front of the site, and through the core of the site.

CONSULTATIONS

Essex County Council SUDS

No objection.

Environmental Health

No objection.

Natural England

Comment if the development is in designated area then RAMS contribution would be necessary.

Essex Police

No objection.

Waste Services

No objection.

BDC Essex County Council Highways

No objection.

Essex County Council Historic Buildings Consultant

No objection.

BDC Ecology

No objection to the development, subject to an additional condition requiring a biodiversity monitoring strategy.

BDC Landscape Services

No objection to the development.

Earls Colne Parish Council

Objects to the application:

- Proposed tandem parking / garage layout is impractical
- Garage sizes are insufficient

Also comments that:

- Access restrictions to the Millennium Green Should be retained
That housing mix should be aligned with Braintree District Council recommendations

REPRESENTATIONS

Three letters of objection have been received from two properties including 65 Atlas Road and 40 De Vere Road setting out the following summarised concerns/comments:

- Not in keeping with character of surrounding roads – parking too narrow and would lead to on street parking
- Unacceptable noise levels
- Uncertainties around protecting wildlife & vegetation
- No mitigation costs collected
- Highways not adequate to cope with cumulative impact of development proposed
- Contractors parking on De Vere and Atlas Road dangerous

REPORT

PRINCIPLE OF DEVELOPMENT

The principle of developing this site for residential has been established through the grant of outline planning permission (Application Reference 18/00121/OUT). Matters of Access have also been previously approved. As such, this proposal considers matters reserved for consideration at the outline planning application stage, namely; Appearance, Scale, Layout and Landscaping. These particulars are explored below.

SITE ASSESSMENT

Scale, Appearance & Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

Following the grant of outline planning permission, the proposed development has gone through numerous iterations following discussions at pre-application and application stage. These discussions sought to improve the overall quality of the layout and design of the development. What is now proposed is therefore a reflection of negotiations between the Council and the Developer, who have implemented the majority of the changes that have been requested.

In respect to roads and footpaths, a 5.5m carriageway provides the main spine road through the development. At the entrance and top part of the site, the spine road consists of a 2m footpath on the southern side, while into the main core of the development, the spine road would consist of a 2m footpath on either side. Private shared surface drives serve a large proportion of development which stems in a westerly direction towards the woodland area. The layout also allows for the retention of the right of way through the middle of the site leading to De Vere Road, as well as retaining the existing unmade footpath link towards the Millennium Green behind plots 66-52. It should be noted that there would be no additional access to the Millennium Green as part of the development.

In respect to more general layout particulars, from the site entrance with Station Road, the internal spine road projects straight for approx. 40m into the site, and then arcs around proposed Plots 1-6, which have a back to back relationship with the three storey apartment block (No.40-51 De Vere Road), while positively fronting into the area of open space at the top part of the site. In order to mitigate overlooking from the apartment block into the proposed

development (and vice versa), an area of private tree planting is proposed in order to assist in mitigating any overlooking. This area would be secured through a management company and blocked off by boundary fences and a gate at the entrance (between Plot 8 and Plot 90), to restrict general public access for security reasons.

In any case, Plots 2-6 would be located a minimum back to back distance of 42m away from the flat block. Plot 1 would be closer to the flat block in a perpendicular relationship, but would have some protection in its most sensitive areas of amenity from the proposed garage. As such, it is considered the amenity of future occupiers, and neighbouring properties would be preserved in this case at the top part of the site, while the siting of the proposed dwellings would positively address the wider street scene.

Further into the development, the internal spine road takes some cues from the form/shape of De Vere Road to provide a consistent distance away from the site boundary to the east. This enables linear development to be achieved at the site so that Plots 90-71 to have a back-to-back relationship with other properties on De Vere Road, at a minimum distance of 25m in accordance with the Essex Design Guide. In the middle part of the site, the relationship changes, with Plots 70-67 perpendicular to Plots 90-71, in order to positively address the proposed area of open space and footpath in the middle of the site, and to avoid overlooking of plots 80-81 De Vere Road. Further southwards, there is less existing context to respond to, however the development maintains its approach to the eastern boundary by providing linear development to be consistent with the remainder of the site. This to some extent responds to Atlas Road.

The houses at the very bottom of the development are perpendicular to Plots 53-66, in order to have a positive frontage onto the private drive from which they are accessed, and also towards the Millennium Green. The remainder of the development is generally accessed via private drives, apart from plots 39-44, which would be accessed by an adopted shared surface road. The proposed dwellings are positioned around the edge of these private drives to maximise active frontages and provide natural surveillance within the development. Areas behind the houses are then provided as private amenity space in the form of rear gardens. Plots 37-30 also provide active elevations to the main walkway and open space in the middle of the site.

Taking into account the above, it is considered that the middle and rear parts of the site also positively respond to its context, while also creating a useable and coherent layout for future occupiers of the development.

In terms of affordable housing, the development would provide 36 units, which would be concentrated on the eastern aspect of the development, comprising Plots 90-55, with a mixture of affordable rented and shared ownership in a 70:30 respective split. The market housing, of which there would be 54 units, would be concentrated on the top and western parts of the site. Clustering the affordable housing in groups is not uncommon, and the Councils Housing Enabling Officer had no objection to this configuration. As such it is

considered that the location of the affordable housing is acceptable in this case.

In terms of parking, the development would accord with the Parking Standards, in that a one bedroom dwelling would provide 1 space, and a 2+ bedroom dwelling would provide two parking spaces. The majority of on plot parking in the development would be in tandem, with a small number of small parking courts of no more than 4 parking spaces at the front of some dwellings. Garages would also be provided for some dwellings, which would accord with the parking standards size of 7m depth by 3m width. A small number of plots rely on the garage as a second parking space, while others have the garage in addition to two parking spaces. Visitor spaces are distributed across the site, however initial concerns were raised by Officers in respect to a lack of visitor parking for Plots 71-90. In order to overcome this, the majority of these plots were given three spaces opposed to two, so that more spaces could be accommodated. While this is an unorthodox solution, it does overcome the issue and enables additional parking for future residents, and should alleviate any additional need to park on the road. As such, taking into account the above, it is considered that parking at the site would be appropriate and accord with standards.

In terms of garden space, each dwelling would accord with the Essex Design Guide minimum standards of 50sq.m for a two bed, and 100sq.m for a three plus bed dwelling. This is illustrated by the submitted garden plan. In terms of internal amenity, all of the dwelling types apart from the 'Joiner' house type, would comply with the internal living standards set out in the Nationally Described Space Standards (NDSS). The Joiner house type (total of 6 units) is just over 7sq.m short of the NDSS, however internally it does provide a functional layout. This house type was a direct replacement for an even smaller two bedroom house type, which would not have provided a good quality of accommodation for future occupiers.

The NDSS are not formally adopted by Braintree District Council, however provide a good indication whether the quality of internal accommodation would be good or not for future occupiers. In this case over 93% of the accommodation would comply with the NDSS. As such, while the 'Joiner' House type is below the standard, it would only represent a very small proportion of dwellings on this site, and in any case the Joiner house type would still provide a functional internal layout. Taking into account the above, it is considered that the development would provide a suitable quality of amenity for future occupiers.

In terms of waste collection, each dwelling will be able to be accessed from the core spine road, with pull distances of 20m or below for the waste team, and no more than 30m the drag distances for residents to put their refuse on the highway. It is considered that these particulars are acceptable.

In terms of scale, the development would consist of two storey dwelling houses, with 6* one bedroom, 30* two bedroom, 24* three bedroom, and 30* four bedroom houses, with a mixture of terraced, semi and detached

properties. This mix of houses would accord to a large extent with the Strategic Housing Market Assessment (SHMA) identified housing size need in the district. It is considered that the scale of development would be commensurate with the context in which the site is situated, and thus it is considered that these particulars are acceptable.

In terms of appearance, the proposed dwellings are simple but contemporary in form. Offers negotiated with the developers, who agreed to include chimneys on some key dwellings in the street scene, a tenure blind mix of two types of porches, windows added to side profiles which have some prominence in the street scene to add visual interest, boundary treatments comprise brick walls in the public realm, and materials have also largely been agreed. The materials include two red bricks and a yellow brick, a Foricrete tile and some fibre cement slate on key buildings. The different use of materials is evident on the materials plan. There are also 13 base house types, with subtle variations to these house types. While the affordable units are different house types, the materials and styles used are not generally tenure specific, and thus the development goes a long way to being tenure blind. Overall, it is considered that this number of house types, coupled with the materials and finer detailing described above, would produce a good quality development and a positive sense of place for future occupiers.

Matters of means of enclosure have been conditioned to be approved, however details have also been included within the Landscape Masterplan. The plan shows that brick walls would front any prominent boundary with the public realm, while timber knee rail fences would be located around the SUDs and other sensitive areas fronting the woodland. Timber fences will be used to divide private gardens, while a slightly higher fence with trellis (2.1m) will be utilised for large parts behind plots 52 to 66 to provide additional security from the footpath behind (which runs to the Millennium Green).

Landscape & Ecology

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

In respect to landscaping, the original parameter plan attached to the outline permission set a defined edge to the woodland on the western aspect of development. The Reserved Matters site layout respects the position of the hedge with no built form projecting beyond it. However, taking into account the overall size of the woodland, and the proximity of the proposed houses, it will need effective long term maintenance. This is partly because the proximity of ever growing canopies, associated shading and possible physical contact with roofs and guttering can otherwise create anxiety and pressure to remove trees unnecessarily in future years.

As a consequence of the above, the Landscape and Nature Conservation Plan (May 2019) contains appropriate and tailored prescriptions for the future management and maintenance of not only the woodland area, but also the open space within the development for a large period of time. The plan sets out that the woodland over a number of years would be managed through coppicing and selective removal to create a varied age stand of trees along the woodland edge which will create a more open prospect and a graded density to views into the central area of the boundary woodland. The existing woodland edge would therefore remain in situ but the appearance would change over time depending on the level of coppicing and regrowth on the margins.

The document also highlights the opportunity to enhance the landscape and wildlife value of the 'wet' woodland area which is probably spring fed, in the southern part of the woodland area, augmenting the existing scrub area with a wet woodland mix including dogwood and willow.

The Landscape Master Plan also shows that the southern hedge which adjoins the boundary of the site and the Millennium Green would be retained. While the generic submitted site plan appears to show a gap in the hedge, this is indicative only. In any case, the protection of the hedge is secured by Condition 11 of the outline approval. Therefore there would be no loss of hedge in this area.

The particulars relating to the Landscape and Nature Conservation Plan are to be secured in full through the S106 agreement attached to the Outline Consent.

The Landscape Officer has been consulted in the evolution of the final landscape scheme/management plan and has no objection to the development.

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

In respect to ecology, the reserved matters application was supported by a Construction Environmental Management Plan (CEMP), an Ecological Enhancement Strategy, and a Landscape and Nature Conservation Management Plan. These documents were required to be submitted via conditions / legal agreement attached to the outline approval. These documents set out how biodiversity will be protected during construction, details of securing a net gain for onsite biodiversity, and the general safeguarding of existing and enhancement biodiversity features. The Ecological Officer has considered these documents in the context of the

application and has no objection, subject to a further condition in respect to a biodiversity monitoring strategy.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. In addition, the Essex Design Guide states that new development which backs onto existing development should have gardens of 15m depth to rear boundaries, with a minimum of 25m separation distance between the rear elevations of each property, to be acceptable from neighbouring impact perspective.

As indicated within the layout, design and appearance section, the development attempts to positively respond to its context. This includes back-to-back development with properties on De Vere Road and Atlas Road, with back to back distances of 25m in accordance with the Essex Design Guide. Furthermore, the development would be two storey, and not include any fenestration which would have the potential to detrimentally overlook any areas of private space for existing residents. As such, taking into account separation distances and the two storey scale, it is considered that neighbouring amenity would not be detrimentally affected by the proposal in respect to overlooking, overshadowing or overbearing.

Issues have been raised by residents in respect to noise, however it is considered the development would not give rise to unacceptable levels of noise which would detrimentally harm existing occupiers. Any noise caused during construction would be temporary and would be controlled through conditions such as restrictive hours of working on the outline planning consent.

Highway and Transport

The applicant proposes a single vehicular access point from Station Road which has been approved in accordance with the outline planning permission.

It also includes the retention and improvement of the informal right of way which goes from De Vere Road through the development site and beyond towards the Colne Valley. There is however an area of white land (unknown ownership) between the application site and the connection to the existing hard standing on De Vere Road. As such, the cycle and pedestrian link inside of the site will be provided to the site boundary, but would not be able to fully connect to De Vere Road. This is why it is labelled as 'potential cycle and pedestrian connection' on the plans. Taking the above circumstances into account, it is considered providing the footpath to the site boundary would fulfil the developer's obligations as far as reasonably possible, and thus it is considered that this is acceptable.

Essex County Highways have been consulted and have no objection to the proposal. They required the layout plan to be amended to include raised tables at various points within the development in order to reduce vehicular speeds given the relatively straight nature of the road. These changes are incorporated within the latest submitted layout.

In terms of electric vehicle charging points, the Applicant has confirmed that each garage and car port would contain a socket/ducting capable of charging the occupants vehicle which would make notable provision for charging on the site. The Applicant has also confirmed that fibre broadband will be provided to each of the proposed dwelling in line with the statutory service.

Overall, it is considered that the development would be acceptable from a highways and transportation perspective.

Flooding and Drainage Strategy

The applicant proposes to utilise a sustainable urban drainage system with a piped system which would discharge surface water within two shallow attenuation basins on the site; one in the middle adjacent to the woodland, and one towards the top area of the site, also adjacent to the woodland.

Essex County Council have been consulted as the Lead Local Flood Authority and have no objection to the proposal. Any outstanding matters in respect to surface water drainage would be secured through conditions attached to the outline approval.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

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

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

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other

plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

CONCLUSION

The principle of residential development at the site is established under the existing outline consent. The applicant seeks permission only for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms. Overall it is considered that the detailed proposal constitutes a sustainable residential development in an appropriate location and accordingly it is recommended that the Reserved Matters are approved.

RECOMMENDATION

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

APPROVED PLANS

Proposed Elevations and Floor Plans	Plan Ref: 8775/49
Proposed Elevations and Floor Plans	Plan Ref: 8775/54
Proposed Elevations and Floor Plans	Plan Ref: 8775/57
Proposed Elevations and Floor Plans	Plan Ref: 8775/64
Proposed Elevations and Floor Plans	Plan Ref: 8775/65
Proposed Elevations and Floor Plans	Plan Ref: 8775/66
Site Layout	Plan Ref: 8775-02 C
Site Layout	Plan Ref: 8775-03 D
Other	Plan Ref: 8775/31A
Other	Plan Ref: 8775/32A
Proposed Elevations	Plan Ref: 8775/33
Other	Plan Ref: 8775/34
Proposed Elevations	Plan Ref: 8775/44
Proposed Elevations	Plan Ref: 8775/35 A

Proposed Elevations	Plan Ref: 8775/67
Proposed Elevations and Floor Plans	Plan Ref: 8775/52
Proposed Elevations and Floor Plans	Plan Ref: 8775/63
Location Plan	Plan Ref: 8775-01
Proposed Elevations and Floor Plans	Plan Ref: 8775/45
Proposed Elevations and Floor Plans	Plan Ref: 8775/48
Site Layout	Plan Ref: 8775/04 D
Street elevation	Plan Ref: 8775/10 B
Street elevation	Plan Ref: 8775/11 C
Street elevation	Plan Ref: 8775/12 B
Storey Height	Plan Ref: 8775/20 C
Parking Strategy	Plan Ref: 8775/21 C
Refuse Information	Plan Ref: 8775/22 C
Affordable Housing Plan	Plan Ref: 8775/23 C
Garden Study	Plan Ref: 8775/27 C
House Types	Plan Ref: 8775/28 D
Other	Plan Ref: 8775/29 C
Street elevation	Plan Ref: 8775/30 C
Proposed Plans	Plan Ref: 8775/39 A
Proposed Plans	Plan Ref: 8775/42 B
Proposed Plans	Plan Ref: 8775/43 B
Proposed Plans	Plan Ref: 8775/51 A
Proposed Plans	Plan Ref: 8775/58
Proposed Plans	Plan Ref: 8775/60 A
Proposed Plans	Plan Ref: 8775/61 A
Landscape Masterplan	Plan Ref: PR144-01 J

- 1 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.

- 2 Prior to first occupation of the development, a detailed specification of soft landscaping works to accompany approved Landscape Masterplan drawing PR144-01J shall be submitted to and approved in writing by the Local Planning Authority. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment.

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

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

In the interests of visual amenity.

- 3 No development shall commence unless and until a biodiversity monitoring strategy is submitted to, and approved in writing by, the local planning authority. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose of the Landscape and Nature Conservation Management Plan
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

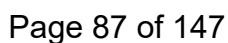
Reason

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).

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSON66BFGV300>

SITE HISTORY

89/00196/P	Proposed Social Club, Sports Field And Car Parking Area	Granted with S52 Agreement	22.03.89
89/02051/P	Proposed Sports And Social Club With Car Park	Granted with S52 Agreement	14.12.89
89/02052/P	Proposed 2 Acre Industrial Site, Footpath And Cycle Track	Granted with S52 Agreement	14.12.89
93/00518/FUL	Erection of telecommunications tower and equipment cabinet	Granted	15.06.93
93/01355/FUL	Provision of access road and light industrial starter units for small businesses	Granted	02.12.93
93/01440/TEL	Erection of 6 No aerials	Permission not Required	03.01.96
94/00024/FUL	Provision of access road and light industrial starter units for small businesses	Granted	18.02.94
96/00481/TEL	Installation of aerials, equipment cabin and development ancillary thereto	Permission not Required	23.05.96
06/01067/FUL	Erection of storage shed	Granted	17.07.06

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
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
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
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
LPP74	Climate Change
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

Neighbourhood Plan

N/A

Other Material Considerations

Essex Parking Standards Design and Good Practice 2009
External Lighting Supplementary Planning Document

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to Planning Committee as the Applicant is Braintree District Council.

SITE DESCRIPTION

The application site sits within the Springwood Industrial Estate and measures approximately 0.2ha. It consists of the Braintree Enterprise Centre building and its associated curtilage which is primarily occupied by a large parking area. It also encompasses part of a public footpath which runs adjacent to the rear (southern) boundary of the plot.

It is bounded to the west by Springwood Drive and to the south and east by further industrial/commercial development. Vehicular access is taken from Enterprise Drive to the north, beyond which lies the Bannatyne Health Club and Edith Borthwick School.

PROPOSAL

The applicant seeks full planning permission for the construction of a new Innovation Centre with conference and office facilities.

The proposal would consist of a two storey building located relatively centrally within the plot with parking positioned to the front and one side. An amenity area would be located to the rear and would be designed to link in to the public footpath which runs parallel to the rear boundary of the plot.

The building itself would consist of a large multi-use space and exhibition room with ancillary café and toilets at ground floor level and a large seminar room with a managers office and technology suite at first floor level. It would function as a centre of excellence for construction innovation and would form part of the 'I-Construct' project. This is a 3 year European Regional Development Fund supported project which includes the creation of the above hub; a business support programme and grant scheme for small and medium enterprises working in the construction market. It is also aimed at the creation of a business network scheme across the whole of the South East Local Enterprise Partnership region.

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

- Design and Access Statement;
- A full set of drawings;
- Tree Survey;
- Flood Risk Assessment;
- Biodiversity Survey;
- Transport Assessment.

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions relating to the following:

- Hours of working;
- Hours of vehicular movements linked to construction;
- Submission of Construction Management Plan for approval;
- Submission of piling noise/vibration for approval if piling to be used.

BDC Ecology

No objection subject to mitigation and enhancement measures in accordance with the submitted Biodiversity Report with a requirement for a biodiversity enhancement strategy to be submitted.

Anglian Water

No objection. The foul drainage from this development is in the catchment of Braintree Water Recycling Centre which has available capacity for these flows. The sewerage system has capacity for these flows.

BDC Economic Development

Supportive of this planning application. The construction sector is strongly represented in the District and has grown strongly in recent years. Braintree's location in close proximity to the London and Greater South East market is an important driver of growth for the local construction industry.

Skills bottlenecks have historically been widely cited as a constraint on the construction industry, and are particularly challenging to overcome. Skills gaps are most frequently driven by changing regulatory requirements, technology and working practices, perhaps reflecting the impact of pressures to increase resource efficiency.

This project is a European Regional Development Funded project that is supported by the South East LEP and will create a unique hub as a centre of excellence for construction innovation promoted across the South East LEP. It will offer a business support programme, SME grant scheme and business network, which will be suitable for some of the 1,500 construction businesses registered in the Braintree District, and 27,000 construction businesses employing 100,000 in the South East LEP area.

ECC Highways

No objection subject to the following:

- Condition requiring submission of a Construction Traffic Management Plan for approval
- S106 obligation towards improvements at the Springwood Drive/Rayne Road roundabout
- A Travel Plan if the scheme would generate more than 50 employees

BDC Landscape

No objection. The Arboricultural Impact Assessment and Tree Protection Plan are acceptable, and all recommendations therein must be followed.

If permission is granted a suitable condition must be added to require the submission and agreement in writing of construction details for the ramp, steps, and footbridge to ensure it is constructed using a frame supported by posts, and not a strip foundation, as outlined in the AIA.

The Outline Landscape Proposal is acceptable if limited, however further details are required. A Landscaping Plan should be submitted under condition to be agreed in writing prior to commencement that includes full details of the new hedgerow planting, the additional containerised tree to the south, and any other areas of planting such as the trees in the car park shown on the Proposed Site Plan. This Landscaping Plan must include details of size, species, and spacing of plants as a minimum.

PARISH / TOWN COUNCIL

N/A.

REPRESENTATIONS

Two letters of objection and one of general comment were received. The main material and non-material points raised are summarised below:

- Unless something is done to ease the current severe traffic congestion when trying to leave the estate in the evening before this development is added it will only add to an already unacceptable problem.
- Development will be placed in an existing parking area with associated loss of parking for existing business residents, no access for deliveries and noise and pollution during construction.
- BDC have tried to reduce the 30mph speed limit on Enterprise Drive by installing 5mp signs but these are having little effect. Speed humps should be installed as drivers are still driving at dangerous speeds with several near misses.

REPORT

Principle of Development

The application site is located within the Braintree Town Development Boundary and sits within a designated Employment Policy Area. Policy RLP33 of the Adopted Local Plan states that in such areas planning permission for uses other than B1, B2 and B8 will be refused.

The proposed building would function as an innovation, training and development centre and the floorplans show a number of different uses

ranging from office space to exhibition, seminar and multi-use areas with an ancillary cafe. The development therefore contains elements of both B1 use (primarily office space and research and development/high technology) and D1 use (education and training). It would therefore likely be classed either as a mix of both use classes or as a sui generis use given that it does not clearly fall entirely into a particular category.

Although this does not strictly accord with adopted Policy RLP33 the proposed use does contain strong B1 elements and as an Innovation Centre does have a clear B1 (a) 'Research and Development' type function as its overall purpose.

Overall, the general principle of the proposed development is considered acceptable.

Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area....are visually attractive as a result of good architecture...and effective landscaping and should...establish or maintain a strong sense of place'.

The proposal is to erect a two storey hub building which will showcase some of the latest construction technology. The design is therefore contemporary in nature and the building of a more domestic appearance than a typical employment building as the focus of the I Construct project is on residential construction rather than commercial. It is built around a central service core with 4 dual pitched elements attached to a flat roofed core structure.

The materials palette is simple providing a clean, modern finish with large areas of glazing and a combination of metal and wooden cladding. The overall design is considered to be of a high quality and although it is of a different appearance to a standard employment building there is a genuine need for it to take this form. Furthermore, there is already quite an eclectic mix of building designs in the locality with the Bannatyne Health Club and Edith Borthwick School presenting very different architectural styles to Braintree Enterprise Centre.

In terms of layout, the applicant proposes to position the building relatively centrally within the site with parking to the front and to one side of the site. To the rear a well-designed amenity space is proposed which is intended to link directly to the existing footpath which runs to the rear of Ignite House. This footpath is well used but is currently quite oppressive, occupying a very narrow gap between a palisade fence on one side and a dense, tall hedge on the other.

The applicant proposes to remove a (Category U) tree and a 20m section of this hedge (Category C) to allow the proposed amenity space to link in to and overlook this section of the public footpath, thereby making the footpath safer and less oppressive as well as allowing it to have a more open aspect. A second Category U tree is also proposed for removal primarily due to its condition.

Landscaping

The applicant has submitted an outline landscape drawing which shows details of new hedge planting to help mitigate the required hedgerow section removal described above. Overall there is very limited capacity for landscape planting on the site as it is already occupied however a landscape condition is recommended to ensure that the most appropriate landscaping is achieved and opportunities for this are maximised.

Ecology

The submitted Ecology Report identifies that the site as a whole is of very low ecological value although the hedge to the rear provides good bat foraging and moderate bat commuting opportunities, although it is identified that these may be limited by the prevalence of nocturnal lighting on the site and immediately adjacent to it.

The Ecology Report recommends that this hedgerow is protected and enhanced. However, the need to remove a 20m section of it is an integral part of the planning application and is necessary to allow the site to link to and greatly improve this section of the public footpath. The loss of this section of hedgerow must therefore be balanced against the benefits it will bring to the design and layout of the scheme and the public benefits it will bring by way of notably improving a very poor and quite oppressive section of public footpath.

The Council's Ecology Officer has reviewed the application and has no objection, subject to biodiversity enhancement and mitigation measures being completed. A condition is therefore recommended to cover this.

Highways and Parking

The proposed building would be located in the car park of the existing Enterprise Centre. It would therefore result in the loss of some of the existing car parking. In addition the new building would generate its own parking requirements in accordance with the Essex Parking Standards 2009.

The proposal would generate 614sqm of floorspace which is of a B1 nature but with an education/training aspect to it. If based on a B1 calculation, this would require a maximum of 21 parking spaces. The existing building (Ignite House) generates a requirement of 20 spaces. The site layout plan makes provision for a total of 22 spaces to serve the new building. Given that the proposed use is not entirely B1 and contains an education and training

element this marginal overprovision (1 space) is considered acceptable for the new building.

Whilst Ignite House would lose its current parking provision it is also served by another larger car park which provides 40 spaces and is located further along Enterprise Drive. This parking area also serves 4 units located adjacent to it which generate a maximum requirement for 15 spaces. Therefore, the maximum requirement for Ignite House plus the above 4 units is 35 parking spaces, which is in fact exceeded by the 40 spaces provided. Given that this car park currently makes even greater over provision and the proposed development would reduce this, this is considered to be acceptable.

With regard to highway impact, the applicant has submitted a Transport Statement in support of their application. This identifies that the development is predicted to generate 6 arrivals and 1 departure in the AM peak and 0 arrivals and 6 departures in the PM peak with a daily total of 45 vehicle movements.

Essex County Highways have been consulted and have no objection to the proposal subject to a condition relating to a Construction Management Plan which is recommended.

They also require a s106 contribution toward improvement works to the Springwood Drive/Rayne Road roundabout. This would be secured as a planning obligation under a s106 Agreement or Unilateral Undertaking.

The Travel Plan requirement is not relevant as the scheme would generate well under 50 employees (3 anticipated).

Officers also note the objections lodged by members of the public with regard to the current congestion experienced on Springwood Drive, particularly in the PM peak. However, given the relatively small number of vehicle movements which the development would generate, particularly in the PM peak and the fact that there is no objection from the Highway Authority it is not considered that there are any grounds to recommend that the application is refused on this basis.

Amenity

Policy RLP36 of the Adopted Local Plan states that planning permission will not be granted for new development which would have an unacceptable impact on the surrounding area in terms of noise or light pollution.

The site is located in an allocated employment area with no residential properties in the vicinity. The proposed use is not anticipated to generate any unusual noise or light however the Council's Environmental Health Team have recommended that conditions relating to the need for safeguarding during construction are used. A lighting condition is also recommended with regard to the permanent lighting scheme for the building given its proximity to an established tree/hedge line with associated potential ecological impacts.

Flood Risk and Surface Water Drainage

The application is not located in an area identified as being at risk of flooding and is not classified a major application. There is therefore no requirement for a Flood Risk Assessment to be submitted and no requirement to consult the Lead Local Flood Authority who will only comment on non-major applications where there is actually a specific risk of flooding identified.

The applicant has however submitted a Flood Risk Assessment. The Assessment confirms that there is no identified risk of flooding at the site. The applicant proposes to install a small attenuation crate to cater for 1 in 100 year flood events and for this to have a controlled outflow to the existing ditch which runs parallel to the sites southern boundary. Surface water from the site currently flows into this ditch but is uncontrolled.

The proposed drainage strategy represents an improvement to the existing situation insofar as it would cater for a 1 in 100 year storm event and would control outflow to the adjacent ditch. Although this is considered to be acceptable, given that it is not necessary to make the development acceptable in planning terms it is not recommended that a planning condition is used to require the applicant to install this drainage system as it would fail the condition tests.

It is however anticipated that the applicant will of their own choice install this drainage system with associated benefit.

PLANNING BALANCE AND CONCLUSION

The proposed development would be of a high quality and would function as a centre of excellence for construction innovation and a learning hub for those employed in the industry. The economic benefits for the District and the wider hinterland are clear and the I Construct project would have the ability to make a significant impact in this regard, particularly given the strength of the sector in Braintree District.

In addition to the economic benefits, the environmental benefits of progressing innovative technology aimed at streamlining the construction process and using the most sustainable technology, techniques and materials are also clear.

With regard to harm, the proposal would result in the loss of a section of hedgerow and would generate a small number of vehicle movements onto a congested network, however no objections have been received from statutory consultees and a planning obligation to secure highway network improvements would be secured.

Overall the proposal is considered to represent a sustainable development which will have the ability to make a significant contribution to innovation in

the construction sector and would also form a high quality proposal in its own right.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The applicant entering into a suitable legal agreement (or Unilateral Undertaking) pursuant to s106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
 - **Highways:** A financial contribution towards improvements at the Springwood Drive/Rayne Road roundabout.

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 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.

RECOMMENDATION

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

APPROVED PLANS

3D Visual Plan	Plan Ref: BA P19-094 -PR01	Version: A
Section	Plan Ref: P19-094-600	
Section	Plan Ref: BA P19-094-0310	Version: A
Section	Plan Ref: BA P19-094-003	
Proposed Site Plan	Plan Ref: P19-094-100	
Proposed Ground Floor Plan	Plan Ref: BA P19-094-0200	Version: A
Proposed 1st Floor Plan	Plan Ref: BA P19-094-0201	Version: A
Proposed Roof Plan	Plan Ref: BA P19-094-0202	Version: A
Proposed Elevations	Plan Ref: BA P19-094-0300	Version: A
Proposed Elevations	Plan Ref: BA P19-094-0301	Version: A
Landscape Masterplan	Plan Ref: P19-094-601	
Existing Block Plan	Plan Ref: BA P19-094-002	
Location Plan	Plan Ref: BA P19-094-001	
Tree Plan	Plan Ref: Arb Impact Assessment Arborterra Ltd	
	Version: 10 June 2019	

- 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 and documents 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 on the external finishes of the proposed development have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 4 Prior to first use of the development hereby approved details of all gates/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

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

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.

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

Reason

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

- 7 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
 - The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in constructing the development;
 - Details of any piling operations to be carried out during the construction phase;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery, demolition, site clearance and construction working hours;
 - Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance;
 - Details of the keeping of a log book on site to record all complaints

received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint;

- Any protective mitigation measures identified as being necessary during the construction phase of the development by the updated Reptile Surveys required by condition 21.

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

Reason

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

- 8 The development shall only be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Arborterra Ltd, dated 10th June 2019 which identifies the trees and hedges for retention and for removal and sets out the necessary tree protection measures. No alterations or variations to the approved works or tree protection schemes shall be made. This excludes the details for the construction of the proposed ramp, steps and footbridge shown in the Arboricultural Report specific details of which are required under Condition 10 of this planning permission.

Reason

To ensure the protection and retention of existing trees and hedges which have been identified for retention.

- 9 Prior to the commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the recommendations of the Extended Phase 1 Habitat Survey (Greenwillows Associates Ltd., May 2019).

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). The strategy is required prior to the commencement of development to ensure that enhancement measures are catered for from the outset of the development.

- 10 Prior to its construction details for the construction of the proposed ramp, steps, and footbridge shall be submitted for approval to the Local Planning Authority. The ramp, steps and footbridge shall only be constructed in accordance with the approved details.

Reason

To ensure the protection of existing adjacent trees and hedges.

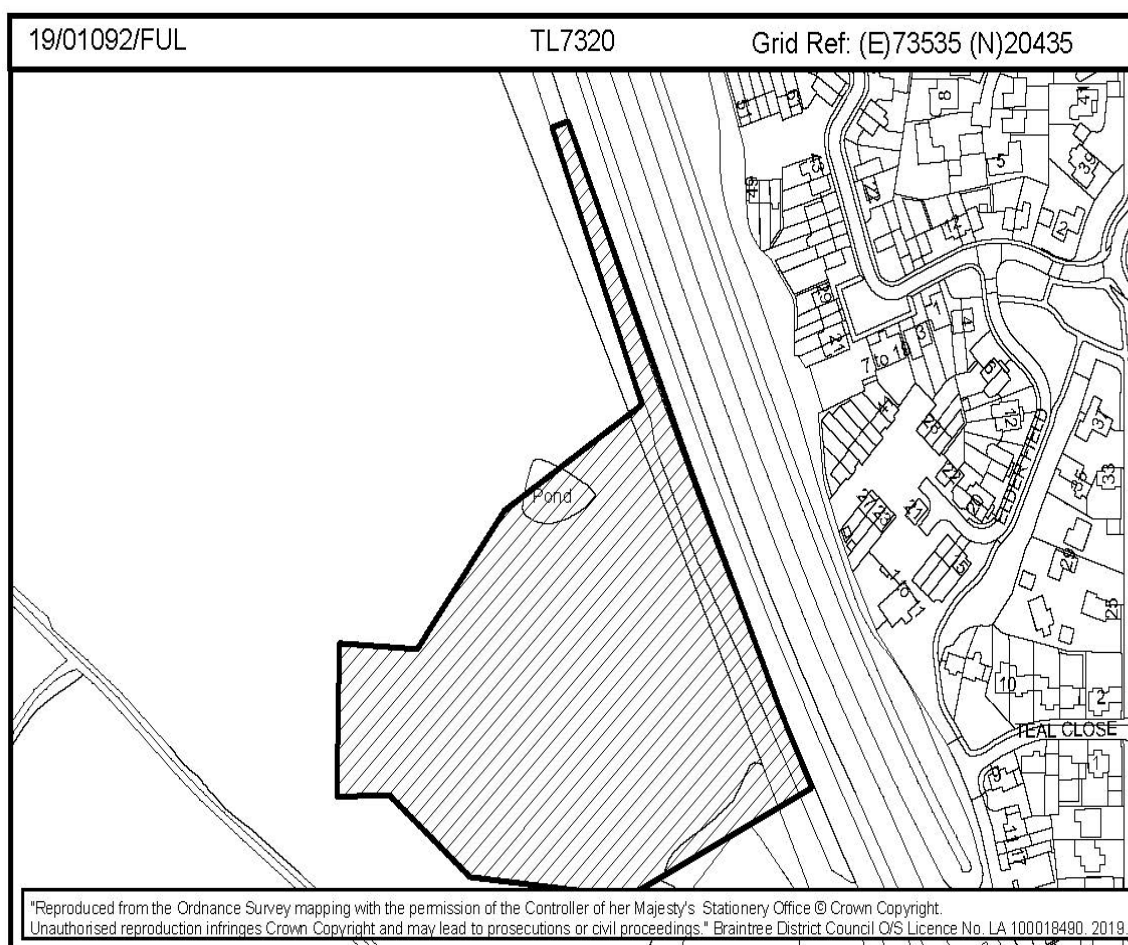
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/01092/FUL
DATE VALID: 18.06.19
APPLICANT: Mr Raoul Tufnell
Thorney Weir House, Thorney Mill Road, Iver, SL0 9AQ
AGENT: Ms Natalie Queffurus
Arup, 4 Pierhead Street, Cardiff, CF10 4QP
DESCRIPTION: Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.
LOCATION: Land West Of A131, London Road, Great Notley, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTAV8HBFH2E00>

SITE HISTORY

89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Pending Consideration	

18/00003/SCR	2011 - Scoping Opinion Request - Proposed business park Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.		07.08.18
19/01525/FUL	Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Pending Consideration	
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Pending Consideration	
17/01235/FUL	Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter	Granted	26.10.17

stands, DNO substation,
customer substation,
auxiliary transformer,
communication box, general
storage container, perimeter
fencing, CCTV security
monitoring system, lightning
protection rods,
underground cabling,
operation and maintenance
access track, landscaping,
temporary construction
access and associated
works and infrastructure.

POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP112	Town Centre Uses
RLP113	Shopping Areas

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Neighbourhood Plan

N/A

Other Material Considerations

Essex Parking Standards Design and Good Practice 2009
External Lighting Supplementary Planning Document

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of

significant public interest. The application also represents a departure from the adopted Development Plan and is therefore an application which has significant policy implications.

NOTATION

The application site is located outside the Great Notley Village Envelope as designated in the Adopted Local Plan. It sits partly within a much larger area allocated for strategic employment land provision.

The application site also sits partly within a much larger area proposed for allocation for employment use in the Publication Draft Local Plan which would be located within the revised Village Envelope.

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

SITE DESCRIPTION

The site lies in the countryside and measures approximately 2.3ha. It consists of a portion of agricultural land with limited associated trees and boundary hedge and fronts onto the A131 although there is currently no vehicular access to this road.

To the north and west the site is bounded by further agricultural land. To the south lies Slampseys Farm which contains two Grade 2 listed buildings. In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south. Great Notley Country Park lies to the north and expansive agricultural land to the west.

PROPOSAL

The applicant seeks full planning permission for an electric vehicle charging forecourt comprising 24 charging points, energy storage facilities, ancillary 'dwell' facilities for drivers/passengers, car parking, hard and soft landscaping and access arrangements from the A131.

The proposal is essentially for the equivalent of a petrol service station but for electric vehicles only. The concept however is markedly more advanced and makes specific provision for drivers to undertake a variety of carefully considered activities whilst waiting for their vehicles to charge.

The ancillary 'dwell' facilities are primarily contained within a 2 storey 'hub' building which makes provision for the following:

- Office space with IT equipment;
- Retail/Café space;
- Toilet facilities;
- Communal space.

These facilities are designed to allow drivers/passengers of charging vehicles to undertake activities such as browsing the internet; work at a hot desk, book a meeting room or use the retail/café facilities.

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

- Planning, Design and Access Statement;
- Drainage Statement;
- A full set of drawings;
- Heritage Statement;
- Landscape Appraisal;
- Transport Assessment;
- Statement of Community Involvement;
- Tree Survey.

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions relating to the following due to the proximity of residential dwellings to the west of the site:

- Hours of working;
- Hours of vehicular movements linked to construction;
- Submission of Dust and Mud Control Scheme for approval;
- No burning of refuse on site;
- Submission of piling noise/vibration for approval if piling to be used;
- Details of external lighting;
- Noise levels condition.

ECC Highways

No objection subject to conditions requiring a Construction Traffic Management Plan and completion of the proposed access prior to occupation of the development.

Highways England

No objection. The proposal is unlikely to have a severe impact upon the Strategic Road Network.

ECC Archaeology

No objection subject to conditions requiring Archaeological Fieldwork to be carried out prior to commencement of development.

ECC SUDs

Holding objection. At the time of writing Essex County Council SUDs have issued a holding objection. Following the submission of additional drainage strategy information this now solely relates to the discharge rate which is required to be restricted to the Greenfield 1 in 1 year rate rather than the previously permissible 5l/s which is currently proposed by the applicant.

This matter is being resolved and an update will be provided to Members at the Planning Committee.

BDC Economic Development

Support this application as it will generate 5 full time equivalent jobs.

Essex Police Architectural Liaison Officer

Having attended the consultation event we are pleased that the developer of this project has shown a keen interest in consulting with us on this development in support of Policy RLP90.

Anglian Water

No response received.

BDC Landscape

No objection however conditions relating to tree survey/protection and landscaping are required.

Landscaping – the mitigation measures outlined in the Landscape Visual Appraisal are not fully translated into the outline landscape plan which does not contain strong enough landscape planting, particularly to the site's south-western boundary.

Trees – consideration should be given as to whether any existing trees along the A131 boundary could be retained. Also whether (limited) new tree planting could take place on this boundary.

Therefore the following conditions are required:

- 1) An updated Arboricultural Impact Assessment with tree protection plan should be submitted giving consideration to the above
- 2) A detailed landscaping scheme shall be submitted for approval

BDC Ecology

No objection subject to the following conditions/requirements:

- A condition requiring a copy of the necessary Great Crested Newt License to be submitted to the LPA following its issue by Natural England
- Submission for approval of a Construction Environmental Management Plan
- Submission for approval of a lighting strategy

Also require an outline of the mitigation proposals in relation to the impact upon/loss of Great Crested Newt habitat to be submitted prior to determination of the proposal to ensure that what is proposed is sufficient from the LPA's perspective in addition to its future review/sign off by Natural England.

Historic Buildings Consultant

The construction of the A131 and development of Great Notley in the twentieth century has greatly altered the historic setting of Slampseys Farm and associated listed buildings, encroaching upon the agricultural landscape to the east of the farm. Additional development of the area surrounding the farm will therefore further remove the farmstead from its historic setting, detracting from the way in which the buildings are understood and experienced within the landscape.

Nevertheless, the design of the and scale of the proposals will not have an overbearing affect upon the heritage assets, which should remain distinctive within the landscape and readable as a separate, agricultural, set of buildings. Furthermore, the proposed landscaping and site plan will help to partially conceal the new development. Limitations on the signage and lighting could help to further mitigate the change in appearance of the currently agricultural, open site, and I would recommend that lighting is limited during hours of darkness, to ensure the sense of relative isolation of the heritage assets remains.

Due to the proximity of the proposed site to the heritage assets, there will be some harm to the setting of these assets. However, although contrary to paragraph 196 of the NPPF, I would place this harm on the lower end of less than substantial harm to the listed buildings. The proposed use of the site is likely to have benefits which will positively enhance the use of sustainable vehicles within the district and therefore the harm to the setting of the heritage assets needs to be balanced against the benefits to the wider area by the local authority.

Environment Agency

No response received.

Uttlesford District Council

No objection.

PARISH / TOWN COUNCIL

Great Notley Parish Council

No objection in principle. Request conditions relating to the following concerns:

- Proposed A131 access should have a longer deceleration lane and acceleration lanes for highway safety reasons.
- Need to make sure the facility doesn't adversely impact upon Great Notley residents in terms of the reliability and provision of electricity.
- Sufficient landscaping and screening of the site required to screen the facility from the view of Great Notley residents and to reduce noise impact upon residents.

REPRESENTATIONS

One letter of objection was received from the occupant of 41 Great Notley Avenue stating the following:

The proposed development, and particularly the Hub, is not a use that is appropriate to the countryside and does nothing to protect the intrinsic character and beauty of the countryside.

The immediate vicinity is an area within BDC that is promoted as countryside - the Notley Country Park and Great Notley Garden Village. This existing green field site should remain so. The proposed use is more appropriate to a site adjacent to the nearby A130 and other similar uses.

REPORT

Principle of Development

The application site is located within the countryside. It sits partly within a larger area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Draft Local Plan. The larger part of the site lies outside this allocated area and sits within the countryside.

In terms of the Adopted Core Strategy Policy CS4 allocates a large area (18.5ha) of land for an innovation and enterprise business park as part of the District's identified Strategic Employment Site provision. The Policy states that a Masterplan will be required and that in order to ensure a mix of uses the overall quantum of B8 use in the business park should be restricted to no more than 40% of the total floor area. A structural landscaping/wildlife corridor of 7ha is also required and is positioned along the A131 boundary.

Although it precedes the above allocation, Policy RLP28 of the Adopted Local Plan sets out the types of uses which are acceptable on industrial estates and

business parks which constitutes B1 (business); B2 (storage and distribution) and B8 (storage and distribution).

The proposal is for an electric vehicle charging station which is classed as a 'sui generis' use and is therefore a departure from both the Adopted and the Draft Development Plans.

It is also noted that the larger part of the site would sit outside the strategic employment allocation boundary allocation and would be located in unallocated countryside. This would also constitute a departure from the Development Plan and would be contrary to Policy CS5 of the Adopted Core Strategy which states that development outside settlement boundaries will be strictly controlled to uses appropriate to the countryside.

The proposal must therefore be assessed on its merits as the general principle of such development is contrary to adopted local planning policy.

It is also noted that part of the site benefits from planning permission granted in October 2017 (application reference 17/01235/FUL) for an energy storage scheme (temporary consent for a 30 year period) which remains extant and represents a fallback position which could be utilised.

Sustainability

Whilst the proposed use does not comply with B1, B2 and B8 employment uses, it is a proposal which would generate employment, needs to be located adjacent to a main vehicular route through the District; is well suited to being positioned adjacent to an innovation and enterprise business park and has very significant public benefit in terms of sustainability.

The proposal would provide 24 electric vehicle charging points with 12 ultra-rapid (150kW with under 30 minute charge time) and 12 rapid (50kW with over 30 minute charge time) charging speeds available and would be able to cater for all vehicle types including HGV's. Currently there are only limited charging facilities within the entire District and only 8 or so 50Kw rapid charge points with no ultra-rapid charge points.

Clearly, the applicant's proposal would make a very substantial contribution towards electric vehicle charging within the District and the proposed location would ensure it was well positioned to serve a much wider catchment.

In terms of Planning Policy, the NPPF acknowledges the increasing importance of electric vehicles in achieving sustainable development and states at Paragraph 110 that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. At the local level, the Draft Local Plan identifies at Paragraph 6.152 the need to encourage alternative approaches such as electric cars and to facilitate the infrastructure to support them to assist in reducing harmful emissions. Policy LPP44 of the Draft Local Plan builds on this stating that development proposals should provide appropriate facilities

for a variety of (sustainable) transport modes including 'facilities for charging points and other ultra-low emission vehicles'.

There is clearly therefore planning policy support for such proposals and with electric vehicle ownership steadily increasing, the provision of a major charging facility within the District is of clear benefit in terms of achieving and stimulating sustainable development.

Heritage

There are two listed buildings and a dovecote located to the south of the application site at Slampseys Farm. The applicant has submitted a Heritage Statement in support of their application which assesses the potential impact of the proposed development upon these heritage assets. The Statement finds no harm to be caused to any of these buildings.

The Council's Historic Buildings Consultant however has been consulted and has stated the following:

Due to the proximity of the proposed site to the heritage assets, there will be some harm to the setting of these assets. However, although contrary to paragraph 196 of the NPPF, I would place this harm on the lower end of less than substantial harm to the listed buildings. The proposed use of the site is likely to have benefits which will positively enhance the use of sustainable vehicles within the district and therefore the harm to the setting of the heritage assets needs to be balanced against the benefits to the wider area by the local authority.

Where it is identified that a proposed development would cause less than significant harm to a designated heritage asset the NPPF requires a 'heritage balance' to be undertaken stating:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'

The proposal is identified as causing less than substantial harm to the identified heritage assets and more specifically to be at the 'lower end' of the less than significant harm scale. In terms of public benefit, the development would make a very significant contribution to electric vehicle charging facilities within the District and, being situated on a major transport route, the wider hinterland.

Officers consider that the public benefit of the proposal in facilitating more sustainable modes of transport therefore outweighs the limited heritage harm identified.

Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (Paragraph 56) that 'good design is a key aspect of sustainable development' and that (Paragraph 58) developments should 'function well and add to the overall character of the area...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate landscaping'.

The proposed layout would consist of the main charging area which would contain 24 vehicle charging points and would be covered by a canopy roof with inverted pitch with solar panels mounted on top of it. The hub building with its associated facilities and services would be located immediately adjacent to this with dedicated parking areas running along the north-eastern and south-western boundaries of the site. An internal loop road would provide access around the site and would lead back to a roundabout positioned on the outer side boundary. This in turn would link to a new access road taken from the A131.

This access road and the new roundabout located within the site boundary would serve the proposed development but have also been specifically designed to serve the wider innovation and enterprise business park.

Between the proposed main access and the hub building the applicant proposes to locate the required electrical infrastructure with an associated substation all of which would be single storey structures.

The proposed layout is functional and is considered to be appropriate for the intended use of the site.

In terms of design, there are two key elements to the scheme. The hub building is the focal point and consists of a two storey building measuring approximately 8.5m in height with taller section measuring approximately 10.6m. It is of a contemporary design which uses expansive glazing and a modern architectural form to create a focal point for the development.

The second component of the scheme is the charging area which is similar in appearance to a petrol filling station with a modern canopy roof and multiple rapid charging points for vehicles to park and connect to.

As a whole, the design of the proposal is clean, contemporary and appropriate for a cutting edge facility such as that proposed.

Landscaping

The applicant has submitted a Landscape and Visual Appraisal in support of their application.

The strongest landscape planting is proposed to the site's southern boundary with a 2m high deer proof stock fencing (posts with mesh) being located along with native species planting including a hedgerow. The applicant's Landscape Appraisal indicates that the hedge would reach its full proposed height of 2.5m within 5 years of being planted and would thereafter screen the southern site boundary efficiently.

Tree planting is also proposed and it is anticipated that within 10 years these would reach a mature height of around 9m, providing a degree of screening to the development from various affected viewpoints.

Other boundaries would be maintained at a lower height where the site would front into the wider employment site allocation and the A131. This is considered appropriate and would also allow the necessary visibility of the site from the A131 so that passing motorists are aware of the charging station's presence.

In terms of tree removal, the applicant proposes to remove 8 individual trees, 8 groups of trees and parts of 2 further tree groups which together forms a notable stretch of planting, but all of which are either Category C or Category U. The trees would be removed to facilitate the proposed access road and to provide the site with a degree of frontage to/visibility from the A131. Although a degree of harm would be caused by removing these trees, all are of a low category and it is accepted that their removal is necessary, both to facilitate the access to the site but also to ensure that the charging station is actually visible enough from the road. However, as a whole, Officers consider that there is scope to improve the applicant's illustrative landscape scheme.

The Council's Landscape Team have reviewed the Landscape Appraisal, the proposed landscape planting scheme and the proposed tree removals and have no overall objection but have raised concerns which would need to be addressed by way of conditions. The first relates to the need to consider whether any trees could be retained along the A131 boundary to enable a clear view of the charging station to passing motorist but with a degree of filtering from planting. If any trees could be retained the Tree Report would need updating.

Secondly, the illustrative landscape plan which has been submitted is considered to be weak. Stronger planting is required to the south-western boundary and consideration needs to be given to planting some well-spaced, carefully positioned trees along the sites A131 boundary if none can be retained. Again, this would allow good views into the site but soften them slightly.

Officers note that the strategic allocation for the larger employment site includes a landscaped buffer which runs parallel to the A131. This buffer stops adjacent to the roundabout to the north of the application site to acknowledge that a new access will be required here. The current proposal includes a second access point from the A131 and therefore requires the removal of an additional section of the proposed landscape buffer. In planning terms, it is accepted that having two access points to such a large strategic employment site is beneficial and that the charging station has a genuine need to be visible from the A131. The existing trees to be removed are identified as Category C and Category U and their removal is not considered to be objectionable in this context.

The strategic allocation under Policy CS4 of the Adopted Core Strategy also required a masterplan to be produced and a preferred masterplan for the site was completed. Again, this shows the landscape buffer to the A131 which is discussed above. In addition, it also shows a landscape buffer to the south-western boundary of the allocation which is located on land immediately to the south-west of the current application site boundary. Importantly this south-westerly landscape planting can still be achieved on the wider employment site and the current application does not prejudice the opportunity for significant landscape screening to be achieved to this part of the future employment site as a whole, nor does it prejudice the delivery of the employment site as a whole.

Overall, subject to conditions relating to a detailed landscaping scheme and the submission of an updated Arboricultural Impact Assessment which would allow Officers to ensure that the highest possible standard is achieved in terms of landscape planting, mitigation and tree planting/retention, it is not considered that there are any grounds to recommend refusal of planning permission.

Ecology

The applicant submitted an Ecology Report in support of their application. The majority of the application site is agricultural land and is not of notable ecological value. A narrow strip of broad-leaved plantation woodland is located along the edge of the site alongside the A131 and there is an area of unimproved grassland to the north of the site and an area of tall ruderal vegetation to the south.

A (dried up) pond is also positioned on the site which in the past was identified as holding a medium population of Great Crested Newts. No bat roosts or badger setts were identified on the site.

The Council's Ecology Officer has reviewed the application and sought further information with regard to the potential impact upon Great Crested Newts. The applicant's Ecology Report identifies that the pond on site was found to be dry during spring 2019 but that pond desiccation (drying out and then filling up again) is not uncommon in the long term. It is possible Great Crested Newts are still present within the site in small numbers within suitable terrestrial

habitats and could use the pond again should it ever fill up. The proposed access road would impact upon the outer edge of the dried pond which would be likely to result in this pond being marginally reduced in size.

The loss of terrestrial habitat for Great Crested Newts is not considered to be a significant negative effect due to the agricultural field being sub-optimal habitat for Great Crested Newts in their terrestrial life stage and the extent of other suitable terrestrial habitat in the immediate area. However, a license is required from Natural England to ensure that appropriate care is taken not to kill or injure any newts that could be present on the site during the construction phase. This license would also detail any necessary mitigation measures which Natural England would review and sign off.

The applicant is submitting, at the Council's Ecology Officers request an outline mitigation strategy which will form the basis of their future submission to Natural England when they apply for their Great Crested Newt license. This outline strategy will be reviewed by the Council's Ecology Officer and an update provided to Members at the forthcoming Planning Committee meeting.

Subject to the outline strategy being found to be acceptable from the LPA's perspective, the Council's Ecology Officer has no objection to the proposed development but requires conditions relating to the following:

- A condition requiring a copy of the necessary Great Crested Newt License to be submitted to the LPA following its issue by Natural England
- Submission for approval of a Construction Environmental Management Plan
- Submission for approval of a lighting strategy

The Ecology Report also identifies mitigation and enhancement measures including native tree and shrub planting, the provision of wildflower rich grassland around the site periphery and the erection of bat and bird boxes. A condition is therefore recommended to secure this.

Highways and Parking

The applicant proposes a new access to the site from the A131. This has specifically been designed to be of an appropriate standard to serve the wider employment allocation to the north as well as the application site.

A Transport Assessment has been submitted in support of their application which concludes that the development would have a negligible impact upon the existing road network. In terms of vehicle movements, the Transport Assessment predicts that the development could generate 85 inbound and 86 outbound vehicle movements in the pm peak hour (1700 – 1800). However, it is then assumed that 80% of these trips would be pass by or linked trips i.e. drivers already on the road network for another reason who would divert to recharge their car, in the same way petrol car drivers would stop to refuel on the way home from work as opposed to specifically undertaking a trip solely to refuel.

Applying this assumption, which Officers consider reasonable, reduces the developments unique trip generation from 173 movements to 34 movements, meaning that only 34 new trips would be generated by drivers undertaking a trip for the sole purpose of refuelling their vehicle.

Essex County Highways have been consulted and have no objection to the proposal on highway grounds subject to conditions relating to the provision of a Construction Management Plan and the completion of the access prior to occupation of the development. Highways England have also confirmed they have no objection to the proposal.

With regard to parking, the Essex Parking Standards (2009) do not set out a requirement for an electric vehicle charging station as the concept is a new one. The overall proposal is also for a sui generis use which again does not have a specific parking standard. Breaking down the different components within the proposed sui generis use does however give a limited degree of comparison.

Standards are set out for petrol filling stations which offer a reasonable comparison. The requirement detailed is for 1 space per 20sqm of retail floorspace only. The applicant's proposal includes a maximum of 190sqm of (A1) retail floorspace and 117sqm of (A3) restaurant/café floorspace at ground floor level. This would generate a maximum requirement of 10 spaces to serve the retail floorspace and 24 spaces for the A3 floorspace (although Officers note that the parking standards do not specifically require parking spaces for A3 filling station floorspace, only for A1 filling station floorspace).

At first floor level the use is specified as 'D2' (assembly and leisure) which generates a requirement of 1 space per 20sqm with a maximum requirement of 14 spaces. Overall, based on individual calculations of the different floorspace types within the proposal the maximum parking requirement is 48 spaces. However, it is important to note that this calculation is reached by applying different sections of the parking standards and is not considered to be a particularly realistic or appropriate calculation. The A1, A3 and D2 uses within the hub building are all aimed at drivers already using the charging station and are not designed to operate in the manner that a normal A1 retail facility or A3 café would operate. It is reasonable to assume that a large proportion of people using the above facilities will be doing so whilst their vehicle is charging.

Overall, the applicant proposes 28 car parking spaces on the site, in addition to the 24 charging bays and 5 peripheral spaces for staff with 5 staff members anticipated in total. A parking enforcement regime will also be put in place using ANPR cameras and permitting a 3 hour maximum stay in non-charging spaces (i.e. standard parking spaces). The combined total of charging spaces and car parking spaces is 57 spaces. The Essex Parking Standards provide a limited degree of guidance but this is a bespoke development and Officers consider that an individual approach is required when assessing parking provision. The parking standards maximum requirement of 48 parking spaces

is comparable to the 57 spaces proposed, considering that 24 of these spaces are charging bays but also that most people visiting the site will be there to charge their cars rather than just to use for example the modest retail facility.

Amenity

Policy RLP118 of the Adopted Local Plan also requires that the impact of the proposal on the amenity of the area must be acceptable.

The charging station would operate on a 24/7 basis but would be staffed between the hours of 0600 – 2200 only.

In this case the site is located on agricultural land and is not in particularly close proximity to existing dwellings. The nearest dwellings are located on the opposite side of the A131 at a distance of approximately 85m. Whilst the charging station is not identified as being a use which is likely to generate a large amount of noise, the Council's Environmental Health Team have recommended that a safeguarding condition is used to ensure that noise levels will not have a detrimental impact upon existing residents in the area. A second condition relating to details of external lighting is also recommended for the same reason along with a standard set of conditions to safeguard the amenity of the area during the construction process.

With these conditions in place, it is not considered that the proposal would have a detrimental impact upon the amenity of the area.

Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding.

The applicant proposes to utilise a SUDs system consisting of a new pond to be constructed on the site with the possibility of an attenuation tank (holding tank) to be located under part of the proposed car parking if additional capacity is required. Outflow from the pond and the tank would be controlled into the existing ditch which runs adjacent to the A131.

Essex County Council were consulted as the Lead Local Flood Authority and have placed a holding objection but only in relation to a single aspect of the scheme (discharge rates) which is being resolved. A standard set of drainage conditions is anticipated as being required and an update will be provided to Members at the Planning Committee meeting.

In terms of foul drainage, the applicant considers it likely that a septic tank will need to be installed although this would no longer be required if the wider employment site is developed with associated infrastructure. The Environment Agency have been consulted. At the time of writing no response has been received and Officers do not consider that the provision of a septic tank, likely on a temporary basis is objectionable.

Archaeology

The site has been identified as having the potential for below ground archaeological remains within the site. The Essex County Council Archaeology Officer has advised that *'Recorded evidence for Iron Age and Romano- British activity are identified within the wider area, as well as possible older prehistoric activity from findspot evidence. The Roman road through Braintree lies less than 500m to the southeast.*

A homestead has existed at Slampseys from at least the late-11th century; amongst the surviving historic farm buildings are two barns dating to the 15th and 18th centuries respectively, both of which are listed buildings. A lane leading from the medieval farmstead is depicted on the historic maps and is likely to be medieval in origin'.

Conditions are therefore required to ensure that trial trenching and appropriate archaeology recording is completed.

PLANNING BALANCE AND CONCLUSION

The proposed development would sit partly within an allocated strategic employment area and partly in the countryside although the larger part of the scheme is located in the latter. Whilst the proposal represents a departure from the adopted and the Draft Development Plans, Officers consider that the proposed location is appropriate for an electric vehicle charging station. A fall-back position also exists for part of the site for the development of an energy storage facility.

Furthermore, the scheme will bring a significant and tangible public benefit to the District and represents a cutting edge proposal with very significant benefits in terms of making a real difference to the viability of owning an electric vehicle in this area.

The identified harm caused by the proposal is limited, with a degree of landscape, ecology and highway impact although none are considered to be severe and mitigation/enhancement measures have been identified. It is not considered that the development would prejudice the delivery of the much larger strategic employment site allocation, given that the proposed access has specifically been designed to serve this wider area and has been agreed with Essex County Highways.

The heritage balance has been completed and found to fall in favour of the proposal.

Overall, it is considered that the proposal would bring clear environmental; economic and associated social benefits and constitutes sustainable development.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Other	Plan Ref: Sustainable Drainage Strategy	
Other	Plan Ref: Energy Storage Container	
	Version: REV A	
Other	Plan Ref: Substation Details	Version: REV A
Other	Plan Ref: Transformer Details	Version: REV A
Other	Plan Ref: Sectional Elevations	Version: 004 P1
Section	Plan Ref: Cross Section	
	Version: 267494-00 P02	
Access Details	Plan Ref: IW-ARP-HSR-EFB-DR-CH-000003	
	Version: P02	
Access Details	Plan Ref: IW-ARP-HSR-EFB-DR-CH-000001	
	Version: P03	
Planning Layout	Plan Ref: 8266-BOW-A-002	Version: P1
3D Visual Plan	Plan Ref: 8266 009	
Proposed Block Plan	Plan Ref: 8266 003	Version: P1
Proposed Floor Plan	Plan Ref: 8266 005	
Proposed Elevations	Plan Ref: 8266 006	
Proposed Roof Plan	Plan Ref: 8266 007	
Proposed Site Plan	Plan Ref: 8266 008	Version: P4

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

Reason

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

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

Reason

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

- 3 No above ground development shall commence unless and until samples of the materials to be used on the external finishes of the proposed hub building, external store/waste recycling building and electric forecourt canopy have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 4 No development shall commence unless and until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 5 Prior to first use by the general public of the development hereby approved details of all gates/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as such.

Reason

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

- 6 No above ground development shall commence unless and until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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.

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

Reason

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

- 8 The energy storage containers hereby permitted shall have an external colour finish of Moss Green (RAL 6005) or similar.

Reason

To minimise the visual impact of the development on the surrounding area.

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

Monday to Friday 08:00 - 18:00 hours

Saturday 08:00 - 13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

To safeguard the amenities of the locality and the appearance of the

development.

- 10 There shall be no construction vehicular movements to, from or within the premises outside the following times during the construction phase of the development:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays no vehicular movements

Reason

To safeguard the amenities of the locality and the appearance of the development.

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

Reason

To safeguard the amenities of the locality and the appearance of the development.

- 12 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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

Reason

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

- 13 No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with the written scheme of investigation which has been submitted as part of this application. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

Reason

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

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

Reason

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

- 15 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of 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

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

- 16 The sound pressure level from the installed equipment hereby permitted shall not cause any increase in the background noise level (5 minute LA90) when measured at the boundary of the nearest noise sensitive property.

Reason

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

- 17 No occupation of the development shall take place until the access arrangements as shown in principle on the planning application drawings have been provided or completed.

Reason

To protect highway efficiency of movement and safety

- 18 Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

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

- 19 Prior to the commencement of development the applicant shall submit a copy of the necessary Great Crested Newt license to the Local Planning Authority following its issue by Natural England.

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).

- 20 Prior to the first occupation of the development a Biodiversity Mitigation and Enhancement Strategy shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Appraisal Report (Arup, 14 June 2019). The Strategy shall

include timescales for implementation.

The works shall be implemented in accordance with the approved details and timescales 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).

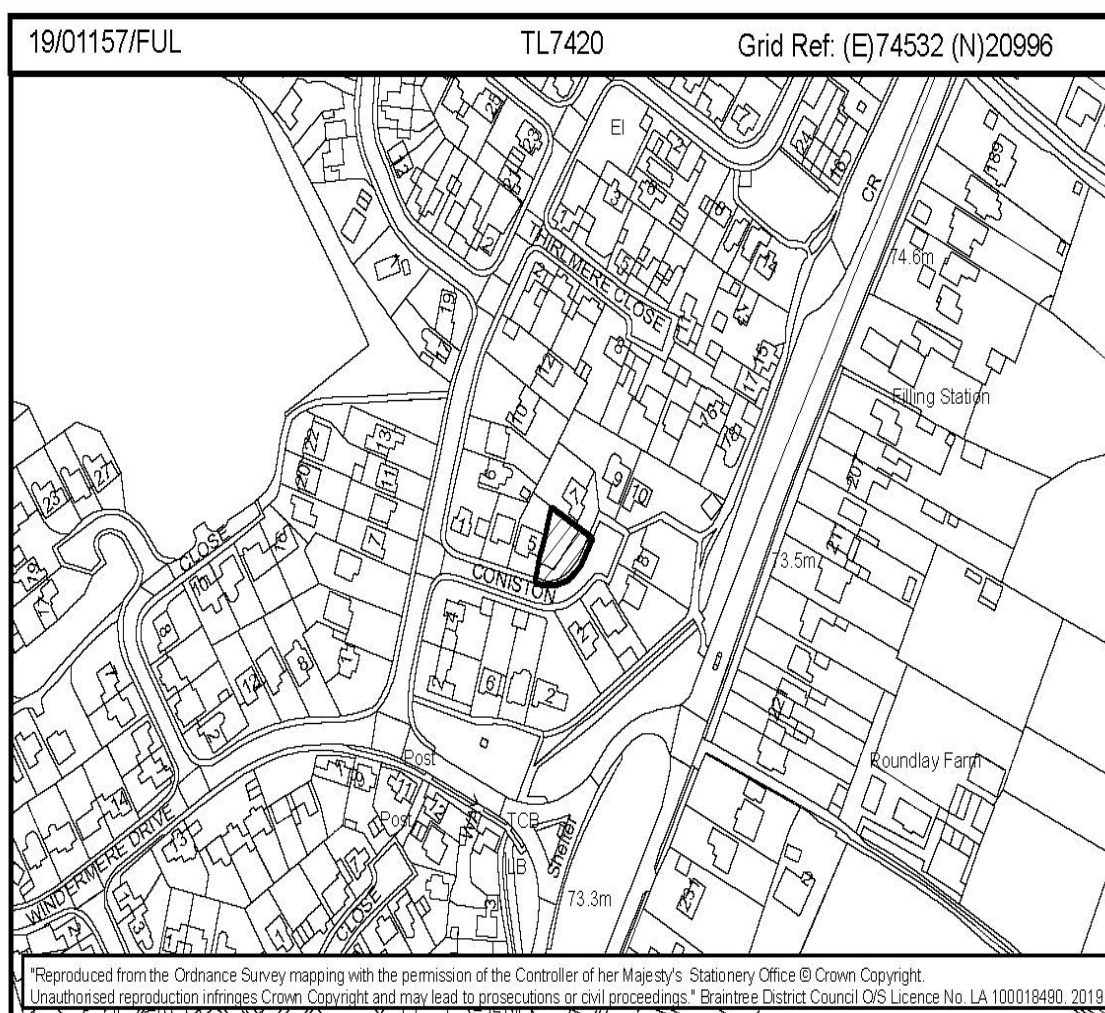
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/01157/FUL DATE: 11.07.19
VALID:
APPLICANT: Mr Daniel Batchford
5 Coniston Close, Great Notley, Essex
AGENT: Mr Matthew Chorley
3, Brassie Wood, Chelmsford, CM3 3FP
DESCRIPTION: Erection of 1No. 3-bedroom dwelling.
LOCATION: Land Adjacent, 5 Coniston Close, Great Notley, Essex

For more information about this Application please contact:
Ellen Cooney on:- 01376 551414 Ext. 2501
or by e-mail to: Ellen.cooney@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTTB44BFH8A00>

SITE HISTORY

91/01320/PFBS	9101320pfbs	Granted	07.01.92
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP65	Local Community Services and Facilities

Neighbourhood Plan

N/A

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 the Council's scheme of delegation as Great Notley Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located within the Great Notley development boundary. The site is currently comprised of a five bedroom detached dwelling with a substantial garden which forms part of a spacious corner plot, a defining feature of the close.

PROPOSAL

The proposal is for the erection of one detached three bedroom dwelling at No.5 Coniston Close. It is proposed that the plot be subdivided to facilitate this development.

CONSULTATIONS

Environmental Health – No objection.

ECC Highways – No objection.

PARISH / TOWN COUNCIL

Great Notley Parish Council objects to the application on the basis that the area on which the proposed dwelling would be built forms an open space in accordance with the landscape design of White Court. The area incorporates soft landscaping and vegetation which enhances the area for residents. The addition of another dwelling would add to the parking problems experienced within Coniston Close.

REPRESENTATIONS

Sixteen letters of objection were received, the responses are summarised below:

- Further increase of traffic and car parking in Coniston Close could cause problems for access to existing properties.
- This dwelling would set a precedent for residents subdividing their plots.
- The proposal would result in a reduction of green space and would set a precedent of removing boundary walls and rebuilding them to enclose land.
- The proposed dwelling is on a blind bend with no dropped curb.
- The owners of No.5 have removed many well established trees so No.7 is now overlooked.
- The upstairs of the proposed dwelling would look into the bedrooms of No.7, one of which is for a child, this would create a safeguarding issue.
- New boundary treatments would be introduced to the side of the property.

- The proposal would add extra cars turning at the end of the cul-de-sac which is a safety issue for children.
- The dormer windows would overlook the neighbouring property.
- The proposed dwelling and new boundary treatments would enclose the current open aspect of the close.
- The proposed garden sizes of No.5 and the proposed dwelling would not be proportionate to the size of the dwellings.
- The face of the Coniston Close would irrevocably be changed forever.
- Braintree District Council's lack of 5 year housing land supply should not lead to a decision which would have a detrimental impact on neighbouring amenity.
- The proposal would result in a loss of established landscaping.
- The garage would cause a blind spot to neighbours pulling out of their driveways.
- The revised plans do not solve the overlooking issues.
- The garage that has been removed could be built under permitted development.
- The revised plans show that more landscaping has been removed from the rear gardens to accommodate the new dwelling.
- Policy RLP4 should be used to protect this visually important open space.
- This plot was not designed for residential development.

The issues set out above have been addressed within the body of this report.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to 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 should be proactive in guiding development towards sustainable solutions, taking local circumstances into account, to reflect the character, needs and opportunities of each area. 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 improve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point of 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 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 Council) 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 the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located within the Town Development Boundary of Braintree. Subsequently, the principle of development is acceptable, as established by Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan.

The proposed development is not therefore considered to be contrary in principle to the Development Plan or the emerging Draft Local Plan.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

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

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

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

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

The application site in this case is located within development limits, in a sustainable location. The proposal is considered to be satisfactory in this regard.

Design and 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 are, amongst other matters, sympathetic to local character and history, including the surrounding built environment.

Policy RLP2 of the Adopted Local Plan states that new development shall be confined to town development boundaries and village envelopes. Policy RLP3 of the Adopted Local Plan states that development will only be permitted in these areas where it satisfies design, amenity, highways and environmental criteria.

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

landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

Coniston Close is a cul-de-sac located within the Great Notley development boundary. It is defined by detached dwellings which benefit from relatively spacious front gardens and regular setbacks. The corner plot is a prominent feature which provides soft landscaping and a sense of spaciousness within the cul-de-sac. However, this plot is largely comprised of private amenity space which serves No.5 Coniston Close.

The proposal is to subdivide the plot of No.5 Coniston Close and construct a modest detached dwelling. In terms of design and appearance, the proposal would be in keeping with the surrounding street scene. The dwelling is a simply designed with a standard dual pitched roof and cladding to the front elevation of the dwelling with faced brickwork to the side and rear elevations. A small porch would contribute to the front elevation and bi-folding doors to the rear. The ridge and eaves heights would mirror that of No.5 to remain in keeping with its surroundings in terms of scale.

The amenity space would be enclosed to the side with close boarded timber fencing. This boundary treatment would be set back from the highway by 4.17 metres, allowing soft landscaping to be planted to retain the character of the corner plot.

The original design had greater scale and massing in terms of a single storey side element comprising a garage and two dormer windows to the rear. This design was considered to be an overdevelopment of the plot and did not respect the set-back building lines of the close. The garage, rear dormers and front roof lights were removed from the development. This improved the scale and massing of the dwelling in relation to plot boundaries and allowed more landscaped green space to the front and side of the plot so that the feature of the corner plot would be retained.

Parking would be provided at the front of the site. This would be align with the rest of the properties within Coniston Close.

In summary, the proposed development is considered to be acceptable in terms of design, appearance and layout. However, to ensure the site is developed satisfactorily a condition has been attached removing permitted development rights for Class A, B and E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Impact on Neighbouring Residential Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policies LPP50 and LPP55 of the Draft Local Plan, all emphasise the need to protect the

amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

Due to its position on a corner plot, the dwelling would be within close proximity to No.5 and No.7 Coniston Close. Although the dwelling would be built up to the boundary with No.5, there are no side elevation windows proposed and the dwellings would be aligned so that there would not be any overlooking, overbearing, overshadowing or loss of light to the property.

The rear garden of the proposed dwelling would back onto the flank elevation of No.7. The Essex Design Guide sets out when a new house will 'back onto' an existing house, how close the new building can be to the boundary. It states:

Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved.

However, this application proposes a new dwelling which is at a right angle to No.7, i.e. the rear of the new dwelling would face the side of the existing dwelling. On this, the Essex Design Guide states:

Where the new houses are at right angles to the existing, there are no windows in the flank end and no problems of overshadowing the new houses may encroach up to 1 metre from the boundary. Again, some planning authorities may require a wider spacing.

The new dwelling would be set at a 90° angle to No.7. This therefore allows a closer distance to the boundary. There is a window in the side elevation of the neighbouring dwelling, which it is understood serves a bedroom, which would be approximately 14 metres from the rear elevation of the new house. Furthermore, there is a large tree which provides some screening for most of the year.

Officers are satisfied that, by virtue of the distance, the orientation of the dwelling in relation to the existing neighbouring dwelling, and also the tree screening, impacts on neighbouring residential amenities would not be unacceptable.

Consideration must also be given to the relevant standards in terms of amenity space. The Council has adopted the Essex Design Guide (EDG) which recommends minimum garden sizes of 100sq.m for a three-bedroom or more dwelling. The existing dwelling would have benefit from a garden of 156sq.m and the proposed dwelling would benefit from a garden of 10sq.m. The proposal is therefore in accordance with the EDG.

In addition to the above, the nationally described space standards, which are incorporated into Policy LPP37 of the Draft Local Plan, provide a clear direction for the level of internal amenity that should be provided for new dwellings. For a two storey dwelling, with three bedrooms, for five persons, 93sq.m of gross internal floor space is recommended as a minimum.

The gross internal floor space for the proposed dwelling would be 95sq.m. The two double bedrooms proposed would measure 12.1sq.m and the single bedroom proposed would measure 7.5sq.m. It is also noted that each of the bedrooms would benefit from an acceptable level of light and outlook.

It is therefore considered that the proposed dwelling would benefit from an acceptable provision of internal and external amenity.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local 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 new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

There have been objections to the scheme in relation to the intensification of the lack of parking which is already experienced within Coniston Close. However, the proposed development incorporates two off-street parking spaces in accordance with the above standards and therefore the proposal is considered to be satisfactory in this regard.

Essex County Council Highways have been have raised no objections to the proposed development.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

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

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

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

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 development boundary where the principle of development is acceptable.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

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).

In terms of benefits, the proposed development would provide an economic benefit during construction, whilst also satisfying the social objective by creating a well-designed home in an accessible location. There would be an environmental benefit in the context of the site's proximity to local services and public transport, subsequently reducing the need for private car use.

With regards to the harm identified, there would be a partial loss of green space, however the proposal has been designed to minimise this and it is not considered that this would have a level of impact on the street scene such as to warrant a refusal of planning permission. While there have been objections regarding the new dwelling overlooking No.7 Coniston Close, the proposal has been amended to allow more privacy and it has been identified that it is compliant with the Essex Design Guide in terms of new dwellings which are built at a 90° angle to existing dwellings.

When considering the planning balance and having regard to the benefits and harms identified, and having regard to the requirements of the NPPF as a whole, it is concluded that the proposed development would constitute sustainable development of good design with suitable private amenity and parking and would not have a detrimental impact on neighbouring amenity. Therefore, it is recommended that planning permission be granted.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: A1844 / 301	
Proposed Elevations and Floor Plans	Plan Ref: A1844/201	Version: F
Site Plan	Plan Ref: A1844/202	Version: F

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

Reason

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

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

Reason

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

- 3 No 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 only be implemented in accordance with the approved samples.

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 or alteration of the dwelling-house, as permitted by Class A and Class B 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 protect the amenities and privacy of adjoining 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 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.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER