

PLANNING COMMITTEE AGENDA

Tuesday, 05 November 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

Page

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 22nd October 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

5a	Application No. 18 01481 FUL - Halstead Hall, Braintree Road, HALSTEAD	6 - 37
5b	Application No. 18 01803 OUT - Land at the junction of Brook Street and Fenn Road, HALSTEAD	38 - 73
5c	Application No. 19 00069 OUT - Land West of Bardfield Road, FINCHINGFIELD	74 - 103
5d	Application No. 19 01047 REM - The Dutch Nursery, West Street, COGGESHALL	104 - 140
5e	Application No. 19 01317 FUL - EE Mast, Church Lane, BRAINTREE	141 - 154

PART B

Minor Planning Applications

5f	Application No. 19 01407 HH - 11 The Maltings, RAYNE	155 - 161
5g	Application No. 19 01424 HH - 12 The Croft, EARLS COLNE	162 - 168
5h	Application No. 19 01447 HH - 14 The Croft, EARLS COLNE	169 - 175

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

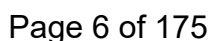
Page

8 Urgent Business - Private Session

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

AGENDA ITEM NUMBER 5a

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PDICZNBF01000>

SITE HISTORY

19/00075/NONDET	Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 30 bungalows and layout associated car parking, drainage and landscaping.		
03/00717/FUL	Erection of two storey rear extension	Granted	10.07.03
81/00047/	Alterations, conversion and change of use from coach house and flat to single dwelling	Granted	10.03.81
82/00620/	Erection of detached double garage and formation of access	Granted	06.12.82
83/01369/	Change of use from private residence to residential home for the elderly	Granted	14.02.84
86/00646/	Erection of shed in connection with operation of residential home	Granted	22.07.86
86/00839/	Erection of double garage and summer house	Granted	08.07.86
88/00098/	Erection of front and rear extensions	Withdrawn	29.03.88
88/00098/P	Erection Of Front And Rear Extensions	Withdrawn	29.03.88
89/02061/P	Erection Of Single Storey Extension, Loft Conversion And Existing Front Porch Infilled	Refused	12.12.89
89/02307/P	Loft Conversion And Existing Front Porch Infilled.	Granted	17.01.90
93/01249/FUL	Proposed conservatory to side of existing building.	Granted	11.11.93
98/01208/FUL	Erection of two storey rear extension and minor alterations	Granted	08.10.98
05/01446/FUL	Proposed staircase enclosure, minor roof re-	Granted	13.09.05

07/00110/TPO	alignments, window and internal alterations Notice of intent to carry out works to trees protected by Tree Preservation Order No. 1/66 A1 - Fell 1 Beech tree	Granted	19.02.07
07/00628/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No: 1/66 - A1 - Prune back lowest branch of a Desdar Cedar	Granted	23.04.07
18/01367/FUL	Single storey rear extension to provide ancillary spaces to service nursing home. Construct brick entrance piers to both main and staff entrances to the site.	Granted	24.09.18

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
RLP36	Industrial and Environmental Standards
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
RLP21	Institutional Uses in the Countryside

Braintree District Local Development Framework Core Strategy 2011

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

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
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP71	Landscape Character and Features

LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP35	Specialist Housing

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards

Settlement Fringes Landscape Area Evaluation 2015

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.

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 consists of 3.85 hectares of land which forms part of the curtilage of the existing care home now known as Halstead Hall, located on the south-western fringe of Halstead, outside the town development boundary. To the north of the existing care home is a building known as Green Lodge, which is current vacant and in a poor state of repair.

The site is bordered by the A131 to the east and Russells Lane to the south. The wider site is surrounded by open countryside and farmland to the north, south and west and to the east is new housing development.

The site is physically separated from the town of Halstead and is located outside the Town Development Boundary.

Opposite the application site to the southern side of Oak Road is a newly constructed housing development.

PROPOSAL

The proposal is the conversion and extension of a redundant building to create a 25no. bed specialist dementia unit and the erection of 30no. market bungalows.

The application relates to the refurbishment and extension of the existing redundant building known as Green Lodge to be used as a 25no. bed dementia unit, along with bin and cycle stores. The ground floor would contain 11no. en-suite bedrooms, a lounge, dining room, kitchen, staff facilities, assisted bathroom and office/reception. On the first floor there would be 14 no. en-suite bedrooms, an assisted bathroom, office/meeting room and large activity room. Two lifts are shown to create stair free access between the floors. The proposed extensions would create a courtyard garden in the centre of the building, with an outdoor seating area, overlooked by the proposed lounge.

The applicant states that a recent extension permitted to the existing care home, Halstead Hall, would result in facilities that would be shared between the new facility and the existing one. No works are proposed to Halstead Hall and the care home would continue to operate.

To the south west of the existing buildings on the site (Halstead Hall Care Home and Green Lodge) is a new parking arrangement that would serve both establishments. The parking spaces are shown to be arranged in two circular patterns, linked by a section of road. These spaces would be accessed from the A131 by the existing main entrance. An existing secondary vehicular access to the east of Halstead Hall will be retained and would be continued to be used as a service route and access to 30no. staff car parking spaces.

The application also includes the erection of 30no. market bungalows located on land to the west of Halstead Hall, which would have vehicular access from Russells Lane. The dwellings, which are semi-detached pairs, are arranged in an inward facing, oval shape with a landscaped central area and attenuation pond in the centre. A pedestrian route is shown from the eastern corner of this part of the site, adjoining plot 16, connecting the bungalows to the main vehicular access.

The applicant contends that the provision of the 30no. market bungalows is required to fund the creation of the specialist dementia unit and states that it is 'enabling development'. They also state that the bungalows would be aimed at 'older persons' market. This is discussed in more detail below.

CONSULTATIONS

BDC Environmental Health

No objections, suggest conditions on hours of construction, no burning, no piling and submission of dust and mud control management scheme.

BDC Waste Services

No comments.

BDC Landscape Services

The North Section's layout would be acceptable providing the details were revised and agreed by this local authority. The South Section's layout to be inappropriate in regards to density and form. The current unit number and size would pose a risk to the retention of boundary trees and that this layout fails to offer an adequate solution in terms of public open space.

BDC Ecology

Holding objection as further bat survey work is required.

ECC Highways

Following the submission of additional information the following comments were received:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

The site layout as submitted would not be considered for adoption by the highway authority. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions requiring the submission of a construction management plan and the implementation of the vehicular visibility splays as demonstrated on drawings 48842/P/001 and 48842/P/001/A.

Essex Police

BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.

Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

Noting that the vulnerabilities of proposed residents we feel it would be prudent for the developer to consult with us on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" and consideration of achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the

intended residents and those neighbouring the development are agreed prior to a planning application.

Anglian Water

Assets owned by Anglian Water, requests informatives to be added.

The foul drainage from this development is in the catchment of Braintree Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Conditions suggested regarding foul water strategy.

ECC Suds

No objection, conditions suggested regarding details of a surface water drainage scheme, maintenance plan and yearly logs of maintenance.

BDC Housing

9 affordable units would be required as per Policy CS2 of the Adopted Core Strategy and despite the applicant's claims that the scheme is not viable if affordable houses are provided. The applicant's evidence has been scrutinised and the Council consultant has concluded that the scheme is viable to provide a policy compliant level of affordable housing.

NHS

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £20,000. Payment should be made before the development commences. NHS England therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 Agreement.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

It is advised that you undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation, consulting with Natural England where necessary. You should

not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

TOWN / PARISH COUNCIL

Greenstead Green Parish Council

No objection.

REPRESENTATIONS

11 representations in support of the application received, making the following comments:

- Support the erect of bungalows for over 55 year olds
- Refurbishment of what was once a lovely house is recommended
- Will create a greater choice of housing in Halstead, particularly much needed single storey bungalows
- Great need for suitable care facilities for those with dementia
- Welcome the creation of dementia specialist unit
- Create jobs for local people

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 town boundary and as such is located on land identified as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the 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 not proposed for allocation for development in the Draft Local Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

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

Principle of Creating the Dementia Unit

The applicant makes reference to the Greater Essex (Southend, Essex and Thurrock) Dementia Strategy (2015-2020). The Strategy identifies 9 priorities aimed at improving support to ensure it is the best available and thus enable people to live in the community with dementia for as long as possible. The applicant states that in 2015 it was estimated that there are 19,000 people in Greater Essex with dementia but predicted to rise to 25,000 by 2025.

The applicant quotes that one of the priorities relates to 'Living well in long term care' and that the strategy notes "in 2014 the CQC found that the quality of care for people with dementia varied greatly. A key issue was that some hospitals and care homes did not comprehensively identify all of a person's care needs and there was variable or poor staff understanding and knowledge of dementia care".

The applicant states that whilst part of the strategy is to enable people to live well with dementia in the community, particularly during the early stages, those in a more advance stages of dementia will require specialist care. Therefore based on this County wide strategy the applicant believes that the provision of the specialist dementia care unit would support the aims of this strategy and dovetails with the existing care home.

A letter in support of the dementia care unit proposal from ECC was submitted as part of the application, however it does not go into any specific details with regards the need for this specialist care in this part of the District.

No further specific details with regards the demand or need for specialist accommodation in this part of the District have been submitted by the applicant.

Policy RLP21 of the Adopted Local Plan provides guidance with regards institutional uses in the countryside.

Residential care homes may be permitted in the countryside through the conversion of, or minor extension to, existing habitable dwellings, as an exception to countryside policies providing that:

- there is a high quality of design and landscaping in terms of scale, form, layout and materials;*
- there is sufficient amenity open space;*
- boundary treatments provide privacy and a high standard of visual amenity both for residents and the impact of the proposed home on its setting;*
- provision is made for the storage and recharging of wheelchairs and invalid carriages;*
- parking is provided in accordance with the Council's standards.*

The Council will also require written evidence that healthcare services, including visiting general practitioner and dental services, will be available for residents.

Policy LPP35 of the Draft Local Plan relates to specialist housing:

Specialist housing is defined as accommodation, which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults, and may include some elements of care and support for everyone who lives there.

Proposals for specialist housing provision are allocated on the Proposals Map and will be permitted within development boundaries providing that all the following criteria are met:

- a. Everyday services that users would expect to access, such as shops should be available on site or should be located close by and be able to be accessed by a range of transport modes*
- b. Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents*
- c. Parking should be provided in line with the Council's adopted standards*
- d. There is an appropriate level of private amenity space to meet the needs of residents*

Minor extensions to, or the expansion of existing specialist housing in the countryside, may be acceptable if all the following criteria are met;

- i. The scale, siting and design of proposals is sympathetic to the landscape character and host property*

- ii. The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings*
- iii. A travel plan should be provided, which sets out how additional staff, visitors and residents will access the site and ways to minimise the number of journeys by private vehicle*

New specialist housing on unallocated sites in the countryside will not be supported.

On sites allocated for specialist housing, general needs housing will not be permitted.

Given the adopted and draft policy restraints outlined above and the works proposed to Green Lodge to enable the creation of the specialist dementia unit would go beyond what the Council could support within the criteria of the above policy.

Despite the restraints of the above policies, given the intended relationship between the existing care home and the new facilities, it is considered that the principle of the proposed development of the specialist facilities, in isolation, could be supported.

Principle of Bungalow Development

The bungalows are proposed on land that is located outside the development boundary of Halstead in the countryside where Policy RLP2 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy and Policy LPP1 of the Draft Local Plan apply.

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 undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents 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. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

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 is located a significant distance from the town boundary of Halstead and no footway serves either side of Mount Hill in this location. A traffic island has recently been constructed close to the main vehicular access of the site, however should residents of the bungalows choose to cross the road at this point they would have a walk an approximate distance of 76m before they could access a footway.

This is unacceptable and dangerous and is therefore an unsustainable location due to the lack of safe pedestrian access to the services and facilities provided within Halstead.

Given the location of the site, with built development nearby it could not be argued that the site is isolated nonetheless given the above the proposal would conflict with the requirements of Policy CS7. This weighs against the proposal in the overall planning balance.

The applicant states within their supporting statement that the 30no. bungalows would be aimed at 'older persons', however the applicant has not indicated that this is their intention within the description of the development and nor have they suggested that a legal agreement be used to restrict the occupation of the bungalows to 'older persons'.

Viability of the Proposal and Enabling Development

In order to fund the specialist facilities, the applicants intend that the proposed market bungalows would act as enabling development to deliver the new care home. The applicant states that without the 'enabling development' the provision of the new facility would not be financially viable. In addition to this, given the financial constraints, no affordable housing is offered. The application has been supported by a viability assessment prepared by BNP Paribas Real Estate.

The report includes the following results analysis:

We have initially tested the scheme on the basis of the existing refurbished care home in addition to the new dementia unit (excluding the bungalows) in order to identify a base position and determine the deficit of this element of the scheme when compared to the benchmark site value.

In summary, our appraisal of the new build dementia units and the refurbishment of the existing building generates a residual land value of c.

£0.68m and when benchmarked against a site value of £2.39m the scheme is unviable by c. £1.71m.

Consequently, we have also undertaken an appraisal of the care home and dementia units together with the proposed 30 Bungalows in order to ascertain the impact of enabling development on the scheme deficit.

In summary, our assessment demonstrates that the proposed scheme with 30 bungalows generates a residual land value of c. £1.70m and when compared to a benchmark site value of £2.39m the scheme generates a deficit of c. £0.69m. Consequently, due to the deficit the proposed scheme cannot support any affordable housing.

The report concludes with the following:

The proposed development will provide significant benefits of a bespoke dementia facility within the proposed scheme will help to deliver the aims of the Greater Essex Dementia strategy and dovetails with the existing care home. However, the residual land value generated by the scheme is lower than the benchmark land value, with a deficit of c. £0.69m. The Applicant will therefore need to proceed on the basis that sales values will increase over the development period to address this deficit. Given the Applicant's affinity and interests within the local area in relation to providing care homes, a small reduction in profit level from industry standards, would also address the deficit identified.

Consequently, the proposed development is unable to deliver the benefits of the bespoke dementia facility as well as providing affordable housing units.

The LPA engaged an independent specialist to assess the report and its conclusions.

The Council's specialist has concluded that the benchmark construction costs quoted within the supporting documentation are not credible, as they are more appropriate to the construction of high rise flats rather than bungalows. Furthermore, there is no certainty that the scheme will be built out by the applicants and as such it is unrealistic to assume that the cost will be on average, 42% higher than a normal industry operator would build the bungalows for.

The land value benchmark (LVB) is important in defining viability; in particular, the financial relationship between residual value and the LVB.

Where the LVB is higher than the residual value (RV), then schemes are in principle, unviable.

It is important to establish the area to which the benchmark applies. This is the greenfield area where the bungalows are proposed to be built, along with the obsolete Green Lodge building. This is because these are the land and buildings to which the current application applies.

The Revised NPPF (July 2018) is very clear that land value benchmarks should be based on existing use value (EUV). It states:

‘EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses’.

And, it states further:

‘Existing use value is not the price paid and should disregard hope value.’ This represents a key shift away from previous guidance (e.g. that of the RICS) which recommended a ‘market value’ approach.

In the case of this application the EUV is made up in essence of a greenfield area of around 3 hectares. The land is undeveloped and bordered by agricultural land. To all intents and purposes it is agricultural, and a valuation of around £20,000 per hectare is appropriate. Therefore, circa £60,000.

The NPPF does allow for a premium over and above EUV to incentivise the land owner to bring the site forward. It states:

‘The premium (or the ‘plus’ in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements.’

It therefore is likely to be at a figure above EUV, but below a residual value for a new scheme taking planning policy requirements into account. There is no guidance on how this figure should be established but as there is always risk within the planning process the benchmark should certainly be set no higher than the residual value taking policy into account.

The applicants state (BNP Paribas report), in support of a LVB:

‘The NPPG refers to existing use values and alternative use values (AUV) as a benchmark against which the viability of schemes can be determined. The NPPG indicates that existing use values can inform the price that landowners would expect to achieve for their sites and therefore provide a ‘bottom line’ which would trigger release of the site.

The applicant has adopted a site value of £2.39m based upon the value of the existing care home and in support of this value we attach as Appendix 1 a report prepared by Christie & Co dated 27 July 2018.’

The Council’s specialist response to these statements is summarised below:

- It is incorrect to state that the NPPF allows for alternative use – as it specifically and demonstrably excludes it;
- The site value of £2.39 million relates to land and property outside of the current planning application. It relates to the whole Hall, and not to the development which the Council have been asked to assess within this planning application. It relates to previous applications;
- The entire premise of this application is that enabling development is needed to make otherwise unviable (care home units) become financially viable. As such, it is illogical that a value of £2.39 million has been claimed for an existing use value that is claimed to be unviable; and is demonstrated to be unviable in the applicants own analysis if the Green Lodge development is considered as an exemplar;
- It is therefore very likely that what is being claimed as the benchmark, is in fact a value that reflects hope for an alternative use; and includes an assumption that there will be mainstream residential development (C3) alongside the dementia units;
- The figures themselves appear to bear this out, with a benchmark of £2.29 million, as against a purchase price (evidenced in the Christie's report, page 2) of £2,090,000 and which was paid on the 1st May 2018. In these respects, it should be noted that the Revised NPPF specifically excludes purchase price as the basis for setting a LVB.

The Council's specialist full appraisal of the scheme shows a residual value of £1,822,000 and this means that revenue is higher than costs.

The Council's specialist has concluded that the existing land use value of the site where the bungalows are proposed would be approximately £60,000. It is concluded that the entire proposal would generate a surplus of £1.76 million. It is noted that the Green Lodge proposal in isolation would generate a loss of approximately £321,000 and therefore concludes that some 'enabling development would be needed, however based on the residual generated, a broad calculation suggests that only 5no. market units would be necessary.

Following the receipt of specialist's assessment, the applicant submitted a number of rebuttal statements, however the Council's specialist remains unconvinced by their arguments and in particular their claims with regards the build costs for the new bungalows and the land value bench mark.

Notwithstanding the advice of the Councils Consultant, Officers do not accept the 'enabling development' argument, as this is reserved solely for cases of heritage assets and cannot be used to justify agreeing non-policy compliant development (bungalows). Furthermore, at this time, the need for the specialist care unit has not been adequately demonstrated by the applicant.

Whilst the dementia unit is considered an unviable project on its own, this does not justify the erection of residential development in the countryside for which there is no policy support. In addition to this, the applicant has not adequately demonstrated that there is a need for this specialist type of accommodation in the District.

The proposal is contrary to Policy RLP21 of the Adopted Local Plan and Policy LPP35 of the Draft Local Plan.

Members are advised that two development appraisals prepared by BNP Paribas Real Estate were submitted by the applicant in support of the proposals. One relates to refurbishment works to the existing care home (Halstead Hall) along with the creation of the dementia unit and the second relates to the creation of the dementia unit and the 30 no. bungalows. Whilst the profit level differs between the two schemes, it should be noted that the refurbishment and dementia unit creation project was indicated to make a profit of £923,335 verses £2.6 million profit from the bungalow and dementia unit scheme. Members are therefore advised that that whilst the profit level would be lower, these appraisals submitted in support of the application appear to demonstrate that the creation of the dementia unit and the refurbishment of Halstead Hall is profitably without the need for the 30no. market bungalows.

Affordable Housing

Policy CS2 of the Adopted Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 30% affordable housing provision on sites in rural areas.

Officers conclude that in addition to the objection to the principle of the proposed bungalows, the scheme would also not comply with Policy CS2 of the Adopted Core Strategy, as no affordable housing is proposed.

Design, Appearance and Layout

Paragraphs 124, 127 and 130 of the NPPF all relate to good design and specifically that the creation of high quality buildings and places in fundamental to what planning should achieve. Planning decisions should ensure that decisions should be sympathetic to local character, an in particular landscape setting. It goes not to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.

Policy CS9 of the Adopted Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

Policy RLP9 of the Adopted Local Plan requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Adopted Local Plan considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek a high standard of design and layout.

Policy LLP50 of the Draft Local Plan states that the Council will promote and secure the highest possible standards of design and layout in all new development.

The Council has adopted the Essex Design Guide (2005) 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.

Bungalows

The proposed bungalow would be located on land outside the development boundary of Halstead. Officers are of the view that the site is disconnected to the town of Halstead and the divorced nature of the site from the existing settlement results in an enclave of housing which would be an unnatural enlargement of the town and would be of harm to the amenity afforded to the countryside location and the character of the settlement.

The proposed bungalows are shown laid out as an inward facing development and it is considered that the development would have a poor relationship to existing development around it. Due to this layout, it results in the private amenity areas being located on the outer edge of the development which are considered that vulnerable and insecure. The majority of the gardens would also be compromised by the established tree belt, due to the shadowing they would cause. Furthermore the poor sense of place and setting is exacerbated by repetitious design of the proposed dwellings.

The inward facing layout relates poorly to Halstead and the town extensions currently under construction. The scheme of bungalows would be clearly visible from Braintree Road and the exposed rear elevations and private spaces would require safe enclosure that would not be visually appropriate in the main views into the site from Braintree Road.

The proposed public space is described as the attenuation pond and collecting basin, which would offer little in the way of a high quality multifunctional public open space.

As such this proposal fails to comply with paragraphs 124, 127 and 130 of the Framework, Policies RLP9 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP50 of the Draft Local Plan.

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

The car parking is designed to reveal half a car beyond the building line for every dwelling. This is poor design and is exacerbated by the shallow visitor parking bays that add to the poor design and car domination of the layout. The visitor parking bays are labelled as 2 metres deep but are clearly less than deep than the path also labelled as 2 metres wide. The Parking

Standards SPD requires designers to avoid the potential for a second car to be placed across a pavement but here the 10 metres between carriageway and garage door will be easily subject to two car parking which would block the pavement. This does not comply with the Adopted Parking Standards.

Works to Green Lodge

The proposed extensions to Green Lodge are substantial, creating a large portion of the proposed specialist accommodation.

The extensions have the same eaves height as the host building and includes the small gabled roofs over each first floor window that currently exists on the elevations of Green Lodge. The proposed extensions would square off the building and would create an internal courtyard to be used as a garden for residents.

It is considered that the design and appearance of the proposed extensions to Green Lodge are acceptable in isolation, as they replicate the style and character of the existing building and therefore accord with guidance from the NPPF, Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP50 of the Draft Local Plan.

Landscape Impact and Trees

Policy RLP80 of the Adopted Local Plan states inter alia that 'development should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, pond and rivers'. This is also supported by Policy RLP84 of the Adopted Local Plan which states that 'planning permission will not be granted for development which would have an adverse impact on protected species'.

Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment.

Below is commentary from Settlement Fringes Landscape Area Evaluation 2015 regarding parcel 6d, which the site sits within.

The parcel is located to the west of Halstead development edge and bound by roads to two sides. Russell's Road, a minor rural lane forms the south-western boundary and the A131 (Bournebridge Hill) forms the south-eastern boundary. The northern boundary of the Parcel wraps around the northern extent of Attwoods Manor Retirement Home, Attwoods Farm, New Wood and Russell's Farm. Attwoods Manor Retirement Home is now known as Halstead Hall Care Home.

It states that the care home is set within parkland style landscape with large mature trees and more ornamental features and there is a strong tree belt to the south-eastern corner surrounding the care home.

Any development within the Parcel would form some minor associations with the existing farms and manor houses but would generally be isolated from the existing urban fabric within Halstead. The enclosure to parts of the Parcel would provide some scope to mitigate development, but the isolated nature of existing development within the Parcel and the lack of relationship to built form in Halstead reduces the capacity of the Parcel.

The evaluation concludes that parcel 6d has a medium landscape capacity and the following guidelines are provided:

- Existing vegetation alongside Russell's Road and in the Attwoods estate to be retained and enhanced to provide a landscape transition between the residential fringes to Halstead to the northeast, and the rural farmland landscape around Russell's Farm and Highwood Farm to the south west of the Parcel.
- Any new built development to be set within the existing framework of vegetation in the vicinity of Attwoods.
- North-south footpath link between Russell's Road and New Wood within the Parcel would supplement the existing footpath running east-west between Half Way House (Russell's Road) and Windmill Road on the western fringes of the town.

There are existing mature trees along the site's south western boundary. Plots 17-30 are all located in close proximity to these trees and will overhang the proposed gardens and will most likely generate problems such as loss of light and leaf litter which will result in future pressure to severely reduce or remove these trees. The removal of these well-established trees would be unacceptable and would have a harmful impact on the wider landscape character.

The proposed collecting basin and attenuation pond is an opportunity missed and its interest is merely functional, with its design adding very little to the amenity area and not likely to promote social interaction. It is considered that the vacant space created by the basin and pond is located in a prominent position of the layout which implicates the landscape character.

The proposal would be contrary to Policy RLP80 of the Adopted Local Plan and Policy CS8 of the Adopted Core Strategy. There would also be conflict with the guidelines proposed within the 2015 Landscape Evaluation as the proposal could lead to the loss of the existing vegetation.

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 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Similar criteria is replicated in Policy LPP55 of the Draft Local Plan.

The site is considered a sufficient distance away from neighbouring occupiers to ensure that an acceptable relationship would be preserved between the new and existing development.

Ecology

Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Draft Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft 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. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

A response to Braintree District Council's Holding objection (Eco Planning, February 2019) has been considered but it is advised that further survey work for bats are still required to be completed if works to the building are to be undertaken and that it is not considered appropriate to condition additional survey work.

Bats

Three dawn/dusk emergence and re-entry surveys are still required to be undertaken for this application to provide certainty of the likely impacts to European Protected Species prior to determination. Additionally, a preliminary roost assessment for the trees proposed to be removed is also required prior to determination, which may also require further follow up surveys. The

Response to the Holding Objection report that the need for tree roost assessment is agreed.

Following Paragraph 99 of the ODPM Circular: 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. There are no exceptional circumstances in this case.

Breeding Birds

It is agreed that a breeding bird survey in this instance is not required due to the habitat presence on site. Although all Protected/Priority bird species should have been considered within the ecological report it is considered that enhancements can be secured via an Ecological Management Plan/Biodiversity Enhancement Strategy and nesting birds can be protected through appropriately worded Conditions.

Great Crested Newt

Following the further explanation, it is considered acceptable that mitigation measures via Great Crested Newt Method Statement can be provided prior to commencement and secured by Condition. However, this must be detailed due to the nearby known presence contained within the dry pond and the suitable terrestrial habitat presence around the site.

The local planning authority has not received the additional bat survey work and is concerned about the overall impact on the biodiversity within the site and therefore the proposal is contrary to Policy RLP84 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.

Drainage and Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

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

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site as being located within Flood Zone 1 (low risk).

ECC Suds team have assessed the drainage documents submitted in support of the application and have concluded that the proposals are acceptable and have suggested a number of conditions should planning permission be granted.

Highway Issues

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

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

Having reviewed the Transport Assessment, along with the additional visibility splay information, the Highway Authority is content with its conclusions.

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

The Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective and the proposals are therefore considered to be acceptable in this regard.

PLANNING OBLIGATIONS

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

Affordable Housing – Policy CS2 of the Adopted Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 30% affordable housing provision on sites in rural areas.

Health – NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice do not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £20,000 to mitigate the impacts of the proposal and would be directed towards the Elizabeth Courtauld Surgery.

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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space and an outdoor equipped play area.

A financial contribution would be sought for outdoor sport and allotments. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects could be secured through a S106 Agreement.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects. No such agreement is in place at the present time and therefore the development therefore fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Adopted Core Strategy Policies CS2, CS10 and CS11, Policy RLP138 of the Adopted Local Plan and Policy LLP82 of the Emerging Draft Local Plan.

Habitat Regulations Assessment (HRA / RAMS)

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 outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

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 an 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).

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).

It is considered that the development of the site, would lead to some social and economic benefits in terms of the number of additional market dwellings the scheme would provide, which would contribute to the Council's housing land supply, increased economic benefits during the construction period and the provision of specialist dementia care in this part of the District.

However as indicated earlier in this report, the proposal as submitted is unacceptable in a number of areas and would result in a number of environmental harms, including detrimental impact on the existing countryside landscape as the proposed bungalows are highly likely to lead to the loss of the existing tree belt along the SW boundary of the site. Furthermore many of the proposed private gardens would be overshadowed by existing mature trees that surround the site resulting in a sub-standard level of outdoor amenity for residents. The resulting inward facing layout does not relate to the prevailing pattern of development in Halstead and makes for a poor design.

Further harm would be caused as the site is disconnected from the town without a safe pedestrian route for new residents, such there would be a reliability on travel by car.

Additionally insufficient ecological surveys have been submitted in support of the proposal.

The increase in population that the development would inevitably result in increased pressure on existing services and facilities within Halstead. It is however acknowledged that these pressures could be duly mitigated through a Section 106 Agreement to address the various heads of terms identified

within this report. The applicant has not however agreed to the mitigation measures identified within the report.

When considering the planning balance and having regard to 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. The proposal is unacceptable and does not comply with Policies RLP2, RLP9, RLP21, RLP49, RLP55 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policies LPP1, LPP35, LPP37, LPP50, LPP55 and LPP71 of the Draft Local 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 bungalows are proposed to ensure that the creation of the specialist dementia care unit is viable and is considered to be 'enabling development' by the applicant. The Council consider that the supporting viability report is flawed, particularly in relation to build costs of the bungalows and it has not been demonstrated that 30no. residential properties are required to make the scheme viable. Furthermore the Council consider that the 'enabling development' argument can only be applied to heritage assets and not the creation of a dementia unit such there is no justification for the proposed bungalows.

Whilst the dementia unit is considered to be an unviable project on its own, this does not justify the erection of residential development in the countryside where there is not policy support not any special circumstances.

In addition to this, the applicant has not adequately demonstrated that there is a need for this specialist type of accommodation in the District.

The proposal is contrary to Adopted Local Plan Policies RLP2 and RLP21, Adopted Core Strategy CS5 and Draft Local Plan Policy LPP35.

- 2 The proposed 30 no. market bungalows would be located in the countryside, falling outside of the defined development boundary as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal is therefore contrary to Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan.

The site is divorced from a village/town with facilities and amenities beyond reasonable and safe walking distance of the site and development in this location would undoubtedly place reliance upon travel by car. The disconnected and divorced nature of the site from the existing settlement results in an enclave of housing which would be an unnatural enlargement of the town and would be of harm to the amenity afforded to the countryside location and the character of the settlement. Furthermore the proposal by way of the design and layout results in a development which is suburban in character, unrelated to its context and failing to integrate in to the countryside location in which it would be situated and failing to secure a high standard of design or good level of amenity for future occupiers. The proposal would also lead to the future pressure to remove the existing established tree belt along the South Western boundary of the site, causing further harm to the landscape character of the area.

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 Adopted Core Strategy, policies RLP2, RLP9, RLP10, RLP80 and RLP90 of the Adopted Local Plan and policies LPP1, LPP37, LPP50, LPP55 and LPP71 of the Draft Local Plan.

3 The proposal fails to provide sufficient information regarding ecological features within the site, contrary to the NPPF, Policy RLP84 of the Adopted Local Plan, CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.

4 The proposed development would trigger the requirement for:

- The delivery of 30% affordable housing on site;
- A financial contribution towards primary health services;
- The provision, maintenance and delivery of public open space, outdoor sports and allotments;

These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS10 and CS11 of the Core Strategy, the Open Space Supplementary Planning Document (SPD) and Policy LPP82 of the Draft Local Plan.

SUBMITTED PLANS

Visibility Splays
Design and Access Statement

Plan Ref: 48842/P/004 Version: A

Habitat Survey Plan		
Planning Statement		
Transport Plan		
Tree Plan		
Location Plan		
Existing Block Plan		
Existing Elevations and Floor Plans	Plan Ref: 21412SE-05	
Proposed Block Plan	Plan Ref: PL002 REV B	
Block Plan	Plan Ref: PL003 REV A	
Access Details	Plan Ref: PL004 REV B	
Site Selection Plan	Plan Ref: PL005	
Site Layout	Plan Ref: PL006 REV A	
Proposed Floor Plan	Plan Ref: PL011	
Proposed 1st Floor Plan	Plan Ref: PL012	
Proposed Elevations	Plan Ref: PL014	
Proposed Elevations	Plan Ref: PL015	
Proposed Floor Plan	Plan Ref: PL022	Version: A
Proposed Floor Plan	Plan Ref: PL023	Version: A
Proposed Elevations	Plan Ref: PL024	Version: A
Proposed Elevations	Plan Ref: PL025	Version: A
Proposed Elevations	Plan Ref: PL026	Version: A
Proposed Elevations	Plan Ref: PL027	Version: A
Proposed Elevations	Plan Ref: PL028	Version: A
Proposed Elevations	Plan Ref: PL029	Version: A
Section	Plan Ref: PL030	Version: A

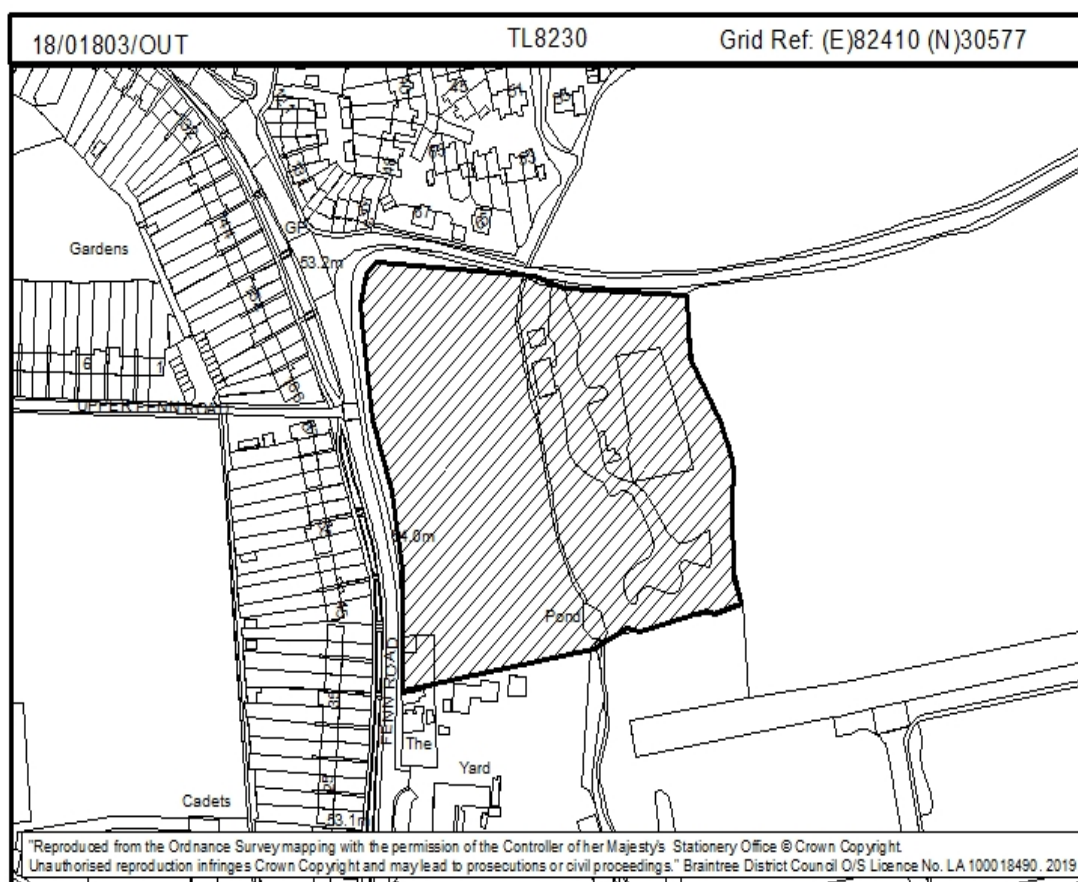
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 18/01803/OUT
DATE: 26.09.18
VALID:
APPLICANT: Mr Lee Weatherall
Hargreaves Land Ltd., West Terrace, ESH Winning,
Durham, DH7 9PT
AGENT: Mr Brendan O'Neill
O'Neill Homer, Riverside Business Centre, A110 Haldane
Place, Wandsworth, London, SW18 4UQ
DESCRIPTION: Outline planning permission for up to 70 dwellings
(including 30% affordable housing), landscaping, public
open space and sustainable drainage system (SuDs) with
all matters reserved apart from access.
LOCATION: Land At The Junction Of Brook Street And Fenn Road,
Halstead, 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=PG0K7VBF01000>

SITE HISTORY

19/00019/REF	Outline Application with all matters reserved for up to 7 No. Dwellings		
18/00690/OUT	Outline Application with all matters reserved for up to 7 No. Dwellings	Refused	29.08.18

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
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
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
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
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP136	Formal Recreation Policy

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
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
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
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
LPP82	Infrastructure Delivery and Impact Mitigation
LPP81	External Lighting

Supplementary Planning Guidance

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

Other Guidance

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

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 and represents a departure from the Adopted Development Plan. It is therefore an application which potentially has significant policy implications.

NOTATION

The application site is located outside the Halstead town development boundary, as designated in the Adopted Local Plan. It is however been identified as a residential site for 10 or more dwellings within the emerging Publication Draft Local Plan with site reference HASA 295.

SITE DESCRIPTION

The application site comprises 2.14 hectares of land which located on the north eastern side of Halstead, approximately 1km from its town centre.

Its western boundary, currently demarcated by an indigenous field hedge, runs along Fenn Road, with residential properties (no's 39- 154) situated on higher ground opposite. A footway and steep grass embankment (all within the public highway) separates these houses from the carriageway, the western side of which is regularly used for the parking of resident's private motor vehicles. The carriageway is therefore often of a limited useable width and can become a point of congestion in the local road network when vehicles coming from northerly and southerly directions meet.

At the site's north western corner, Fenn Road has a junction with a narrow country lane known as Brook Street which runs adjacent to the northern boundary; again this is predominantly bounded by a continuous line of trees and hedging, with the exception of a vehicular access that leads to a low-key timber yard within the eastern side of the site. This area is on relatively level ground, separated from the western half of the site by a brook, beyond which the ground rises steeply, back up to Fenn Road. The western side of the site is characterized as undeveloped grassland and scrub and is in no active planning use.

Immediately to the south western end of the site is a detached two storey dwelling known as 'The Lewises', and an Essex Highways depot. Further east along the south western boundary is currently undeveloped land and

vegetation adjacent, but outside the Bluebridge Industrial Estate. Members however should note that the Council has granted planning permission for the erection of 4 no. B1/B2/B8 units within part of that land (18/00955/FUL). The closest consented building would be within approximately 50m of the application site.

Beyond the eastern site boundary is arable land, which forms part of swathe of open countryside within the Colne valley and which ultimately separates Halstead from the village of Colne Engaine.

PROPOSAL

This application seeks outline planning permission, with all matters reserved for future determination apart from access, for the erection of up to 70 dwellings, including 30% affordable housing, landscaping, public open space and sustainable drainage system.

The application was submitted in September 2018, and Officers have raised a number of concerns with regard to the proposal, both at the pre-application stage, and during the course of the application. The applicant has sought to overcome some of these concerns by submitting additional information, including dealing directly with Essex County Council as local highway authority on access matters.

The proposal would include widening of the highway at Fenn Road along its length with the site boundary between the new access to the development and the junction with Brook Street, so as to assist in alleviating local road congestion and to improve on-street parking.

However, notwithstanding the advice of Officers, the applicant proposes to access the eastern parcel of land from the existing wood yard access on Brook Street, rather than by providing a road bridge over the brook within the site.

The following drawings and documents have been submitted as forming part of the planning application:

- Location Plan;
- Illustrative CAD Masterplan;
- Parameter Plan 01: Internal Road Layout and Landscape
- Parameter Plan 02: Development Zones and Building Heights;
- Proposed Levels Plan;
- Indicative Access Plans for Brook Street and Fenn Road;
- Checklist for Submission – Outline Drainage Design;
- Design and Access Statement;
- Ecological Appraisal; and Response to BDC Ecology comments;
- Flood Risk Assessment & SUDS Design Statement Report;
- Geotechnical and Geoenvironmental Desktop Study;
- Planning Statement;
- Protected Species Report;

- Summary Note of Supplementary Information;
- Transport Assessment; and Highways Update Note;
- Tree Survey; and
- Utilities Strategy Report.

CONSULTATIONS

Anglian Water

The foul drainage from this development is in the catchment of Halstead Water Recycling Centre which has available capacity to treat these flows; the sewerage system at present also has available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS). From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch. On this basis, Anglian Water can confirm this is outside their jurisdiction for comment and the Planning Authority should seek the views of the Environment Agency.

BDC Ecology

Object to the application on the basis of the information provided. Having assessed the information submitted with the application originally a holding objection was registered as the survey information supplied was not adequate in respect of bats, reptiles and the proposed translocation of a 'good' breeding population of common lizards was not considered to be consistent Natural England Guidelines on reptile receptor sites. Additional mitigation and enhancement measures were required as well as additional information regarding the surveys relating to bats and reptiles and the size and location of the proposed ecological buffer zone should be provided prior to determination.

Following receipt of additional information a holding objection is maintained as the illustrative material produced does not show that the proposed development can be accommodated within the site whilst retaining appropriate ecological buffer zones and providing sufficient space around trees and boundary features which are proposed for retention.

BDC Environmental Services

No objection to the application on Environmental Health grounds, subject to the imposition of conditions. However, in view of the proximity of nearby residential properties it is recommended that works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents. Conditions to cover hours of operations; no burning on site; submission of a dust and mud control management scheme; no piling without prior written agreement; submission of an acoustic survey, so as to comply

with BS8233:2014 for noise levels in the dwellings; and the requirement to submit a comprehensive survey in respect of land contamination.

BDC Housing Research and Development

Supports the application subject to a planning obligation to secure Affordable Housing. In accordance with Policy CS2 of the Adopted Core Strategy to seek affordable housing, the proposal for up to 70 residential dwellings requires 30% to be provided as affordable housing which would equate up to 21 homes. As this application is in outline form, it is acknowledged that details concerning the type and mix of dwellings would be subject to reserved matters.

However, as an illustrative site layout drawing has been provided, the unit mix below would be considered appropriate to match evidence of housing need:

- 6 no. 1 bed 2 person flats;
- 6 no. 2 bed 4 person flats; and
- 9 no. 2 bed 4 person houses.

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

- Affordable dwellings should be deliverable without reliance on public subsidy;
- Accessibility requirement for homes accessed at ground level to meet Building Regulations Part M Cat 2; and
- Affordable units should be compliant with Nationally Described Space Standards

Environment Agency

No response has been received at the time of producing this report. Officers have requested a response and if this is received Officers will update Members at the Committee meeting.

Essex County Council (ECC) Education

No objection subject to a planning obligation to secure a financial contribution to mitigate the impact of the development. They have assessed the application based on 70 houses all being 2 or more bedrooms, a development of this size can be expected to generate the need for up to 6.3 early years & childcare (EY&C), 21 primary school, and 14 secondary school places. No objection is raised, subject to financial contributions being secured through a S106 legal agreement for Early Years and Childcare (EY&C) places. For Members information the Education Authority have provided the following figures to give an indication of the level of financial contribution that the applicant may be required to pay if 70 dwellings were to be built.

EY&C - An additional 6.3 places (at £17,422 per place) would need to be provided at an estimated total cost of £109,759 at April 2018 prices; and

Primary school - An additional 21 places (£15,281 per place) would need to be provided at an estimated total cost of £320,901 at April 2018 prices.

ECC Flood and Water Management

No objection subject to the imposition of conditions, which include the need to agree the design of a detailed surface water drainage scheme.

ECC Highways

No objection subject to the imposition of conditions/obligations to ensure suitable access to the site; adequate construction management; the construction of a 2 metre footway from the Fenn Road site access, south to join with the proposed pedestrian crossing point that is shown on submitted drawing 12522 CRH ZZ XX DR D 6250 P2; and the requirement for Residential Travel Information Packs to first occupants of the development.

ECC Place Services - Historic Environment Consultant

No objection subject to the imposition of conditions. The application site lies within a largely undeveloped area on the edge of the modern built up settlement at Halstead. Historically this area was within a rural landscape relatively densely populated with farmsteads. It lies adjacent to an area with aerial photographic evidence for historic rural activity in the form of cropmark features. Historic mapping show that the site lies close to the junction of the Colchester, Colne and Fenn Road where a property identified as Snowden Fen was located. The Historic Environment Characterisation Zone description for this area states that within the valley of the River Colne between Halstead and Earls Colne there were extensive areas of meadow pasture adjacent to the river settlement, together with cropmark evidence for water management and a number of water mills. The presence of the stream crossing the site means there is a possibility for the preservation of these features in addition to possible waterlogged remains or sediments which can preserve palaeoenvironmental information.

Essex Police

No objection. To comment they would require the proposed layout and the finer detail and would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

NHS England

No objection subject to a planning obligation to secure a financial contribution to mitigate the impact of the development. A Healthcare Impact Assessment

(HIA) has been prepared by the CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

The existing GP practice at Elizabeth Courtauld Surgery does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 168 residents and subsequently increase demand upon existing constrained services. The additional floorspace required to meet growth would amount to 11.52m², giving rise to a capital cost of £26,496 (£378.51 per dwelling, based on 70 dwellings), to mitigate the impacts of this proposal.

Natural England

No objection subject to a planning obligation or condition to mitigate the impact of the development. It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

They advise that BDC consider, in line with their recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases they advise that BDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

PARISH / TOWN COUNCIL

Halstead Town Council

Object on the following concerns:

- Vehicular access/egress to Brook Street;
- The application should include widening of the full length of Fenn Road to include two way traffic and single row parking along the full length of the road - this should be funded by the developer;
- Lack of S106 developer contributions;
- Consideration should be given to making Fenn Road one way;
- Adequate pavements should be provided along Fenn Road to ensure safe passage of all users;
- Improvement required to the mini roundabout at junction of Fenn/Colchester Road; - Architecture should be in keeping with the rest of the area.

REPRESENTATIONS

The application was advertised by way of newspaper advertisement, site notice and neighbour notification.

As of the 18th of October 2019, the Council has received 7 letters of representation from third parties objecting to the proposal. A summary of the main issues are listed below:

Principle of Development

- Loss of 'lovely little market town' feel due to over-development

Access (Highway, public transport, cycling and walking)

- Increase in traffic on Brook Street;
- Increase of traffic through town centre;
- Fenn Road becoming susceptible to gridlocking and accidents;
- Increased risk of damage to property (boundary wall) at junction of Colchester Road and Fenn Road;
- Need for traffic calming measures on Colchester Road;
- Lack of parking;

Landscape and Ecology

- Loss of countryside and wildlife;

Living Conditions/Residential Amenities

- Additional noise pollution
- Loss of countryside views to current residents of Cherry Tree Close

Community Infrastructure

- Further strain on doctor's surgery which is already struggling to cope; and
- Lack of infrastructure, such as schools to cope with additional housing/residents.

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 development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011). Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the 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 policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks planning permission to erect up to 70 dwellings on land outside of a Town Development Boundary which would represent a departure from, and therefore be contrary to the Adopted Local Plan.

The land has however been identified as a residential site for 10 or more dwellings within the emerging Publication Draft Local Plan with site reference HASA 295, which can be afforded some moderate weight as a material consideration in the determination of this planning application.

5 Year Land Supply

Another 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, including the fact that the site has been identified for residential development in the Draft Local Plan, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Accessibility to Services and Facilities

Where concerning the promotion of sustainable transport, the NPPF in Para. 103 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Halstead is identified as a main town in the settlement hierarchy in the Adopted Core Strategy. It is stated in Para.4.9 of the Adopted Core Strategy that, *'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to Greenfield growth in Halstead are its relatively isolated location and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham.'*

However, as one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that may be found in Braintree and Witham, it nonetheless offers a good range of day to day services and facilities; and includes several large employment areas which offer residents the opportunity to meet their needs within the town, predominantly in under 15 minutes walking distance. These include: St Andrews Primary School, The Ramsey Academy, Halstead Leisure Centre, Queens Hall Community Centre, Co-op Food store, Halstead Hospital, Halstead Cricket Club, the High Street, and the Bluebridge Industrial Estate.

The submitted Transport Assessment (TA) highlights that the nearest bus stop is located on Fenn Road, to the south of the proposed development, less than 200m from the centre of the site. This is served by routes 38, 38A and 352. Further bus services are accessible from bus stops on Colchester Road (routes 88, 88A and 88B in addition to routes 38, 38A and 352).

The nearest rail station is Chappel & Wakes Colne located approximately 7.5km east of the site. There are regular train services every hour, seven days a week, between Marks Tey and Sudbury calling at Bures. The journey time is approximately six minutes to Marks Tey and 14 minutes to Sudbury. Marks Tey provides onward connections to destinations including London, Ipswich, Norwich, Colchester Town, Harwich Town and Clacton-on-Sea.

Therefore, in respect of access to services and facilities the site is considered to be in a relatively sustainable location, notwithstanding its peripheral siting on the edge of the town.

Access and Highway Safety

Part 9 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should however only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a TA is submitted with all proposals for major new development.

As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future

residents are given the opportunity to travel by more sustainable means. These other options, such as walking, cycling and public transport have been covered within the first section of this site assessment.

Access to the site is submitted for approval as part of this outline application, although internal road layouts, car parking, and cycle parking are reserved for future determination.

The site access arrangements have been the subject of dialogue between the Highway Authority and the applicant's highway consultants during the consideration of the proposal: the illustrative masterplan, parameter plans and indicative access plans show that two vehicular and pedestrian access points onto the public highway would be provided onto Brook Street (essentially utilising the existing wood yard access) and Fenn Road.

It is noted that the Town Council state that the application should include widening of the full length of Fenn Road, to include two way traffic and single row parking along it; and that this should be funded by the developer. The Town Council also state that consideration should be given to making Fenn Road one way as well. Where seeking planning obligations for works to the highway and/or developer contributions towards such works, local planning authorities must have regard to the tests that are set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regs), namely that they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

Whilst there would be clear public benefit if the whole length of Fenn Road were widened, it is considered that such works would not be fairly and reasonably related in scale and kind to the development of up to 70 dwellings, as the amount of traffic generated by the scheme would not be significant, or justify this level of work. Quite clearly it is necessary for the applicant to demonstrate that they can provide safe access into the site, and localised road widening will be required along the Fenn Road frontage to provide adequate highway visibility splays for users of the access and the highway. Road widening beyond the site's boundaries would not be directly related to the development in question, consequently it is considered that such works would not comply with the CIL Regs. The same would apply in this case to the cited need for improvements to the mini roundabout at the junction of Fenn/Colchester Road; and for traffic calming measures on Colchester Road with neither being deemed necessary by the local Highway Authority to make this development acceptable in planning terms.

Officers note the concerns and objections expressed by local residents that the local highway network is operating at, or over capacity, and that the network cannot accommodate more traffic arising from the development. However, Officers must consider planning appeal decisions where similar concerns have been raised. Planning Inspectors have stated that it is not the purpose of planning policy to prioritise the convenience of the car user. It is no part of the NPPF that new homes should not be built because there would be

additional delays for car drivers in the peak hours. Chapter 9 of the NPPF aims to prioritise other modes of transport and the promotion of sustainable transport options. Paragraph 109 of the NPPF does deal with residual cumulative impacts on the highway network, but sets a high bar for the prevention of development on those grounds: impacts must be severe. Therefore whilst it is acknowledged that there are certain local limitations on peak period travel, Officers accept the Highway Authority's assessment that any residual harm arising from the proposed development would not be severe and would not therefore warrant refusal of the application.

It is therefore proposed to carry out localised widening of Fenn Road, where adjacent to the site with a new carriageway width of 8.5m, so that in addition to a two lane carriageway, there would also be sufficient space for most of the on-street parking to be retained. This would have some benefit of improving the free-flow of traffic, and therefore reduce the likelihood of congestion on the local road network; and the need for a one-way system to be employed.

Officers have previously expressed concerns to the applicant with regard to the impact that the intensification of the use of the existing access would have upon Brook Street and its users. However, notwithstanding the visual implications of the proposed works to the access and its subsequent operation, which are discussed below, the Highway Authority are satisfied that it has been demonstrated that a safe vehicular access to serve part of the residential development can be provided in this location.

Accordingly Officers consider the proposals to be acceptable with reference to the NPPF that the development provides opportunities for residents to use sustainable transport modes; and that improvements can be undertaken within the highway network that cost effectively limit the significant impacts of the development. It is considered that any residual highways impacts of development would not be severe and consequently would not warrant a refusal of the application on transport grounds.

Therefore, from a highway and transportation perspective alone, the impact of the proposal is considered acceptable, subject to a number of conditions being imposed, had Officers been so minded to have recommended the scheme for approval.

Landscape Character and Appearance

Notwithstanding that all matters except for access are reserved, the applicant has provided an illustrative masterplan showing a potential housing layout, along with retained and proposed landscape features.

The importance of a landscape value assessment has become heightened since the publication of the NPPF where in Paragraph 170 it states that the planning system should contribute to and enhance the natural and local environment by: *'protecting and enhancing valued landscapes, biodiversity or geological value (in a manner commensurate with their statutory status or*

identified quality in the development plan)'. The applicant has not however submitted such an assessment as part of their application.

As highlighted within the description of the site above, it is located to the north eastern side of Halstead, with its northern and western boundaries currently demarcated by indigenous field hedges. Residential development can be found on the opposite (western) side of Fenn Road, and to the north of Brook Street; a single dwelling is also located adjacent the western end of the southern boundary. The site is subdivided by a brook, with the western parcel largely comprising undeveloped grassland and scrub, the eastern side of the site is used as a low-key timber yard with associated storage, structures and other paraphernalia loosely distributed around the site. As a working timber yard it has a quite unkempt appearance, but nonetheless it currently has a localised and limited impact upon the surrounding landscape. Further, such a use is not an uncommon incidence within the rural area and in planning terms with reference to Policy CS5 of the Adopted Core Strategy this would be considered an appropriate rural use.

Beyond the eastern site boundary is arable land, which forms part of swathe of open countryside within the Colne valley and which ultimately separates Halstead from the village of Colne Engaine.

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

The 2006 Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) make explicit reference to this site, pursuant to Policy CS8 of the Adopted Core Strategy. As the LCAn forms part of the Draft Publication Local Plan's evidence base, Officers consider that it should be given significant weight as a material consideration in the determination of this planning application, pursuant to S38 (6) of the Planning and Compulsory Purchase Act 2004.

The LCAn is finely grained to the point where it deals with specific land parcels, in this case Land Parcel 4a Brook Street which has been identified as having Medium to Low capacity to absorb development:

"..The north-south line of the stream valley corridor forms the western boundary; marking the transition between the fringes of the town to the west and the farmland landscape of the valley slopes within the parcel...

The land rises from approximately 40m AOD around the stream valley on the western boundary, towards the 70m AOD contour to which the former field boundaries and footpath are aligned on the north eastern tip of the parcel. This contour and north eastern boundary mark the transition between the valley slopes and the undulating farmland which forms the basis of the adjacent Parcel 4b. The rise from the valley is gentle and even.

...An area of unmanaged grassland with emerging scrub lies on western edge of the parcel, around the valley floor, which helps to screen the commercial uses and highway depot on the east side of Fenn Road.

There are no roads or footpaths within the parcel itself, although a footpath leads diagonally across the north eastern boundary, providing connections to the peaceful farmland landscape on the north eastern fringes of the town...

Despite the close proximity of the built edge of the town, the presence of the stream valley and the vegetation associated with it on the western boundary results in a sense of sense of separation from the town beyond. Although the transition between the geometric arrangement of properties around Fenn Road on the west side of the stream valley and the farmland landscape is abrupt, the presence of the mixed scrub and trees along the stream corridor, and the peaceful character of Brook Street, results in there being no more than a moderate association between the landscape within the Parcel and the town to the west."

The site in question has been identified as a residential site for 10 or more dwellings within the Draft Local Plan, and it must be stressed that at no point have Officers raised an objection to the principle of the development of this site. However, what is critical is the visual impact that a residential scheme would have, in terms of site clearance and removal of vegetation, including some trees and hedgerows; as well as the consequences of building a relatively high density scheme in a sensitive semi-rural location/urban fringe.

Whilst being a matter to determine at this stage, and notwithstanding requests from Officers, it is still not completely clear what the extent of the works are that would be required to form the Fenn Road access. An indicative layout for the access has been recently provided, but this does not identify the extent of hedgerow removal (no hedging is shown on the drawing) required to facilitate its construction and visibility splays; nor does it identify the nature of engineering works required to create 'made ground', likely to be necessary to widen the road, as there is a significant fall in levels away from the Fenn Road boundary.

For example, there are no construction details/sections provided as to how the vehicular access would be formed down into the site. Given the steep gradient and the apparent need for significant engineering works to create road widening retaining structures, which could potentially appear stark and engineered; and in the absence of a scheme of mitigation to compensate for the loss of the hedge, it is considered that the creation of the Fenn Road access could have a materially harmful impact upon the character and appearance of the area.

Also contrary to the advice of Officers, is the applicant's failure to omit the Brook Street access and create an internal road bridge instead. It is acknowledged that the timber yard benefits from an access in the approximate location of that proposed, and that the indicative layout drawing for it identifies

that visibility splays could be provided that satisfy the local Highway Authority in terms of highway safety.

However, the splay towards Fenn Road (west) which would extend 69m (not the normally required 90m), would in any case pass through the roadside vegetation that is within the application site. In the absence of a tree and hedge survey that identifies where the splays would precisely fall in relation to these established natural features, Officers are of the opinion that it is not possible to fully and accurately ascertain the impact of the proposal, which consequently could potentially adversely alter the rural character of this lane.

Furthermore, due to the narrow width of the metalled carriageway, it is more than likely that a higher number of vehicles using the lane would give rise to their tyres churning up the verges during wetter months, especially when trying to pass oncoming traffic. Further, any highway works that would potentially address this concern (such as the provision of passing places) would also result in further erosion of the verges and hedgerows, to the visual detriment of its rural setting.

This report will discuss in further detail urban design and layout aspects of the proposal in the following section, but it is noted that for 70 units to be constructed, the parameter plans and illustrative masterplan show that proposed dwellings, their respective rear gardens and boundary treatments would in many cases need to be constructed in close proximity to retained natural boundary features. Such relationships could give rise to pressure from future occupants to significantly prune or remove altogether existing trees and hedgerows, due to safety concerns or issues of overshadowing and/or enclosure caused by restricted outlook. In addition, the proposed perimeter landscape buffer would appear very limited in its depth, providing very little meaningful opportunities for natural screening beyond rear gardens.

Policy CS8 of the Adopted Core Strategy states that all development proposals will ensure the protection and enhancement of the natural environment, habitats and biodiversity of the District. Policy RLP80 of the Adopted Local Plan states development should not be detrimental to distinctive landscape features and habitats such as trees, hedges, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted.

Having regard to the submitted parameter plans and illustrative masterplan, the erection of up to 70 dwellings would give rise to a gross (as opposed to net) density of approximately 33 dwellings to the hectare. This would comprise a mixture of 2½ and 3 storey buildings, including flats, extensive areas of parking, and with the other key natural feature, the brook, being shown as squeezed between rear gardens and therefore being largely ignored in the scheme. The brook should be a key feature in the scheme, not have the backs of houses turned to it.

One of the parameter plans shows a maximum building height of three storeys adjacent to Brook Street, at the very point where there should be a transition

between urban development and undeveloped countryside. There is no justification proposed for three storey development on the rural edge of Halstead and the DAS makes no attempt to justify what Officers consider to be more urban and inappropriate storey height; where there should be more variation, including single and two storey dwellings within this site.

Furthermore, taking into account the significant drop in ground levels with the steep slope from Fenn Road within the western half of the site, it is also not clear what other retaining structures would be required to enable the construction of houses within that area. The Design and Access Statement (DAS) states that the '*existing contours would require significant groundworks, particularly on the western side of the site, to create viable development platforms*', however, other than illustrative sections, and some basic proposed levels, no details have been provided on how this would actually be achieved and what implications this would have for the site's capacity and the ability to develop it in an appropriate manner. There is a concern that these engineering interventions could have an unacceptable appearance but more importantly if the Council are to make an accurate assessment of the visual impact of the development then this information is required now. Based on the information that has been provided Officers consider that the current proposed density and storey heights, along with significant areas of parking and likely engineering interventions, would give rise to a scheme that would be inappropriate and overdeveloped in its appearance.

Therefore, in addition to the loss, and potential loss of further trees and hedges, it is considered that the proposal would give rise to an unsympathetic residential scheme that would be materially harmful to the character of the local landscape, identified within the LCA as only having a medium to low capacity to absorb development, and contrary to Policy CS8 of the Adopted Core Strategy.

Design, Layout and Amenity

Paragraph 124 of the 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.

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development. This is supported by Policy RLP90 of the Adopted Local Plan and these sentiments are also reflected with Policies SP6, LPP37, LPP50 and LPP55 of the Draft Local Plan which are concerned with place shaping

principles, housing type and density, the built environment and the layout and design of development respectively.

The Essex Design Guide (EDG) requires a minimum of 50sq.m. for a 2 bed house and 100sq.m for 3+ bedroom dwellings. Private amenity areas for occupants of flats are also required at 25sq.m. per unit. Members will also be aware that the EDG requires a minimum back to back distance of 25metres between properties and even though this is an Outline planning application Officers would still expect that the application demonstrates through an illustrative layout that this level of separation, or more where the change in levels are significant, can be achieved. The illustrative layout includes apartment blocks and the EDG requirement for flats is for a minimum of 35m separation between habitable room windows.

Clearly, layout, scale & appearance are reserved matters, but Officers are of the view that the illustrative layout drawing and the parameter plans should at least demonstrate that the number of dwellings can be accommodated within the site in an acceptable manner. Having assessed the submitted information Officers consider that the submitted information does not indicate that up to 70 dwellings could be accommodated within the site in an acceptable manner.

The Draft Local Plan which states that *“as a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land”*. It has been identified that the gross density of development would amount to approximately 33 dwellings per hectare, this does not however take into account the need to provide on-site public open space, consequently, the net density would be higher than this. Therefore, notwithstanding the expectation that the net density of development normally exceed 30 dwellings per hectare, it is considered that the proposed density of development for this edge of town location would likely give rise to an over-development of the site for the following reasons.

Given the challenging topography of the site, providing functional amenity spaces and privacy for future occupiers of the dwellings has not been demonstrated. Due to the significant change in levels, there is a greater need to secure the privacy of future residents, but in the absence of sufficient detail to determine the method of widening Fenn Road, it is quite possible that rear bedroom windows and gardens would be directly overlooked from the public highway. The usability and general quality of such areas of amenity space has not been adequately demonstrated.

Within the site itself, there is also the opportunity for greater mutual overlooking between residential units and their gardens; and the illustrative layout includes apartments that would have inadequate private communal areas or none at all.

The cramped appearance of the houses as shown on the illustrative masterplan would be exacerbated by poorly designed car parking which would dominate the scant public realm; this is notwithstanding the fact that the submitted scheme would not actually include enough parking to meet the

Council's adopted standards. The additional space required for highway and parking would further impact on the layout and therefore it has not been demonstrated that the proposed development could come forward at the detailed (Reserved Matters) stage in an acceptable and policy compliant manner.

Finally on this issue, the watercourse corridor also appears to require significant engineering works to create developable areas. An illustrative section has been provided, but there is no further information on how this would be achieved. It is not clear that the regrading and retaining structures would result in an area suitable for biodiversity as has been claimed.

The DAS states that a key landscape issue for the design would be '*the opening up, enhancement and management of the stream corridor*'. The illustrative layout would place the '*ecological buffer zone*' to the rear of residential properties. Whilst the removal of some vegetation from the watercourse might in one sense open up the watercourse, the proposed layout would result in the corridor being enclosed by built development and residential curtilages in relatively close proximity which Officers consider would enclose the channel rather than open it up. Officers previously highlighted concerns to the applicant that properties should not back onto and enclose the watercourse for a variety of reasons, including a lack of natural surveillance and for security reasons. This advice has been disregarded and the layout is also considered unacceptable in this respect.

It has not been demonstrated that this number of dwellings could be accommodated whilst meeting the Council's adopted parking standards and the minimum back to back distances and garden sizes required by the Essex Design Guide, whilst taking into account the site's topography. The proposed density of development does not seem to reflect site characteristics and constraints; and the illustrative layout, exacerbates, rather than allays, Officer's concerns that the development would result in a development that would be poorly integrated visually with the town.

It is acknowledged that alternative layouts can be made on the site and that the number of dwellings could be reduced at Reserved Matters stage as the application seeks permission for up to 70 dwellings, however Officers believe that outline permission should not be granted unless there can reasonable confidence that the maximum number of dwellings can be achieved. When undertaking the Planning Balance, the Local Planning Authority will need to consider the social and economic benefits that would arise from the scheme. If the site's actual capacity is lower than the level specified in the application then the weight that can be attached to those benefits would have to be reduced accordingly. Furthermore, if the number of dwellings that can be delivered on the site is reduced at Reserved Matters stage then this will potentially affect the ability of the developer to fulfil the required planning obligations, which would again have implications for the planning balance.

Ecology

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised and net gains provided. 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.

Having assessed the originally submitted Ecological Appraisal Report and the Protected Species Report the Council's Ecology Officer was not satisfied that there was sufficient ecological information available for determination of this application.

The bat survey did not appear to have considered the eastern side of the site, with the exception of the static recorder (Location 3) and observation of an alder tree. There had been no transect route conducted in the eastern side to take into account the boundary habitat in this area, particularly the south eastern section which could potentially provide a navigation route and facilitate access into the wider countryside.

Similarly, the reptile survey had been conducted on the west side of the site with all of the reptile mat locations being sited there. No consideration had been given to reptile presence on the eastern side, other than identifying potential hibernating locations, but the reason for not surveying this area was not evident. The habitat plan at Appendix 1 of the Ecological Appraisal has no key to denote the habitat types which would assist the Ecological Appraisal report consideration. The absence of survey information on the eastern side of the site had not been justified.

Further, there is a proposed translocation of reptiles which are described as a 'good' breeding population of common lizards. The Protected Species Report states that common lizards, adults of both sexes and juveniles, were recorded frequently and consistently at the west of the site and throughout the entire area of rough grassland and scrub. In their opinion, the Ecology Officer stated that the density of the proposed development meant that insufficient open space would remain in which to create a large enough good quality ecological buffer zone to provide proportionate mitigation.

Natural England Guidelines state that a reptile receptor site '*is at least the same size as the habitat that would be lost, and larger if the habitat to be lost is high quality*'. In Officer's opinion, the proposed linear ecological buffer zone of 5-10 metres and two areas of landscaping on the edges of the development do not constitute proportionate high-quality habitat. Additionally, the proposed illustrative layout shown to justify the quantum of development proposed

would enclose a narrow corridor containing the watercourse and this would put the area at risk of a reduction in the quality of habitat through pressure from residents from activities such as garden waste tipping, reduction of vegetation with the conflict of retained trees overhanging gardens and potentially predation from household pets.

The DAS refers to the opening up of the watercourse and public access as being a potential benefit of the scheme, but elsewhere indicates that public access should be limited to protect ecological value of the corridor (e.g. reference DAS Section 8.2 & 8.3) which is a clear contradiction.

As highlighted above the retained vegetation to the sides of the site, intended to provide retained habitats for bats and birds is very narrow. Given the proximity of built development Officers do not consider that sufficient space has been allowed for these features to be retained and prosper. Again, built development in close proximity to retained trees and hedges would lead to pressure for these features to be reduced or removed to prevent over shadowing or loss of outlook. It would also mean that there would be artificial lighting installed in close proximity to habitats suitable for bats.

In response to these concerns, the applicant's Ecologist has provided an explanation of why they took the approach that they did, having regard to their survey findings.

Whilst additional survey information has now been provided in respect of bats and reptiles, the Council's Ecologist remains dissatisfied about the size and location of the ecological buffer zone. They remain of the opinion that it has not been demonstrated that the quantum of development specified can be accommodated within the site whilst also providing the quantity and quality of the ecological buffer zones and that these will not provide high quality ecological mitigation areas for reptiles in accordance with Natural England Guidelines. Similar concerns exist around the longevity of retained trees and hedges which the illustrative plans show as being put within residential properties gardens. As their retention cannot be guaranteed within private gardens nor can their value as ecological features for wildlife, particularly for foraging and commuting routes, as well as proposed reptile refugia areas.

Habitat Regulations Assessment (HRA / RAMS)

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.

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 of the relevant European designated sites. 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 development at 99 units or less that is likely to be approved prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is comparatively minimal.

It is therefore concluded that the amount of development approved under schemes of 99 unit or less prior to the adoption of the RAMS will 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 and it is not therefore considered that the current proposal would result in a likely significant effect on European designated sites. Notwithstanding the above, at the present time, there are no specific costed HRA mitigation 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 for off-site mitigation at relevant European designated sites for schemes of this size.

Impact upon Neighbouring Residential Amenity

Para. 127 f) of the NPPF states that planning decisions should ensure that developments 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. This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The Draft Local Plan Policies have similar objectives as those set out in the Adopted Local Plan.

Matters of layout and scale are reserved for future determination, although with regard to privacy, the EDG states that *“where new development backs on to the rear of existing housings, 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 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”*.

The houses currently fronting Fenn Road on its western side are located high above the road, and whilst the outlook from these dwellings would change, there is no right to a view in planning terms. The distances and differences in levels are such that there would be no material loss of outlook, privacy, or light. The same conclusion applies to those dwellings located within Cherry Tree Close, which are on the opposite side of Brook Street, with mature vegetation intervening.

The site is adjacent to ‘The Lewises’ to the south, but the garden for this dwelling is to its opposite side and it has a garage building intervening. Officers are confident that should the time arise in the future, a detailed site layout could be drafted that would protect the living conditions of existing and future occupiers of that property.

No objection is raised by Environmental Services to the proposal, but in view of the proximity to existing dwellings recommend that site clearance and construction are controlled by condition, so as to minimise disturbance to their occupants.

In conclusion, the proposal would not give rise to demonstrable harm to the residential amenities of the occupiers of existing residents.

Flood Risk and Drainage

Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Adopted Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk.

Para.163 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.

The proposal site lies in Flood Zone 1 with a low risk of groundwater flooding, surface water and sewer flood risk across the site overall. Anglian Water highlight that surface water discharge from this site runs to an attenuation pond and ultimately discharges to the brook; and recommended that the Planning Authority should seek the views of the Environment Agency. The views of the Environment Agency have been sought in regard to this, and will be reported to Members at the meeting by way of an update.

However, having regard to the views of ECC Flood and Water Management, who raise no objection to the scheme, subject to conditions which include the need to agree the design of a detailed surface water drainage scheme at the reserved matters stage/s, it is considered that the scheme would be acceptable in respect of surface water drainage and sewerage capacity.

Archaeology

In its glossary, the NPPF highlights that *"There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point"*. Policy RLP106 of the Adopted Local Plan and Policy LPP63 of the Draft Local Plan also apply, these state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

As highlighted by the Council's Historic Environment Consultant, the application site lies within a largely undeveloped area on the edge of the modern built up settlement at Halstead. Historically this area was within a rural landscape relatively densely populated with farmsteads. It lies adjacent to an area with aerial photographic evidence for historic rural activity in the form of cropmark features. Historic mapping show that the site lies close to the junction of the Colchester, Colne and Fenn Road where a property identified as Snowden Fen was located.

The Historic Environment Characterisation Zone description for this area states that within the valley of the River Colne between Halstead and Earls Colne there were extensive areas of meadow pasture adjacent to the river settlement, together with cropmark evidence for water management and a number of water mills. The presence of the stream crossing the site means there is a possibility for the preservation of these features in addition to possible waterlogged remains or sediments which can preserve palaeoenvironmental information.

Therefore, had Officers been minded to have supported the proposal, the imposition of a condition requiring an archaeological evaluation condition upon a grant of planning permission would have been recommended.

PLANNING OBLIGATIONS

In the event that planning permission were to be granted then a S106 legal agreement would be required to secure obligations which would be necessary to comply with local and national planning policies and mitigate the potential impact that the development would have on community facilities and services. No work or discussion has taken place with the applicant regarding the Heads of Terms for such a legal agreement, as Officers have not been able to support the proposals set out in this application. In the event that planning permission were to be granted it is considered that the agreement would matters including the following:

- **Affordable Housing** - 30% of units on-site to be Affordable Housing, with the mix of units to be agreed at the reserved matters stage/s, but with a 70/30% ratio of affordable rent over shared ownership; with all units complying with the Nationally Described Space Standards and all houses and ground floor flats built to conform with Building Regulations Part M4(2);
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s;
- **Community Building / Facilities** - Financial contribution of £499.62 per dwelling towards the provision of new or improved community facilities in Halstead;
- **Ecological Mitigation** - Financial contribution of £122.30 per dwelling for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site and on-site mitigation as required to comply with the HRA Appropriate Assessment;

- **Education** - Financial contributions for additional capacity in Early Years and Childcare and Primary School and provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2018, but equate to £17,422 per required EY&C place and £15,281 per required Primary school;
- **Equipped Play Facility** – To be provided on-site with equipped to a minimum value as calculated in accordance with updated figures from the Open Spaces SPD;
- **Healthcare** - Financial contribution towards the provision of additional floorspace at The Elizabeth Courtauld Surgery of up to £26,496 (£378.47 per dwelling);
- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s. The financial contributions would be calculated on the number and size of the dwellings constructed, to be determined at the reserved matters stage/s, however as a very broad guide Officers estimate that based on a housing mix reflective of the District's housing needs the contributions would be approximately £50,000 for Outdoor Sports and £1,500 for allotments; and
- **Public Open Space & Green Infrastructure (on-site)** – A minimum area of 0.37ha for Public Open Space and equipped play; all to be managed by a Management Company to an agreed specification.

PLANNING BALANCE AND CONCLUSION

This is an application for Outline Planning permission, with all matters except for access, reserved for future determination and it can therefore be said that the application simply seeks to establish the principle of residential development of the site.

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; where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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 development boundary, the proposed development is currently contrary to the provisions of the adopted Development Plan. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

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 Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an 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 main public benefits arising from the scheme are set out below.

Housing Supply: The provision of new housing provides social and economic benefits. It would provide up to 70 dwellings and this would represent a not insignificant number of additional dwellings which would add to the District's housing supply. The development would assist in terms of housing supply and availability across different tenures and would improve access to housing and

the possibly housing affordability. The provision of new housing offers social and economic benefits.

Affordable Housing: The applicant has indicated that the housing provision would be compliant with the Council's Affordable Housing policy and provide 30% Affordable Housing – up to 21 affordable dwellings. The provision of new Affordable Housing offers significant social benefits.

Economic benefits: There would be some direct and indirect economic benefits arising from the development, including the provision of construction jobs and once occupied, residents would be likely to support the local economy, through spending in local shops and services, or creating demand that would support the provision of new shops and services.

Environmental factors: The site in question has been identified by the Council as a site which is suitable of residential development of 10 or more dwellings within the Draft Local Plan, and the fact that the site is located on the edge of the town which provides access to facilities required for day to day living within walking / cycling distance weighs in the proposals favour by reducing reliance on the private car.

However there are further factors which need to be considered in respect of the environmental considerations. As previously identified in the report Officers consider that the proposed development would conflict with policies within the Development Plan and the NPPF which recognise the intrinsic character and beauty of the countryside and which seek to protect the natural environment and specifically valued landscape features such as trees, hedges and watercourses.

Factors to consider are the visual impact of a development of 70 dwellings on the site; the extent of site clearance and removal of vegetation, including some trees and hedgerows; the extent of engineering intervention that would be required to develop the site and the impacts arising from the provision of a vehicular access on Brook Street to access part of the site. Taken as a whole it has not been demonstrated that a relatively high density scheme could be developed on this sensitive semi-rural location and Officers consider that the proposal fails to have adequate regard to the character of the landscape and its sensitivity to change and would have a materially harmful impact upon the character and appearance of the area. These factors combine to give rise to environmental harm which would weigh heavily against the proposals in the planning balance.

With regard to issues of design, layout and amenity, it is acknowledged that layout, scale & appearance are reserved matters, but Officers are of the view that the illustrative layout drawing and the parameter plans that should govern future detailed application/s, do not evidence that the site has the capacity to accommodate up to 70 dwellings in an acceptable manner with regards appearance and amenity. Officers do not consider that the illustrative layout demonstrates that 70 dwellings could be accommodated within the site in a

manner that would comply with the Council's design standards and which would secure a good standard of amenity for future residents.

Officers consider that the proposal would contravene adopted development policies for the control of development in the countryside and there would also be conflict with policies to protect the character and appearance of the area and specifically with Policy CS8 of the Adopted Core Strategy and Policies RLP80 and RLP90 of the Adopted Local Plan in respect of the landscape and visual effects. Furthermore the proposals would be contrary to Policy CS9 of the Adopted Core Strategy and Policies RLP9, RLP90 of the Adopted Local Plan in respect of the density, appearance and quality of the proposed development and the amenity that future residents of the development would enjoy. That conflict here outweighs compliance with some other development plan policies such that there would therefore be overall conflict with the development plan.

Although Officers consider that the Council can evidence a 5-year housing land supply, Officers have assessed the proposal with reference to paragraph 11 (d) of the NPPF whereby the 'tilted' balance in favour of sustainable development were engaged and 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 Framework taken as a whole. Officers consider that the harm identified above to landscape, ecology, character and appearance, and living conditions of future residents would significantly and demonstrably outweigh the public benefits and this conclusion would mean that the application should be refused in any event.

In addition to these reasons for refusal Officers recommend that the lack of an agreed S106 forms a further reason for refusal. In this instance Officers have not sought to negotiate a S106 legal agreement with the applicant as the proposed development is recommended for refusal. It is recommended that the lack of a legal agreement / planning obligations forms a further reason for refusal.

RECOMMENDATION

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

- 1 The site has been identified by the Council in the Braintree District Settlement Fringes: Landscape Capacity Analysis as having a medium-low capacity to accommodate residential development. The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, not least due to the scale and nature of the development.

The scheme would give rise to a loss of established trees, hedgerows and other vegetation, whilst requiring substantial land remodelling and regrading, to facilitate the proposed Fenn Road

access and create development platforms on which to construct dwellings. The intensification of the use of the access onto Brook Street, and the need to provide for adequate highway visibility would likely give rise to a further erosion of the lane's soft verges, and potential need for removal of vegetation, to the detriment of its rural nature.

It is therefore considered that the proposal would give rise to an unsympathetic residential scheme where the dense form of development would be materially harmful to the character of the rural landscape, identified within the Landscape Capacity Analysis as only having a medium to low capacity to absorb development, and failing to perform the environmental role of sustainability, contrary to the principles and guidance set out in the NPPF and Policies RLP80, and RLP90 of the Adopted Local Plan, Policies CS8 and CS9 of the Adopted Core Strategy and guidelines set out within the Braintree District Landscape Character Assessment (2006).

- 2 Based on the illustrative material provided with the planning application it has not been demonstrated that the proposed quantum of development can be provided within the site. Due to the number of dwellings proposed the resulting layout would result in an unacceptable form of development that would appear cramped, and out of keeping with the pattern of development and would represent inappropriate overdevelopment of the site. By reason of its size, scale, and massing the development would be harmful to the character and appearance of the locality. Furthermore, the proposal would result in an unacceptable impact upon the amenities of future occupiers in terms of their outlook and from the noise and disturbance of vehicle movements. As such the proposal is therefore considered to be contrary to the NPPF, Policies RLP3, RLP9, RLP56, RLP90 and RLP95 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy, and Policies SP1, SP6, LPP1, LPP37, LPP45, LPP50, LPP55 and LPP56 of the Braintree District Publication Draft Local Plan and guidance contained within the Essex Design Guide.
- 3 Even if it is considered that the tilted balance were to apply under paragraph 11 of the NPPF, the Council considers that the adverse impacts of granting permission for this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In particular the proposal would give rise to the following harms:
 - The scale and density of the proposed development would fail to respond to the existing pattern or character of development and would not result in a well-integrated extension to the town;
 - It has not been demonstrated that the site can accommodate up to 70 dwellings in a manner that would promote or reinforce local

distinctiveness and which reflects the constraints, sensitivity and location of the site, whilst also ensuring a good standard of amenity and a high quality living environment for all residents of the development by compliance with the Council's adopted design standards;

- The scale and character of the development fails to recognise the intrinsic character and beauty of the countryside, the need to retain valuable landscape features, or have regard to the character of the landscape and its sensitivity to change and fails to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment.

4 Insufficient information has been submitted to adequately demonstrate that the development would not adversely impact upon protected species. The proposal is thereby contrary to the provisions of Policy RLP80 and RLP84 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); Policies LPP55, LPP68 and LPP71 of the Braintree District Publication Draft Local Plan (2017) and the National Planning Policy Framework.

5 The following obligations are required to mitigate the impact of the proposed development:

- The provision of affordable housing;
- The provision of a financial contribution towards the provision of additional Early Years and Childcare and Primary School places;
- A financial contribution towards the provision of primary health care;
- The provision, delivery and future maintenance of Public Open Space provided on the site, including an equipped play area;
- A financial contribution towards the provision of new or improved community facilities;
- Financial contributions towards the provision of new or improved Outdoor Sports and Allotment facilities in the town.

As no agreement has been secured the application is considered to be contrary to Policies CS2, CS10 and CS11 of the Adopted Core Strategy and Policy RLP138 of the Adopted Local Plan and the Open Space Supplementary Planning Document.

SUBMITTED PLANS

Location Plan	Plan Ref: 4012-004-010
Access Details	Plan Ref: 12522-CRH-ZZ-XX-DR-D-6250
	Version: P2
Access Details	Plan Ref: 12522-CRH-OO-DR-D-6060
	Version: P5
Access Details	Plan Ref: 12522-CRH-OO-DR-D-6181
	Version: P2

Other	Plan Ref: 4012-004-021	Version: V6
Levels	Plan Ref: 4012-004-003	Version: V2
Other	Plan Ref: 4012-004-003	Version: V2
Planning Layout	Plan Ref: 4012-004-001	Version: V2

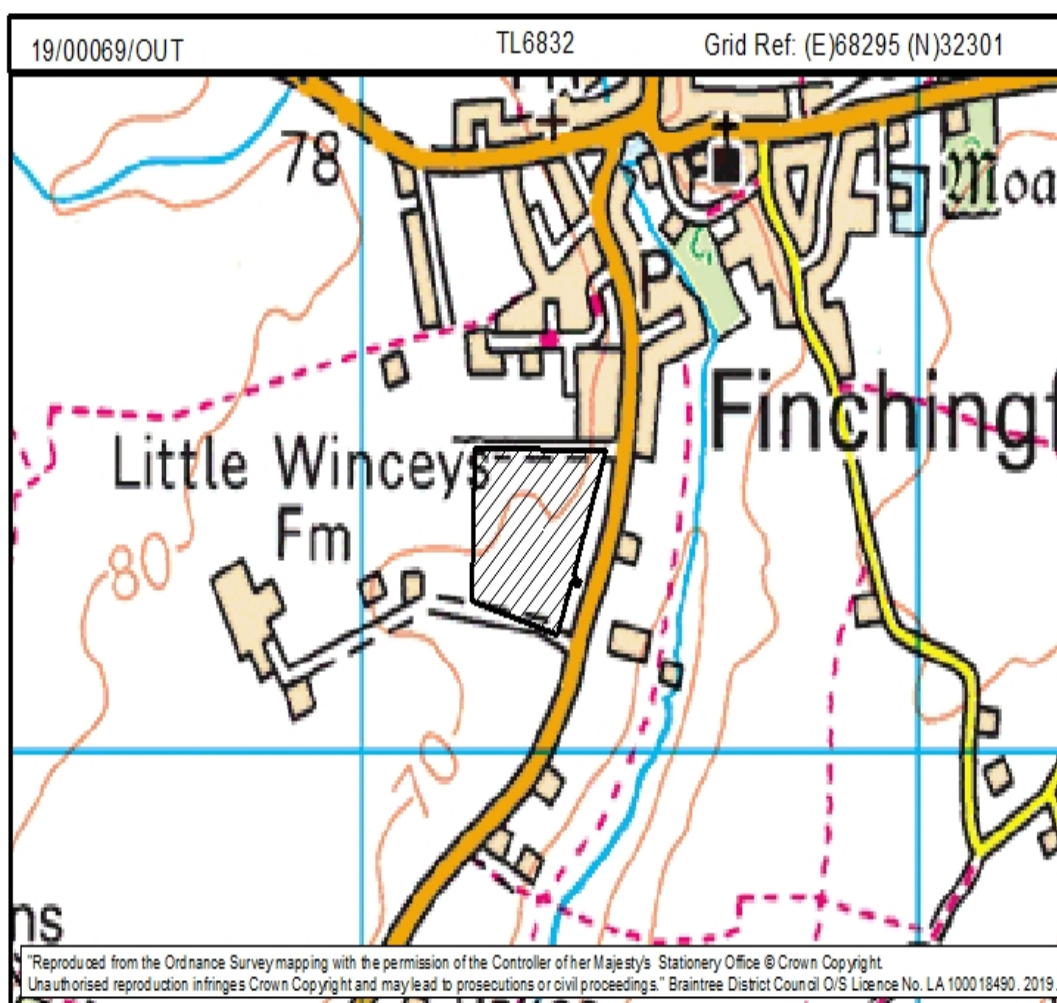
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/00069/OUT
DATE VALID: 06.03.19
APPLICANT: Huntstowe Land Ltd
Old Flint Barn, West Farm, Bury Road, Thetford, Norfolk, IP24 2PL, United Kingdom
AGENT: Phase 2 Planning & Development Ltd
Mr Trevor Dodkins, 250 Avenue West Skyline 120, Great Notley, Braintree, Essex, CM77 7AA, United Kingdom
DESCRIPTION: Outline application with some matters reserved except access for the erection of up to 50 dwellings and 0.97ha of public open space, and related development.
LOCATION: Land West Of, Bardfield Road, Finchingfield, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLBPEBBFM9600>

SITE HISTORY

N/A

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. 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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP88	Agricultural Land
RLP90	Layout and Design of Development
RLP94	Public Art
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP163	Infrastructure and Community Facilities

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP7	Development & Delivery of New Garden Communities in North Essex
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation

LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP74	Climate Change

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards

Other Guidance

Landscape Character Assessment (2006)

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.

SITE DESCRIPTION

The application site lies within the countryside, to the south of the village envelope of Finchingfield.

The application site comprises part of an agricultural field, located on the western side of Bardfield Road, to the south of Finchingfield. The site measures approximately 4.7ha in size.

To the north of the site is the village recreation ground, scout hall and residential development along Bardfield Road. To the south of the site is an access road that serves a small group of dwellings. To the west of the site is the remainder of the agricultural field and the open countryside beyond.

The land level across the site rises from the south east corner to the north-west corner.

A public right of way is located to the north west of the site (PROW 79_30), and the boundary of Finchingfield Conservation Area is located 220m to the north of the site along Bardfield Road.

RELEVANT PLANNING HISTORY IN THE VILLAGE

Members are reminded of the appeal decision from 2017 relating to a site on Wethersfield Road, Finchingfield (Application Reference 16/01735/OUT). Planning permission was sought and refused for the erection of up to 80no. dwellings.

This appeal was dismissed by the Planning Inspectorate on the grounds of landscape impact and harm to designated heritage assets. In respect of the harm to landscape impact the Inspector made the following conclusions:

In summary I conclude that the proposed development would have significant adverse landscape and visual effects due to its separation from the village and its prominent location on rising land, which would cut off key views in the landscape and harm the tranquil nature of the surrounding countryside to the south and east. It would harm all the key landscape character elements set out above that are identified in the landscape character assessments, in particular those in the Braintree Landscape Character Area but also key characteristics in the National Character Area.

PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of up to. 50 dwellings with 0.97ha of public open spaces and related development.

All matters are reserved with the exception of the main vehicular site access which would be on Bardfield Road and include a potential footway to link to the existing footway that runs along Bardfield Road to the front of 1 and 2 Wincey Close.

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

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

- Statement of Community Involvement
- Design and Access Statement
- Heritage Statement
- Flood Risk Assessment
- Transport Statement
- Preliminary Ecological Assessment Report

- Landscape and Visual Impact Assessment
- Planning Statement
- Urban Design Framework Plan
- Indicative Layout Plan
- Proposed Highway Access Plan
- Landscape Strategy plan

The density of the development would be approximately 10.6 dwellings per hectare over an area of 4.7ha. The development framework plan also indicates public open space, enhanced boundary planting, landscaping and a SuDS feature.

CONSULTATIONS

Economic Development

No comments

ECC Highways

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to condition being imposed regarding the submission of a construction management plan, provision of a footway link to the north, the site access being carried out in accordance with drawing IT1893/TS/01, provision of residential travel information packs for each new dwelling and the upgrade of two nearby bus stops.

BDC Environmental Health

No objection. Requests condition regarding the submission of the construction method statement

BDC Waste Services

No comments received.

BDC Landscape Services

No comments received.

BDC Ecology

Following the submission of additional information, a holding objection is removed and a number of conditions are requested with regards surveys and a lighting strategy.

Essex Police

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.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. An informative is requested. The foul drainage from this development is in the catchment of Wethersfield Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. Request that a SuDS scheme to be submitted.

ECC SuDS

No objection and requests conditions regarding the submission of a detailed surface water drainage scheme, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works, submission of a maintenance plan and to maintain year maintenance yearly logs.

BDC Housing Research and Development

In accordance with Policy CS2 of Adopted Core Strategy, 40% of the units should be provided as affordable homes. The proposal for construction of up to 50 residential dwellings therefore requires up to 20 dwellings to be provided as affordable homes. It is acknowledged that details concerning the type of dwellings will form part of reserved matters, however, as a site drawing is submitted showing an indicative housing mix; based on evidence of housing need the affordable unit and tenure mixes below would be appropriate to address that need.

	Number	Affordable Rent	Shared Ownership
1 bed 2 person flat	4	4	0
2 bed 4 person house	12	8	4
3 bed 6 person house	4	2	2
Total	20	14	6

NHS

Contribution of £10,000 requested to increase capacity at the Freshwell Health Centre.

ECC Education

No contributions sought.

ECC Archaeology

No objection. Conditions regarding archaeological evaluation are requested.

Environment Agency

No comments.

Fire Brigade

No comments received.

Historic Buildings Consultant

Objection to the proposal as it would cause less than substantial harm to a number of heritage assets. (Expanded upon below)

TOWN / PARISH COUNCIL

Finchingfield Parish Council

Object to the application for the following reasons:

- Unsustainable location and the proposal does not amount to sustainable development.
- No access to sustainable transport methods and the development would increase car usage.
- The existing road network is not suitable for the development.
- Detrimental impact on the character of the area.
- Existing field pattern is sensitive to new large scale development.

Reference is made to the dismissed appeal at Wethersfield Road (16/01735/OUT)

Great Bardfield Parish Council

Objects as it would be an overdevelopment of a historic village. The two historic bridges would not be able to cope with the extra traffic. There are insufficient services such as medical facilities, school places and public transport, to support such growth.

REPRESENTATIONS

128 representations were received (117 objections and 11 in support) in relation to the application and their comments are summarised below:

Letters of objection:

- Increased traffic numbers generated by 50 new dwellings would create problems.
- The village does not have the scope for more people or more traffic
- Insufficient space at the school and doctors
- Development would be out of character with the village and would ruin picturesque views
- Increase in dwellings by 17%
- The development is not sustainable as it is remote from the village
- Conflicts with the Village Plan
- Inaccuracies in the ecological report
- The development would place reliance on the car for essential services
- Gladman appeal in 2017 was dismissed for a similar proposal
- Traffic and highway safety issues
- The village would be less desirable for tourists
- Noise and disturbance to existing residents
- Proposal will cause flooding
- Loss of privacy to existing residents opposite the site
- Concerns about cars being parkin on Bardfield Road
- Result in light pollution harmful to the character of the village
- No need for extra recreational space
- No housing shortage in Finchingfield, as a number of houses are for sale
- Concerns that the development would lead for future schemes
- Harm to historic character of the village
- Brownfield site should be used rather than greenfield
- Village bridge is not strong enough to support extra traffic
- The houses will not be affordable so therefore no benefit to the village
- Increase in crime in the village
- The site lies within a Special Landscape Area
- Reduction in internet speeds
- Some comments in support of the application are from the landowner or their relatives
- There is no space to create a bus stop
- No footpath link to the village
- Surrounding villages could merge together
- Erosion of the green belt

Letters of support:

- Villages can only thrive with new affordable housing

- The Council does not have a 5YLS and the adopted local plan is out of date and therefore the titled balance will apply.
- This development will be anything but harmful, with the benefits clear to see.
- Existing housing in Finchamfield is not affordable.
- The house will be screened and will not be unattractive when viewed from the road and will enhance the entrance into the village
- There are 29 spaces at the school
- Financial contribution towards NHS services would be welcomed
- Chocolate box centre of the village would be preserved
- Too many second homes in the village are destroying it

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 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 the Council's 5 Year Housing Land Supply position.

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 Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the 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 not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The proposed development is therefore considered to be contrary to the Adopted Development Plan and 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.

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

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

Policy CS5 of the Adopted Core Strategy states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'.

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

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- Direct public transport services exist, or there is potential for the development to be well served by public transport
- The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

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

The strategy set out in the 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 site was not submitted for consideration during the ‘Call for Sites’ exercise in 2016.

Finchingfield is classed as a Second Tier village in the Draft Local Plan. Second Tier villages are described as: ‘those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a Second Tier Village, subject to the specific constraints and opportunities of that village’.

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

Finchingfield has two public houses, a number of tea rooms and restaurants, a primary school, church, post office, doctors surgery and village hall. However the village does not offer any professional services such as banks.

The village is served by a number of bus services that link the village to Blake End, Chelmsford, Great Bardfield, Newport, Great Notley, Wethersfield, Shalford and Braintree. No buses run on a Sunday.

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

Officer’s draw Members attention to the refused scheme referred to above (Application Reference 16/01735/OUT) on Wethersfield Road, Finchingfield. The application was not refused on the basis of its accessibility to services

and facilities available in the village and the Inspector did not raise this as a concern.

In this regard Officers do not object to the proposed development in terms of its location and scale and suggest that it would fulfil the social role of sustainability in this regard. In Officers opinion, a reason for refusal based on the suitability of the location would prove difficult to defend.

Design, Appearance and Layout

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

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

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy requires the Council to promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment. Specifically by respecting and responding to the local context, especially in the District's historic villages, where development affects the setting of historic and important buildings, conservations areas and areas of highest archaeological and landscape sensitivity. Policy LPP55 of the Draft Local Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

This is an outline application where design, layout and landscaping are reserved matters. The application includes a number of indicative plans that indicate the key aspects of the design and layout, such as access, public open space, landscape features and SuDs features. It is indicated that the density of the development of the whole site for 50 no. dwellings would be 10.8 dwellings/hectare.

The site area minus the proposed open space equates to 3.73 hectares. To develop 3.73 hectares at an efficient density as required by the NPPF this would require close to 120 dwellings. The applicant has not indicated why such a density is proposed however such an inefficient density cannot be considered a good or efficient use of land. Notwithstanding the objection to the principle of the development such a low density scheme would not provide sufficient support for local services and would not be as sustainable as a

higher density proposal that would make effective use of land and a strong contribution to the supply of housing.

The illustrative plans relating to the layout of the proposal has little sympathy to the village, especially where strong street frontage plays such an important role in defining local distinctiveness. The illustrative layout shows a poor relationship to the existing development and particularly the street from which the development is served.

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

The proposal demonstrates an inefficient use of the site and a layout that does not reflect the character of Finchingfield contrary to the NPPF, Policy RLP90 of the Adopted Local Plan and Policy LLP55 of the Draft Local Plan.

Landscape and Visual Impact

Paragraph 215 of the Framework is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan states that development that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

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

Landscape Context

Within the Landscape Character Assessment of Braintree, 2006 (Braintree Assessment, 2006), the site is located within Landscape Character Area (LCA) B2 Hempstead Farmland Plateau. The site's northern boundary approximates the southern boundary of LCA B9 Stambourne Farmland Plateau; in which Finchingfield village is located.

Finchingfield and its historic settlement pattern are identified as an important feature within the landscape at a National, County and District level. Similarly, all assessments place emphasis on the tranquil nature of the landscape, which is identified as being sensitive to change.

The distinctive form of the village is due to its location at the confluence of the Finchingfield Brook and two of its tributaries: one either side, east and west, of the village. The village occupies a 'star-shaped' position around the valley watercourses and attractive cross valley views are acknowledged in the applicable landscape planning guidelines of the Braintree Assessment, 2006.

Finchingfield is described within the description of Historic Landscape Character Area (HLCA). Upper Pant/Blackwater valley as a 'nucleated village... which occupies a nodal position' which is reflected in the 'spider-web' field pattern which radiates around the village'. The historic settlement pattern of Finchingfield and its relationship with the wider landscape, is noted in the Braintree Assessment, 2006 as a valued characteristic and 'sensitive to potential new largescale development'.

The site is located within open countryside to the south of Finchingfield, west of Bardfield Road (B1057). It occupies part of an agricultural field and is not located adjacent to the settlement as defined by the development boundary. The LVA describes the site as being bound to the north by, in part, 'houses off Bardfield Road'. The site actually adjoins a farm track along its northern boundary. Beyond the track lies a notable tree belt which defines the southern boundary of the recreational ground. Immediately north east of the site lies a row of trees beyond which is Park Place, a single residential property. The site's southern boundary adjoins the track which leads to Little Winsey and its eastern boundary runs close to the B1057. The western boundary runs through the middle of an open field and does not appear to follow any existing or historical boundary feature.

There are five main vehicular approaches into the village of which four descend gradually from the higher surrounding boulder clay plateaus into the settlement. There are four main footpath approaches to the village which mirror the star shaped approach of the roads. Approaching Finchingfield along the B1057 the site is clearly visible due to its open character and rising contour relative to the level of the road. The site's role as part of the wider rolling countryside setting to the village is very apparent from this road. Unlike the site, the settlement is less visible due to its low-lying position, relative to the wider countryside, and the mature vegetation around its southern parts. This vegetation provides a strong landscape edge to the village and enhances the sense of arrival and transition between countryside/settlement for users of the B1057. In particular the tree belt to the north of the site has established a treed horizon in views from the B1057. This feature is characteristic of the Hempstead Farmland Plateau LCA where such skylines are identified as 'visually sensitive to new development'.

Overall the value of the site is considered to be high. The site's character is highly representative of the Hempstead Farmland Plateau LCA and is intact.

The site is an integral part of the surrounding countryside and makes an important contribution to the rural setting of the village, and the maintenance of a spider-web field pattern radiating around the village reinforcing its historic settlement form.

Landscape Effects

The proposed development is entirely unsympathetic to Finchingfield's coherent settlement pattern, which has otherwise remained sympathetic to its historic nucleated, nodal form. The incongruity of the proposal with respect to the existing settlement pattern is apparent from the drawing on page 8 of the Design and Access Statement. This drawing illustrates how the proposal would establish a dense block of development geographically and visually disconnected from the village. It also shows how the proposal would introduce a new development typology to the village with clustered housing set around an internalised road network, accessed via a single access point off the B1057.

The development would not be seen as part of the village but as an isolated housing development in the countryside. The development's protrusion into the countryside would be particularly noticeable from the approaches into the village. Most notably the B1057 and Mill Road, and the wider PRow network, particularly to the east of the site. The lack of connection between the village and the development would be enhanced by the existing vegetation around the southern parts of the village, which is proposed to be strengthened further by new planting. LVA Viewpoint 19 is a good example of a location to the east of the site where the proposal would be seen extending beyond the settlement's southern vegetated edge. It is also a good example of where the development would interrupt an attractive rural cross valley view.

The development would result in a medium/high magnitude of change to the local landscape character overall. The proposal has not had regard to the character of the landscape and its identified sensitivities to change, which include its rural tranquillity, historic settlement pattern and treed horizons. The proposal would not be consistent with the LCA landscape planning guidelines which seek to 'maintain cross valley views' and 'ensure any new development is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles'. The susceptibility of the local landscape to the change proposed is therefore considered to be medium/high.

The overall sensitivity of the local landscape to the change proposed is high (high value plus medium/high susceptibility). The overall effect upon the local landscape character would be major adverse.

Visual Effects

The visual receptors who would be most affected by this development are users of the B1057 (medium sensitivity) and Public Right of Way (PRow) users (high sensitivity). The magnitude of change for users of the B1057 would be high and the overall effect upon their visual amenity would be

moderate/major adverse. The magnitude of change for PRoW users varies but users of the more elevated footpaths east of the site would experience up to a medium magnitude of change which would result in up to a moderate/major adverse effect upon their visual amenity.

Submitted Landscape and Visual Impact Assessment (LVIA)

The LVIA has adopted a methodology which is generally consistent with the principles of GLVIA3.3 In addition to a baseline assessment it provides:

- An assessment of the value of the site against the factors described in GLVIA3 Box 5.1.
- Judgements on sensitivity and magnitude of change for both landscape and visual receptors.
- Conclusions about the effects of the proposed development.

The LVIA finds that the site is not a valued landscape for the purposes of Para. 170 of the NPPF. The overall character of the site is found to be of medium value. The Council's landscape specialist assessment considered the value of the site to be high. Set out below are three examples where it is considered the approach in the LVIA has led to an underestimation of the site's value.

- The LVIA is focused on the character of the site itself and has not properly considered the value of the site's role within the local landscape. It fails to value the contribution of the site to the distinctive rural setting of the village, and its role in maintaining the village's historic and distinctive settlement pattern.
- The site is part of a large agricultural field, yet no mention of its rural character is made in the LVIA's consideration of scenic quality. Instead, the LVIA focuses on, and exaggerates the influence of, nearby urban features. For example, Penmon, a single residential property to the east of the site is regarded as one of the 'strong urban influences' over the site. So too are the suburban bungalows to the north of the site which are described as being 'littered with urbanising features such as greenhouses, oil tanks and close board fences'.
- The site is entirely within the Hempstead Farmland Plateau Landscape Character Area (LCA). However, the LVIA incorrectly states that the majority of the site lies within the Stambourne Farmland Plateau LCA when considering the site's representativeness of the local LCA. In making this mistake the LVIA fails to recognise that the site is part of a landscape which is highly representative of the local LCA.

Within the section on landscape effects the LVIA has included the Hempstead Farmland Plateau LCA as a landscape receptor. The LVIA finds that the effect of development on this receptor would be major adverse during construction and at year 1 after completion. This is despite stating that the site is within the Stambourne Farmland Plateau LCA.

A major adverse effect is defined in the LVIA as a development which 'would cause a total permanent loss or major alteration to key elements or features of the landscape and/or introduce elements that are totally uncharacteristic of the surrounding area. The development would be visually intrusive and would result in a substantial deterioration to visual amenity'. Officers agree that this would be the level of effect on the character of the local landscape.

The LVIA considers the effects on the Hempstead Farmland Plateau LCA would be moderate adverse after 15 years, once mitigation planting has matured. It is considered that the effect on this receptor, and local landscape character more generally, would remain major after 15 years, due to the disruption to the historic settlement pattern and the incongruity of the development with the characteristics of the LCA. Officers strongly disagree that the proposed landscape strategy would 'improve the character of the site and the wider landscape'.

The LVIA also finds that major adverse landscape harm would occur to the character of the Pant River Valley LCA during construction and at year 1 after completion, and that it would be moderate adverse at year 15. Additional significant effects are identified in relation to the visual amenity of receptors including people using Bardfield Road and the local PRoW network. Both would experience up to major adverse effects in the short term.

Despite underestimating the value of the site, the LVIA supports the conclusion that the application would initially result in major landscape harm. The LVIA exceeds our own assessment in relation to visual amenity as it finds that several receptors would initially experience up to major harm to their visual amenity, including people using Bardfield Road and the local PRoW network. Contrary to the findings of the LVIA it is considered that substantial harm to both the local landscape character and visual amenity of the aforementioned receptors would persist beyond the initial development phases.

To conclude, having reviewed the impact on the landscape character and having considered the local and national planning policies it is considered that the proposal would result in significant landscape harm and is therefore considered contrary to Policies CS5 and CS8 of the Adopted Core Strategy, Policy RLP80 of the Adopted Local Plan and Policies LLP1 and LLP72 of the Draft Local Plan.

Impact Upon the Historic Environment

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

Para.193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight

should be given to the asset's conservation. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

Policies LPP56 and LPP60 of the Draft Local Plan reiterate similar restraints to the adopted policies outlined above.

The application site is an agricultural field to the south of the village of Finchingfield, the historic core of which is designated as a Conservation Area. Finchingfield is a small rural nucleated village clustered around St John the Baptist's Church, The Green and the River Blackwater/Finchingfield Brook - all set within shallow valleys and bounded by open countryside. The history, significance and character of Finchingfield is discussed in full within the Conservation Area Appraisal. The site is separated from the edge of the Conservation Area boundary by a ribbon of twentieth century development. Whilst these properties are fairly standard in their design, the single-storey dwellings have allowed for views of the Grade I St John the Baptist Church to be maintained. Nonetheless, it is concluded that these buildings have had a negative impact upon the Conservation Area, and those listed buildings within it, by disconnecting it from its agrarian setting.

The erection of up to 50 dwellings in this location would exacerbate the harm caused by previous twentieth century development, further detaching the historic core from its agrarian landscape setting which undermines how we are able to experience and interpret the settlement. Whilst matters regarding landscaping, layout and housing designs are reserved, it is likely that the proposed development will appear a fairly typical insular development which does not related well to the settlements history or character. The proposed development would also likely be prominent in views from the roads and footpaths which permeate the valley.

To conclude, the proposal will result in harm to the Finchingfield Conservation Area and the listed buildings within it by disconnecting it from its agrarian setting. For the purposes of planning this harm is considered less than substantial and in accordance with the NPPF (Para.196), this harm weighs against the public benefits of the proposal. Furthermore although all matters except access are reserved, it is considered unlikely that the proposed development will the make a positive contribution to local character and distinctiveness.

Impact on Neighbour Amenity

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

Given that the application is in outline it is difficult to assess conclusively how the development would impact on neighbouring properties however the nearest neighbouring properties are located some distance away from the application site which is likely to ensure that their current levels of amenity would not be materially harmed by the proposed development.

Highway Issues

Para.109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A plan showing the proposed vehicular access from Bardfield Road (a classified road) is provided within the Design and Access statement. The submitted plan shows that visibility splays of 160m metres can be achieved in both directions. In addition to this, during the life of the application, speed survey data was submitted by the applicant in support of their application.

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

Having reviewed the application, the Design and Access statement and the speed survey data, the Highway Authority is content with its conclusions.

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

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

Although there are many objections from third parties regarding the safety of Bardfield Road, the Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective and the proposals

are therefore considered to be in accordance with Policy RLP53 of the Adopted Local Plan and Policy LLP44 of the Draft Local Plan.

Trees and Ecology

Policy RLP80 of the Adopted Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy 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. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

The site comprises an arable field with narrow field margins of limited intrinsic ecological importance. The scheme seeks to retain hedgerows and other habitats where practicable, with landscape enhancements proposed around the edges of the site.

Originally the Council's Ecologist raised a holding objection to the proposal due to the lack of surveys submitted with the application, however it is considered that these surveys can be submitted at the reserved matters stage.

Surveys have been submitted in relation to great crested newts (GCN) which have been put through the GCN rapid risk indicator and resulted in the following: 'Green: offence highly unlikely'. Given this result the Council's Ecologist is satisfied that the ponds are situated a sufficient distance away and that no terrestrial habitat will be impacted and therefore the additional surveys required and any proposed mitigation required can be secured at the reserved matters stage. It is considered that the same approach can be taken to bat surveys along with the submission of a lighting strategy.

Opportunities for ecological enhancement have been included within the scheme to create habitats of importance within public open space and

structural landscaping. These include new boundary planting and a wetland SuDs feature.

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

Drainage and Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site as being located within Flood Zone 1 (low risk).

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be managed such that flood risk to and from the site following development will not increase. This will be achieved through restricted greenfield discharge rates and an appropriately sized detention basin, with pumped outfall to watercourse. The FRA indicates the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere. The development should therefore not be precluded on the grounds of flood risk and surface water drainage.

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

It is therefore considered that the application complies with Policy CS8 of the Adopted Core Strategy, only in so far as it is related to flood risk, Policies RLP67 and RLP69 of the Adopted Local Plan and Policies LLP78 and LPP80 of the Draft Local Plan.

PLANNING OBLIGATIONS

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably

related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

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

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

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

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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space and an outdoor equipped play area.

A financial contribution would be sought for outdoor sport and allotments. The provision/ contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects could be secured through a S106 Agreement.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects. However, whilst the applicants have indicated that they would be prepared to enter into an agreement to provide the appropriate infrastructure mitigation, no such agreement is in place at the present time. The development therefore fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Policies CS2, CS10 and

CS11 of the Adopted Core Strategy, Policy RLP138 of the Adopted Local Plan and Policy LPP82 of the Draft Local Plan.

PLANNING BALANCE AND CONCLUSION

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

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 an 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).

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 the social objective, it is acknowledged that the provision of market and affordable housing would bring social benefits and would contribute towards the Council's Housing Land supply. It is also recognised that the building of houses generates economic benefits during the construction process and post occupation of the development where residents would contribute towards maintaining local shops and services. These benefits are applicable to housing development generally and the benefit should be given moderate weight.

It is also acknowledged that the application site is located on the edge of Finchingfield and taking the site on its merits in considering this application, the number of units proposed, Officers consider that the range of amenities and services available for existing and future residents is such that daily needs and recreational activities could be met within the village to some partial degree.

With regard to the environmental objective, the proposed development by virtue of its location would result in development that would be out of keeping with the open pattern of development within a transitional area between the village and the countryside and would have a detrimental impact upon the character and appearance of the area and in particular the landscape quality along this rural entrance into Finchingfield.

In addition, it is considered that the adverse impacts outlined earlier in this report relating to the harm to designated heritage assets, namely Finchingfield Conservation Area and the listed buildings within it, would not be outweighed by the benefits of the development.

The increase in population that the development would inevitably result in increased pressure on existing services and facilities within Finchingfield. It is however acknowledged that these pressures could be duly mitigated through a Section 106 agreement to address the various heads of terms identified within this report.

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

It is therefore considered that the proposal fails to take account of the function the site serves in landscape terms and would significantly harm the intrinsic character and beauty of the countryside resulting in significant landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to the principles and guidance set out in the NPPF, Policy RLP80 of the Adopted Local Plan, Policies CS5 and CS8 of the Adopted Core Strategy and Policy LLP71 of the Draft Local Plan and the guidelines set out within the Braintree District Landscape Character Assessment (2006).

- 2 The erection of up to 50 no. dwellings in this location would exacerbate the harm caused by previous twentieth century development, to the character and appearance of the Finchingfield Conservation Area, further detaching the historic core from its agrarian landscape setting which undermines the ability to experience and interpret the settlement.

Whilst the level of harm in this case would be less than substantial harm, taking into account the cumulative impact upon the designated heritage assets, the benefits of the proposal do not outweigh the harm to the identified. The proposal is therefore contrary to the NPPF, Policies RLP90 and RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LLP50 and LLP60 of the Draft Local Plan.

- 3 The proposed development would trigger the requirement for:
 - The delivery of 40% affordable housing on site;

- A financial contribution towards primary health services;
- The provision, maintenance and delivery of public open space, outdoor sports and allotments.

These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS10 and CS11 of the Core Strategy and the Open Space Supplementary Planning Document (SPD).

SUBMITTED PLANS

Other

Location Plan	Plan Ref: OPA/18008-PP03	
Landscape Masterplan	Plan Ref: OPA/18008-PP04	
Land Use Parameter Plan	Plan Ref: OPA/18008-PP03	
Access Details	Plan Ref: OPA/18008-PP05	
Design Analysis Plan	Plan Ref: OPA/18008-PP06	
Site Layout	Plan Ref: 003	
Planning Layout	Plan Ref: 004	
Planning Layout	Plan Ref: 007	Version: North View
Planning Layout	Plan Ref: 008	Version: East View
Highway Plan	Plan Ref: IT1893/TS/02	
Other	Plan Ref: JBA 18/049-01	

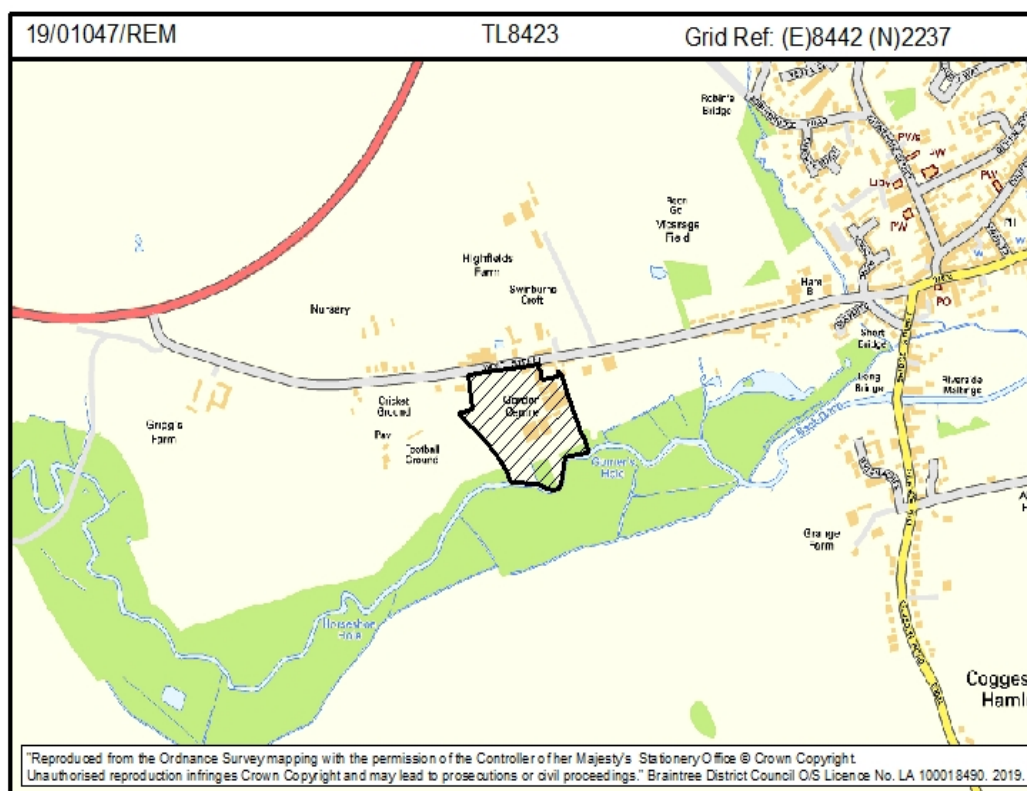
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/01047/REM DATE: 05.06.19
 VALID:
 APPLICANT: Mr Joe Leedham
 1 Langston Road, Loughton, IG10 3SD
 AGENT: Mr Matthew Wood
 270 Avenue West, Skyline 120, Braintree, CM77 7AA
 DESCRIPTION: Application for approval of reserved matters (appearance, landscaping (including front 6 units), layout and scale) following outline planning application 17/00359/OUT - for the demolition of all existing buildings, new access arrangements off West Street and (1) with only landscaping reserved for the erection of 6 no. residential units (Use Class C3) adjacent to West Street, (2) with all matters reserved for up to a maximum of an additional 42 no. residential units (Use Class C3) and new public space off West Street, Coggeshall
 LOCATION: The Dutch Nursery, West Street, Coggeshall, Ex, CO6 1NT

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=PSXGJ4BF0/G00>

SITE HISTORY

04/00245/FUL	Erection of barrel roofed, open sided plant protection area to be attached to existing glass house	Granted	29.03.04
04/00757/FUL	Erection of field shelter	Granted	15.06.04
90/00338/PFBS	Extension To Form Office And Retail Area. Erection Of 2 No Retail Units. Change Of Use Of Shop To Tea Room.	Granted	17.04.90
91/00366/E 96/00977/FUL	Proposed 5 Caravan Site Removal of existing greenhouse, erection of new greenhouse and new access with improved parking	Granted	25.10.96
04/02424/COU	Change of use of land for provision of pony rides and construction of associated structures for animal welfare	Granted	31.01.05
17/00359/OUT	Outline planning application for the demolition of all existing buildings, new access arrangements off West Street and (1) with only landscaping reserved for the erection of 6 no. residential units (Use Class C3) adjacent to West Street, (2) with all matters reserved for up to a maximum of an additional 42 no. residential units (Use Class C3) and new public space off West Street, Coggeshall	Granted with S106 Agreement	09.11.18
19/00116/DAC	Application for approval of details reserved by condition C11 of approved application 17/00359/OUT	Granted	13.03.19
19/00178/DAC	Application for approval of details reserved by condition C1 of approved application 17/00359/OUT	Part Grant, Part Refused	28.02.19

19/00417/DAC	Application for approval of details reserved by condition C2 of approved application 17/00359/OUT	Granted	14.06.19
19/00626/DAC	Application for approval of details reserved by condition C12 of approval 17/00359/OUT - Outline planning application for the demolition of all existing buildings, new access arrangements off West Street and (1) with only landscaping reserved for the erection of 6 no. residential units (Use Class C3) adjacent to West Street, (2) with all matters reserved for up to a maximum of an additional 42 no. residential units (Use Class C3) and new public space off West Street, Coggeshall	Part Grant, Part Refused	14.06.19
19/00860/NMA	Application for a non-material amendment following grant of planning permission 17/00359/OUT - Central access road moved 0.4 m, house floor plans units 1-4 amended, units 2 & 3 moved forward , parking court & bin store amended, central avenue detail amended and existing dwarf wall lowered.	Granted	23.08.19
19/01096/DAC	Application for approval of details reserved by condition 13 of approval 17/00359/OUT	Granted	10.07.19
19/01101/DAC	Application for approval of details reserved by condition A.9, A.12, B.7, B.10, C.5, C.6, C.7, C.9 AND C.10 of approval 17/00359/OUT	Pending Consideration	
19/01558/PDEM	Application for Prior Notification of Proposed Demolition - All existing buildings including brick-built and glasshouse	Permission not Required	18.09.19

19/01588/DAC	structures Application for the approval of details reserved by conditions A.4 & B.2 of approved application 17/00359/OUT	Pending Considerati on
19/01707/DAC		

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
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
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
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development

LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Neighbourhood Plan

P.1 Meeting the Housing Need
 P.3 Allocated Site Dutch Nursery
 P.6 Meeting the Business Need
 P.7 Protecting and Enhancing Green and Blue Infrastructure and the Natural Environment
 P.8 Green Coalescence Buffers
 P.9 Identifying Local Green Spaces
 P.10 Green Amenity Areas
 P.11 Open Space
 P.12 Preventing Pollution
 P.13 Managing Flood Risk and Drought Prevention
 P.14 Protecting our Heritage
 P.15 Design Management within the Built Environment
 P.16 Design Management in Rural Areas
 P.17 Transport and Infrastructure
 P.18 Developer Contributions Policy

Other Material Considerations

Site Allocations and Development Management Plan
 Essex Design Guide

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

Essex Parking Standards

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 and because Coggeshall Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The Dutch Nursery site is located outside of the Coggeshall Village Envelope on the south side of West Street which is one of the main axial routes into the Village. The site, which measures approximately 3.28ha in area, is roughly square in shape extending south towards the River Blackwater.

The site was previously occupied by the Dutch Nursery garden centre and the World of Water retail business. The site contained a number of buildings and structures, primarily towards the northern and eastern sides of the site, including glass houses and additional freestanding retail businesses. The western part of the site contained paddocks and the southern area is undeveloped and largely unmanaged. The site had two vehicular accesses from West Street which lead to an extensive area of hardstanding used for car parking and business servicing. The main business – the garden centre closed in November 2015.

The site is approximately 260m from the edge of the Village Envelope, as designated by the Adopted Local Plan and from the western end of the Coggeshall Conservation Area. When the site was last being used it had two points of vehicular access onto West Street and an existing brick wall along the site frontage. The site slopes from north to south towards the river by approximately 7.8m and whilst most of it can be classed as 'brown-field' there is a green-field element in terms of the western edge and north-west corner. It encompasses the paddocks bordering the western and northern boundaries facing towards the former Isinglass Works, land to the rear of Nos 93-105 West Street to the east, the former garden centre and part of the river corridor to the south. The southern boundary of the site is also adjacent to the Blackwater Plantation Local Wildlife Site.

The site is relatively well-contained by the site boundaries, except on the western edge where the boundary is less uniform and is more open in places. Further to the west beyond the paddocks are private residential properties, including no.123 West Street, and an access with a public right of way which continues west towards Coggeshall Football Club. The site's access arrangements, existing buildings and internal boundary treatments restrict public access into and through the site. No public access is currently allowed through its full extent down to the River Blackwater.

The buildings fronting either side of West Street on the northern border of the site are Grade II Listed, including the former Isinglass Works, The Drying House, The Finings and No. 114 West Street. This collection of buildings forms part of a small hamlet thought to be associated with the medieval wool industry. It was later associated with a tannery and isinglass factory, both of which would have made use of the watercourse which runs under the isinglass factory. These industrial-type processes were traditionally sited away from the core of the Village due to the environmental impact of these historic processes.

The southern part of the site is located within Flood Zones 2, 3a and 3b with the latter being part of the functional floodplain where water has to flow and be stored during flood events.

West Street provides a direct route for vehicles, pedestrians and cyclists between the site and village centre to the east and to the A120 trunk road to the west. The road is subject to a 40mph speed restriction next to the site. This reduces to 30mph on the eastbound approach to the centre of the village.

The applicant has recently provided the Council with prior notification of their intention to demolish the buildings that are on the site, pending redevelopment of the site.

PROPOSAL

This application seeks approval for details of the Reserved Matters for a residential development totalling 48 dwellings with new public open space, pursuant to outline planning permission 17/00359/OUT that was granted planning permission on 9th November 2018.

Whilst the grant of Outline planning permission establishes the principle of residential 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; layout and scale of the development of the whole site, excluding the vehicular access off West Street and Plots 1-6, details of which were approved as part of the outline planning permission. Approval is also sought for the landscaping of the whole site.

It is proposed that the 42 dwellings for which approval is sought will provide a mix of dwellings with detached, semi-detached; terraced houses. No flats are proposed. The dwelling sizes would range from 2 – 5 bedrooms. The application also provides details for the public open space; play space; and landscaping of the site.

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

- Arboricultural Impact Assessment
- Boundary Treatment Plan
- Built Heritage Report
- Design & Access Statement
- Drainage Strategy & Technical Report
- Ecological Assessment
- House Tenure Plan
- House Type Plan
- Landscape Specification and Landscape Management Plan
- Materials Strategy
- Planning Statement
- Play Equipment Images
- Street Elevations

SUMMARY OF CONSULTATION RESPONSES

External Consultees

ECC Highways

No objection. Provided the proposal is carried out in principle in accordance with submitted plans, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

ECC Waste & Mineral Planning

No comment on the application in respect of Waste or Mineral planning. As a general comment, the footpaths suggested south of the development seem a little odd. The aspiration for a future riverside path is understood but to have the path just ending at the boundary at both end seems rather pointless – a circular path is recommended instead.

Essex Police

No objection. Identify some concerns that some rear property boundaries comprise of a 1.5m brick wall – a height that would not afford adequate security. To comment further we would require the finer detail such as the proposed lighting, and physical security measures. Would welcome the opportunity to engage with the developer to comply with the Building Regulations and at the same time as achieving a Secured by Design award.

Environment Agency

No objection. The EA advise the applicant that they may require an environmental permit to undertake their work, if this involves work in, under, over or within 8m of the river and of any flood defence structure or culvert of the River Blackwater, designated a 'main river'. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Historic Buildings Consultant

Consider that the proposals would result in less than substantial harm. Whilst satisfied with many aspects of the scheme they consider that the layout (the depth of development and use of cul-de-sacs) would not reflect the grain of development and would impact on the setting of nearby listed buildings. They conclude that the less than substantial harm would be at a low level. Recommendations made concerning the use of materials and the detailing of the buildings.

Historic Environment Consultant

No objection subject to additional condition. A programme of archaeological investigation was secured by a condition on application 17/00359/OUT. The

applicant has previously submitted a Written Scheme of Investigation (WSI) for approval but this reserved matters application suggests there may be more disturbance within the landscaped and open areas than previously indicated which may affect the area that requires coverage through archaeological evaluation. This will need to be addressed and, if required, a new WSI submitted, the evaluation has not yet been carried out and should be completed to discharge the condition on application 17/00359/OUT.

Lead Local Flood Authority (ECC SuDS)

Having reviewed the application there is no objection to the approval of the application as the proposals are consistent with the approved outline drainage strategy and subject to the same conditions applied to the outline application (17/00359/OUT).

Natural England

No objection subject to securing mitigation in accordance with Habitat Regulations Assessment. This site falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites. In such cases the Council should undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation.

Internal Consultees

BDC Environmental Services

No comments on this reserved matters application (comments and conditions applied on the outline planning permission).

BDC Housing Enabling Officer

Supports the application. The development provides the opportunity for a significant number of new affordable homes to be delivered which will assist the Council in addressing housing need.

Type of Dwelling	Affordable Rent	Shared Ownership	Total
2 bed 4 Person House	10	4	14
3 Bed 5 Person House	3	2	5
			19

All affordable homes appear to be compliant with Building Regulations Part M Cat 2 (Accessible and Adaptable Dwellings) and meet or exceed Nationally Described Space Standards.

BDC Waste

No objection. Provide comments regarding the design and adoption of the access roads. If the access road is to remain private then each household will need to present their waste bins at a suitable location near (no more than 20m) or on the public highway.

PARISH / TOWN COUNCIL

Coggeshall Parish Council (CPC) has submitted an 11 page letter which provides a detailed critique of the proposed development. The main issues raised are summarised below.

Coggeshall Neighbourhood Plan

CPC has reviewed this planning application against the draft Coggeshall Neighbourhood Plan (CNP). The regulation 14 consultation has now been completed and the plan is being prepared for regulation 15.

New development should seek to respect and include features which characterise the village so this can be maintained.

The CNP has developed a site-specific policy for the Dutch Nursery Site.

Quantum of Development & Mix of Dwellings

Prior to this application CPC saw more interesting plans / sketches which provided a more interesting layout, mix of dwellings, and community facilities which could provide a scheme of around 60 new dwellings.

The layout features primarily large detached, but no 1-bed properties; no bungalows; no work / live properties and no commercial buildings.

Parking Provision

Policy P1 VIII of the emerging CNP requires the provision of public charging points across the development, to encourage the uptake of electric cars.

Layout:

Housing Layout

- Typical suburban housing estate approach and makes little reference to the nature of Coggeshall's historic quarters.
- There is little variation in density of design; no clustering of homes; and little attention paid to the spaces created between the homes, none of which helps build character.

Street Layout

- The majority of the buildings are fragmented and not consistent with the largely contiguous types found in much of the town.
- Roads are primarily straight, reducing opportunity to create interest and provide passive traffic calming.

- Insufficient consideration to creating attractive views through the development.
- The use of cul-de-sacs will mean that much of the development is not penetrated by people other than those who live there and will result in unoccupied streetscapes. Providing pedestrian routes linking the various dead-ends, to create more pedestrian-permeable situation would avoid this.
- Consideration should be given to further enhancement of “shared space” or “home zone” type features.

Scale

To create character and variety 4 or 5 properties should have a raised roof line or an extra storey.

Appearance

CPC acknowledges that the proposals have evolved in conjunction with BDC officers and the Essex Design Guide, however it refers to the CNP and comments:

- As well as following the local vernacular CPC would welcome the use of other styles, including modern contemporary design.
- The materials pallet is very limited and not reflect village character. There should be more render; greater variation in render colour; brick colours should reflect those which characterise the village, with special attention to detailing and brick bond; an additional roof tile should be used to vary the roofscape; greater variety of hard landscaping.
- Lamp topped entry gateposts should be retained.

Privacy

The Coggeshall Parish Design Guide advocates a relaxation of rules governing distances between homes; window positions and wall / fence height in order to encourage the creation of communities, distinctive and attractive architecture and character, with less uniformity, as well as encourage passive security.

Access

Suggest an additional short section of footpath leading to a new, unique, pedestrian gate in N/W corner of the existing wall facing onto West Street. This would create a more convenient and natural entrance into the open green space for walkers.

Landscaping and Open Space

- The retention of part of the existing green space to the west of the site known to the local community as ‘The Pony Fields’ is an important and valuable GI link.
- CNP Policy P16 specifies further plant species that should be included within the landscaping plans. CPC also make a number of recommendations concerning the location of some tree planting as well as the selection of tree species, in respect of suitability and local character as well as recommending that trees are planted in same species groups.

- Trees should be specified within the rear garden of homes.
- Recommend the use of wildflower meadow mixes in roadside verges, particularly along the central avenue. Verges also to become part of SuDS.
- Existing retained hedgerows along the site boundaries could be strengthened with additional native planting
- Seating areas should be provided to encourage use of the Open Space.

Boundary Treatment

- Connectivity between green spaces, including gardens, should be incorporated by replacing close board fences with hedges to screen between neighbours gardens; fences where used should vary and include semi visually permeable designs; use one or more hedgehog hole gravel board around each garden and the existing wall on West Street.
- Brick boundary walls should feature brick patterns; use a combination of materials, such as flint and should not be laid in a stretcher bond. Triangular coping stones are a common feature.
- 'Windows' can be built into garden walls which both create features and allow the owner of home glimpses of the world beyond their garden.
- Leave small holes in the wall to allow use by Mason bees.

Drainage

CPC suggests that additional steps could be taken to both minimise flooding and prevent drought by returning surface water run-off into the ground, including provision of water butts; greater use of permeable paving; recycling of rainwater or grey water; use of swales, rain gardens and underground tanks under shared parking courts to hold even greater volumes of surface water.

S106 Obligations

Affordable Housing - CPC would prefer to see these distributed more evenly throughout the site rather than located only in the 'lower value' N/E corner devoid of views and with less access to POS.

S106 Contributions

- Wish to see S106 monies used to deliver Transport and Infrastructure projects set out in the CNP, including a cycle way from Coggeshall to Kelvedon.
- CPC disagree with the project identified in the S106 for Outdoor Sport improvements. Instead they recommend monies are spent on a new Boules Pitch on BDC land adjacent to the Dr's Surgery on Stoneham Street; and upgrading the existing basketball court at 'The Recreation Ground' for use as a netball court.

Achieving Sustainable Development

For this to be considered sustainable development more measures should be incorporated to achieve this.

Conclusions

The development proposals fail to meet the objective set out within the emerging CNP.

The members of the CPC have high ambitions and challenges the applicant to produce work in Coggeshall that could be considered for nomination for design, architectural and sustainability awards.

REPRESENTATIONS

The application was advertised by way of newspaper advertisement, site notice and neighbour notification.

The Council received 9 representations, from the occupants of 7 properties, objecting to the application. A summary of the main issues raised are listed below.

- Initial concern that the first floor north-west facing window on Plot 34 would result in a substantial, undue, and harmful loss of amenity to the occupants of 123 West Street. Following revisions to the layout the objection is maintained as the rear elevation of 123 West Street will be indirectly exposed to three first floor and two second floor windows. Suggest omission of the plot or replotting of the dwelling so that is either further away from 123 West Street or not facing it. If that cannot be done then evergreen planting along the boundary should be provided
- Object to the proximity of new play equipment to 123 West Street (both the boundary and house) and refer to manufacturers standards which suggests a minimum of 10m between activity areas and the boundary of properties and 20m to the façade of dwellings with habitable rooms
- Plot 34 should be omitted from the scheme to protect the amenity of the Grade 2 listed property, The Finings, which has 10 SW facing windows and the proposed dwelling will be in direct line of sight of a multitude of listed buildings. If Plot 24 remains then it must be reduced in size and shifted eastwards to improve views and retain some of the greenfield outlook from listed heritage assets at Isinglass.
- At the Planning Committee meeting approving the original plan, the Planning Officer, stated in response to a question that the buildings would only be two storey i.e. no 3 storey homes. Plot 34 has 3 levels of accommodation.
- Plot Nos 14 to 17 and No 29, overlook the garden of Willow Bank (89 West Street) and will spoil our the occupants enjoyment of their property. The location of windows and obscure glazing should ensure that windows do not intrude on their privacy.
- Object to the design of the footpath proposed alongside the river. The route leads directly to the garden of the property known as Willow Bank and has the potential to intrude on their privacy, and leave their property being unsecure and vulnerable.
- Highway concerns - West Street already suffers from significant congestion at peak times and is subject to a 40mph speed limit which presents risk. The new houses will increase the potential for further

accidents. Measures should be implemented that will mitigate this risk, including reducing the speed limit to 30mph and painting double yellow lines along West Street to prevent future occupants parking in the carriageway

- The access is within a dip within the road which can limit visibility of smaller cars and this is a particular problem due to cars that are regularly parked along West Street
- Mix of housing includes no bungalows or 1 bed properties.
- There are no commercial buildings, or live work units. The site previously provided employment for local residents and provided premises for local businesses.
- No proposals to provide charging points for electric vehicles on public parking bays.
- The layout and appearance of the development is generic and is a typical of the approach taken in suburban housing estates, with little variation in density of design which reduces character and fails to enhance the village.
- More attention should be given to creating attractive views through the development and to create interesting side streets
- The roof line should be varied and raised occasionally to create character within the development.
- The materials palette is very limited and unimaginative. In addition, the boundary walls and fences have no variation and lack appropriate detailing.
- The traditional appearance of buildings should be varied with some modern designs incorporated
- The green space could include a new pedestrian gate in the North West corner of the site. This would create a more convenient and natural entrance into the open green space for walkers progressing along a circular route from a footpath which emerges onto West Street on the northern side of the West Street just west of the site.
- Soft landscaping and means of enclosure around rear gardens should be designed to enhance the bio-diversity of the site
- There are no seating areas within the green space
- Water and energy efficiency should be promoted to help address climate change
- Bin storage should be provided so bins are not permanently left in front of properties
- Parking – tandem spaces should not be used as they encourage residents to park on the street; properties should not have car parking within the building as there is a risk this will not be retained leading to more on-street parking; higher levels of parking should be provided due to higher levels of car ownership in Coggeshall
- Object to the location of Plot 1 as the house will be directly opposite 112 West Street, resulting in the new house having a view into their existing dwelling and loss of light

One letter of support has been received but the author expresses concern that the development will increase the amount of parking along West Street and

that on-street parking will restrict visibility for future occupants who will leave the site and turn right as parked cars will restrict visibility.

In addition two letters were received from members of the public who stated that they neither supported, nor objected to the application, but who wished to make comment on the proposals. A summary of the main issues raised in these letters is listed below.

- New plans seem to diminish green spaces, and development now extends beyond the Brownfield site,
- Developers need to provide adequate off road car parking as West Street can be extremely busy
- Developers should consider methods of transport into the centre of the village other than cars
- The mix of dwelling provided excludes bungalows and 1 bed properties which are needed to meet need in the Parish and would also help increase visual interest
- There are no commercial buildings which would allow people to work in a more sustainable manner.
- Electric car charging points should be provided in public parking bays.
- Design – The proposal is typical suburban housing estate with little variation in density and little visual interest - this will not enhance the parish and the village. The roof line should be varied to create character and reflect the character of the village. The materials pallet and means of enclosure are very limited and unimaginative. Some modern designs should be incorporated.
- Bio-diversity could be improved by enabling links between gardens (for example through holes in the bottom of fences) and tree planting in rear gardens.
- There are no seating areas in the green space for parents and the elderly
- Energy efficiency and generation, reduction in CO2 emissions and grey water recycling should now have priority within the development of new homes.

REPORT

PRINCIPLE OF DEVELOPMENT

The principle of development has been established under the original outline consent that was issued 9 November 2018 (application reference 17/00359/OUT). The 2017 application was a 'hybrid application' whereby outline consent for the development of up to 48 dwellings was approved, along with three of the detailed matters (appearance; layout; and scale) in respect of six dwellings at the front of the site, along West Street. The 2017 application did not provide details for the landscaping of Plots 1-6 and Landscaping was therefore kept as a Reserved Matter for the whole site. In terms of the background to the outline consent, the site was, and still is, located outside any development boundary in the Adopted Development Plan. The site had no specific allocation in the Adopted Local Plan, however, it is

designated as a Comprehensive Redevelopment Area in the Publication Draft Local Plan as set out within Policy LPP27. This Policy states *“that proposals for the redevelopment of the site will be supported which could provide a mixture of uses including: Residential; Employment; Retail; Community uses will also be encouraged including, but not limited to, public access to the river, and informal recreation space. Part of the site is within the Flood Zone and built development would not be supported in this area”*.

When the application was originally submitted in 2017 it proposed the development of 74 residential units, with up to 500sq.m employment uses (Class A1-A5, B1a, B1b, D1 and D2), however the quantum of development was reduced following lengthy discussions with Officers, to a maximum 48 units and the commercial element has been withdrawn. Given the constraints of the site, concerns were raised about the relationship and compatibility between a prominent commercial use and a residential use on the site. Taking into account the quantum of development proposed, it was also considered that it could all be satisfactorily accommodated on the site if relevant Standards were to be achieved in terms of residential amenity. Ensuring adequate parking, including staff/visitor parking was provided and that existing commercial activity in the village would not be undermined, was also an important consideration. The presence of numerous listed buildings along this part of West Street was a further factor as to why the maximum number of dwellings allowed on the site was restricted to 48. Whilst the concerns of residents and the Parish Council regarding the principle of development are noted the Council has already granted planning permission for up to 48 dwellings on this site and Officers therefore consider that the proposal for 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, and scale of Plots 7-48 and the landscaping of the whole application site. These matters are considered below.

Coggeshall Neighbourhood Plan

In 2015, Coggeshall Parish Council began the process of making a neighbourhood plan for Coggeshall. The policies have to support Braintree's District Plan, they have to follow the approach in the Government's National Planning Policy Framework and they have to have the support of the community.

The draft Coggeshall Neighbourhood Plan has now reached Regulation 14 stage, having been subject to a six-week public consultation between January and March 2019. The responses to the consultation will need to be collated and if appropriate the Plan modified. It is unclear the extent of support / objections to the Plan and the extent to which the Draft Plan will need to be modified.

The draft Neighbourhood Plan contains a timetable which indicated that the intention had been for the Plan to be adopted by early 2020, however the Plan has not yet been subject to the next stage of publicity (Regulation 15) before the process of independent examination can commence. The Examiner will

then need to produce a report and it is likely that the Plan will then need to be revised, based on Examiners report before a Community Referendum can be held. The Plan cannot be approved and adopted by the District Council until the Referendum has approved the Plan.

The District Council must determine, as the local planning authority, the appropriate weight that can be attributed to the emerging Plan. In accordance with the Paragraph 48 of the NPPF local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) 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*
- c) the degree of consistency of the relevant policies in the emerging plan to 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 at the time of writing this report only very limited weight can be applied to the policies contained within the draft Neighbourhood Plan. For completeness a summary of the policies that are relevant to the proposed development is set out below although Officers consider that very limited weight can be given to the policies in the determination of this application.

P.1 Meeting the Housing Need – the CNP proposes to allocate the Dutch Nursery site and three others for residential development. It indicates that the Dutch Nursery site has capacity for 59 of the 411 homes that are planned on the allocated sites. In addition the CPC support the principle of development on brown-field land and infill opportunities within the settlement boundaries, subject to site-specific circumstances. Proposals for residential development will need to: Include a range of housing types, sizes and tenures; Protect and enhance the distinctive character and distinct identity of the area; be of a scale and design that is appropriate to the area; Ensure that affordable housing is designed to be integral to the development as a whole and meets the Council's target of 40% provision; people with local connections to have first offer of tenancy or shared ownership of the Affordable Homes; Include, where viable, provision for self-build or community housing; Include renewable and low carbon energy generation technology and public charging points for electric vehicles in parking areas and encourage walking or cycling.

P.3 Allocated Site Dutch Nursery – The site is allocated for 59 dwellings. Development adjacent to West Street must respect and reflect the historic streetscape. The layout and character to the rear of the site must respect the topography of the land, the landscape setting and employ a mix of house types and tenure to create a distinctive character and encourage community development. Development proposals must incorporate a new Local Green Space to act as visual and physical link between West Street and the

Blackwater valley. The Blackwater valley floodplain adjacent the site should form part of the local green space whilst retaining its 'natural' character.

P.6 Meeting the Business Need – In principle development proposals that create local jobs and enhance the local economy will be supported, subject to site specific circumstances. Proposals which result in the loss of retail (Class A uses) or business (Class B uses) premises will only be supported where the existing use adversely affects the area, or where it is demonstrated that the existing use is no longer viable as an employment site.

P.7 Protecting and Enhancing Green and Blue Infrastructure and the Natural

Environment – Development proposals must protect, enhance and, where possible, increase the provision of green and blue infrastructure within the Parish. All proposals should seek to deliver net biodiversity gain, in addition to protecting existing habitats and species.

The CNP identifies green and blue infrastructure features within the Parish which must be protected and enhanced and where possible incorporate pedestrian, cycle and bridleway connections. Applications will need to be accompanied by appropriate surveys or assessments.

P.9 Identifying Local Green Spaces – Designates land at five sites as Local Green Spaces, including Land at The Dutch Nursery West (Pissing Gutter Field). The allocated area is an area 28m deep parallel to West Street; down the western side of the site, at least 15m wide; and the land within the flood zone at the southern end of the site.

P.11 Open Space – Proposals for new open space will be supported where they increase and enhance public open space for the benefit of the community, providing a range recreational opportunities for all age groups; Increase footpath, bridleway and cycle way connections around the Parish; Incorporate measures to increase habitat and / or food sources for wildlife and improve connections between open spaces to support wildlife.

P.12 Preventing Pollution – Where there is potential for pollution (water, air, noise) to derive from new development, the proposals should clearly demonstrate the potential risks to the human and natural environment, and how the risks will be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

P.13 Managing Flood Risk and Drought Prevention – New development should not increase flood risk (including fluvial and surface) on site or elsewhere and minimise surface water run off through the use of technology, construction and design techniques, including SuDS, with at least 80% of hard external surface areas to be permeable or runoff water is collected by effective infiltration systems; Collect and recycle grey water and incorporate water storage measures or 'rainwater harvesting'; include tree and shrub planting to reduce run off.

P.14 Protecting our Heritage – Development proposals which may have an impact on designated heritage assets or their setting will only be supported where new development proposals preserve or enhance the character, appearance, setting, of the relevant heritage asset(s); through the preservation of views that contribute to the setting of the relevant heritage asset(s) and use appropriate materials and finishes. If harm is identified then the benefits of the proposed development must outweigh any identified harm to the character, appearance, setting and historic features of the heritage asset(s).

P.15 Design Management within the Built Environment – Development proposals must be in general conformity with the Coggeshall Village Design Guide; Contribute positively to surrounding areas with reference to scale, design, density, layout and historic character of existing development; Use materials which preserves and enhances the character of the area and incorporate tree planting and vegetation which is predominantly native; Include shared open spaces; Ensure a mix of house types to foster a diverse community; Support the needs of home-working; Provide good pedestrian and cycle access and support public transport facilities within the Parish; and not result in significant harm to neighbouring residential amenity. Developers are encouraged to engage with the Parish Council over their proposals and will be required to demonstrate how their development will meet these objectives whilst also complying with the Coggeshall Character Assessment, Building for Life 12, and the Essex Design Guide and incorporating sustainable design features.

P.17 Transport and Infrastructure – Proposals for development should encourage the use of more sustainable means of transport by providing safe pedestrian and cycle access within a development, including links to public rights of way and existing networks; Provide secure and safe areas for cycle storage; Include public charging points for electric vehicles in visitor parking areas; Increasing the availability and accessibility of sustainable modes of transport throughout the village. New development must at least meet the minimum parking standards set out within the Essex County Council Vehicle Parking Standards, including well designed dedicated parking areas; and Prevent or limit on-street parking.

P.18 Developer Contributions Policy – Subject to viability any residential or commercial development will be required to contribute towards the provision of local infrastructure such as public open space, community facilities, education facilities, health facilities, highways improvements, improved high speed broadband connectivity, pedestrian and cycle links and community projects and initiatives within the Parish which specifically address the needs and aspirations of local residents.

SITE ASSESSMENT

DESIGN, APPEARANCE AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

The Council has already approved the new priority junction on West Street and the appearance, layout and scale of Plots 1-6 through the 2017 application.

This Reserved Matters application seeks approval for all the remaining detailed matters:

Appearance; Layout; and Scale of the remainder of the site and Landscaping for the whole site, including Plots 1-6.

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.

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 development that would see a development of a further 42 houses, taking the total to 48 houses.

Whilst an illustrative layout was provided as part of the Outline planning application this was not approved. The Council did however list the Parameter Plan as an approved plan establishing the expectation for the development layout for this Reserved Matters application.

Appearance

As evidenced in the applicants Design & Access Statement the house types and street elevations have been designed with reference to the character of the village. It is not intended, nor is it necessary, to replicate the architecture of the historic core of the village. 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 Council's Historic Buildings Consultant has commented that the approach to materials is acceptable in principle given that traditional materials are proposed within the most immediate setting of the listed buildings on West Street. Over the remainder of the site appropriate materials are proposed in terms of appearance, but they will allow the development to be read as a modern development.

Officers consider that the Affordable Housing has been designed to appear tenure blind which will aid social integration.

The Parish Council's comments about the palette of materials is noted. This consists of two bricks, a range of coloured renders and three roof coverings. For a development of this size and given the materials that characterise this part of West Street Officers consider the palette to be acceptable, although at the time of writing this report there are on-going discussions with the applicant concerning the detail of these materials.

Taking into account all of above, it is considered that the development would provide well designed houses that would respond to the local context and Officers are satisfied that the appearance of the development is acceptable.

Layout

The proposed layout follows the approach established by the approved parameter plan. There is a clear street hierarchy a central tree lined avenue which runs down to the River Blackwater opening a new view through the site. Houses have been plotted to face outwards so that the perimeter green spaces will enjoy good natural surveillance as well as providing residents with an attractive outlook. There is one internal road on the eastern side of the site. Development is around a lower order street, with a 6m wide shared surface street and Private Drives around the edges of the development. To maintain security and amenity the layout shows brick walls which will provide clear separation between public and private realms.

The layout would provide car parking and cycle parking in compliance with the Council's Adopted Parking Standards with all dwellings being provided with a minimum of 2 parking spaces and the four and five bed units having 3 spaces, including garages. The majority of dwellings will be provided with on-plot parking, usually to the side of the dwelling, with a small number to the rear of properties. (The already consented dwellings that front West Street have a small parking court to the rear of the dwellings). Twelve unallocated visitor parking bays are provided, off the carriageway and distributed throughout the development, meeting the Council's adopted parking standards. The Parish Councils concern about the lack of continuous frontage, which they point out characterises much of the village, is noted but this is due to the need to find a visually and convenient way of parking residents cars and Officers consider this to be appropriate.

The generous Open Space provision is discussed in the Landscaping section of the report below.

All dwellings would have private amenity spaces that exceed the minimum standards in the Essex Design Guide and Members will note that many dwellings are shown to have rear gardens well in excess of the minimum standards.

The application proposes the erection of 48 dwellings on the site. The site measures 3.27ha, of which 1.34ha will be Open Space (41% of the site). The net developable area is 1.93ha, which means the net density of development is 24.9 dwellings per hectare. The Parish Council have expressed a desire to see a greater number of dwellings built on the site but the maximum number of dwellings can be approved through this Reserved Matters application is the 48 that was specified in the Outline planning permission. This figure is lower than the 30 dwellings per hectare that the Draft Local Plan states is the expected minimum density in order to ensure the efficient use of land. In this case the lower density is considered appropriate given the character and density of surrounding housing and given the particular sensitivities that arise from the nearby listed buildings.

Part of the Parish Council's objection has been that the Council's design standards result in a standardised suburban design. Officers disagree and the Council's adopted design standards are an important tool that helps to ensure that estate layouts will function well, for example with roads that allow properties to be serviced by delivery and refuse collection vehicles whilst also ensuring that future residents enjoy a good standard of amenity in the homes.

The Affordable Housing has been provided in two clusters – one small group in the cluster of dwellings fronting West Street and the second group in the street on the eastern side of the development. For a development of this size the arrangement is considered acceptable.

Scale

The scheme contains a mix of terraced, semi-detached and detached houses that are predominantly two storey, with five of the 42 dwellings containing accommodation within the roof space. This means that out of a total of 48 dwellings there will be seven that will have accommodation within the roof (15%). As evidenced in the streetscenes the house types with accommodation within the roof are very similar in height to the two 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.

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.

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 the 19 Affordable Houses that will be provided within the development. The mix consists of 14x 2-Bed 4-Person Houses; 5 x 3-Bed 5-Person Houses and the Council's Housing Enabling Officer is satisfied that this mix reflects the local 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; 10 x 3-Bed Dwellings; 14 x 4-Bed Dwellings and 5 x 5-Bed Dwellings. The concern expressed by the Parish Council and objectors concerning the mix of housing is understood and Officers preference would have been for the mix of market housing to contain some 1 or 2 bed units, or bungalows, to add more diversity to the villages housing stock. Taking into all of the above into account however, it is considered that the development would be acceptable in respect of scale.

Landscaping

The Parameter Plan established that the scheme would provide generous Public Open Space provision, well in excess of the Council's minimum standards. The majority of the space forms a continuous perimeter green space which would wrap around from the western side of the site entrance along West Street, down along the western boundary and connecting to the swathe of land that spanning the width of the site that falls within the flood zone. The specification for the different areas varies according to intended use. The Green at the northern end of the site will be seeded with a wildflower mix and have a hoggin path meander through it, with an area of bulb planting and new tree planting and this continues down the western side of the site. This area will include the provision of a half a dozen pieces of children's play equipment and a further three pieces of equipment specifically designed for toddlers. The Open Space also has includes rubbish and dog waste bins and bench. The south eastern corner of the site is a woodland area and the applicant proposes a restoration and management of this area with new planting. The hoggin path continues through the southern open space before forming a new riverside path that extends across the width of the site. This provision will facilitate the future creation of a riverside walk, which is a locally held aspiration, but which will be dependent on access / land being secured across third party land. The applicant has shown the path extending to the site boundaries to allow for future connections but with post and rail fences at either end.

The proposed landscape scheme also proposes to retain and enhance boundary vegetation along the western boundary.

Within the development area the landscaping scheme continues with the main street that runs through the centre of the site having trees on both sides of the road within grass verges. Street trees are also proposed within parking courts and the other internal street. The plans also show tree planting within back gardens which is something that the CNP advocates.

The application includes detailed specifications for the landscaping of both residential properties and the areas of Public Open Space, along with management details for the Open Space. The Council's Landscape Officer reviewed these and requested amendments, so that the planting specified is more appropriate to the context. In the woodland area at the southern end of the site the Landscape Officer has recommended that the planting density is reduced to prevent the area being too densely planted.

A tree survey has been carried out by the applicant and the report identifies a total of thirty-eight individual trees, nine groups of trees, two areas of trees and eight hedges have been identified. To facilitate the development it is proposed to remove 14 of the individual trees; 3 areas of hedge; 5 groups / areas of trees. Whilst the removal sounds quite extensive the removals are identified to be of a poor quality. The Council's Landscape Officer raises no objection to the proposals given the quality of trees and hedge to be removed and in order to allow a sensible and efficient redevelopment of the site. Conditions are recommended to ensure that the development is carried out in accordance with the AIA and the specified tree protection measures.

Heritage

An important consideration when considering the appearance, layout and scale of the development is the impact that the development will have on designated heritage assets.

The site is located outside the Coggeshall Conservation Area and core of the village, in an area which was historically distinct from the main settlement, forming a small hamlet.

The Council's Historic Buildings Consultant identifies that there are several listed buildings along West Street which, as a road, largely retains its historic appearance. The designated heritage assets directly affected by this application were described by the Council's Historic Buildings as part of the original outline application. These include the numbers 91-105 West Street which are Grade II listed and located directly to the north and north-east of the site. The site affected by this application dog-legs around the plots of land associated with these listed buildings, therefore any new dwellings must respond positively to the setting of the designated heritage assets. In addition, located opposite the site are 104-112 West Street which are individually listed at Grade II, the Grade II listed red bricked 114-116 West Street and a complex

of listed factory buildings built in the mid nineteenth century which formed part of an isinglass, tannery and gelatine works.

Along the West Street frontage, adjacent to 91-105, the 2017 application approved the detail of a terrace of six houses. These houses will provide a continuation of the linear frontage of properties on the southern section of West Street. In respect of these houses this application seeks only to approve the details of the landscaping. The Historic Buildings Consultant and Officers consider the proposals to be acceptable.

In respect of the layout of the remaining of the site, the Council's Historic Buildings Consultant has commented that the development will increase the depth of development and introduce cul-de-sacs – features that would be at odds with the linear form of development along West Street and which they consider will have a negative impact upon the setting on the listed buildings, affecting the way in which they are experienced within the landscape. The Council has however accepted this form of development as part of the outline application and the Historic Buildings Consultant acknowledges that the area of Open Space along West Street does help partially mitigate this harm.

With regards appearance of the 42 dwellings, the Historic Buildings Consultant comments that bricks should be laid in a Flemish bond to create a visual link between the site and the surrounding buildings, particularly the Isinglass complex and 114-116 West Street opposite.

They consider the palette of materials to be appropriate to the context of the site, and that when taken with the use of traditional architectural details, such as the dormer windows, traditional roof forms and chimneys will ensure that the development will both sympathetic to the setting of the listed buildings and appropriate to the location, whilst also distinguish the estate as a modern development.

In conclusion the Council's Historic Buildings Consultant has concluded that the proposed development will have an impact upon the setting of the listed buildings, due to their proximity to the site and change in the grain of development within the area. With reference to paragraph 196 of the NPPF they assess that this will result in less than substantial harm albeit at a low level. This is consistent with the advice that the Council received from the then Historic Buildings Consultant in 2017. In accordance with Paragraph 196 of the NPPF, the 'less than substantial' harm must be weighed by the local planning authority against the public benefits arising from the proposal. As previously stated the Parish Council object to the application and recommend a greater density and mix of uses on the site. Members are however reminded that following objections by the Council's Historic Buildings Consultant in 2017 the number of units was reduced from 74 to 48, with a block of flats and enterprise hub, which allowed a more rationalised layout that was less dense and reduces the sense of overdevelopment. This application is consistent with their desire to see a less intense, lower density scheme to reduce the impact on the adjacent listed buildings, which form part of a small hamlet of historic industrial buildings.

OTHER MATTERS

Ecology

Policy CS8 of the Adopted Core Strategy requires that development must have regard to the character of the landscape and its sensitivity to change. Policy RLP80 of the Adopted Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to distinctive landscape features and habitats. Policy RLP81 of the Adopted Local Plan states that the Council will encourage the retention of locally native trees. Policy RLP86 of the Adopted Local Plan states that development which would harm the open character, nature conservation importance or recreational importance of the floodplains of should not be permitted.

Part of the site is sensitive ecologically being adjacent to the River Blackwater and opposite a Local Wildlife site. The remainder of the site had a mixed quality with trees and hedges on the boundary having some value but other parts of the site having a lower value in terms of ecology containing large areas of hardstandings and paddocks.

Following an assessment of the sites ecological value as part of the 2017 application the Council's Ecology Officer recommended that that a Biodiversity Method Statement was required by condition. The statement was required to cover a specified range of issues including protective measures before, and during development; a lighting design strategy to reduce disturbance to bats and the proposed ecological enhancement including new habitat creation and the provision of bird and bat boxes and the treatment of invasive non-native species. The required statement has been submitted and the condition has been discharged.

Habitat Regulations Assessment (HRA / RAMS)

In terms of the wider ecological context, 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, and the Dengie SPA and Ramsar site - two of the Natura 2000 sites located on the Essex coast. In this regard, 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 Habitats Regulations (HR).

It is considered that the proposal falls within the scope of RAMS as 'relevant development'. In the context of the Council's duty as competent authority under the regulations, it is anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive

features of the coastal European site, through increased recreational pressure when considered 'in combination' with other plans and projects.

Therefore in the event that the Council granted planning permission there would be a need to secure a financial contribution of £122.30 per dwelling towards off-site mitigation for delivery of visitor management at the SPA & Ramsar sites, in line with the aspirations of the emerging RAMS. Consequently, a HR (appropriate) Assessment (HRA) has been completed for this application and submitted to Natural England. At the time of writing this report the Council have not received a response from Natural England but an update will be provided to Members at Committee if one is received, or in the event that a response is not received then Members could pass a resolution to approve the application, subject to Natural England confirming they have no objection to the HRA.

Impact upon Neighbouring Residential Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The layout is in general accordance with the parameter plan that was approved as part of the Outline planning permission.

The occupants of 123 West Street wrote a detailed objection based on the layout that was originally submitted. They were concerned about the potential for the first floor north-west facing window on Plot 34 to overlook their property and garden. They suggested a number of ways that their concern could be addressed so that it would not result in them suffering a substantial, undue, and harmful loss of amenity. The first floor window on this elevation is a small secondary window to the master bedroom. The orientation of the dwelling was such that the side elevation of the dwelling would be facing towards the rear of 123 West Street. Officers have required that the orientation and plotting of this house is altered and the house no longer faces towards the neighbour's house, or the sitting out at the back of the house. The window would still face the rear of the neighbours garden but it is noted that there is relatively strong vegetation along much of the boundary and the side elevation of the house stands over 15m from the boundary. Officers consider that the relationship is acceptable and would not result in undue or unacceptable impact on the amenity of any nearby residential properties.

The occupants of 123 West Street also objected to the siting of the children's play equipment. The equipment had been distributed along the western boundary so it became more of a linear park. The equipment selected was relatively low level, being aimed at younger children, but the neighbours were concerned about loss of privacy and noise, referring to guidance produced by manufacturers and other planning authorities. Officers have asked the developer to revisit the siting of the play equipment and this has been moved further south, towards the river. The nearest equipment is now 46m from the boundary of 123 West Street and 80m from the rear of their property.

An objection has been received from the occupant of 112 West Street concerning the adverse impact that they consider Plot 1 will have on their property (loss of privacy and light) however the details of Plots 1-6 have already been approved as part of the 2017 application.

Highway Considerations

The application for outline planning permission sought approval for the vehicular access to the site – a new priority junction onto West Street. This is the sole vehicular access into and out of the site.

The Highway Authority have raised no objection to the proposed estate road layout. It is noted that a resident has raised a concern that some cars emerging from the site may not be visible due to a dip in the road and requesting that the issue of the access be revisited. The access arrangements have already been approved and Officers note that the historic commercial use of the site would probably have meant a higher level of vehicle movements than would happen as a result of the proposed 48 dwellings. As such there are no grounds to object to the proposals in respect of highways and transportation.

Planning Obligations

The Parish Council's comments in respect of the S106 are noted in respect of the Outdoor Sports contribution. Since the Outline planning permission was granted the Parish Council has provided the District Council with an updated list of Open Space projects and have identified a different scheme which they consider to be a higher priority for the Parish. Officers have approached the applicant about varying the terms of the legal agreement and the applicant has agreed to do this. The level of contribution will remain unchanged by the variation but it will enable money to be spent on the Parish Council's preferred project.

In respect of the request by the Parish Council for funding towards a cycle path from Coggeshall to Kelvedon, a contribution for this purpose was not included within the original agreement. It was not considered that such a contribution was necessary and there is no justification to add this to the agreement now.

PLANNING BALANCE AND CONCLUSION

The application site is located outside of the Coggeshall Village Development Boundary on the Inset Map within the Adopted Local Plan, however it is proposed to be allocated for development in the Draft Local Plan and 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 17/00359/OUT).

This Reserved Matters application seeks permission for all the matters reserved at the outline permission stage, namely the appearance, layout and scale of Plots 7-48, and the landscaping of the whole site.

The Council's Historic Buildings Consultant has advised that they consider that the scheme would result in less than substantial harm to significance of nearby listed buildings in West Street, as they did when they assessed the scheme was considered as part of the Outline planning permission. There are no other objections from the relevant statutory technical consultees but because harm has been identified to heritage assets in accordance with Paragraph 196 of the NPPF before determining the application the local planning authority must first undertake an assessment as to whether the harm to heritage assets outweighs the public benefits that a development could deliver.

When considering the principle of the redevelopment of the site as part of the 2017 Outline planning application the Council had to undertake this exercise as the Council's Historic Buildings Consultant at that time identified less than substantial harm to the setting of listed buildings. In granting Outline planning permission the Council concluded that the public benefits of the scheme would outweigh the harm identified.

It is considered that the proposals would be considered to deliver an improvement to the appearance of the site. Currently the site does not a positive contribution to the area in terms of its impact on the historic buildings, public amenity and the river valley.

The development will not only bring benefits in terms of environmental improvements to the redundant site, but also the provision of 48 new homes, including 19 Affordable Homes. This will in turn bring about economic benefits both during the construction phase, and in the longer term, as a result of the likely contribution from the future residents to the village economy. The proposals will provide improved habitats to add to the ecological value of the site and the provision of public open space that is well in excess of the Council's minimum standards, including access to a new river walk within the application site and the provision of a new play area provide additional environmental and social benefits. These benefits together would also add positively to the social mix and vitality of Coggeshall. .

Whilst the Council's Historic Buildings Consultant considers that whilst there would be less than substantial harm they have also advised that this would be at the lower level of the spectrum due to the retention of undeveloped land to the north of the site and the garden areas to the rear of plots 14 to 16, creating a green buffer between the listed buildings and the new dwellings. Having undertaken the planning balance exercise required by Paragraph 196 of the NPPF Officers consider that the public benefits clearly outweigh the relatively low level of harm identified to the setting of listed buildings.

It is acknowledged that the scheme does not comply with all the policies that are included within the emerging Coggeshall Neighbourhood Plan, however as previously set out only very limited weight can be attributed to those

policies due to the still relatively early stage in the process of preparing and adopting the plan. Notwithstanding this fact Officers consider that the proposals are broadly consistent with the approved parameter plan and that the details of the Reserved Matters are acceptable. In this respect the development is considered to result in a good quality scheme.

When considering the planning balance and having assessed the specific merits of the application, and having regard to the requirements of the NPPF as a whole, Officers consider that the benefits of the proposal outweigh the adverse impacts and as such it is recommended that planning permission should be granted, subject to the specific mitigation set out within this report. 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:-

APPROVED PLANS

Street elevation	Plan Ref: 1560-P004	Version: A
Street elevation	Plan Ref: 1560-P005	Version: A
House Types	Plan Ref: 1560-P006	Version: A
Tenure Plan	Plan Ref: 1560-P007	Version: B
Refuse Information	Plan Ref: 1560-P008	Version: B
House Types D (Plots 11, 12, 19, 20)	Plan Ref: Housetype 2A - 1560-P100	Version:
House Types D (Plots 13, 14, 17,18,	Plan Ref: Housetype 2A- 1560-P101	Version:
House Types D (Plots 15, 16)	Plan Ref: Housetype 2B- 1560-P102	Version:
House Types D (Plots 9, 10, 21)	Plan Ref: Housetype 2B- 1560-P103	Version:
House Types D (Plot 36, 37, 38, 39)	Plan Ref: Housetype 3A- 1560-P104	Version:
House Types D (Plot 35)	Plan Ref: Housetype 3A - 1560-P105	Version:
House Types D (Plots 31,32)	Plan Ref: Housetype 3B- 1560-P106	Version:
House Types D (Plots 26, 33, 46)	Plan Ref: Housetype 3C- 1560-P107	Version:
House Types D (Plots 23,24)	Plan Ref: Housetype 4A- 1560-P108	Version:
House Types D (Plots 25, 30)	Plan Ref: Housetype 4A- 1560-P109	Version:
House Types D (Plots 7, 8, 45)	Plan Ref: Housetype 4A- 1560-P110	Version:

House Types D (Plot 27)	Plan Ref: Housetype 4B- 1560-P111	Version:
House Types D (Plots 28, 42, 43)	Plan Ref: Housetype 4C- 1560-P112	Version:
House Types D (Plots 41, 44)	Plan Ref: Housetype 4D- 1560-P113	Version:
Landscape Masterplan	Plan Ref: MCA1119/04	Version: J
Landscape Masterplan	Plan Ref: MCA1119/05	Version: E
Planning Layout	Plan Ref: 1560-P001	Version: S
Street elevation	Plan Ref: 1560-P002	Version: F
Location Plan	Plan Ref: 1560-LOC 01	
Tree Plan	Plan Ref: 7569-D-AIA	
Other 7569	Plan Ref: Tree Survey, AIA, AMS, TPP	Version:
House Types D (Plot 29)	Plan Ref: Housetype 5A - 1560-P114	Version:
House Types D (Plots 34, 40, 47, 48)	Plan Ref: Housetype 5B- 1560-P115	Version:
Play Area Plan	Plan Ref: Rev G	
Other Specification - 2nd Revision (28/9/19)	Plan Ref: Public Open Space Landscape	
Other Specification - 1st Revision (19/8/19)	Plan Ref: Residential Area Landscape	
Other 1st Revision (19/8/19)	Plan Ref: Public OpenSpace Management Plan -	

- 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 No development of any kind shall take place unless and until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a revised written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason

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

- 3 No above ground development take place unless and until the following information shall have been submitted to and approved in writing by the local planning authority:
 - A technical report providing an assessment of the odour and noise levels, as omitted by the proposed pumping station, at the nearest residential properties.
 - Full details of the external appearance of the pumping station, including

any proposed means of enclosure.

The development shall be carried out in accordance with the approved details.

Reason

To ensure the structure does not prejudice the appearance of the development and to protect the amenity of nearby dwellings.

- 4 No development above ground level utilising these materials shall take place unless and until, sample panels of 1 square metre minimum shall be erected on site to show areas of new, exterior walling, and approved in writing by the local planning authority. The panels shall indicate brick bond, copings, mortar mix, colour and pointing profile

The approved sample panels shall be retained on site until the development is completed. The development shall be carried out in accordance with the approved sample panels and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing to conform with the pattern of the existing development in the locality

- 5 All windows and doors in masonry walls shall be inset at least 70mm, fitted with sub-cills and permanently maintained as such.

Reason

To ensure the use of appropriate detailing to conform with the pattern of the existing development in the locality

- 6 No development above ground level shall take place unless and 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.

- 7 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.

- 8 No development shall take place unless and until the following information shall have been submitted to and approved in writing by the local planning authority:

- A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
- Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

Reason

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

In the interests of good design and ensuring a high quality and characterful development and promoting social and cultural well-being.

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

To ensure adequate provision of amenity/open space to serve the development and to ensure that it is constructed in an appropriate manner that will enhance the development.

- 9 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

- 10 The development shall be carried out in accordance with the approved Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan listed above, undertaken by Hayden's, dated 08.01.2019, including the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the Statement of Supervision (Arboriculture) as set out

within the approved plan. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

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

Reason

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

- 11 The garages hereby permitted on Plots 33 and 34, 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.

- 12 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 alteration of the dwelling-houses hereby approved on Plots 27, 28, 31, 32, 42, and 43, as permitted by Class A of Part 1 of Schedule 2 of that Order, which result in the enclosure of the covered parked areas within the houses, shall be carried out without first obtaining planning permission from the local planning authority. The covered parking areas hereby permitted within the houses on Plots 27, 28, 31, 32, 42, 43 shall only be used for the parking of vehicles.

Reason

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

- 13 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 / alteration of the dwelling-house, as permitted by Class A, B, C and D of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions and alterations in the interests of residential and or visual amenity

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 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority. There shall be no drainage of surface water on to the highway. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

4 The applicant's attention is drawn to the comments of the Environment Agency in their letter to the Council dated 4th July 2019 and the potential need for an environmental permit. Please contact the EA National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: floodriskactivity@environment-agency.gov.uk

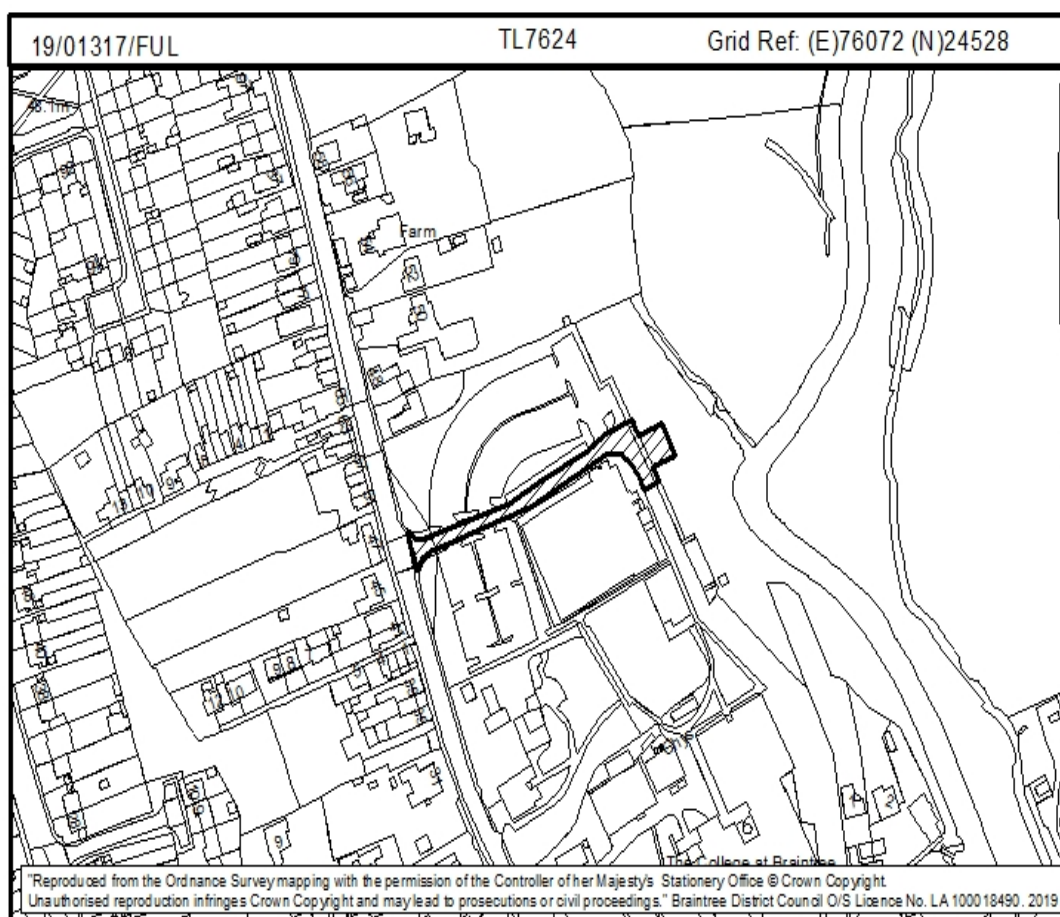
CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/01317/FUL
DATE VALID: 30.07.19
APPLICANT: c/o Agent
AGENT: Mr Chris Andrews
Phoenix House, Pyrford Road, West Byfleet, KT14 6RA,
DESCRIPTION: The installation of a 30 metre high tower supporting 6 no. antennas and 4 no. dishes for EE and H3G and 3 no. antennas and 2 no. dishes for CTIL, and the installation of 8 no. equipment cabinets for EE and H3G and 3 no. cabinets for CTIL, all within a secure compound, and development ancillary thereto.
LOCATION: EE Mast, Church Lane, Braintree, Essex

For more information about this Application please contact:
Mr Sam Trafford on:- 01376 551414 Ext. 2520
or by e-mail to: sam.trafford@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PV3LQ1BFH LV00>

SITE HISTORY

02/02225/FUL	Renewal of Application No. 97/00436/FUL - Change of use of land for stationing of 4 Hallam Cabins for a Further 5 years	Granted	07.01.03
76/00151/P	Change of use to showroom	Granted	23.03.76
77/01170/LB	Erection of trade sign	Granted	24.01.78
80/00805/P	Change of use from showroom/warehouse to office.	Granted	22.07.80
82/01205/P	Change of use from office/showroom to showroom/warehouse including wholesale and limited retail outlets for sports, ballet leisure and dance gear.	Granted	06.01.83
76/00209/P	Erection of changing rooms at rear of foundry classroom (CC/1/76)	Deemed Permitted	21.04.76
76/00764/P	Two relocatable classrooms (CC10/76)	Deemed Permitted	24.08.76
81/00995/P	Renewal of temporary permission for provision of two relocatable classrooms. (CC/16/81)	Deemed Permitted	28.10.81
83/00767/P	Provision of four temporary classrooms. (for youth training scheme) (CC/13/83)	Deemed Permitted	
86/01388/P	Continued use of additional teaching accommodation	Deemed Permitted	26.11.86
78/01683/	Proposed provision of 3m high chain link fencing to car park front boundary.	Granted	15.08.79
89/00216/P	Change Of Use To Offices (Architectural Design)	Granted	31.03.89
89/01670/P	Erection Of Extensions And Alterations As Part Of Its Conversion Into A Tertiary College	Deemed Permitted	23.10.89
90/00562/PFBN	Provision Of Two Relocatable Classrooms		02.05.90

90/01803/PFBN	Continued Use Of Four Jack Leg Cabins And Two RI3 Relocatable Classrooms		15.01.91
93/00784/FUL	Erection of double relocatable classroom	Granted	02.08.93
94/00283/FUL	Erection of single storey extension to reception and refectory	Granted	20.05.94
95/00868/TEL	Proposed telecommunications installation on the roof of Braintree College	Permission not Required	22.08.95
95/01427/FUL	Demolition of existing sports hall and temporary classrooms and redevelopment with new sports hall, teaching facilities, offices and ancillaries	Granted	09.04.96
97/00436/FUL	Retention of 4 Hallam cabin classrooms	Granted	13.06.97
98/00486/FUL	Erection of extension to existing music and drama department to form 2 new changing rooms and 1 additional spare/music room	Granted	01.06.98
99/01002/TEL	Installation of replacement cabin - Amendment to application no. 95/868/TEL	Permission not Required	28.07.99
05/02433/FUL	Erection of rear timber canopy to the back of C block	Granted	10.02.06
06/02260/FUL	Provision of 2 no. portacabins to provide additional teaching facilities	Granted	10.04.07
09/00150/FUL	Change of use of land for stationing of 4 no. portacabins - Renewal of expired planning application (02/02225/FUL)	Granted	12.03.09
14/01005/FUL	Retrospective application - conversion to a residential teaching and learning facility.	Part Grant, Part Refused	11.11.14
14/01008/FUL	Natural ventilation upgrade to the existing sports hall fabric.	Granted	17.09.14
15/01377/FUL	Erection of new (STEM) 2 storey teaching	Withdrawn	01.02.16

16/01013/FUL	accommodation block Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. Provision of an external material store to the northern corner of the site	Granted	09.08.16
16/01810/VAR	Application for variation of Condition 2 of approved application 16/01013/FUL (Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. - Amendments include an increase in the size of the substation and alterations to the elevations and site plan including louvre sizes, cycle racks, extension to store and materials store, proposed flue.	Granted	02.12.16
18/00847/FUL	Removal of high level windows, doors and fascias throughout. Installation of new high level windows, full height curtain walling doors and fascias.	Granted	03.07.18
18/01253/FUL	Proposed two-storey STEM (Science Technology Engineering Mathematics) building with associated landscaping including external spaces, car park provision, new gate/barrier, provision of cycle hoops and bin/refuse storage.	Granted	14.11.18
19/00287/VAR	Application for variation of condition 11 following grant of planning permission 18/01253/FUL - to amend the weekday working hours to 0730-1730 hours and to amend Saturday working hours to 0800-1600 hours.	Application Returned	
19/00319/DAC	Application for approval of details reserved by conditions 5 and 9 of approved application	Pending Consideration	

19/00654/VAR	18/01253/FUL. Application for variation of condition 11 relating to hours of working following grant of planning permission 18/01253/FUL	Granted	19.07.19
19/00676/VAR	Application for variation of condition 2 following grant of planning permission 18/01253/FUL - Alterations to submitted plans to facilitate reduction in building height, change of cladding material, alterations to fenestration, alterations to parking area and relocated and revised capacity of soakaway tank.	Pending Decision	
19/01743/FUL	Demolition of existing college buildings, structures and facilities and the erection of a 75 bedroom care home and 20 No. age-restricted LifeLong Homes for those 55 years of age and over (and/or those living with, or supporting someone with a disability), alteration to access; supporting site infrastructure including sub-station, visitor parking, hard and soft landscaping, fences, boundary screening and SuDS; new public access to an established open space; widening of public footpath along Church Lane to improve pedestrian access.	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 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

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP162	Telecommunications Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP50	Built and Historic Environment

LPP55 Layout and Design of Development
LPP56 Conservation Areas
LPP60 Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

None.

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 it has been called in by an elected Member.

SITE DESCRIPTION

The application site consists a collection of buildings used as part of the Braintree College campus.

The site is situated within the town development boundary of Braintree and Bocking, and adjacent to the designated Conservation Area. The application site is also situated close-by to several listed buildings, two of which are Grade II* Listed.

PROPOSAL

The application seeks full planning permission for the erection of a 30 metre high lattice tower, supporting 9 antennas, 6 dishes, and 8 equipment cabinets, all to be contained within a compound enclosed by a 2.1 metre high mesh fence, consisting barbed wire atop to prevent unauthorised access, and accessed via 2.1 metre high double access gate.

CONSULTATIONS

Historic Buildings Consultant

Raises objection to the proposed development.

BDC Environmental Health

No Objections Raised.

PARISH / TOWN COUNCIL

N/A.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. A total of 21 representations were received, 20 of which raise objection to the scheme, and 1 of which supports the scheme. The representations which object to the scheme relate to impacts to the character of the Conservation Area and heritage assets, character of the street scene, neighbour impacts, impacts on the character of the countryside, causing overshadowing, there are alternative locations which may be better suited for the mast, lack of information to consider impacts. The support letter is from the Braintree College, and supports the proposals on grounds that a reliable mobile phone coverage is a fundamental service, and that the design of the mast has been dictated by the landscape.

REPORT

Background

This application for a mobile telephone mast comes about following information submitted by the applicants to suggest that the south part of the campus site is currently pending sale, and that an existing 6 storey tower block (approx. 24m high), which currently accommodates telecommunications equipment on its roof, would eventually be demolished.

Against this context there is therefore a requirement to remove the equipment from the tower building, and to relocate it.

Principle of Development

The application site is situated within the Town Development Boundary of Braintree and Bocking, where the general principle of the development is acceptable.

Design, Appearance and Layout

Paragraph 116 of the National Planning Policy Framework states that local planning authorities must determine applications for telecommunications equipment on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards.

Policy RLP162 of the Adopted Local Plan relates to the installation of telecommunications equipment and provides a policy base for how such equipment should be assessed. The policy states that operators should seek to share masts in the first instance in favour of building a new mast. If it can

be justified that this isn't possible, then the mast's siting, design, height and any screening should keep environmental and amenity impacts to a minimum; new masts and other installations should be sited and designed to harmonise with any existing structures on the site, especially their height and profile; measures should be taken to reduce the proliferation of structures, including mast sharing and additional underground or other infrastructure works, are not practicable; and new equipment should preserve or enhance the setting of Conservation Areas and Listed Buildings, and should not conflict with the setting of the landscape.

In the case of this application, it is stated that the proposed mast would provide coverage for a number of mobile operators, reducing the need for multiple masts. This is a factor which weighs in favour of the proposed development.

The National Planning Policy Framework, at Paragraph 112, recognises that:

“advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”

However at Paragraph 113, it also recognises that:

“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate”.

In the case of this application, it is understood that there are existing telecommunications apparatus atop the existing 6 storey tower block, which is situated within the Braintree College campus. This building is not an attractive building, being the tallest building in the vicinity and of poor design and materials. In the long term, its removal would result in benefits to the character and appearance of the area. However it should be noted that this application does not propose the demolition of the existing tower building; rather the application is only for the erection of a 30 metre mast. Therefore, the removal of the tower is not considered to be a benefit which would be delivered as a result of these proposals and therefore cannot be attributed weight in the overall planning balance.

The proposed mast, at 30 metres in height, would be greater in height than the tallest building on the wider Collage site by some 18m, finished in galvanised lattice work, with an extensive amount of antennas and dishes

affixed to the top of it. This would result in a form of development which would be conspicuous in its own right, being far taller than the trees on the site and any other building in the locality. The paraphernalia affixed toward the top of the mast, consisting 9 antennas and 6 dishes, would also add to the visual bulk, highlighting its prominence and further increasing its visual impacts.

At ground level, the paraphernalia associated with the mast (cabinet boxes, a 2.1m high fence with barbed wire and a 2.1m high access gate) would be less conspicuous, not easily visible from a public vantage point, and these elements are considered acceptable.

The poor design of the proposed mast and its disproportionately large size would result in detrimental impacts in terms of visual appearance to the local character of the area, which is a factor which weighs against the proposed development.

Officers do not consider that sufficient information has been submitted to justify a mast of this substantial size in this sensitive location, which abuts a Conservation Area and is within close proximity to several listed buildings. A report provided with the application states that alternative locations for the mast was not given any consideration. Although it may be convenient to locate the mast here given this is its existing location, Officers consider that consideration should be given to the use of other locations. Representations made suggest there are alternative locations which would be less conspicuous, on higher ground lessening the need for a mast of this height, and where there is more substantial natural screening. Without information to the contrary from the applicant, this is a factor which weighs against the proposed development.

Notwithstanding the above, Officers acknowledge the need for telecommunications apparatus, and recognise that masts will not necessarily be attractive structures. If the existing building upon which there is apparatus at present is being removed, then the pressure to erect a mast in its place is also recognised. It may be that an alternative design for a mast of a reduced height and bulk may be more acceptable on this site, subject to detailed justification, and subject to other considerations.

To conclude, the design and appearance of the proposed development is not considered to be acceptable, due to its height, visual bulk, and unattractive design, in an area which is sensitive given its proximity to the Conservation Area and several listed buildings. Furthermore, no justification has been submitted to evidence that the mast has to be sited in this location. Although there would be benefits through the provision of telecommunication equipment, these do not outweigh the harm caused.

The proposed development is therefore considered to be contrary to Policies RLP90, RLP95 and RLP100 of the Adopted Local Plan, CS9 of the Adopted Core Strategy, and Policies LPP50, LPP55, LPP56 and LPP60 of the Draft Local Plan.

Heritage Issues

The application site is situated adjacent to the Bocking Conservation Area and within close proximity to several Grade II listed buildings and two Grade II* listed buildings. The proposed mast would be viewed in conjunction with these heritage assets.

Paragraph 189 of the National Planning Policy Framework states that in order to ascertain a level of harm to a designated heritage asset, the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

In the case of this application, no heritage statement has been submitted. The Council's Historic Buildings Consultant has stated in their consultation response that without this information, which they state they expect to include a thorough impact assessment in accordance with Historic England 'Good Practise Advice 3: The Setting of Heritage Assets' including photomontages, they cannot ascertain a level of harm to the significance of the nearby heritage assets and therefore the application is refusable on this basis.

Impact on Neighbour Amenities

Policy RLP90 of the Adopted Local Plan and LPP50 of the Draft Local Plan state that new development should not result in unacceptable impacts on the residential amenities of neighbouring dwellings. The National Planning Policy Framework seeks to ensure a high quality standard of amenity for existing and future occupiers of residential dwellings.

The proposed mast, at 30 metres high, would not be visually pleasing and it is understood that it would interrupt some views for neighbours; however it should be noted that loss of an attractive view, whilst not preferable for residential occupiers of nearby houses, is not a material planning consideration and therefore no weight shall be given to this when considering the planning balance.

Furthermore, it is noted that the Council's Environmental Health have raised no objection to the application on grounds of environmental health.

Officers are satisfied that the application is acceptable in terms of impacts on neighbouring residential amenities.

Highway Issues

There are no highway matters for consideration.

CONCLUSION

The proposals seek full planning permission for a 30 metre high lattice work tower, with 9 antennas and 6 dishes affixed to it, adjacent to 11 equipment cabinet boxes, contained within a compound of 2.1m high fencing. The need for the new telecommunications mast is to replace existing telecommunications equipment fixed atop of an existing building, which is to be demolished.

The proposed mast would be overtly prominent and visually intrusive in the locality, with little to no justification provided for its need in this particular location and at this substantial size. It would be visible in the Conservation Area, to which it is adjacent, and within the setting of several listed buildings, two of which are Grade II*; however no heritage statement has been provided which could allow an assessment of harm to the heritage asset's significance.

Officers consider that the harm caused would outweigh the benefits of having the apparatus, and therefore recommend that planning permission is refused.

RECOMMENDATION

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

- 1 The proposal, by virtue of its height, size and design, would result in a highly prominent and visually harmful form of development, which would be dominant in views and given its siting would be visible from and in conjunction with the adjacent Conservation Area and listed buildings, situated in a highly sensitive location, being adjacent to the Bocking Conservation Area, and within close proximity to several listed buildings, two of which are Grade II* listed.

The proposal is considered to be contrary to Policies RLP90, RLP95, RLP100 and RLP162 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policies LPP50, LPP55, LPP56 and LPP60 of the Draft Local Plan, and the aims and objectives of the National Planning Policy Framework.

- 2 The application site is adjacent to the Bocking Conservation Area, and within close proximity to several listed buildings, two of which are Grade II* listed.

Contrary to Paragraph 189 of the National Planning Policy Framework, a heritage statement to describe the significance of heritage assets which could be affected by the proposed development has not been provided. The application is therefore

considered to be contrary to the National Planning Policy Framework.

- 3 The proposal, by virtue of there being no assessment made against alternative sites for the location of the mast which is not adjacent to a Conservation Area or within the setting of listed buildings, does not justify the need for the mast to be in this sensitive location and at this height.

The application is therefore considered to be contrary to Policy RLP162 of the Adopted Local Plan.

SUBMITTED PLANS

Location Plan	Plan Ref: 002 Site Location Plan
Site Plan	Plan Ref: 100 Existing Site Plan
Existing Elevations	Plan Ref: 150 Existing Elevation A
Site Plan	Plan Ref: 002 Site Location Plan
Elevations	Plan Ref: 265 Elevation
Site Plan	Plan Ref: 215 Site Plan

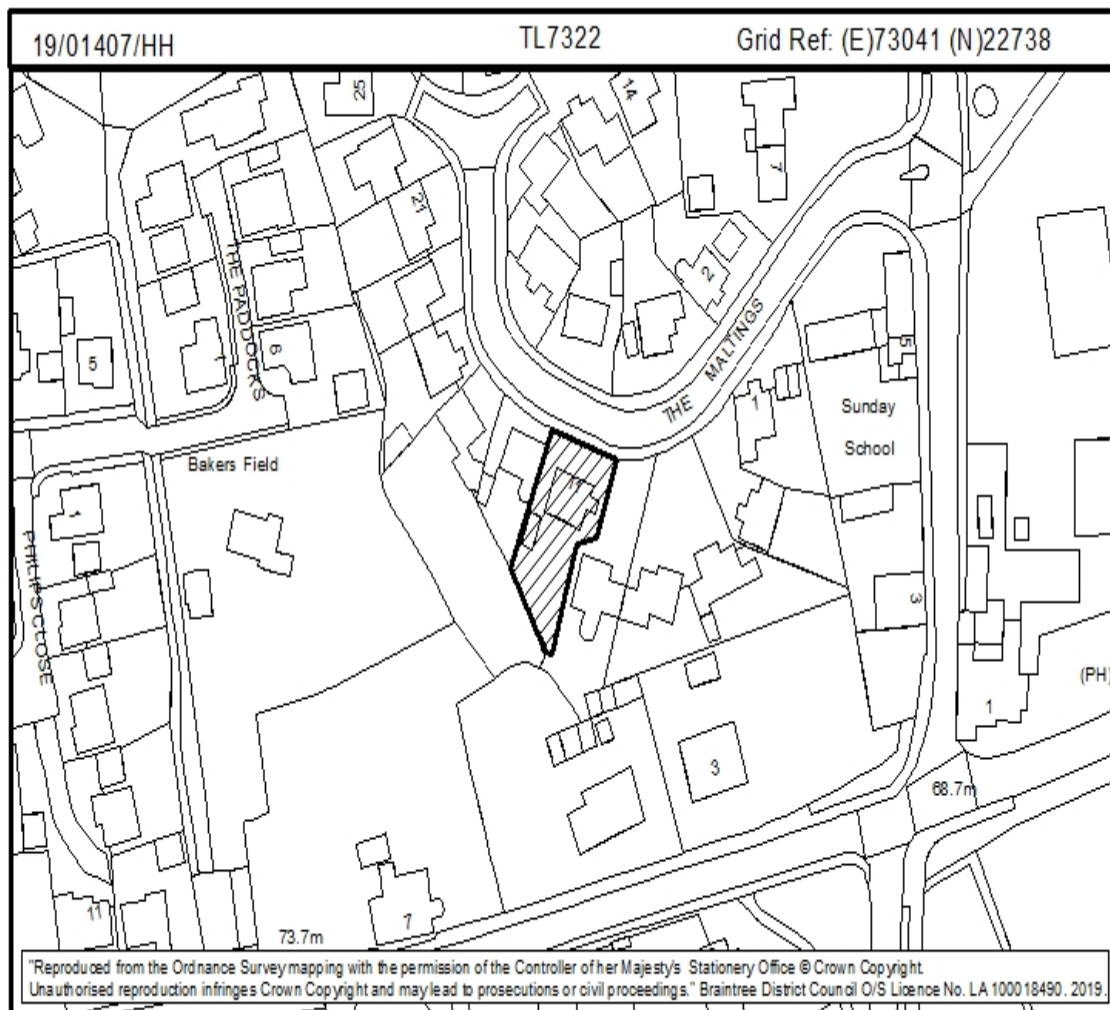
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION 19/01407/HH DATE 07.08.19
NO: VALID:
APPLICANT: Mr Andrew Goldsmith
11 The Maltings, Rayne, Essex, CM77 6BS
DESCRIPTION: Erection of a single storey rear extension.
LOCATION: 11 The Maltings, Rayne, Essex, CM77 6BS

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext.
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PVLV68BF00A00>

SITE HISTORY

88/00311/P	Erection Of Two Storey Extension	Granted	29.03.88
19/01128/HHPA	Erection of a single storey extension. Extension will extend beyond rear wall of the original house by 3.0m, with a maximum height of 3.0m and 2.2m to the eaves of the extension.	Planning Permission Required	31.07.19

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

RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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
LPP38 Residential Alterations, Extensions and Outbuildings
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

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

The application is being reported to the Planning Committee as the Applicant is related to a member of staff.

SITE DESCRIPTION

The site comprises a detached dwelling within the Village Envelope of Rayne. The property has been previously extended to the rear with a two-storey extension constructed in circa 1990. A single storey detached garage bounds the western side of the garden.

PROPOSAL

The proposal is for ground floor rear extension in the form of a conservatory. The conservatory would measure 3m deep and 4.5m wide and would be positioned off the rear wall of the existing two-storey extension, stepped in from the side elevations. It would be constructed of facing brickwork to the lower half to match the existing property, with a traditional UPVC conservatory form above.

CONSULTATIONS

N/A

PARISH / TOWN COUNCIL

Rayne Parish Council have stated they have no comments on the application.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

Principle of Development

The application site is located within the Village Envelope of Rayne where the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

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 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development.

The proposal would be subservient to, and in keeping with, the character of the host dwelling. It would not be seen from the wider public domain and is therefore compliant with the abovementioned policies.

Impact on Neighbour Amenity

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

The neighbouring property to the east at No.9 The Maltings is set back from the host dwelling with its front elevation behind the rear elevation of the application property. No harmful impacts would arise. To the west, No.13 The Maltings is separated by the existing single storey garage which would shield views of the new extension. There is sufficient space between the host dwelling and neighbouring properties to prevent adverse impacts in terms of privacy, overshadowing and loss of light.

Due to the siting of the extension, the enlarged dwelling would maintain an acceptable relationship with all neighbouring properties.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The property has parking to the west side of the dwelling which would be unaffected by the proposals.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Existing and Proposed Elevations	Plan Ref: Drawing 3 East Side Elevations
Existing and Proposed Elevations	Plan Ref: Drawing 2 Rear Elevations
Existing and Proposed Elevations	Plan Ref: Drawing 4 West Side Elevations
Proposed Floor Plan	Plan Ref: Drawing 5 Floor Plan

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

Reason

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

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

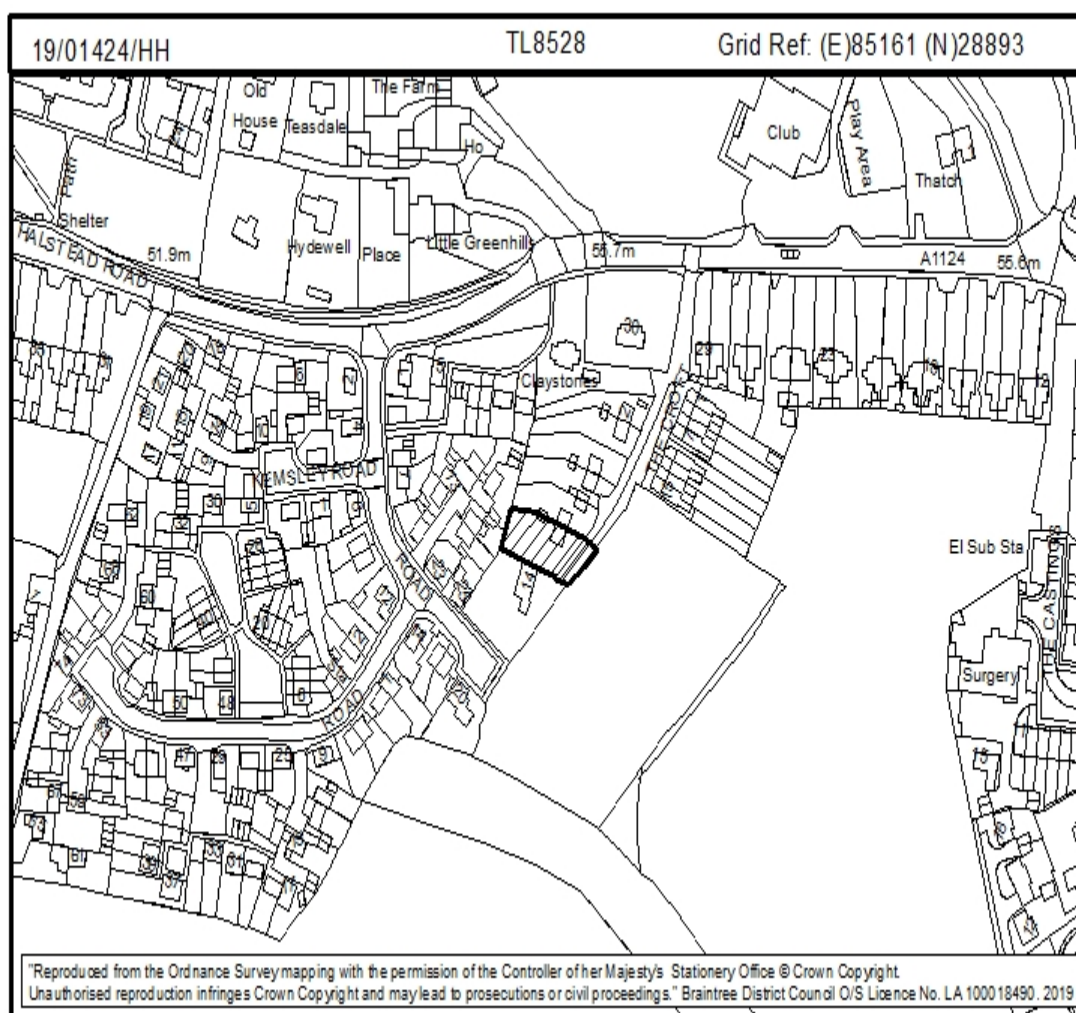
AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/01424/HH
 DATE: 20.08.19
 VALID:
 APPLICANT: Mrs Janice Sibley
 14 The Croft, Earls Colne, Essex, CO6 2NH
 DESCRIPTION: Erection of rear conservatory
 LOCATION: 12 The Croft, Earls Colne, Essex, CO6 2NH

For more information about this Application please contact:

Fiona Hunter on:- 01376 551414 Ext.

or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PVRQKKBF0J900>

SITE HISTORY

13/00522/FUL	Erection of two storey side and rear conservatory extensions with detached garage	Granted	01.07.13
17/01534/FUL	Erection of single storey garden and fitness room extension	Refused	13.11.17
18/00571/PLD	Conversion and extension of existing garage to form fitness room, garden room and store	Refused	07.06.18
18/00605/HHPA	Erection of rear single storey family room extension linked to existing extension. Extension will extend beyond rear wall of the original house by 6.000m, with a maximum height of 3.667m and 2.819m to the eaves of the extension	Planning Permission Required	08.05.18

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

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

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

The application is being reported to the Planning Committee as the applicant's architect is related to a member of staff.

SITE DESCRIPTION

The site comprises a semi-detached dwelling on The Croft, a private road within Earls Colne. The property is the last of a row of semi-detached properties. The dwelling has been previously extended with a two-storey side and rear extension and a single storey rear conservatory.

PROPOSAL

The proposal is for a ground floor rear extension in the form of a conservatory. The conservatory would extend beyond the existing two-storey extension, measuring 4m wide and 4m deep. The extension would be constructed of facing brickwork to match existing at its lower level, with UPVC glazing at the upper level with a tiled roof. The property has been previously extensively extended, whilst the plot is large, it is considered that this new conservatory extension would represent the extent of what is suitable for this dwelling before an overdevelopment of the plot is experienced.

CONSULTATIONS

N/A

PARISH / TOWN COUNCIL

Earls Colne Parish Council have stated they have no objection to the application.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

Principle of Development

The application site is within the Village Envelope of Earls Colne where the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

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 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development.

The form of the original host dwelling has become lost with the extent of the existing extensions, however the proposed conservatory would not exacerbate this situation to an extent that would be so harmful to warrant the refusal of planning permission. Whilst it would be seen from surrounding neighbouring gardens it could not be viewed from the wider public domain and would not have a detrimental impact on the surrounding streetscene. It is therefore compliant with the abovementioned policies.

Impact on Neighbour Amenity

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

The extension is situated towards No.14 The Croft, away from the adjoining property at No.10 The Croft. Due to the existing rear extension on the host dwelling, the proposed conservatory would not have an unacceptable impact on No.10 The Croft in terms of being overbearing, loss of light or overshadowing. Furthermore there is sufficient distance between the proposal and No.14 The Croft to maintain an acceptable relationship with all neighbouring properties.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The property has parking to the side of the dwelling, along with an existing garage to the rear of the property, which would be unaffected by the proposals.

CONCLUSION

The design and appearance of the proposal would not be harmful to the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 19/801/1
Block Plan	Plan Ref: 19/801/2
Proposed Elevations	Plan Ref: 19/801/4
Proposed Floor Plan	Plan Ref: 19/801/3

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

Reason

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

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

Reason

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

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

Reason

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

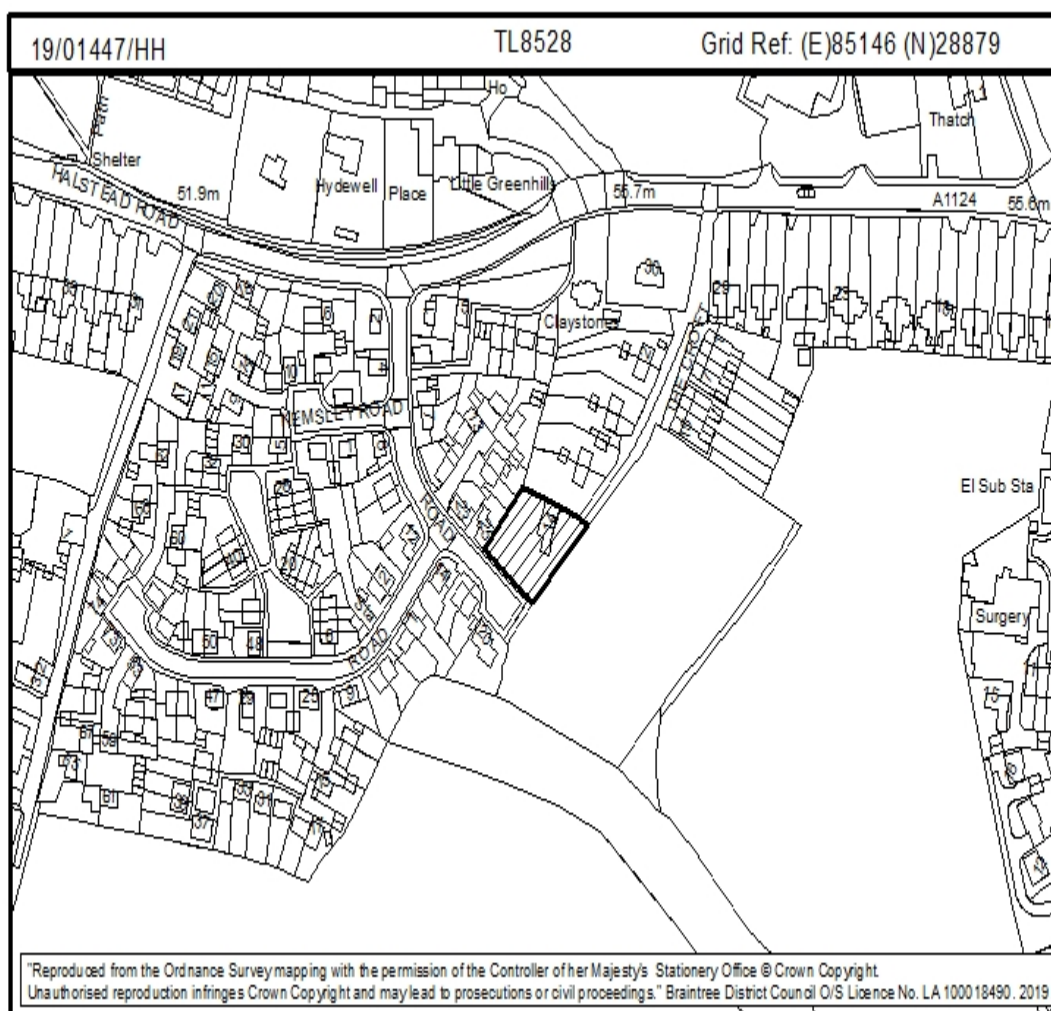
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5h

APPLICATION NO: 19/01447/HH
 DATE: 07.08.19
 VALID:
 APPLICANT: Mr G Sibley
 14 The Croft, Earls Colne, Essex, CO6 2NH
 DESCRIPTION: Single storey and first floor extensions to west elevation, re-roofing to conservatory/store and alterations to fenestration.
 LOCATION: 14 The Croft, Earls Colne, Essex, CO6 2NH

For more information about this Application please contact:
 Fiona Hunter on:- 01376 551414 Ext.
 or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PVV4M2BF00A00>

SITE HISTORY

01/01833/FUL	Erection of new garage	Granted	27.11.01
04/01762/FUL	Erection of conservatory	Granted	18.10.04
81/01502/	Erection Of Detached Dwelling. App. 23.2.82.		
84/00125/	Erection Of Single Storey Extension And Double Garage To, Provide Additional Accommodation.		
88/01350/P	Erection Of First Floor Extension	Granted	07.09.88
92/00764/FUL	Erection of extension	Granted	13.08.92

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

RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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
LPP38 Residential Alterations, Extensions and Outbuildings
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

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

The application is being reported to the Planning Committee as the applicant's architect is related to a member of staff.

SITE DESCRIPTION

The site comprises a detached dwelling at the end of The Croft, a private road within Earls Colne. The dwelling is set on a large plot with parking to the front and a large garden to the rear.

PROPOSAL

The proposal is for single storey ground floor rear extension and a single storey rear first floor extension. The ground floor extension would extend the existing conservatory to the side, measuring 2.85m wide and 3.96m deep. The first floor extension would create an en-suite to the existing master bedroom, measuring 1.99m wide and 2.74m deep. Both extensions would see the creation of new rooflines to the property, with the existing conservatory roof removed to create a slate roof covering the ground floor extension, conservatory and existing store, while the first floor extension would also have a pitched slate roof. The ground floor extension would be constructed of facing brickwork to match existing, and the first floor extension would be rendered to match the southern element of the host dwelling.

CONSULTATIONS

N/A

PARISH / TOWN COUNCIL

Earls Colne Parish Council have stated they have no objection to the application.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

Principle of Development

The application site is within the Village Envelope of Earls Colne where the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

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 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development.

The proposals are considered to be subservient, and in keeping with the character of the host dwelling and the wider street scene. The proposal is therefore compliant with the abovementioned policies.

Impact on Neighbour Amenity

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

There is sufficient space between the host dwelling and neighbouring properties to prevent adverse impacts in terms of privacy, overshadowing and loss of light. Furthermore, due to the siting of the extension, the enlarged dwelling would maintain an acceptable relationship with all neighbouring properties.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The property has existing parking, which meets these requirements, and which is located to the front of the dwelling. This would remain unaffected by the proposals.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 19/703/Location
Site Layout	Plan Ref: 19/703/Site Plan
Proposed Floor Plan	Plan Ref: 19/703/7
Proposed Elevations and Floor Plans	Plan Ref: 19/703/8
Proposed Plans	Plan Ref: 19/703/9

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

Reason

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

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER