

PLANNING COMMITTEE AGENDA

Tuesday, 12 March 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 K Bowers | Councillor Lady Newton |
| Councillor Mrs L Bowers-Flint | Councillor Mrs I Parker |
| Councillor T Cunningham | Councillor F Ricci |
| Councillor P Horner | Councillor Mrs W Scattergood (Chairman) |
| Councillor H Johnson | Councillor Mrs G Spray (Vice-Chairman) |
| Councillor S Kirby | Vacancy |
| Councillor D Mann | |

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email 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

- 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 26th February 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.
- 5a Application No. 18 00312 FUL - Land adjacent to Nuns Walk, GREAT YELDHAM** **6 - 49**
- 5b Application No. 18 01337 FUL - Existing car park sites between Manor Street and Victoria Street, rear of the Town Hall, BRAINTREE** **50 - 96**
- 5c Application No. 18 01475 REM - Land at Hunnable Industrial Estate, Toppesfield Road GREAT YELDHAM** **97 - 120**

PART B

Minor Planning Applications

There are no applications in Part B

Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

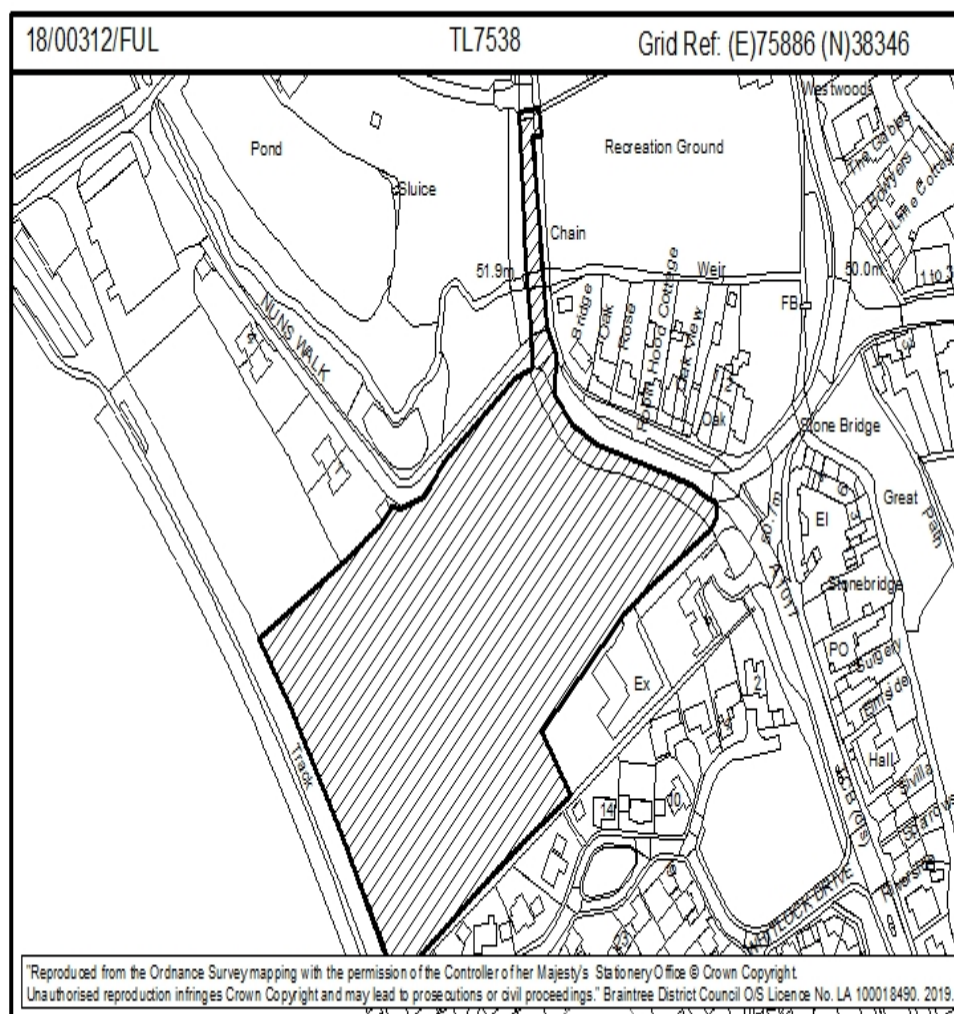
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/00312/FUL
 DATE: 27.02.18
 VALID:
 APPLICANT: Countryside Properties
 c/o Stutt & Parker,
 AGENT: Strutt & Parker
 Mr Andy Butcher, Coval Hall, Rainsford Road, Chelmsford,
 Essex, CM1 2QF,
 DESCRIPTION: Erection of 33 no. dwellings and associated infrastructure,
 new access from Church Road, public open spaces and
 landscaping
 LOCATION: Land Adjacent Nuns Walk, Church Road, Great Yeldham

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=P48PBRBFH4D00>

SITE HISTORY

| | | | |
|--------------|------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
| 88/02223/P | Residential Development (To Provide Shared Ownership, Rented Accommodation & Private Housing) | Withdrawn | 08.02.89 |
| 89/00501/P | Proposed Residential Development | Refused | 26.04.89 |
| 15/01040/FUL | Erection of 29 no. dwellings, community facility, new access from Church Road, Public Open Space and Landscaping | Withdrawn | 28.02.18 |

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 needs, 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 |
| RLP54 | Transport Assessments |
| RLP56 | Vehicle Parking |
| RLP65 | External Lighting |
| RLP69 | Sustainable Urban Drainage |
| RLP70 | Water Efficiency |
| RLP71 | Water Supply, Sewerage & Drainage |
| RLP74 | Provision of Space for Recycling |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |
| RLP91 | Site Appraisal |
| RLP95 | Preservation and Enhancement of Conservation Areas |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |
| RLP105 | Archaeological Evaluation |
| RLP106 | Archaeological Excavation and Monitoring |
| RLP138 | Provision of Open Space in New Housing Developments |

Braintree District Local Development Framework Core Strategy 2011

| | |
|------|------------------------------------------------|
| CS2 | Affordable Housing |
| CS5 | The Countryside |
| 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 |
| SP4 | Providing for Employment and Retail |
| SP5 | Infrastructure & Connectivity |
| SP6 | Place Shaping Principles |
| LPP2 | Location of Employment Land |
| 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 |
| LPP52 | Health and Wellbeing Impact Assessment |
| LPP53 | Provision of Open Space, Sport and Recreation |
| LPP55 | Layout and Design of Development |
| LPP56 | Conservation Areas |
| LPP63 | Archaeological Evaluation, Excavation and Recording |
| LPP65 | Local Community Services and Facilities |
| 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 |
| LPP75 | Energy Efficiency |
| LPP77 | Renewable Energy within New Developments |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP79 | Surface Water Management Plan |
| LPP80 | Sustainable Urban Drainage Systems |
| LPP81 | External Lighting |
| LPP82 | Infrastructure Delivery and Impact Mitigation |

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide
Essex Parking Standards
External Lighting SPD
Open Space SPD & Open Spaces Action Plan

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Councils scheme of delegation as the application is considered to be of significant public interest. In addition the Parish Council do not object to the application they do raise specific concerns and the application is a departure from the adopted Development Plan.

SITE HISTORY – BACKGROUND TO CURRENT APPLICATION

Members will note that the planning history for the site refers to a previous full planning application for the erection of 29 dwellings. The application, submitted by Knight Developments, sought planning permission for the provision of a community facility. The developer proposed to make land available for this purpose; designed a building; and proposed to make a financial contribution towards its construction. They did not however intend to construct the community building themselves. Finally that application also proposed a new vehicular access from Church Road.

This application was submitted in August 2015 but the application was not determined as there were on-going discussions around the vehicular and pedestrian access into the site. During this process the applicant, Knight Developments, passed their interests to Countryside Properties.

Countryside appointed a new Highways consultant to resolve the access issues and also undertook their own review of the 2015 application. Following discussions, the Highway Authority were satisfied with the proposed access arrangements and the 2015 application was withdrawn. Subsequently this 2018 application was submitted. This new application proposes an additional four dwellings on the site (33 dwellings in total) and omits proposals for a new community facility.

SITE DESCRIPTION

The application site consists of 2.19ha of agricultural land located on the western side of Church Road as the A1017 winds its way through the village of Great Yeldham.

There is a gradual fall in levels across the application site with existing levels on the south western side of the site approximately 6.5m higher than on the north eastern boundary. The levels fall more sharply on the north eastern boundary with the carriageway on Church Road being approximately 1m – 1.8m lower than the application site. On the northern side of Church Road, opposite the site, there is a ribbon of residential development.

Along the north-eastern boundary there is a native species hedge which forms the boundary to the Great Yeldham Conservation Area. The Conservation Area boundary continues to the north of the application site so only a small area of the site, containing the access off Church Road and the boundary hedge on the north eastern boundary, is actually located within the Conservation Area.

The northern site boundary runs parallel to Nuns Walk, a narrow concrete roadway that provides access to farm buildings and 5 dwellings. To the north of Nuns Walk there is an area of woodland. The site is also screened along the south western boundary where the former railway line ran. The line is decommissioned and is now overgrown with mature trees.

There is a Public Right of Way which runs along the southern site boundary. On the opposite side of the Public Right of Way there is the Whitlock Drive residential development, a telephone exchange building / compound and a building which was a former police station but which has now been converted to form 8 flats.

A very small area around the current Nuns Walk / Church Road junction is identified on the Environment Agency flood risk maps as being in Flood Zone 2.

PROPOSAL

This application seeks full planning permission for the erection of 33 dwellings (13 affordable units / 20 open market units) on land that has previously been in agricultural production.

The mix of dwellings proposed within the development comprises a mix of 1-bed flats, 2 bed bungalows and 3, 4 & 5 bed houses. In addition to the residential development the application proposes associated works including the formation of a new access from Church Road; provision of public open space, including a small play area; and landscaping.

In addition to the public open space being provided within the application site, the applicant has also proposed the transfer of Bowtells Meadow to the Parish Council. This land, which is near to the application site, is owned by the applicant and is currently used by local residents as open space.

The application is supported by a suite of documents. In addition to the usual plans relating to the layout and house types the following technical documents have been submitted:

- Accommodation Schedule;
- Arboricultural Impact Assessment;
- Design and Access Statement;
- Ecological Assessments including Phase 1 Habitat Survey and Phase 2 Badger, Water Vole and Otter Survey, Bat, Bird and Great Crested Newt Survey;
- Flood Response Plan;
- Flood Risk Assessment and Outline Drainage Strategy;
- Geo-environmental Assessment;
- Heritage Statement;
- Landscape Masterplan and suggestions for potential improvements / management of Bowtells Meadow;
- Landscape and Visual Impact Assessment;
- Planning Statement;
- Statement of Community Involvement;
- Topographic Survey;
- Transport Assessment, including plans showing proposed highway work; Travel Plan Statement; and

- Utilities & Servicing statement.

CONSULTATIONS

External Consultees

Anglian Water – No objection.

The foul drainage from this development would be treated at the Sible Headingham Water Recycling Centre which has available capacity for these flows. The sewerage system at present also has available capacity for the anticipated flows. No conditions recommended.

ECC Education – No objection subject to planning obligations.

There is sufficient Early Years & Childcare capacity within the area to accommodate the increased demand arising from the development.

The village primary school - St Andrew's Church of England Voluntary Controlled Primary School did not fill all available spaces last year in the reception class and forecasts indicate a surplus of spaces in the coming years such that there would be sufficient capacity at the school to meet increased demand arising from this development.

Hedingham Secondary School also has sufficient capacity to accommodate the increased demand from this development, however there is no safe walking route from the site to the school so a financial contribution towards secondary school transport is requested.

Environment Agency – No objection.

The applicant has sequentially sited all proposed development within Flood Zone 1 and the development remains in Flood Zone 1 even after allowances are made for Climate Change. Recommends that the LPA consult the Emergency Services and Emergency Planners regarding the proposed development and that the applicant draw up an Emergency Flood Plan.

Essex Police – No objection.

Welcome the opportunity to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award.

ECC Highways – No objection subject to conditions.

The Highway Authority is content the access arrangements meet the required highway design standards, including vehicle and pedestrian visibility. Conditions recommended in respect of construction management, and package of highways works.

Historic Buildings Consultant – No objection subject to conditions

As the site is adjacent to the Great Yeldham Conservation Area great care must be taken to preserving the historic settlement's setting. In principle no objection subject to assurances and appropriate planning conditions

concerning hard and soft landscaping; external lighting; materials; building detailing; and parking arrangement.

ECC Archaeology – No objection subject to a condition
Agreed scheme of archaeological investigation of the site prior to the commencement of development.

Lead Local Flood Authority (Essex County Council SUDS Team) – No objection subject to conditions.

Natural England – No objection.
“Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice”.

Internal Consultees

BDC Ecology – No objection subject to conditions.
A holding objection was registered when this application was first assessed. The updated Phase 1 Habitat Survey, (JBA December 2017 Rev A) that was submitted with the application identified the need for additional surveys in respect of a number of protected species including bats, Great Crested Newts, Badgers and reptiles.

The applicant subsequently submitted an Ecological Report Addendum and having assessed this the Council’s Ecologist was satisfied that sufficient information had been provided to allow for a robust assessment of the site’s ecological value and the presence or absence of protected species, subject to a number of conditions.

BDC Engineers (Surface Water) – No objection.
Arrangements for surface water drainage will be assessed by ECC as the Lead Local Flood Authority but advises for information the A1017 that borders this site has been known to flood. Thought may need to be given for safe access and egress in the event of this happening again.

BDC Environmental Services – No objection subject to conditions.
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.

BDC Housing Enabling Officer – Supports the application.
The development will deliver a number of much needed Affordable Dwellings and is compliant with affordable housing Policy CS2 of the Adopted Core Strategy.
Details concerning the mix, tenure and level of accessibility of the 13 affordable homes have been agreed.

REPRESENTATIONS

Great Yeldham Parish Council – Neutral.

The Parish Council position is that they are 'neutral' on the application but do ask that a number of concerns they have are taken into account when the application is considered:

- Great Yeldham is designated as an 'other village' within the Core Strategy 2011 and is under no specific requirement for growth. The services and facilities within the village are limited.
- Concerned that 33 dwellings are now proposed – an increase on the 29 dwellings that were proposed in the 2015 application that was withdrawn.
- The Parish Council wishes to point out that at BDC's Council meeting held on the 23rd September 2013 an amendment was made to ADM3 (Site Allocations and Development Management Plan) and Inset 32 'That the policy be amended by the addition of the following two paragraphs at the end:

"The land allocated for a residential site of 10 or more dwellings at Nuns Walk Field, Great Yeldham (site GRY3H) be restricted to no more than 25 dwellings and the land allocated for a residential site of 10 or more dwellings at the Hunnables Industrial Estate (site GRY5H) be restricted to no more than 35 dwellings".

- The Parish Council understood that work completed on the SADMP would be rolled into the new Local Plan process and the Parish Council would want the numbers on the Nuns Walk and Hunnable site to still be restricted.
- Disappointed that the community building proposed previously has been removed from the application.
- Provision of the 13 affordable houses should be guaranteed.
- Disappointed that there is no Pedestrian Controlled Crossing within the application on Church Road given how busy the road is and given that occupants of the development will need to cross the road to access most of the services and facilities in the village.

The application represents a departure from the Development Plan, being located outside defined development boundaries, and has been advertised as such, by site notices; press advertisement; and letters to properties immediately adjoining the site. Five representations have been received objecting to the application. A summary of the main grounds for objections are listed below:

- Pedestrian Crossing – the pedestrian crossing that has been placed on the bend of Church Road will mean that the occupant of Bridge House will be unable to access the whole of their widened driveway or make a right turn with their large transit van and 10ft trailer.
- The entrance to the site will mean that cars exiting the site will be shining their lights into Bridge House opposite, which at a lower level than the site.

- The new housing will be built on higher ground than the houses opposite compromising their privacy by being overlooked. Houses opposite are said to only have front bedrooms. In addition there will be a loss of natural light to the houses, in addition to noise and light pollution.
- Highway safety - the new entrance may cause more frequent accidents. Cars already speed through the village. The access is on a bend which is locally considered to be an accident black spot. In addition this stretch of Church Road already has multiple entrances / junctions.
- There is no genuine need to build more housing in Great Yeldham. The village is growing already with flats in the converted Police Station and housing proposed on part of the Hunnable Industrial Estate. The impact of these additional dwellings on the village should be considered before any new development is allowed.
- Proposed houses are too close to existing dwellings in Whitlock Drive. The proposed roof line height will affect our privacy, light and enjoyment of their property.
- If fencing is used to border the Public Right of Way then this will create a closed alley. The area is already plagued by youths on motorbikes and this will encourage even more youths to congregate here.
- The school and doctors have insufficient capacity to meet the needs of additional residents. Children from the village have been unable to get places at the village primary school and have to travel to schools in other villages.
- Development will result in the loss of good quality agricultural land. The development of this Greenfield site should be prevented until brownfield sites are redeveloped.
- Unnecessary loss of wildlife.
- The development will increase the risk of flooding of other properties on Church Road due to the additional surface water from the land being built on.
- This part of Church Road is known to flood regularly.
- The development will have insufficient car parking plans which will result in increased pressure on residential parking currently used by the residents of Church Road.
- The Environment Agency have previously removed trees from along the river through Bowtells Meadow. It is a concern that additional tree planting is now proposed on Bowtells Meadow.
- Concern that the trees which currently line Church Road could be removed.
- This application has greedily increased in numbers to 33 dwellings and the previous application offered much more benefit to the village: New community hall; new pedestrian crossing from Nuns Walk to the park; Contribution to St Andrews School; Contribution to update park facilities on Bowtells Meadow.

One representation has been received which stated it supported the application. No clear reason is given as to why the application is supported

but it is asked whether the pathway, between the new buildings and Whitlock Drive (running alongside the Old Police Station and the telephone exchange) will be properly paved and illuminated as this is a popular route but is currently very uneven, muddy and not very accessible for the mobility impaired

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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 that is subject to countryside planning policies 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 apply and Policy CS5 of the Adopted Core Strategy specifies that development outside Development Boundaries will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is proposed for allocation for development in the Publication Draft Local Plan. The site is proposed to be allocated (reference GRYE 274) for residential and community uses. This effectively rolled forward the draft allocation that the Council had proposed as part of the Site Allocations and Development Management Plan September 2014 (reference GRY3H).

Although the Council took the decision in June 2014 not submit the Site Allocations and Development Management (ADMP) to the Planning Inspectorate for examination, it was agreed that as the ADMP had been subject to considerable discussion and public consultation it should be considered in development management decision making.

As Members are aware since 2014 the Council have worked hard to increase housing land supply in the District in accordance with Government requirements as set out in the NPPF. As such Officers consider that sites such as this that the Council has previously identified as being suitable for residential development should still be supported in principle. Although the draft allocation supports the principle of development there are two matters arising from these draft allocations that need to be considered – the number of dwellings that the site can accommodate and the provision of a Community Facility.

Housing Numbers - Policy ADM3 Housing Allocations of the ADMP stated that *'The land allocated for a residential site of 10 or more dwellings at Nuns Walk Field, Great Yeldham (site GRY3H) will be restricted to no more than 25 dwellings'*. The ADMP did not proceed to examination or adoption and these are factors that limit the weight that can be attached to the ADMP policies.

The Publication Draft Local Plan does not specify a cap on the number of dwellings permissible on the site, but it lists the sites indicative capacity as being 29, based on the number of dwellings proposed in the 2015 application.

Officers do not consider there to be any technical reasons why the capacity of the site should be capped. The applicant has proposed a development of 33 dwellings and Officers' view is that the correct approach would be to assess the acceptability, or otherwise, of this proposal with reference to the information contained within the planning application.

Community Facility – At the time when the Council was working on the Site Allocations and Development Management Plan there was a strong desire within the village to secure a new GP surgery, to replace the branch surgery that currently operates for limited hours from premises in Bridge Street. Landowners / developers who were promoting land for allocation at the time offered land on which a new Doctors Surgery / Community Facility could be constructed. Following the public consultation process and after careful consideration Members of the Local Plan Sub-Committee allocated sites at both Nuns Walk and part of the Hunnable Industrial Estate for residential development with land also allocated for a Community Facility. This mixed use allocation was carried forward to the Publication Draft Local Plan, although it should be noted that planning agents registered an objection to the Community Facility allocation and this remains as an unresolved objection.

In 2014/15 Officers discussed the provision of a new GP surgery within the village with the NHS in the context of the planning application for the Hunnable site. NHS England advised *'The provision of a branch surgery on this site is not in line with the current Primary Care Strategy for Essex and we can therefore confirm that NHS England have no requirement for a facility in this area'*.

Members will know that the Council secured land for the provision of a new primary health care facility as part of the redevelopment of the Premdor site in Sible Hedingham. The Council are actively working with the GP practices and NHS England to bring forward plans for a new health centre.

NHS England are clear that there is no realistic prospect of the Community Use land being used to develop a new GP surgery. Officers are unaware of any other specific need for a new Community Building within the village and note that there is already a popular and attractive hall facility at the Reading Rooms. Even if land were secured for such a use Officers are unaware of how the cost of constructing a building would be met, or whether the facility would be sustainable in the long term. As a result Officers do not believe there is an identified need or justification for seeking to safeguard land for such a purpose.

In summary the policy position in respect of the site is that the proposed development is contrary to the adopted Development Plan and is also not consistent with the Publication 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.

In accordance with the PPG, the Council published the 2018 Annual Monitoring Report on 15th January 2019. The Annual Monitoring Report is based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the new NPPF.

The standard methodology as revised by the Government in Planning Practice Guidance 20th February 2019 prescribes a formula which uses information from the 2014 based household projections; the Government Housing Delivery Test results, and the official housing affordability data for the district. The 2018 Housing Delivery Test results were published 19th February 2019 and they determined that the current buffer to apply to the base target for Braintree District is 5%. The most recent (2017 based) housing affordability data was published 26 April 2018.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), 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 results 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.

Neighbourhood Plan

In March 2017 a Neighbourhood Plan Area application was submitted, covering the whole of the Parish of Great Yeldham, to Braintree District Council by Great Yeldham Parish Council under The Neighbourhood Planning (General) Regulations (2012) as amended. That application was approved in June 2017. Whilst it is understood that the Great Yeldham Neighbourhood Plan Steering Group are now working on a draft Neighbourhood Plan, this remains at a relatively early stage as no draft Plan has been submitted to the Council and there has been no public consultation. As there is no Plan against which to consider this application the intention to adopt a Neighbourhood Plan is not material to the determination of this application.

SITE ASSESSMENT

Location and Access to Services and Facilities

Whilst the Council has identified the site as being one that is suitable for housing development the site is not allocated within the Development Plan. As with other sites that are not allocated in the Development Plan Officers have considered the location of the site and access to services and facilities as part of the consideration of the application.

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.

Paragraph 79 of the NPPF states that planning policies and decisions should avoid isolated new homes in the countryside unless there are special circumstances. The application site is located adjacent to the existing village envelope in a relatively central location.

The spatial 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.

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

The Core Strategy currently identifies Great Yeldham as an 'Other Village'. The Publication Draft Local Plan has reviewed the settlement hierarchy and introduced a fourth level of settlement to distinguish between the District's villages. Great Yeldham is now classified as a '*Second Tier*' village. Second tier villages sit below Key Service Villages and are defined 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*'.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Great Yeldham has a range of facilities that include a primary school, pre-school, public house, community hall, recreation ground, village shop, post office, hot food take away, hairdressers and a church. There is also an employment area.

The site is located approximately 150m from bus stops on Bridge Street. The village is served by several services, including the No.89 bus service which provides links to Halstead and Braintree with an hourly service Monday to Saturday. In addition there is an infrequent service to Colchester (services 88 and 88A) with two morning services and three evening services Monday – Friday.

Whilst the site is located beyond the current settlement limits, Officers consider the location and proposed pedestrian connections mean that it would be well connected to the village and be within a reasonable walking distance of the village facilities. This site and the proposed scale of development is considered to be consistent with the status of the village in the settlement hierarchy and the spatial strategy promoted by the Publication Draft Local Plan.

Character, 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 require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design

and materials, and use appropriate landscaping. Policy RLP95 of the Adopted Local Plan seeks to preserve and enhance the character and appearance of designated Conservation Areas and their settings. Built development adjacent to a Conservation Area will only be permitted where it does not detract from the character and appearance of the Conservation Area; where the development appears in harmony with the existing street scene, being sympathetic in terms of size and scale, architectural details and materials.

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

The proposed layout meets or exceeds the Council's standards in respect of car parking and private amenity space and provides for significant areas of open space, most notably the 'village green' which is proposed to include a small equipped play area and a landscaped area adjacent to Church Road, which would retain the existing hedge and allow for an opportunity for new landscaping to enhance the character of the Conservation Area.

The dwellings are either single or two storey, ranging in height from 6-10m. The Design and Access statement describes the dwellings as having traditional pitched, narrow spanned roofs with chimneys and dormer windows. There would be a mixture of external materials and finishes which would include clay roof tiles, natural slate, facing brickwork, render and timber feather edged boarding. Samples of materials have not been supplied so a materials condition would be required to ensure that the materials are of the high quality proposed and that is required.

Housing Mix

The Council's required mix for affordable housing has been agreed by the applicant. The proposed market housing mix has been the subject of much discussion between Officers and applicant.

Policy LPP37 of the Draft Local Plan indicates that the Council will expect the housing mix to be in line with the identified local need '*set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise*'.

Whilst Part Two of the Publication Draft Local Plan is yet to be examined and adopted, Officers have drawn the applicant's attention to paragraph 50 of then NPPF, now paragraphs 60 & 61 in NPPF 3 (February 2019). This states that LPAs should seek to deliver a wide choice of high quality homes; widen opportunities for home ownership and create sustainable, inclusive and mixed communities; plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community (such as, but not

limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and, identify the size, type, tenure and range of housing required in particular locations, reflecting local demand.

The Council's SHMA indicates that demand for Market Housing across the District is:

- 1-Bed - (5.7%);
- 2-Bed – (34.2%);
- 3-Bed – (42.8%); and
- 4+Bed – (17.2%).

The mix of market housing proposed by the applicant is;

- 1-Bed – no.0;
- 2-Bed – no.2 (10% of the market dwellings proposed in the development);
- 3-Bed – no.11 (55% of the market dwellings); and
- 4+Bed – no.7 (35% of the market dwellings).

It is agreed that the Council cannot currently reasonably require that the Market Housing mix reflect the SHMA but Officers are concerned that the scheme has too great a proportion of larger, 3 and 4 bed units, and these properties have limited value in catering for people who might be living on their own, wishing to buy their first property, or who are looking to down size.

The applicant has maintained that the mix proposed is justified and has appended commentary on this point in their planning statement. Whilst Officers accept that there is strong market and demand for larger properties this should not mean that smaller properties are excluded.

The applicant also draws attention to the Help to Buy initiative which they describe as 'fuelling demand' for properties with three or more dwellings and it is accepted that this has affected the market for new homes post publication of the Council's SHMA.

As the developer has not agreed to amend the housing mix Officers have had to make a judgement based on the proposal as a whole. Whilst the concern persists that there are no 1-bed market units and only two 2-bed units the majority of the dwellings proposed are 3-bed dwellings, with a smaller number of 4-bed units. In addition the applicant is providing two 2-bed bungalows which adds diversity to the housing offered and is something that is not generally offered on schemes of this size. The affordable housing mix consists mainly of smaller units and some of these would be intermediate housing and so might be purchased through shared ownership or a similar scheme. The failure to provide a better mix of market housing is considered regrettable and weighs against the proposal in the planning balance.

Impacts on Heritage, the Conservation Area, listed buildings and their settings

The site is located adjacent to the Great Yeldham Conservation Area. The NPPF identifies that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).

Paragraph 192 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm. The more important the asset, the greater the weight should be.

The proposals would introduce new buildings on an undeveloped site adjacent to the Conservation Area and the development of the site will reduce the relatively open character and thus would have a physical impact on the Conservation Area. The development is however set back from the Conservation Area behind retained, established hedge and an area of Open Space. The Council's Historic Buildings Adviser has not objected to the application, subject to conditions to secure appropriate materials and detailing. Officers consider that there would be some harm but that this is considered less than substantial harm with reference to the NPPF and that the harm would be at the lower end of that spectrum.

Paragraph 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. In this instance the public benefits of the scheme are considered to outweigh the harm, providing new housing that would add to the supply of housing for the District and which includes the provision of 40% Affordable Housing. The development would also provide generous public open space and provide new and improved pedestrian connectivity within the village. Cumulatively, these benefits are considered to result in significant public benefits, which would outweigh the less than substantial harm to the significance of the designated heritage asset.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan requires no undue or unacceptable impact on the amenity of any nearby residential properties.

The application site is Greenfield but there are existing residential properties on land adjoining it – on Whitlock Drive, Church Road and Nuns Walk.

Several objections have been received from residents living in properties living directly opposite the site on Church Road. The entrance to the site would mean that cars exiting the site would be shining their lights into Bridge House opposite, which is at a lower level than the site. Concerns raised include loss of privacy from housing being built on higher ground opposite them; loss of natural light to properties; noise and light pollution; and in respect of Bridge House a specific concern regarding the location of the access to the site. Houses at the front of the development would face onto Church Road, however they would be well set back from the road behind the existing hedge and a substantial landscaped belt. The distances between the fronts of properties is in excess of 50m. Given that the Essex Design Guide suggests that 25m back to back is sufficient to provide a reasonable degree of privacy, Officers consider 50m front to front to be more than acceptable even if the proposed dwellings would stand at a slightly higher level. It is also noted that the Church Road properties already front onto a road which local residents refer to as a busy road, so the fronts of these properties are exposed to public views from through traffic as well as pedestrians passing the site.

It is noted that the proposed junction on Church Road is opposite Bridge House. The location of the access has been chosen as the best option to achieve a safe point for vehicular access / egress as well for pedestrians to cross the road. The primary concern for the occupant of Bridge House appears to be headlights of cars leaving the site during the hours of darkness. In considering the impact that this will have it should be remembered that this is a development of 33 dwellings so the number of vehicle movements during the hours of darkness would not be large. Furthermore the proximity of Church Road and the passing traffic and pedestrians to Bridge House would mean that there is quite a lot of activity passing the house. Given existing conditions, it is not considered that the potential disturbance from car headlights would be grounds to refuse this application.

One objection has been received from a resident on Whitlock Drive who is concerned at the proximity of new dwellings to existing residents. They also refer to the proposed roof line height affecting their privacy, light and enjoyment of their property. The layout acknowledges the sensitivity of this boundary and a crescent of four bungalows is shown, mirroring the layout on the opposite of the Public Right of Way that separates the application site and properties on Whitlock Drive. Single storey dwellings have been selected for this location as the height of the buildings would be kept down and this also reduces the potential for new residents to be overlooking existing properties. The two plots that would face squarely the Whitlock Drive properties would be 18m from the PROW and 30m from the rear elevations of the Whitlock Drive properties. These distances exceed the minimum specified in the Essex Design Guide. The two end units are turned in. This results in the proposed bungalows no longer directly facing existing properties, although it is acknowledged that the corners of those dwellings would be closer to the boundary and therefore the existing dwellings – 10.6m / 11.7m respectively – there is still a reasonable degree of separation between the dwellings and the

relationship would not result in an unacceptable loss of amenity for existing residents.

With regards Nuns Walk, it is proposed that new dwellings back onto the boundary with No.1 Nuns Walk. There is in excess of 17m from the rear of the proposed properties to the boundary with the garden No.1 with the dwelling located at the northern end of the plot. This relationship is also acceptable.

The construction of new housing would inevitably result in noise and disturbance. Due to the proximity of existing houses the Council's Environmental Health team have recommended conditions to control construction and development activity to minimise the potential impact on residents.

Highways & Transportation

The NPPF requires planning to focus significant development in locations which are or can be made sustainable. Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel. The NPPF also requires developments which will generate significant amounts of movement to be supported by a Transport Statement and for decisions to take account of whether i) the opportunities for sustainable transport modes have been taken up and ii) whether safe and suitable access to the site can be achieved for all people.

Policy RLP49 of the Adopted Local Plan states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in to the design and layout. 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 exists or there is potential for the development to be well served by public transport and the layout has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

As noted previously the village provides access to a range of services and facilities to support day to day living within walking distance, as well as being served by a bus service providing access to larger settlements. The provision of Residential Travel Information Packs in accordance with Essex County Council guidance can be required by condition.

The access arrangements to the site have been the subject of extensive discussions between the applicant's technical team; the Highway Authority and Planning Officers. There have been at least two site visits and a number of meetings. It was concerns around the access arrangements proposed as part of the original 2015 application that, in part, led to that application being withdrawn.

Nuns Walk is currently accessed off the A1017, which is also known as Church Road in this location. The access is formed on the outside of a bend as the road passes through the centre of the village. The speed limit passing the site is 30mph. There is a footway that runs along the northern side of Church Road but there is not one across the front of the site.

It is the form and particularly the location of the junction that has been the subject of much discussion. It has been necessary to design a scheme that not only provides safe vehicular and egress to the site with the requisite visibility splays but also accommodate large farm vehicles who would continue to need to use the junction and provide a means for occupants of the development to cross the road safely. It is likely that other village residents will also use the route to walk towards the school at the northern end of the village. The proposed solution would see the construction of a right turn filter lane opposite the site access and the realignment of the carriageway passing round the corner. The filter lane would be protected by islands at either end. The introduction of the filter lane, road markings and islands should have a calming effect on traffic travelling along this stretch of road. Both the site access and pedestrian crossing points require good visibility and this solution is the best option to provide a safe access and crossing point.

Another important consideration has been the concerns of the Parish Council about highway matters in relation to safety given problems they report of traffic driving too quickly through the village. The Parish Council have also wanted a controlled pedestrian crossing to help new and existing residents cross what they consider to be a busy road. The applicant has explored a number of options for installing a controlled crossing however the Highway Authority have said that when assessed against their criteria such a crossing is not justified and not something that it will allow to be installed.

Although unable to provide a controlled crossing point the applicant has still sought to address the concerns of the Parish Council so far as they are able. In consultation with the Highway Authority they have drawn up a package of signage and road markings that they will install at a number of points along the A1017 to help manage / reduce traffic speed. Whilst the Highway Authority would not sanction a controlled pedestrian crossing, the plans showing the access arrangements show a central island refuge with associated drop kerbs to encourage residents to cross at the safest point. The central refuge island would make it easier and safer for pedestrians to cross a relatively wide carriageway and could contribute as a traffic calming measure.

The site layout has been designed so as to maximise pedestrian links through the development and to the rest of the village, with the crossing point on Church Road providing a link to the village Primary School, Church and Bowtells Meadow; another point of pedestrian access in the north eastern corner of the site will provide a link towards the Church Road/Bridge Street junction for access to the village shop, post office, Reading Rooms and bus stops; and further links to the footpath (PROW10) on the southern boundary. This link to the PROW is important as it will also provide a connection to the Whitlock Drive estate and the Nuns Walk site will provide an attractive

improved pedestrian route from the south of the village towards the north. The site's connectivity is a positive feature when considering the merits of the application.

One of the representations objecting to the application claimed that the proposed access arrangements would prevent them from being able to access their proposed driveway with their vehicle and trailer. The applicant has provided additional swept path analysis to demonstrate that the proposed highway layout would not prevent the objector from being able to use their drive. The Highway Authority have assessed these plans and confirmed that the works can accommodate the driveway arrangements at Bridge House.

The Highway Authority recommend that prior to occupation of the development the access is constructed and available for use; provision of a footway leading to Church Road and an uncontrolled pedestrian crossing point formed of a central refuge island and associated dropped kerbs/tactile paving; bus stop improvements; and a package of signage and road markings as shown in principle on the submitted drawing. Officers recommend that the package of highway works should form a planning obligation within the S106 agreement.

There is a Public Right of Way (Footpath 10 Great Yeldham) along the southern site boundary and the proposed layouts show connections to this. It is proposed that properties back onto the PROW, as they do on the opposite of the PROW. Careful consideration of boundary treatments is required to ensure that residents have secure rear gardens whilst also protecting the visual amenities of footpath users.

The applicant proposes 1.8m high boundaries with a brick wall base and piers and wooden panels inset above. The fence line has been pulled back from the Public Right of Way to allow landscaping which would prevent a hard, austere boundary whilst allowing a defensible boundary. Planting details, confirmation of the location and width of the PROW and the management arrangements for the site will be agreed as part of the Open Spaces planning obligation within the S106 legal agreement.

The Highway Authority has highlighted the fact that the Public Right of Way network is protected by the Highways Act 1980 and any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. They expect the public to be able to maintain rights and ease of passage over the public footpath. If this is not possible the applicant will need to apply to the Highway Authority for a temporary closure or diversion order. The Open Space Strategy that the applicant is required to submit as part of the S106 obligation will include confirmation of the location and definitive width of the PROW, as agreed with the Highway Authority. Planting will be required to be set back by a minimum of 1 metre from the PROW to allow for growth and ensure the path is not obstructed. The Highway Authority will require the applicant to reinstate the path after the works and the Open Space specification will include details of the reinstatement.

A local resident has identified the path as being a well-used route connecting the Playing Fields with Church Road. The path is currently unmade and in many places uneven and muddy. The resident asked whether the path could be paved along its entire length and illuminated. These improvements, whilst they might be valuable to the village, are not required to make the development acceptable in planning terms. If the Parish Council support the principle of improvements to the path then this could be added to the District Council's Open Spaces Action Plan and if S106 monies are available from future developments they might help fund some form of improvement.

Flood Risk

The applicant has submitted a Flood Risk Assessment (FRA) and having reviewed this the Environment Agency are satisfied that the document provides sufficient assessment for the LPA to assess the flood risk at the site. They note that the FRA:

- Demonstrates that all proposed development lies within Flood Zone 1 (land having the lowest risk of flooding)
- The site boundary on the Nun's Walk / Church Road junction lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. This affects the only vehicular access leading in to the site.
- In the event of a 1 in 100 year flood event with a 35% allowance for Climate Change the area around the junction would be flooded by 0.64m, representing a danger for most people.
- However, there is an alternative safe means of access via foot only from the site onto Whitlock Drive.

Having assessed the FRA the Environment Agency raise no objection to the principle of the development, however they do recommend that the Emergency Services and Emergency Planners are consulted and that the LPA request an Emergency Flood Plan be drawn up and implemented to ensure the safety of this development in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Officers have sought comments from Essex Fire & Rescue, as the lead emergency service in a flood event but despite numerous attempts no response has been forthcoming.

The applicant has developed an Emergency Flood Plan and Emergency Planners at the District Council have reviewed this and have not identified any issues with the content. It is therefore recommended that the implementation of the Emergency Flood Plan is covered by condition.

Surface Water Drainage

Local and national planning policies require that where possible new developments must incorporate measures that control the discharge of

surface water draining from the site to reduce the risk of flooding. The applicant has submitted a surface water drainage strategy that utilises Sustainable Drainage Systems (SuDS), characterised by filter strips, swales, attenuation basins and below ground attenuation sized to accommodate all storm events up to and including the 1 in 100 year event + 40% allowance for climate change. Based on initial site investigations and the site's geology, the potential for surface water to be drained from the site using infiltration / soakaways is likely to be limited at best. This will mean that a SUDs system with sufficient capacity will need to be designed to hold surface water on the site before discharging it at a controlled rate (restricted to greenfield runoff rates) into a tributary of the River Colne to the north of the site.

Whilst the current strategy assumes zero infiltration, the applicant intends to further investigate the potential for infiltration drainage and if this proves to be feasible then the planned storage volumes can be reduced. The LLFA have confirmed that the strategy shows that the surface water drainage can be handled in a suitable manner and which will not increase the risk of flooding elsewhere. Conditions are recommended to agree the detailed design of the SUDs system, in accordance with the principles established in the strategy.

Landscape and Trees

Notwithstanding the fact that the Council have identified the site as being suitable for residential development the application includes a Landscape and Visual Impact Assessment.

This Greenfield site is located relatively centrally within the village and adjacent to the Conservation Area. The development would alter views along Church Road, but the impact has been mitigated by the retention of the existing hedge and vegetation along Church Road and by setting back the built development behind a generous area of Open Space. The development would appear well related to the existing settlement. Furthermore by virtue of the topography and vegetation on and around the edges of the site, development would have not a significant impact on the wider landscape.

The Arboricultural Report states that it is proposed that 2 trees with low amenity value (sycamore (T46) and hawthorn); 2 tree groups with low amenity value (a small group of sycamore, oak and alder (G3) and sycamores (G2)) are to be removed primarily to allow construction of the new access and the footpath link. A further 8 individual trees are to be removed as they are unsuitable for retention due to structural hazards or low life expectancy. The tree removal is relatively low in numbers and can be justified. The Council's Landscape Officer raises no objection to these works.

Ecology

The site was assessed and surveyed for protected species prior to submission of the first planning application in 2015. This application, submitted early in 2018, was supported by an updated Phase 1 Habitat Survey and this identified habitats which meant additional species specific

surveys were required in respect of bats, Great Crested Newts, Badgers and reptiles. BDC's Ecologist advised that further survey work was required before this planning application could be determined. The additional survey information was required to inform how these species are using the site and to enable identification of appropriate protective measures and suitable mitigation (including ecological enhancement) pre, during and post construction.

In consultation with BDC's Ecologist the applicant's ecologist undertook additional survey work in respect of an aerial inspection of potential bat roosts; and surveys to establish the presence or absence of reptiles and Great Crested Newts. This work subsequently informed the Addendum Report that the applicant submitted.

The 2018 updated assessment found that the site contained similar habitats with those described in the 2015 reports. Having assessed the updated Addendum dated August 2018 the Councils Ecologist is satisfied that the LPA has received all the required survey information in order to determine the application and they have removed their holding objection.

A number of conditions are recommended to ensure the ecological protection and enhancement of the site, including a pre-commencement badger survey; approval of a sensitive scheme of external lighting; controls concerning the felling of trees / clearance of vegetation to protect bats and nesting birds; construction management; an ecological enhancement plan and Landscape and Ecological Management 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.

The site lies outside any of the Zones of Influence (Zol) that Natural England have drawn up for this project. The Zol are intended to indicate the areas of the District where residents are likely to come from when visiting the nearby Natura 2000 sites. On this basis no financial contribution or alternative form of mitigation is required.

Archaeology

The application submission includes a Desk Based Assessment of the sites archaeological interest.

That report advises that the application site is within a '*rich historical environment*'. The known historic land use indicates a lower probability of pre-Medieval archaeology and artefact remaining on site but there is a possibility

of discovering medieval and post medieval remains cannot be discounted and the proposed development has the potential to disturb or destroy any preserved below ground archaeological remains.

Having considered the Historic Environment Record and the applicant's submission the Council's Historic Environment Adviser concludes that there is no objection to the application subject to a condition requiring archaeological investigation of the site prior to the commencement of development.

Planning Obligations

Affordable Housing – In villages such as Great Yeldham, Policy CS2 of the Adopted Core Strategy requires the provision of 40% of new dwellings on sites of this size to be provided as Affordable Homes. The applicant proposes that 13 of the 33 dwellings will be provided as Affordable Homes, thereby complying with the Council's policy.

The Council's Housing Enabling Officer has agreed the mix and tenure of the Affordable Units with reference to local housing need. The scheme would provide 4no. x 1-Bed 2 Person Flats; 2no. x 2-Bed 4 Person Wheelchair User Dwellings; 4no. x 2-Bed 4 person houses; and 3no. x 3-Bed 5 person houses.

The provision of two affordable bungalow units designed specifically for use by Wheelchair Users is a particularly welcomed feature of the proposed development.

The Parish Council in their response requested that the delivery of the Affordable Housing be guaranteed. The applicant has agreed the Heads of Terms, which includes the provision of this Affordable Housing, and this will be secured through a S106 legal agreement. The agreement has been drafted to state that the developer cannot occupy more than 50% of the market dwellings until all thirteen Affordable Homes have been constructed and transferred to a Registered Provider who will assume responsibility for the management of those homes.

Education – The Education Authority have provided advice in respect of the potential impact that the proposed development will have on Education services. There is sufficient capacity to accommodate Early Years & Childcare places and capacity within Hedingham Secondary School.

In respect of primary education a financial contribution towards increased primary school places is not required. Planning Officers asked Essex County Council Education Officers to provide additional information to substantiate their position. They advised that the reception class in the village primary school has not been fully subscribed and that based on their forecasts the school is currently predicted to have a surplus of spaces in the coming years. In addition they note that there is spare capacity at other primary schools in the surrounding area. For these reasons a financial contribution to increase primary school capacity cannot be justified.

The County Council do however request a financial contribution towards the cost of transporting children from the development to Hedingham School as the distance and absence of a safe walking route means that the Education Authority are responsible for transporting children to the school.

Highway Works – As set out previously in this report there is a package of highway works that the applicant is required to undertake to ensure that safe and suitable vehicular and pedestrian accesses are provided for to serve the site. The highways works are to include: the formation of a new priority junction on Church Road, including associated widening and minor realignment of Church Road; footway link from within the site to connect to the eastern side of Church Road via an uncontrolled pedestrian crossing point; upgrading of the pair of bus stops in Bridge Street; a package of signage and road markings as shown on submitted plans.

Public Open Space – The proposed site layout contains generous Open Space provision, with a feature green at the heart of the development incorporating a Local Area of Play (a small equipped play area), and further landscaped areas responding to the site's constraints (the River corridor and the Conservation Area). The level of provision is in excess of the Council's standards for a development of this size. A S106 agreement would be required to secure approval of an Open Space Strategy, specifying how these areas would be set out and future Management Plan.

Bowtells Meadow – This area of land is located to the north east of the application site, on the opposite side of Church Road. The land is currently owned and maintained by the landowner who has for a number of years allowed public access to the land. In the north eastern corner of Bowtells Meadow, next to North Road there is an equipped children's play area.

The ADMP proposed the allocation of Bowtells Meadow as new informal recreation space. The Publication Draft Local Plan has proposed that the space be allocated for formal recreation.

The landowner has proposed that as part of the planning application that Bowtells Meadow is transferred to the village so its use as public open space is secured. This will provide what the landowner considers an important local community benefit. It is the District Council's policy not to adopt any further land as public open space but the applicant has discussed the offer of the land with the Parish Council who have indicated that they would be interested in accepting the transfer of the land and assuming the on-going maintenance of the land.

Whilst it is true that the land is already used as Public Open Space this is at the discretion of the current landowner who manages the land alongside their farming business. If the land were transferred to the Parish Council then the long term use of the land as Public Open Space would be secured and remove the risk that the current or future landowner could prevent public access and prevent its use as Public Open Space. The transfer of ownership would also allow the local community, through the Parish Council, to improve

the space and make it a more attractive offer. To this end the applicant commissioned a Landscape Architect to produce a report which sets out potential opportunities to improve the land and also how it might be managed in the future. It is noted that some residents are concerned about suggestions of new tree planting within the meadow as the Environment Agency has previously removed trees from the land to reduce the risk of trees falling and obstructing the watercourse and potentially causing flooding. If the land were transferred to the Parish Council it would be for them to decide how they want to improve or manage the land. If tree planting were not favoured then there would be no obligation for the Parish Council to do this.

Officers have advised that if the land were to be transferred to the Parish Council then it would be reasonable to provide a financial contribution that would allow them to fund some improvements / capital works and / or provide some funds towards future maintenance. The applicant has offered a contribution of £30,000 for these purposes.

Officers can see some potential benefits for the community arising from his unusual proposal, however Members are advised that no weight should be given to the offer of this land to the Parish Council when considering the determination of this application. In reaching a decision on granting planning permission Members should only consider material planning considerations. The offer to transfer the land is not a planning requirement as there is no policy requirement to provide this quantum of Public Open Space as a result of a development of this size.

It is proposed that the S106 agreement is drafted so that the landowner is required to formally offer Bowtells Meadow to the Parish Council prior to the commencement of development and then, if the offer is accepted, to transfer the land and the financial contribution to the Parish Council before a specified level of occupations within the development.

In the event that the Parish Council decline the offer of Bowtells Meadow, or subsequently refuse to accept the transfer, then the landowner cannot be compelled to transfer the land and this obligation would fall away. If this were to happen then the District Council would require the payment of a financial contribution of £30,489 towards Sports facilities at the village Recreation Ground. This figure is calculated using figures contained in the Councils Open Spaces SPD and this contribution would usually be required from a development of this size where there is no Outdoor Sport provision within the development. However Officers only consider that it would be reasonable to request this contribution if the applicant is not making a similar sized contribution towards the management of Bowtells Meadow,

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 now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), 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 results 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).

The development is close to a designated heritage asset. Overall, the development, of previously undeveloped land could result in a harmful impact upon the setting of the Conservation Area. The Council's Historic Buildings Adviser has not objected to the application, subject to conditions to secure appropriate materials and detailing. In accordance with the NPPF, Officers consider that the harm is considered less than substantial and would be at the lower end of that spectrum, and therefore needs to be weighed against the public benefits. Officers have undertaken that balancing exercise and conclude that there are public benefits that outweigh the harm to the significance of these designated heritage assets. However, the harm identified would still weigh against the proposal in the overall planning balance.

In terms of the economic and social objectives the development would bring about some benefits including employment during the construction period and a contribution to further boosting the Council's housing land supply. The proposals include generous Public Open Space provision, including a small play area, which would provide wider social benefits.

In terms of the environmental objective, the application site is located in a central location within the village and is within walking distance of the village school, shops and facilities and through connections to existing footways, public rights of way and pedestrian crossings the site would integrate well with the existing structure of the village and this would encourage walking and reduce reliance on car travel in accordance with Policy CS7 of the Adopted Core Strategy. With reference to the Conservation Area and Listed Buildings the Council's Historic Buildings Consultant has raised no objection, subject to conditions. Officers consider that there would be some harm to the designated heritage asset. This would be considered to be less than substantial harm and that this would be at a very low level.

Whilst the proposed dwellings would be located in an area designated as countryside in the current Development Plan the Council has identified the site as being suitable for housing development through the development of the ADMP and Publication Draft Local Plan. Development of the site is not considered to have an adverse impact on the wider landscape.

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 outweigh the moderate weight afforded to the conflict with the adopted Development Plan. The proposed development would constitute sustainable development and it is recommended that planning permission is granted.

RECOMMENDATION

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

Affordable Housing – provision on-site of 13 Dwellings as Affordable Housing, with nine Dwellings provided as Affordable Housing for Rent and four Dwellings as Intermediate Affordable Housing, with the Wheelchair User bungalows complying with Building Regulations 2015 Part M4 Category 3 and any ground floor accessed Dwellings complying with Building Regulations 2015 Part M4 Category 2.

Bowtells Meadow – to offer the transfer of Bowtells Meadow to the Parish Council and if accepted to transfer the land and pay a financial contribution of £30,000 towards its future management, or in the event that Bowtells Meadow is not transferred to the Parish Council then the developer will pay a financial contribution of £30,489 towards **Off-Site Outdoor Sport** facilities / improvements at the Great Yeldham Recreation Ground.

Education – financial contribution towards secondary school pupil transport for a period of 5 years in accordance with standard ECC formula.

Highways – creation of site access, pedestrian footway and uncontrolled pedestrian crossing across Church Road and associated highway works to Church Road; improvements to bus stops on Bridge Street; and a package of road markings and signs as shown in principle on the submitted plans.

Public Open Space – provision of Open Space and Amenity Areas in accordance with the submitted plans, including the provision of an equipped play area and provisions for the spaces to be transferred to and managed by a Management Company.

the Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions set out below. Alternatively, in the event that a suitable planning obligation is not agreed, the Planning Development Manager be authorised to REFUSE the grant of planning permission.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons:

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

Reason

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

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

Reason

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

- 3 Prior to commencement of development or preliminary groundworks a programme of archaeological evaluation shall be secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

2) Prior to commencement of development or preliminary groundworks on those areas containing archaeological deposits there shall be the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

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

Reason

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

- 4 Prior to commencement of development until a Construction Method Statement shall be submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - Safe access to / from the site including the routeing of construction traffic;
 - The storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing and underbody washing facilities and there use;
 - Measures to control the emission of dust,dirt and mud during construction;
 - a scheme to control noise and vibration during the construction phase, including details of any piling operations;
 - details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

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

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

This information is required before development commences to ensure that suitable arrangements are agreed and in place before works commence to ensure that residential amenity is protected.

- 5 Prior to commencement of development, including vegetation clearance and ground works, a construction method statement for the management of surface water and groundwater during construction works, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall contain details for pollution control in respect of the water course and minimise the risk of offsite flooding caused by surface water run-off and groundwater.

The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

To protect the watercourse from all forms of pollution and to ensure that priority species are not disturbed or harmed.

This information is required before development commences to ensure

that suitable arrangements are agreed and in place before construction commences, to ensure that the risk of surface water flooding is managed appropriately.

- 6 Prior to commencement of development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 1 in 1 year and 1 in 100 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage, including long term storage, to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme. This should include cross sections of the basin to demonstrate overflow levels in relation to long term storage.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

This information is required before development commences to ensure that the approved scheme can be incorporated into the development as it is constructed.

- 7 Prior to commencement of development a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance

activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This information is required prior to the commencement of construction so that the body who will ultimately be responsible for its maintenance is aware and can be involved in design and construction of the scheme.

- 8 A badger survey will be required to be undertaken within the 4 weeks prior to the commencement of development by a suitably qualified ecologist. The results of the survey must also be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site (including vegetation clearance and ground works).

Reason

This information is needed prior to the commencement of development to ensure there is no harm to a protected species.

- 9 Prior to construction above ground level a lighting design strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall;
 - i. Identify areas/features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging; and
 - ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the Local Planning Authority.

Reason

To minimise disturbance to a protected species and to ensure appropriate amenity for residents.

- 10 Prior to construction above ground level details of the proposed ecological enhancement of the site shall be submitted to and provided in writing by the Local Planning Authority. It should include new habitat creation, wildflower planting/seeding and native planting. It must detail the proposed habitat improvement/retention on the site particularly of the trees and hedgerows for wildlife corridors (including treatment of gaps in hedging to allow continuous foraging commuting routes for bats and badgers and provision of dark areas) and reptile hibernacula creation. Specification of the design, type and location of bird nesting and bat roosting boxes which where appropriate should be integrated into the building design and should include swift bricks/boxes. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

Reason

This information is needed prior to commencement of the development, in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 11 Prior to commencement of development a landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions
 - f) Preparation of a work schedule(including an annual work plan capable of being rolled forward over a 5 year period)
 - g) Details of the body or organization responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures.

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

The approved plan will be implemented in accordance with the approved details.

Reason

This information is required to ensure the protection, through long term management, of ecological features and protected/priority species.

- 12 Prior to commencement of development 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.

This information is required prior to the commencement of development as levels need to be agreed before construction work commences on site in order that the development can be set out correctly and in accordance with the approved details.

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

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

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

- 14 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

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

- 15 To avoid disturbance to nesting birds vegetation removal should take place outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must

commence prior to any works being undertaken by a suitably qualified ecologist. Any active nesting sites found must be cordoned off and remain undisturbed until young birds have fledged. (This should include ground nesting birds).

As detailed in the Addendum: Ecological Assessment SES, Rev.B, dated 13.02.2019, a precautionary method is required for the soft felling of trees 4 and 5 and in accordance with best practice guidelines to ensure the potential to harm or kill bats is reduced.

Reason

To ensure there is no harm or disturbance to breeding birds

- 16 Notwithstanding details within the application, construction of any building shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason

To ensure an appropriate choice of materials having regard to the location of this site adjacent to the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

- 17 No development above ground level shall be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills 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 maintained as such.

Reason

To ensure the use of appropriate detailing on this important site within the village and adjacent to the Conservation Area and in the interests of visual amenity.

- 18 The garages on Plots 25-29 shall be kept available for the parking of motor vehicles at all times. The garages shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

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

- 19 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 enclosure or alteration of the link elements of the dwelling-house, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 20 Prior to installation of any meter cupboards on the principal elevation of any dwelling hereby approved details of the location, design and materials shall be 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 maintained as such.

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

- 22 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

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

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

Reason

In the interests of visual amenity.

- 24 The development shall be carried out in accordance with the approved details in the Arboricultural Method Statement (AMS) Reference DFCP 3432 Rev A.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site and a site meeting arranged between the site manager; project arboriculturist and the Council's Landscape Officer in accordance with Para. 4.11.1 of the AMS.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority recording their monitoring and supervision of the site.

Reason

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

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

Reason

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

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

Reason

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

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

- 27 No development above ground level shall be commenced until the details of the number, location and design of a covered parking facility for bicycles shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to occupation of each dwelling and retained at all times.

Reason

To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 28 Prior to the occupation of any part of the proposed development a flood evacuation plan shall be submitted to and approved in writing with the Local Planning Authority. The plan shall set out how it will be made available to all future occupants of the development hereby approved. The approved plan shall be issued in accordance with the approved details.

Reason

To ensure that occupants of the development are aware that the site is at risk of flooding.

- 29 No occupation of the development shall take place until Residential Travel Packs, which shall include six one day vouchers for use with the relevant local public transport operator have been submitted to and approved by the Local Planning Authority. The first new occupiers of each dwelling shall be provided with an approved Residential Travel Pack.

Reason

In the interests of sustainable development by promoting sustainable means of transport and reducing the reliance on the private car.

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 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).
- 4 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)
- 5 Prior to the commencement of the development hereby permitted arrangements shall have been agreed in writing with the Highway Authority for safeguarding the public rights of way adjacent to the site during the construction of the development.
- 6 All works 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. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.
- 7 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.
- 8 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk , at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.
- 9 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 10 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

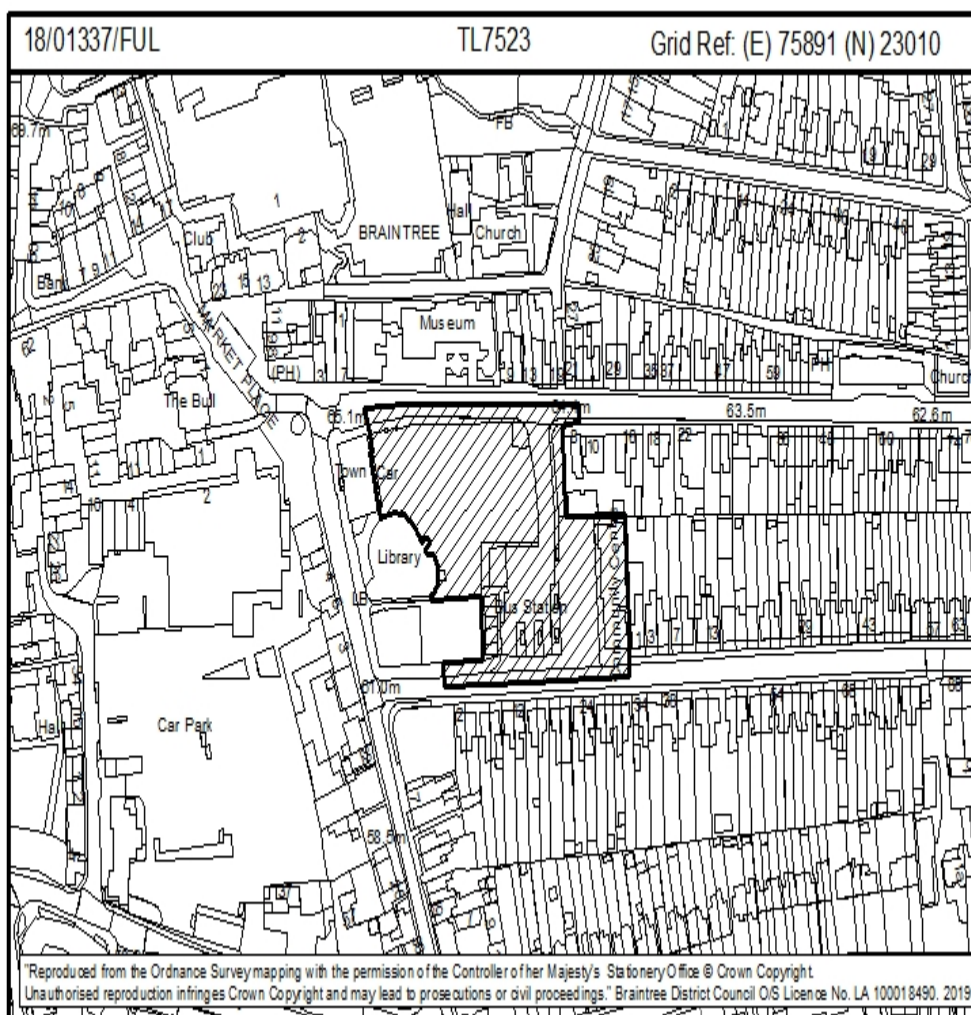
PART A

| | | | |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------|
| APPLICATION NO: | 18/01337/FUL | DATE VALID: | 24.07.18 |
| APPLICANT: | Braintree District Council c/o Agent, | | |
| AGENT: | Mr Peter Tanner 140 London Wall, London, EC2Y 5DN, | | |
| DESCRIPTION: | Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works. | | |
| LOCATION: | Existing Carpark Sites Between Manor Street & Victoria Street / Rear Of The Town Hall, , Braintree, Essex, , | | |

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext.

or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PC49QJBFJJQ00>

SITE HISTORY

| | | | |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|
| 96/01361/BDC | Demolition of existing redundant school, formation of car park and ancillary works including landscaping and alterations to boundary walls | Granted | 14.05.97 |
| 96/01362/CON | Demolition of existing redundant primary school to form car park | Granted | 14.05.97 |
| 08/01367/FUL | Formation of new entrance at Manor Street, near to Town Hall car park and closure of current entrance. | Granted | 29.08.08 |

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| | The road that leads to the bus park from Manor Street will solely become "Buses Only" | | |
|--|----------------------------------------------------------------------------------------------|--|--|

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 needs, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

| | |
|-------|----------------------------------------------------------------------|
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP3 | Development within Town Development Boundaries and Village Envelopes |
| RLP4 | Prevention of Town Cramming |
| RLP5 | Affordable Housing in New Developments |
| 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 |
| RLP51 | Cycle Parking |
| RLP52 | Public Transport |
| RLP53 | Generators of Travel Demand |
| RLP54 | Transport Assessments |
| RLP55 | Travel Plans |
| RLP56 | Vehicle Parking |
| RLP65 | External Lighting |

| | |
|--------|--------------------------------------------------------------------------------------|
| RLP69 | Sustainable Urban Drainage |
| RLP71 | Water Supply, Sewerage & Drainage |
| RLP73 | Waste Minimisation |
| RLP74 | Provision of Space for Recycling |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |
| RLP91 | Site Appraisal |
| RLP92 | Accessibility |
| RLP93 | Public Realm |
| RLP94 | Public Art |
| RLP95 | Preservation and Enhancement of Conservation Areas |
| RLP96 | Demolition in Conservation Areas |
| RLP97 | Changes of Use in Conservation Areas |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |
| RLP112 | Town Centre Uses |
| RLP115 | Accessibility |
| RLP120 | Braintree Town Centre Improvements |
| RLP138 | Provision of Open Space in New Housing Developments |
| RLP146 | Tourist Accommodation |
| RLP163 | Infrastructure and Community Facilities |

Braintree District Local Development Framework Core Strategy 2011

| | |
|------|------------------------------------------------|
| CS1 | Housing Provision and Delivery |
| CS2 | Affordable Housing |
| CS4 | Provision of Employment |
| CS6 | Retailing and Town Centre Regeneration |
| 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 |
| SP3 | Meeting Housing Needs |
| SP4 | Providing for Employment and Retail |
| SP5 | Infrastructure & Connectivity |
| SP6 | Place Shaping Principles |
| LPP1 | Development Boundaries |
| LPP10 | Retailing and Regeneration |
| LPP33 | Affordable Housing |
| LPP37 | Housing Type and Density |
| LPP44 | Sustainable Transport |
| LPP45 | Parking Provision |
| LPP50 | Built and Historic Environment |
| LPP51 | An Inclusive Environment |
| LPP53 | Provision of Open Space, Sport and Recreation |
| LPP55 | Layout and Design of Development |

| | |
|-------|------------------------------------------------------------------------------------------------|
| LPP56 | Conservation Areas |
| LPP57 | Demolition in Conservation Areas |
| LPP60 | Heritage Assets and their Settings |
| LPP67 | Natural Environment and Green Infrastructure |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat |
| LPP69 | Tree Protection |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP73 | Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP79 | Surface Water Management Plan |
| LPP80 | Sustainable Urban Drainage Systems |
| LPP81 | External Lighting |
| LPP82 | Infrastructure Delivery and Impact Mitigation |

Other Material Considerations

Essex Parking Standards/Urban Space Supplement
 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)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee, in accordance with the Councils Scheme of Delegation as the applicant is Braintree District Council.

SITE DESCRIPTION

The application site is located to the south-eastern corner of the town centre and measures an area of approximately 0.7 hectares. The site is bounded by Manor Street to the north, Victoria Street to the south, the Public Library and Town Hall to the west and residential properties to the east.

The site comprises a pay and display public car park, an existing bus station and toilet block and a now vacant community centre and former commercial building on the eastern boundary. Manor Street currently provides a point of access into the site for all vehicles including buses, although buses only exit onto Victoria Street. The site provides for 123 parking spaces (including Manor Street and Victoria Street car parks, as well as spaces serving the Braintree Library, Town Hall and adjacent Jobcentre Plus). Pedestrian access to the application site is from Manor Street, Victoria Street and Fairfield Road. There is a gentle fall in gradient across the site from north to south.

The site is located within Braintree town centre and the Conservation Area. There are a number of listed buildings in the locality, most notably the Grade II* Listed Town Hall to the west of the site, which includes the immediately adjacent walls and gateway providing access to the Public Library.

The site is located within Flood Zone 1 (lowest probability of flooding) as detailed on the Environment Agency's interactive map.

The surrounding buildings are in a mix of uses and are a range of heights. The buildings to the west and southwest of the site, along Fairfield Road, represents the largest concentration of urban scaled buildings, providing mainly civic buildings and other town centre uses for Braintree, spanning up to an equivalent height of around four storeys. To the north there are a mix of commercial and residential buildings, mainly of 2 storey scale. The east and south of the site is predominantly residential in character and comprises two-storey mainly semi-detached dwellinghouses with their associated curtilages.

PROPOSAL

The proposal is for the mixed use redevelopment of the existing car park within Braintree town centre. As site owners, Braintree District Council has been exploring options for redeveloping the site for a number of years and undertook a public consultation exercise based on earlier proposals in 2017.

The proposed development raises a range of issues relevant to an important development location in the centre of the town. Given its location, the redevelopment of the site is acceptable in principle. It is necessary, of course, to ensure new development delivers benefits over that which it replaces. The impact on the overall vitality of the town centre and the way the town operates is an important consideration for Members.

The existing site comprises surface level parking, the bus station with public toilet, a vacant community building and commercial unit. The proposals now before the committee introduce new uses: an NHS 'live well hub'; a hotel; residential development; retail/restaurant uses; new public realm; and associated parking. These uses raise new issues with regard to their operation and the environment in which they are placed.

In addition, Members are also required to address an extensive range of issues that would always be material to town centre and Conservation Area developments:

- Layout, scale, height and design of the buildings and spaces;
- Impact on the Conservation Area and listed buildings;
- Amenity impacts for existing and new occupiers;
- Transport impacts, accessibility and parking;
- Flooding risks and drainage;
- Ecology;
- All other relevant and material considerations.

Members are therefore asked to consider and assess all of the relevant issues as set out in this report and to reach a decision taking them all into account along with the national and local planning policy background.

The application proposes a mixed use redevelopment to include the following:

- 35 residential units (including 23 market housing incorporating 7no. x 1 bed units, 14no. x 2 bed units and 2no. x 3 bed units and 12 affordable dwellings, including 2no. x 1 bed units and 10no. x 2 bed units);
- A 70 bed hotel;
- A Live Well Hub operating an extended GP service and surgeries (estimated to be for around 30 consultancy rooms);
- 1no. A3 unit and 2no. x A1 units (1 is anticipated to be for a pharmacy).
- The realignment and improvements to the bus station, to provide 8 parking bays (with bus waiting area for 3 buses);
- A new landscaped public space;
- The provision of a vehicle car park for 104 spaces for the above uses and other town centre parking demand;
- The provision of 80 cycle parking spaces.

The proposals comprise a main building located towards the centre of the site, which would have an active frontage onto Victoria Street to the south, a frontage into the site facing the bus station, and an active frontage onto Manor Street to the north, which would also extend round to the north-western corner.

The northern end of the main development block would contain the NHS Live Well Hub facility on the first floor, accessed directly from Manor Street. The proposals include three ground floor units to provide an active frontage within this edge of town centre location consisting of two retail units and a restaurant/cafe unit located towards the northern-eastern boundary of the site, with direct access to Manor Street and access to and from the surrounding public realm.

The southern block of the main building would provide a 70 bedroom hotel as well as ground floor facilities including a café restaurant, lobby and servicing.

The proposal retains the existing drill hall building located to the east of the site. This would be converted for residential use. The existing commercial building at the rear of the Drill Hall would be demolished. A replacement building would be erected in its place, attached to the Drill Hall.

The replacement bus station would accommodate 8 bays with a covered waiting shelter, and would be located between the main development block and the drill hall building and extension to the east. Access for buses would remain from Manor Street, exiting onto Victoria Street to the south.

A total of 104 car parking spaces would be provided within two independent car parks. The lower ground floor car park would be accessed from Victoria Street and would contain 64 spaces consisting of 30 unallocated spaces for

general town centre visitors, including patients of the Live Well Hub and hotel guests, together with 34 allocated parking spaces for residents. The upper ground floor car park would be accessed from Manor Street and would contain 40 parking spaces, consisting of 22 unallocated spaces for general town centre visitors, 12 allocated spaces for employees of the Live Well Hub, 2 allocated for the library and 4 allocated for the town hall. Both car parks would provide direct access to the Live Well Hub and ground floor of the development. In addition, the upper ground floor car park would also provide access to the two residential cores and staff core of the Live Well Hub.

The proposal would provide 80 cycle parking spaces provided on site. These comprise 44 spaces for general town centre users (with 12 at the town hall garden, 14 at the lower ground level car park, 6 at the hotel entrance and 12 near the bus station) and 36 for the residential use (with 24 in the main block and 12 within the Drill Hall building). 6 motorcycle spaces are provided within the car parks.

The applicants have engaged in pre-application discussions with the Local Planning Authority together with other stakeholders (including Historic England and Essex County Council in regards to the bus station provision). Furthermore there has been community engagement with public exhibitions and similar undertaken in June 2017 and January 2018.

The application has been submitted with a suite of associated and supporting documents including; a preliminary Ecological Appraisal; Land Contamination Assessment; Arboricultural Impact Assessment; Flood Risk Assessment and Drainage Strategy; Landscape and Visual Impact Appraisal; Topographical Survey; Air Quality Assessment; and Noise Impact Assessment.

DEMOLITION

The existing commercial building to the east of the site is proposed to be demolished as part of the application. Furthermore, the existing toilet block will also be demolished.

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015, amended regulation 4A of the 1992 Regulations to allow local planning authorities to determine certain of their own applications for planning permission for relevant demolition (i.e. demolition of an unlisted building in a conservation area) that were previously determined by the Secretary of State. The Regulation introduces a requirement for local planning authorities to notify Historic England of all these applications and only in those cases where Historic England, objects to the application and where the local planning authority do not propose to refuse it, will applications be referred to the Secretary of State for determination. In this case, Historic England do not object and therefore this application is not required to be referred to the Secretary of State.

ENVIRONMENTAL IMPACT ASSESSMENT

The proposed development does not fall within the threshold outlined in category 10 (b) Schedule 2 of the Regulations: Urban Development Projects and has not been subject of a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, to determine whether or not the proposed development should be accompanied by an Environmental Impact Assessment (EIA).

CONSULTATIONS

Statutory External Consultees

ECC SUDS

Raise no objections, subject to conditions to provide for a detailed surface water drainage scheme and its management and long-term maintenance, (including yearly logs).

Environment Agency

Raise no objections, subject to conditions in respect of unidentified contamination and remediation; drainage systems for the infiltration of surface water drainage; and in regards to piling or other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

ECC Highways

Comment that from a highway and transportation perspective, the impact of the proposal is acceptable subject to conditions for a construction management plan; bus station access and egress arrangements; car park accesses and visibility splays; and that a residential travel information pack be provided for each dwelling.

Historic England

Welcome the proposals in principle and generally consider the detailed design and materials of the overall development to be contextually appropriate. However, raise concerns regarding the quantum, scale and massing of the development which would have a significant impact on the surrounding conservation area and on the setting of the Grade II* Town Hall in particular which is sited immediately adjacent to the application site.

Buildings in the vicinity of the site are generally no more than four storeys in height and the introduction of blocks would create a precedent within the Conservation Area. The view from the south east in particular, with Victoria Street in the foreground the Town Hall to the rear clearly demonstrates the disparity in scale between the application site and its immediate context.

Historic Building Consultant

Note that the site lies within the Conservation Area and within the immediate setting of the Grade II* listed Town Hall with a number of additional Grade II listed buildings within the immediate context. Comment that the new public open space to the rear of the Town Hall gives a purpose to this area whilst ensuring the development is clearly separated from the listed building and the general site layout which retains a north-south access route through the site and relocates the bus station to the east is supported. However, they do raise reservations regarding the massing which is over proportioned for the site and would not integrate successfully with the existing townscape of Victoria Street and Manor Street or respect the datum level of the Town Hall. They conclude that the proposed massing would result in considerable harm to the Grade II* listed Town Hall by removing irrevocably long distance views of the clock tower from Manor Street and Victoria Street as well as introducing an over proportioned building which would detract from highly significant views of the principle façade from Market Place. The proposed would also cause considerable harm to the character and appearance of the Conservation Area.

They comment that whilst the scale of the proposal cannot be supported from a heritage perspective, the design of the principle block is well considered and of some architectural merit with elements of high quality detailing. It remains, however, distinctly modern in character which given the scale of proposed development has a significant impact upon the market town – and Conservation Area's - local character and appearance. The positive architectural qualities of the principle block is also undermined by the quality of those elements which address Victoria Street and the north-south access route as well as the new residential units connected to the Drill Hall. With regards to those properties adjacent to the former Drill Hall, the third storey element is considered an inappropriate addition which does not sit comfortably with the new units or the adjacent former Drill Hall.

The Historic Buildings Consultant concludes that the application would fail to preserve or enhance the character and appearance of the Conservation Area and fails to preserve the special interest and setting of the Town Hall. With regards to the level of harm caused to Braintree Town Hall as a Grade II* listed building is considered to be at the upper end of less than substantial whilst the harm to the Conservation Area is considered significant. The level of harm caused to other heritage assets in the vicinity is considered less than substantial.

ECC Archaeology

The Essex Historic Environment Record (HER) shows that the proposed development lies within a sensitive archaeological area of Braintree, within the Conservation area and extent of the Medieval and Post-medieval settlement. To the north of the site multi-period archaeological deposits were identified during the construction of the Sainsburys building with both Iron Age and Roman remains identified including a Roman Road leading east from the Roman Town. Archaeological investigation on the site of the present Tesco's found limited archaeology with the area thought to be open fields in the medieval period. There is the potential for multi-period archaeological

deposits being present on the site and therefore recommend a condition be imposed for archaeological evaluation to properly provide for archaeology.

Anglia Water

Have assets close to or crossing this site that will be subject to an adoption agreement by the developer. In regards to foul drainage, the site is in the catchment of Braintree Water Recycling Centre which currently does not have capacity to treat the flows the development site. However, Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should permission be granted. In regards to used water network, the 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 - request a condition requiring the drainage strategy.

In respect of surface water disposal, the preferred method would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Recommend conditions be imposed in terms of foul water strategy and surface water disposal.

NHS

Are working with the Council to deliver and retain the Live Well Hub and are fully supportive of the development. Would encourage the inclusion of key worker housing in the affordable housing scheme to support the recruitment of clinical staff within the area. Confirm they are not seeking mitigation in the form of a S106 planning obligations.

Natural England

Site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The scheme is to be subject to a project level Habitats Regulations Assessment (HRA) and advise that appropriate funding should be secured to fund strategic 'off site' measures in and around the relevant European designated sites.

ECC Education

There is sufficient capacity within the ward to accommodate this development in terms of early years and childcare.

National Grid

There is operational gas apparatus within the application site boundary. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.

Essex Fire and Rescue

The nearest statutory fire hydrants are considered to be within a reasonable distance. Have not been able to ascertain if a fire appliance is able to gain access to be within 45 metres of all part of each dwelling (as required by

Building Regulations). If this requirement cannot be satisfied then an alternative solution will be required.

Internal Consultations

BDC Environmental Health

Raise no objection but recommend conditions in respect of hours of working and no burning of refuse, waste materials or vegetation; a dust and mud control management schemes; no piling shall be undertaken on the site in connection with the construction until a system of piling and resultant noise and vibration levels has been submitted to and agreed; work involving the removal or disposal of asbestos should be undertaken in accordance with Guidance from the Health and Safety Executive; and timings of deliveries by HGV's. Further comment in regards to noise from the library stating that the applicant must provide a report once the development has been completed to demonstrate that the required mitigation measures have been fully completed.

BDC Economic Development

Support the application through its proposal to create jobs; its positive impact upon the town centre economy, including night time economy and the tourism economy; and the increasing car park income generation.

BDC Ecology

Note that a Preliminary Ecological Appraisal and a bat survey report has been submitted, and comment with no objections subject to conditions in respect of a lighting design strategy for light sensitive biodiversity; nesting birds and an ecological enhancement plan.

BDC Landscape

The roof terrace that the design and materials applied on this scheme seem overall adequate to the nature and location of the roof garden. However the plan does not provide enough information regarding the planters and their drainage. They further comment that there is otherwise limited information regarding the landscape approach and detailing for the rest of the site to be able to comment.

BDC Waste Services

No comments to make.

BDC Licensing Officer

Comment that the Manor Street taxi rank has officially 14 spaces. Any reduction in the number would likely be resisted by the Police and Taxi Association and highlight that the creation of a new rank (or changes) are required to go through a consultation set out in legislation. Note that taxi provision is an essential part of tackling disorder in the night time economy.

REPRESENTATIONS

The application was advertised by way of site notices, newspaper notice and neighbour notification. 18 letters of representation have been received, raising the following comments:

Layout, design and heritage

- The treatment of elevations could be more sympathetic to the treatment of existing buildings.
- The design of the building does not fit with the surrounding historical buildings - is too stark, angular and high;
- 5 storeys is out of character and scale for the buildings and architecture in this Conservation Area.
- Adverse impact to Conservation - the Listed Town Hall, Library and Museum will be overshadowed by the new development;
- The design of the 'Town Hall Garden' is inward looking and the opportunity to develop the landscaping in a broader context would be welcomed.

Highway matters

- Loss of Manor Street car parking regrettable;
- Insufficient parking for all the uses;
- The impact to existing traders and current residents of losing parking spaces, should be fully considered and provided mitigation via a 106 agreement;
- Question whether adequate residents parking is provided - Victoria Street and Manor Street are already oversubscribed and residents currently use the existing public car parks overnight;
- The layout of the lower ground floor car park, accessed from Victoria Street needs to be reviewed as there is no provision for a vehicle to turn round safely and exit the rear of the parking area if all the bays are full. Without a turning area, a vehicle would need to reverse out round a blind bend potentially into incoming vehicles;
- Layout of car park - does not appear to be any pedestrian entrance or exit from the Upper Car Park directly onto Manor Street;
- It is unclear how disabled people and families with pushchairs will access and exit from the Lower and Upper Car Parks;
- No indication of any service/loading bays for the residential or commercial premises apart from the Hotel. Question how day to day deliveries to these properties be achieved without illegal on street parking;
- Will add to traffic congestion in the town;
- The access routes into the site are not suitable to accommodate the significant incoming materials and outgoing waste with the roads surrounding the Town Centre already in poor condition;
- Plans do not look large enough to accommodate 8 buses to enter and reverse;

- The bus station canopy is inadequate – too small and exposed to the weather;
- Query where is the taxi rank;
- Question where buses are going to park while work is going on;

Neighbour Amenity

- Loss of light, loss of privacy and increased overshadowing;
- Overbearing on residents homes and overlooking bedroom windows;
- Noise disruption during construction.

Other

- No need for a hotel;
- No need for further cafes in the town;
- Concern that an enlarged provision for an NHS surgery to relocate may not materialise;
- Demolition of toilets and waiting room and no replacement on site will impact to passengers and bus drivers. The Community Toilet Scheme has not been finalised;
- In regard to archaeology, a schedule of works with Essex County Council's Historic Environment team needs to be agreed;
- Impact to Braintree Museum from loss of income with the closure of Manor Street Car Park, loss of the coach drop-off bay, and building site traffic and noise will have a significant impact on visitor numbers;
- Adverse impact on existing traders whilst work is undertaken.

Following the submission of amended plans and additional supporting information relating to materials of construction; the layout and design of the Drill Hall building; highway matters, landscape and the refuse strategy, further third party consultation was undertaken on 15th January 2019 by way of neighbour notification. 4 further letters have been received in relation to this second round of consultation. Many of these comments have already been raised previously and summarised above. However the following additional comments are made:-

- The revised drawings for the drill hall development are an improvement. The removal of the walkway alleviates concerns regarding overlooking. However, the eastern aspect bedroom windows are 1600mm (5ft 3ins) at their lowest point which means they would still be able to look down on other gardens;
- Buses reversing and passengers alighting in either Fairfield Road or Manor Street (depending on which service they are on) would be dangerous;
- The changes to the landscape garden are welcomed. Is now an outward looking scheme that acknowledges the potential for a new and exciting public realm. Hope that there will be no barriers between the garden and the museum.

- Noted the disabled access from the Upper Car Park is now much improved (but the disabled access from the Lower Car Park remains obscure and inconvenient).

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, a material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

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

The application site is located within the Town Development Boundary in Braintree, where new development is considered acceptable in principle. New development for key town centre uses, including retail, residential and hotel uses are encouraged within Braintree, in accordance with Policies RLP2, RLP112 and RLP146 of the Adopted Local Plan. These policies seek to concentrate development within built up areas and to strengthen town centres to ensure they retain a vital role in supporting the community. The NPPF seeks to ensure the vitality of town centres, setting out that planning policies should be positive and promote competitive town centre environments. The site lies within Braintree Town Centre (as defined on the Proposals Maps) and therefore the principle of a mixed use scheme for town centre uses and residential uses accords with Adopted Local Plan Policies in respect of its location.

There is further support within the Adopted Core Strategy, which seeks to maintain and develop vibrant and prosperous main towns in the District by encouraging new development and regeneration schemes that support their function as major service centres, with a range of good quality employment, shops, services and cultural provision. In accordance with the high priority for the regeneration of the market towns, Policy CS6 of the Adopted Core Strategy, relating to 'retailing and town centre regeneration', outlines that the town centre of Braintree (amongst others) will be the primary location for retail, office, leisure and cultural provision in the District and this site is identified for improvements and regeneration to meet the identified need for additional retailing and other town centre uses.

Overall, in terms of the Adopted Local Plan, the Adopted Core Strategy, the Publication Draft Local Plan and the NPPF, the principle of the mixed use re-development of the site is strongly supported in planning policy terms.

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.

In accordance with the Planning Practice Guidance (PPG), the Council published the 2018 Annual Monitoring Report on 15th January 2019. The Annual Monitoring Report is based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the new NPPF.

The standard methodology as revised by the Government in Planning Practice Guidance 20th February 2019 prescribes a formula which uses information from the 2014 based household projections; the Government Housing Delivery Test results, and the official housing affordability data for the district. The 2018 Housing Delivery Test results were published 19th February 2019 and they determined that the current buffer to apply to the base target for Braintree District is 5%. The most recent (2017 based) housing affordability data was published 26 April 2018.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), 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 results in a higher 5 year supply requirement.

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

SITE ASSESSMENT

Housing Delivery

The application proposes the construction of 35 residential units providing a total of 9no. x 1 bed units, 24no.x 2 bed units and 2no. x 3 bed units. Policy CS2 of the Adopted Core Strategy and Policy LPP33 of the Draft Local Plan states that a target of 30% affordable housing will be required on sites located within the urban wards of Braintree within housing schemes of 15 residential units or more, which shall provide a mix of affordable units that reflect the current local need. The policy seeks 30% affordable housing. The application exceeds this policy requirement with the provision of 12 affordable units formed of 2no. x 1 bed units and 10no. x 2 bed units. These are located within the Drill Hall building and the extension to it. This is a positive aspect of the development and weighs in favour of the proposed development.

The affordable units comprise solely of shared ownership tenure. Whilst the local need necessitates a 70:30 split between affordable rent and shared ownership, the Council's Housing Enabling Officer has commented that because it is a mixed use development and due to the composition and scale of the scheme from the registered providers view, it would be more appropriate for the affordable units to be offered on an intermediate tenure, specifically shared ownership.

In summary, in terms of housing delivery, the development would provide a total of 35no. windfall dwellings to the supply of housing in the District. Furthermore, the level of affordable housing provision to be provided on site is in accordance with the relevant policies and positive weight is therefore attributed to the delivery of housing including affordable which will meet an identified need.

Whether the development provides an appropriate mix of land uses for the site within the town centre / Impact on vitality and viability of the town centre

The NPPF identifies main town centre uses as retail development, leisure, entertainment facilities, offices, arts, culture and tourism (including hotels). In relation to town centres, the NPPF sets out that planning policies should be positive, promoting competitive town centre environments. Further, and as discussed above, key town centre uses including retail, residential and hotel uses are encouraged within Braintree, in accordance with Policies RLP2, RLP112 and RLP146 of the Adopted Local Plan, which concur with the NPPF in the desire to strengthen town centres to ensure they retain a vital role in supporting the community.

A key element of the regeneration of this town centre site is the provision of a Live Well Hub, which would house health services that would benefit the local community. These services may include additional GP services, therapy services, a range of hospital outpatient appoints, some diagnostic services, community mental health services and other health and wellbeing services. The Live Well Hub would seek to complement existing NHS facilities in the locality, but would aim to become a one stop shop for health, serving the population of Braintree. It is currently anticipated that an existing GP surgery (Mount Chambers) within the town would relocate here. This purpose built provision would meet an identified shortfall for need and is likely to provide GP services, alongside other allied healthcare services. There is confirmation from the NHS Mid Essex Clinical Commissioning Group (MECCG) and NHS-England that they are committed to the project. This would provide a high quality and modern building which is assigned significant benefit.

The proposals also include the provision of a 70 bedroom hotel, which would be located towards the centre of the site and forms the southern block of the development. Hotel uses are promoted for town centres in accordance with Policy RLP146 of the Adopted Local Plan, as they positively add to the mix of uses and the vitality of the town centre economy. A hotel in this location would provide visitor accommodation within the town centre, and visitors would add

to the vitality and viability of the wider town centre and would assist with contributing towards improving local tourism. The positive aspects from tourism, which would result in associated spending in the locality, is an economic benefit of significant weight.

The proposed development would provide commercial floorspace with a range of town centre uses, including A1 (retail) and A3 (sale of food and drink for consumption on the premises - restaurants) uses at ground floor (total floorspace 430sq.m). This would provide a complementary provision to the other types of retailing and leisure uses within the town centre. The siting of a food and/or beverage use along the proposed landscaped public realm area exploits its location and would enhance its attractiveness in encouraging people to enjoy spending more time in the town centre. Adding to the range of uses within the town would further assist in the vitality and viability of the town, to which positive weight is assigned.

It is anticipated that the development could lead to the creation of over 200 jobs at the site during construction, and a significant provision of full time equivalent jobs once completed and operational with employment within the hotel, the A1/A3 uses and the Live Well Hub. This is a clear economic benefit to the immediate area and would be assigned positive weight in the consideration.

A further key element of the proposed development and associated positive impact on the vitality and viability of the town centre is in relation to the re-provision and improvement of the existing bus station on the site. National policy on transport and land use planning establishes broad policy objectives to encourage integrating land development and transport. The development would facilitate an expansion of provision in terms of total bus parking bays, from the existing 6 bays, to provide 8 parking bays (with bus waiting area for 3 buses). The amended layout would further enable an opportunity to improve the operation and functionality of the bus station. A new covered shelter/waiting area with seating would be provided and the site would include public transport general information and timetables incorporating an electronic real-time travel information system. The additional bus layby provision, improved operation of service and quality of the station, would add positively to the town centre and weighs in favour of the proposal. The development does not include a fully enclosed waiting area for customers or a rest room for drivers and this is a shortfall of the development. Many third party comments have also raised concerns with the loss of the public toilet. In response to this, the redevelopment would provide for some shelter for persons waiting the arrival of a bus, and the Council are actively pursuing a Community Toilet Scheme. Although the outcome of this is not yet defined, a number of nearby buildings are anticipated to be involved (including the hotel), such that the level of inconvenience would be minimal and whereby a better quality provision is likely to be made.

In conclusion on this point, with regard to the principle of development, the mix and extent of uses is appropriate and in accordance with policies within the Adopted Local Plan, Adopted Core Strategy, the Publication Draft Local

Plan and the NPPF. Overall, the development would provide a positive and complimentary contribution to the mix of uses within the town centre; would provide a purpose built and much needed NHS facility; would strengthen the bus service provision; and would add to the town's vitality and viability and would positively contribute to the economy. Significant positive weight can be assigned to these factors.

Layout, design and impact on visual appearance

Policy RLP9 of the Adopted Local Plan states that new residential and mixed-use buildings shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that the Council seeks a high standard of layout and design in all developments. Policy SP6 of the Draft Local Plan requires all new development to respond positively to local character, provide buildings of a high quality design, and protect and enhance assets of historical value.

Policy RLP10 of the Adopted Local Plan and Policy LLP37 of the Draft Local Plan states that the density and massing of residential development will be related to the location of the site in relation to public transport accessibility and shops and services, the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the adequacy of the access and adjacent road system to cope with the traffic likely to be generated.

A key objective of the Adopted Core Strategy is for new developments to be of the highest quality design, wherein the Council will seek a high standard of layout and design in all developments. Planning permission will only be granted where the scale, layout, density, height and massing of buildings and overall design should reflect, or enhance, local distinctiveness and shall be in harmony with the character and appearance of the surrounding area. In addition, designs shall recognise and reflect local distinctiveness and be sensitive to the need to conserve local features of architectural, historic and landscape importance.

The NPPF, within Section 12, advocates achieving well-designed places, stating in Paragraph 124 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 development, creates better places in which to live and work and helps make development acceptable to communities.

This section of the NPPF further affirms the need for new design to function well and add to the quality of the area in which it is built; be visually attractive; establish a strong sense of place; and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.

The redevelopment of this site has been subject to extensive pre-application discussions, and the layout, scale, massing and detailed design has been subject to changes such that there is a clear evolution in the scheme, with amendments made to ensure the scale and detailed designs of buildings are appropriate long term for the redevelopment of this key town centre location.

The building within the north-western corner containing the residential units is 5 storeys, with a lower 3 storey linking element above the car park entrance, to the four storey building on the northern Manor Street elevation, which contains mainly the NHS building. Turning into the site, this internal eastern elevation facing the bus station is 4 storeys, extending into 5 storeys due to the natural land level change. The hotel building at the southern corner is 5 storeys which lowers into a 3 storey double gable end. The extension to the Drill Hall building is 3 storeys.

The height and scale of the proposed development has been designed to respond to the surrounding context and character of the locality by providing the majority of the massing and built form from the centre to the west of the site. This general principle is accepted as it would be in keeping with the overall context of the area, with development heights and massing increasing towards the town centre to the west, rather than the more traditional residential areas to the east.

The elevation of the building fronting Manor Street is articulated into two main elements with a clear separation between them. This allows the building to express its different functions through its form as well as responding to the scale and character of the surrounding urban form. The building, whilst large, is designed with the top floor set back, to reduce the overall appearance of scale and mass, and ensuring the buildings are more in keeping with the locality. The elevations would be developed with a Gault (Cambridge) clay stock brick with the top floor clad in a zinc roofing material. The windows and shopfronts are proposed to be aluminium.

The eastern elevation of the main building, which forms the internal view of the site and the main elevation of the hotel, is designed to both complement and contrast with the other building elevations. This elevation has a vertical rhythm with large fenestration detailing, reflecting its use. This is to be constructed in a mix of red clay stock brick and a dark brick. The roof would also be of zinc cladding providing a continuity with the Manor Street block. The building would feature reconstituted stone / precast coping with similar stone / precast recessed lintels. In order to achieve a uniform approach to windows and shopfronts, these would also be aluminium. There is no change in the height of the building across this section, despite the natural gradient fall of the land. The impact is that the southern elevation of the hotel building (on the Victoria Street corner elevation) is a full 5 stories. This height would be seen within the context of some larger buildings to the west, would appear tall and contrast with its immediate context with 2 storey residential properties in Victoria Street.

The existing Drill Hall building is being converted into 4no. 2 bed units. The layout is such that one of the ground floor flats would have a front door onto Victoria Street and the other would utilise the existing door to its western elevation. This would provide an active street scene and the works would add to the character of the locality, whilst internally the building is sympathetically converted. To the rear of the Drill Hall the existing commercial building is demolished to enable the construction of a 3 storey extension to provide 8no. flats. The general scale of the replacement building would reflect that of the former building and would be sympathetic to its host property and the locality. The design approach and palette of materials would reflect that proposed on the rest of the development site and be sympathetic to its context.

The treatment of the spaces around and between buildings is just as important as the architecture itself. The existing site provides a poor connectivity and permeability for pedestrians from the bus station into town, whilst the bus station environment is also of poor design and appearance and is visually unattractive. The proposed development in contrast, would, by reason of the layout of the buildings and their orientation of active facades, increase permeability and strengthen the link between the Bus Station and the town.

As part of the layout, a new public realm would be created, to the rear of the Town Hall. This is designed within a formal layout, determined by the arrangement of the surrounding buildings. It would retain and enhance the existing listed enclosure and gateways, and is acceptable to its context. Full details of the planting will be secured via condition. A roof terrace is proposed above the car park which would provide outlook from the hotel, NHS unit and residential units. A landscaping scheme has been submitted which is adequate to the nature and location of a roof garden with a full exposure to south. However the plan does not provide enough information regarding the planters and their drainage and here also seems to be some inconsistency regarding the maintenance of this area. This detail is to be secured via condition. Further in regards to the public realm more widely, the application lacks a comprehensive hard and soft landscaping specification or schedule. This is to be secured via condition.

Overall, the proposals are considered to comprise a positive redevelopment of this important site in the town centre. The general approach to the layout, design and appearance of the development is supported. The development would result in a modern mixed use town centre development with improved active linkages to the town centre and a new, well designed public space would be created. Although some concerns are expressed in terms of the scale and massing of some of the buildings, it would reflect its ambitious scale and would announce the sense of arrival at the town centre. The materials would be high quality and of an acceptable mix that would provide a blend of materials that will be a more contemporary design approach to the site in contrast to the current more uniform brickwork predominantly used in the town and the immediate area.

Impacts on Heritage, the Conservation Area, listed buildings and their settings

The site is located within the Bradford Street Conservation Area. The site itself does not contain any statutory listed buildings, although to the west is the Grade II* Town Hall, The Corner House (Grade II) and The Bull Hotel (Grade II). The Museum building to the northern side of Manor Street is a non-designated heritage building. Within the site, the Drill Hall building located on the eastern boundary is considered a non-designated heritage asset. Furthermore, other notable heritage assets within the immediate vicinity include the Braintree Museum to the north, Our Lady Queen of Peace Church also to north, a Drinking Fountain to the north-west, the former Embassy Cinema to the south, the former Post Office to the south-west and the former Drill Hall which falls within the site boundary.

The NPPF identifies that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). In accordance with Paragraph 189 of the NPPF, which requires identification and assessment of the significance of any heritage asset that may be affected by a proposal, including its setting, the application has been submitted with a comprehensive Heritage Statement.

Paragraph 192 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The design approach to develop a sensitive and cohesive response to the materiality and form of the locality in a modern manner is accepted as appropriate and has resulted in many positives to the final scheme. The new public open space to the rear of the Town Hall gives a purpose to this area, compliments Market Place, whilst ensuring the development is clearly separated from the listed building. The general site layout which retains a north-south access route through the site and relocates the bus station to the east is also supported.

As identified above, concerns have been raised by Historic England and the Historic Buildings Consultant in terms of the scale and massing of the buildings, which are not considered to integrate successfully with the existing townscape of Victoria Street and Manor Street. Further, the scale and massing is seen to result in harm to the Grade II* listed Town Hall by removing irrevocably long distance views of the clock tower from Manor Street

and Victoria Street in particular. Although this is a town centre location where listed buildings do not have extensive open settings and each is framed by other buildings in the area, the proposals would have an impact upon the setting of this heritage asset, with the proposed roofline slightly higher than the Town Hall, albeit the bell tower will remain taller. It is accepted that the design of the principle block is well considered and of some architectural merit with elements of high quality detailing. However, the positive architectural qualities of the principle block is also undermined by the quality of those elements which address Victoria Street and the north-south access route. This identified harm is considered as less than substantial.

In regards to the Conservation Area, the site in its current state has a minor negative impact on the significance of the Conservation Area. The proposals would introduce new large scale buildings within the Conservation Area and the redevelopment of the site encloses an area which currently has a relatively open character and thus would have a physical impact on the Conservation Area. The development due to the scale, massing and design, would fail to preserve or enhance the character and appearance of the Conservation Area. This identified harm is considered as less than substantial.

Paragraph 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. In this instance the public benefits of the scheme are notable. The development would provide a significant regeneration scheme for this key town centre location, facilitating an appropriate mix of key town centre uses including a hotel and new retail and commercial uses with associated economic benefits; an appropriate mix of new residential accommodation (including policy compliant provision of affordable housing) that would add to the supply of housing for the District; the provision of a Live Well Hub for the health and wellbeing benefit of the town; and an expanded and upgraded bus station facility. Cumulatively, these benefits are considered to result in significant public benefits, which would outweigh the less than substantial harm to the significance of the designated heritage assets.

With regard to archaeological interest, the application has been submitted with an Archaeological Assessment. The ECC Archaeological Advisor notes that there is likely to be impact on heritage assets of archaeological significance which can be appropriately mitigated through a planning condition requiring further archaeological work and assessment.

Overall, the development, by reason of its scale and massing, would result in a harmful impact upon the setting of the Grade II* Town Hall and further it is considered that the development would neither enhance nor preserve the Conservation Area. In accordance with the NPPF, this harm is considered less than substantial, and therefore needs to be weighed against the public benefits. Officers have undertaken that balancing exercise and conclude that there are public benefits that outweigh the harm to the significance of these

designated heritage assets. However, the harm identified would still weigh against the proposal in the overall planning balance.

Standard of residential accommodation/ Impact to neighbour amenity

Relevant Local Plan policies seek to ensure that development respects the amenity of occupiers of neighbouring properties and provides future occupiers of new developments with an acceptable living environment. Environments should not be harmed, by inadequate daylight, sunlight or privacy impacts, light pollution or by being exposed to undue noise disturbance.

In terms of future occupiers for the main block, these units would all have acceptable access and internally would meet with the Nationally Described Space Standards. Further, a number of these units would benefit from private balconies. There is potential for the existing extraction and ventilation system at the rear of the library to adversely impact upon the amenity of future occupiers from noise disturbance. In this respect, a noise assessment has been submitted which demonstrates that, subject to appropriate conditions, the proposed development could proceed and provide an acceptable noise environment for new residential units and hotel occupiers. Although the Library building is not within the ownership of BDC, there is an agreement in place that the mitigation required on the library's ventilation and extraction equipment can be undertaken.

In regards to amenity for future occupiers of the Drill Hall, it is noted that 2 of the units within the existing Drill Hall building would fall slightly short of the Nationally Described Space Standards. However, given these are created via a conversion from an existing building, which the LPA is keen to retain, this shortfall is accepted in this case. The 8 units in the extension to the Drill Hall all comply with Space Standards. The ground floor units are accessed from their front door via a raised walkway, which provides a balance between an active frontage and a defensible space from the bus station. These units also benefit from an individual rear private courtyard. The 4no. x 2 bed units in the extension element, are located on the 1st and 2nd floor and would be accessed via a high quality internal staircase and corridor. These 2 bed units would be single aspect on the 1st floor, facing west, which would provide acceptable levels of light whilst the 2nd floor units would all be dual aspect. Private balconies would be provided for these 2 bed units.

With regard to the impact on neighbouring properties, objections have been received from residents that there would be loss of light and overshadowing of their properties. The application has been submitted with a daylight and sunlight study. The majority of the windows tested meet or surpass the BRE numerical recommendations. Whilst some windows do not meet the recommendations, the results are not unusual in the context of an urban location. The BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design. The main block of the proposed development, at its closest point, would be located between 16m to 18m from the closest neighbouring properties to the north and approximately 18m from neighbours to the south. It

is considered that there is a sufficient separation distance to ensure that the proposals do not have any adverse impact upon neighbouring amenity, in terms of any loss of outlook or any overbearing effects.

The Drill Hall extension has been amended during the application to remove a previous rear balcony, which is now designed as a fully enclosed corridor. This revision would prevent any overlooking to the rear gardens on Victoria Street. Rooflights in the second floor are sited to ensure that any overlooking would be oblique and would not result in unacceptable loss of privacy. This consideration is made against a backdrop of the town centre location where generally it is accepted that property separation distances and residential amenity areas would be reduced when compared with more suburban and rural locations.

In addition, the development would not cause undue harm to other neighbouring properties from noise disturbance from the development, once operational. Construction impacts such as noise dust and construction movements can be adequately managed via the imposition of conditions.

Overall, an adequate residential environment can be created for new residential occupiers and maintained for the existing. This would have a neutral impact in the planning balance.

Highway, parking and transport impacts

In terms of highway layout and access arrangements, the vehicular access to the development would be via two new access points; a new access off Manor Street to the north of the site into the upper level parking and a new access off Victoria Street into the lower level parking. The bus station would continue to operate a one-way layout with access off Manor Street and egress onto Victoria Street.

The applicant has provided a Transport Assessment (TA) for consideration as part of the application package. The TA includes a trip generation and distribution profile for the proposed development including residential and hotel uses and likely trip generation profile for pedestrians, cyclists, and public transport users. The predicted multi-modal trip generation is considered acceptable and can be accommodated on the existing transport infrastructure. The Highway Authority is content that any change in the performance of the network can be accommodated without detriment to the transport infrastructure.

With regard to road safety, data demonstrates that there are no safety issues in the vicinity of the site which would be exacerbated by the development proposals. A Stage 1 Road Safety Audit (RSA) has been undertaken for the proposed development which demonstrates that the development is acceptable.

Specifically in terms of parking, the total number of existing vehicle parking spaces on which the development would be built (including Manor Street and Victoria Street car parks, as well as spaces serving the Braintree Library, Town Hall and adjacent Jobcentre Plus) amounts to 123.

The development proposes a total of 104 car parking spaces provided within split-level parking which would include on-surface and sub-surface parking space provision. The upper ground floor car park would be accessed from Manor Street and would contain 40 parking spaces, of which 4 are accessible parking bays for disabled persons. The lower ground floor car park would be accessed from Victoria Street and would contain 64 spaces, of which 5 are accessible parking bays.

The 64 spaces on the lower ground floor car park would consist of 30 unallocated spaces for general town centre visitors, including patients of the Live Well Hub and hotel guests, together with 34 allocated parking spaces for residents. The 40 spaces on the upper ground floor car park consisting of 22 unallocated spaces for general town centre visitors, 12 allocated spaces for employees of the Live Well Hub, 2 allocated for the library and 4 allocated for the town hall. Therefore, between the two car parks, a total of 52 spaces would be unallocated, for both general use and for use by hotel guests. The remaining 52 would be allocated, and restricted to permit holders.

A summary of the Councils Adopted Maximum vehicle parking standards is detailed in the following table:

| Use | Parking Standard – (Maximum) | Maximum requirement | Amount proposed |
|-------------------------------------------|----------------------------------------|--------------------------------------------------------------|---------------------------|
| Medical Centre (D1 use) – Visitors | 1 space per full time equivalent staff | Est 27 staff = 27 spaces | 12 |
| | + 3 per consulting room | Est 30 consultancy rooms = 30 spaces | (shared use of 52 spaces) |
| Retail (A1 use) | 1 space per 20sq.m | 12.35 spaces | (shared use of 52 spaces) |
| Restaurant (A3 use) | 1 space per 5sq.m | 36.6 spaces | (shared use of 52 spaces) |
| Hotel | 1 space per bedroom | 70 spaces | (shared use of 52 spaces) |
| Residential 1 bed unit 2 bed + unit | 1 parking space 2 parking spaces | 9 x 1 bed = 9 spaces 24 x 2 bed and 2 x 3 bed = 52 spaces | 34 spaces |
| Visitor | 0.25 spaces per dwelling | | |

| | | | |
|----------------------------|------------------------------------------------------|---------------------------------------------|------------------|
| | (unallocated and rounded up to nearest whole number) | 35 dwellings = 8.75 spaces Total – 60.75 | |
| Other (library, town hall) | Not included | Not included | 6 spaces |
| | | Total: 236.45 | Total:104 |

As outlined above, the proposed car parking spaces serve various uses of the development on the basis of a fixed allocation of parking spaces for residents, medical staff working within the Live Well Hub and within the library and town hall. The use of the 52 non-allocated parking spaces is for the use by Live Well Hub visitors, hotel guests (overnight between stipulated times) and by other visitors to the development (including any overflow from the residential units and their visitors) and other general town centre visitors.

In terms of an assessment on the acceptability of the parking provision, the site is ideally located in terms of meeting sustainable objectives. It is situated in a town centre location adjacent to a new and improved bus station with the train station also situated within easy reach of the site on foot, which provides an excellent opportunity for sustainable travel to and from the site.

Whilst there is not allocated parking provision for the NHS use, this would not be uncommon for a surgery within such an accessible town centre location, wherein many patients would walk to the site or make use of the availability of general town centre parking. Further, whilst there is no allocated parking for this use or for visitors to the retail and A3 uses, these are likely to be linked trips with the other uses proposed as part of this development and the nearby town uses more generally. Given the town centre location and immediate availability of other transport modes, a reduction is considered acceptable.

There is no allocated parking provision for the hotel, however, customers could make use of the general town centre parking, (which is understood to be priced accordingly throughout the day and night to ensure the car park continues as short stay but also can accommodate any overnight parking). The principle of non-allocated hotel parking is acceptable and is in line with arrangements at other town centre hotels where hotel visitors arriving by car are expected to park in the public car park.

A Transport Statement and Parking Strategy Note has been submitted with the application which justifies the decrease in publicly available parking in the town centre. The information sets out that the car park would be required to serve the variety of different uses, including the Live Well Hub, residential and hotel use. Because of the nature of these uses, parking demand will vary throughout the day and evening. As a consequence there would be an element of shared use of the parking spaces for both the existing town centre demand and the demand for the new proposed uses.

In order to further assess the acceptability of parking provision, a town centre car parking capacity review has been undertaken utilising 2016 data for

parking demand. This Study concludes that parking occupancy surveys across the town centre car parks (George Yard, Causeway, Station Approach, Manor Street and Victoria Street) is 47% occupancy on weekdays and 45% on weekends.

The existing data therefore shows that car park utilisation within Braintree town centre is underutilised. As part of the development it is proposed to close Victoria Street and Manor Street car parks. Following their closure it is assumed that the same volume of cars will require town centre parking and therefore parking from these car parks would relocate to other town centre car parks. Overall, it is expected that the closure of Victoria Street and Manor Street car parks would result in a 9% increase in occupancy at the retained town centre car parks. There is sufficient capacity to accommodate this as the occupancy level would remain at less than 60% for weekdays and weekends. In summary, the development would not have a significant impact on the availability and capacity of car parking within the town centre and in this respect the development would be acceptable.

This evidence demonstrates that as a result of the development, there would still be sufficient town centre parking provision throughout the number of car parks across the town. There may be some initial frustration with potential visitors circulating unsuccessfully to locate parking spaces, however, this would lessen when drivers become aware of the alternatives.

Design principles for the layout and specifically the dimensions of car parking bays are set out in the 'Parking Standards Design and Good Practice Guide (2009)'. This sets out a 'preferred' parking bay size of 5.5m x 2.9m and a 'minimum' bay size of 5.0m x 2.5m, which is only to be used in 'exceptional circumstances'. With the exception of the accessible spaces, all the bays are 2.5 x 5 metres. The justification stated for the reduced size of the bays is due to the fabric of the building which is based around columns with a 5 metre spacing making it unfeasible to alter the bay sizes. The minimum size space bays is regrettable, in particular the non-designated spaces available for general town centre uses, which includes patients of the NHS unit. Providing spaces that meet the preferred standards would result in a significant reduction in total spaces. As there is a desire to maximise the amount of spaces in this car park, the minimum bay sizes is on balance accepted in this case.

In relation to other transport matters, the bus station access and layout would be altered. The development proposal extends the provision for buses, increasing this from 6 bus parking bays currently to a proposal of 8 with 3 further waiting bays. The expansion of provision is supported in a highway context. As part of the proposal, the existing bus station facilities would be upgraded and 'real time' timetables would be provided.

The development provides cycle parking provision for the range of uses that the development proposes with 80 cycle spaces proposed in total. For the town centre uses, including the bus station, a total of 12 spaces are provided to the south of the bus station, with 6 spaces to the hotel entrance and 12

spaces near the public realm. All of these spaces are in accessible locations and overlooked to have a natural surveillance. Separate cycle provision for the residential units would be provided internally to the site. The total provision and location of cycle storage is in accordance with policy requirements and will be secured via condition.

A bay would be marked on Manor Street to the north of the development site for sole use of ambulances and drop-offs associated with the NHS facility. It must be ensured that this space is kept free from other vehicles parking given its emergency nature. This section of Manor Street is currently used as a Taxi rank and therefore suitable traffic regulation orders would need to be arranged to implement this. Otherwise, the general siting of the taxi ranks and their total number does not alter.

In regards to the siting of temporary taxi ranks and bus laybys, extensive discussions are being undertaken with the bus operators and similar. Provision would be made within the immediately locality to ensure that there would be no change to the operation of the service and that the level of disruption to users of the taxis and buses will be kept to a minimum and a condition is imposed to provide for this.

Drainage / Flood Risk

The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. If development is necessary, it should be made safe, ensuring that flood risk elsewhere is not increased.

Relevant Local Plan policies follow this approach, wherein Policy CS8 of the Adopted Core Strategy and Policy LPP78 of the Draft Local Plan states that the Council will ensure that all proposals will be located to avoid the risk of flooding. Policy RLP69 of the Adopted Local Plan and Policy LPP80 of the Draft Local Plan states that the Council will require developers to use Sustainable Drainage techniques appropriate to the nature of the site, unless it can be clearly demonstrated that they are impracticable.

The site is located within Flood Zone 1, which is land defined as land having a less than 1 in 1,000 annual probability of river or sea flooding, the lowest probability of flooding. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application, which details that there is a low risk of flooding from other sources such as groundwater, sewers and overland flows. Furthermore, surface water runoff from the development will be managed through the use of sustainable drainage systems. Essex County Council as the Lead Local Flood Authority is content with the proposal subject to conditions to secure accordance with the FRA, including arrangements for adoption and maintenance of any SuDs features and structures.

Overall, given that the development would not give rise to flood risk and as a sustainable drainage system is proposed, the proposals can be judged to operate acceptably in relation to the requirements of the relevant Policies

RLP69 and RLP71 of the Adopted Local Plan, Policies LPP79 and LPP80 of the Draft Local Plan and the NPPF.

Contamination

Policy RLP64 of the Adopted Local Plan and Policy LPP73 of the Draft Local Plan state that development on or near a site where contamination may exist, should carry out a thorough investigation, so as to establish the nature and extent of the contamination. These policies outline that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination.

The application submission is accompanied by a Land Contamination Assessment, comprising Phase 1 and 2 ground investigations and an additional Ground Investigation Report. The report concludes that remediation of the soils beneath the site, in respect of the redevelopment, is only considered necessary in relation to the creation of new areas of gardens and soft landscaping, as any new hardstanding, and building floors, would prevent contact between any contaminated ground and the site end users.

BDC Environmental Health have reviewed the above Assessment and Report, and raised no objections subject to a condition to secure the formulation and implementation of the remediation scheme and in addition, that should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that the site shall be re-assessed in accordance with the above and a separate remediation scheme be submitted to and agreed in writing.

Subject to the discussed conditions being imposed, the development would properly provide for contamination and be in accordance with policies.

Ecology

Policy CS8 of the Adopted Core Strategy and Policy LPP67 of the Draft Local Plan require all development proposals to take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geodiversity of the District. Policy LPP70 of the Draft Local Plan states that proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.

A Preliminary Ecological Appraisal has been submitted, which concludes that the site has a low ecological value. The Appraisal recommends a number of measures to ensure that the proposed development enhances the site's biodiversity, such as requiring all tree or scrub removal to take place outside of the bird breeding season or, alternatively, checking for the presence of nesting birds by an experienced ecologist prior to removing the vegetation. The proposed development would also include bird and bat boxes. Further, the Appraisal recommended that bat surveys be undertaken in order to

determine whether the existing buildings on site contain bats. A Bat Survey Report has been submitted which outlines that no bats were observed.

The Preliminary Ecological Appraisal and Bat Survey Report has been assessed and Officers are content that subject to conditions to secure a lighting design strategy for light sensitive biodiversity; nesting birds; and an ecological enhancement plan, would ensure the ecological protection and enhancement of the site.

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. 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 Obligations

With regard to the provision of financial support to the delivery of services and infrastructure, as the application is for the provision of an additional 35 residential units, the need for financial contributions would normally be required under the Council's Planning Obligations SPD and the Essex County Council Planning Obligations Toolkit. The Adopted Local Plan sets out that developers will be required to make appropriate provision for affordable

housing, open space and recreation facilities, education, health care and other infrastructure improvements.

In this instance as the applicant is Braintree District Council, a legal Agreement cannot be secured. Where necessary such provision is to be secured via conditions.

In assessing the application, ECC have confirmed that they would not require contributions towards education or similar.

There is no contribution required for NHS provision as this is being provided directly on site.

The Braintree Council Open Space SPD would require the provision of or contribution towards off site provision for open space, outdoor sports, equipped play and allotments as generated by the 35 residential units. The site provides for an area of open space, but this falls 170sq.m below the amount requirement by policy. A contribution would therefore be required to meet this shortfall (£3442.50). Contributions would also be sought in relation to off-site outdoor sports facilities (£24,493.12), equipped play (£16,450.61) and allotments (£771.31). A Grampian style condition is imposed to secure this.

The application proposes a policy compliant amount of affordable housing consisting of 12 affordable units formed by 2no. x 1 bed units and 10no. x 2 bed units, comprising solely of shared ownership tenure. In this instance the provision of affordable housing will be secured via condition.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a town development boundary where the principle of development is acceptable.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), 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 results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

A key objective of planning is to bring forward development that is appropriate and in the right place. The site is well-placed for a redevelopment of this scale – it is a sustainable and accessible brownfield site within the town centre with strong public transport connections.

A mixed use redevelopment of the town centre car park complies, in principle, with local and national planning policy. The scheme largely complies with such policies (some modest harm in this respect being noted in the body of this report). In the longer term it is considered that the proposed development would bring significant benefits to site and the town centre. This scheme offers; the creation of a purpose built NHS provision; supportive retail and A3 units; a new hotel attracting significant visitor numbers; new residential accommodation to meet a housing need (including the provision of 34% affordable housing); the expanded provision of the bus station; and the creation of a new public space. It is considered that the proposals attract significant positive weight in relation to these matters.

Balancing against the proposal is the scale and mass of the buildings, particularly the hotel southern end that would appear large in relation to its wider context. The development is considered to fail to enhance or preserve the Conservation Area and would result in some harm to the setting of the Grade II* Listed Building. In accordance with the NPPF, this harm is identified

as less than substantial harm. Public benefits have been identified which outweigh the harm.

Matters in relation to highway safety and capacity are acceptable and lower levels of provision are considered justified given the very sustainable location of the development and as there is capacity in other town centre car parks.

In respect of all other matters set out in this report the impact of the proposals is considered to be acceptable.

The overall planning balance then is one of considering the identified benefits of the proposals, namely; the provision of residential units; the introduction of the hotel use and its associated tourism and wider economic benefits; improvement to the bus station and the wider public realm; and other benefits, against the harm. Harm is considered to result from the some scale and mass of the proposals and the associated impact upon the setting of a number of listed buildings and the setting of the Conservation Area. Overall, the balance is considered to be such that the benefits involving the utilisation and enhancement of this key site in the town and the mix of uses that are brought forward are such as to outweigh the identified harm.

Members are advised that planning permission can be granted in this case, subject to the necessary safeguards provided by the imposition of 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

| | |
|---------------------|---------------------------------------------------|
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-01-DR-A-10-001 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-01-DR-A-20-010 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-02-DR-A-10-001 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-02-DR-A-20-010 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-S0-03-DR-A-10-001 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-03-DR-A-20-010 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-S0-04-DR-A-10-001 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-S0-04-DR-A-20-010 Version: 1 |

| | |
|---------------------------|-----------------------------------------------------------|
| Roof Plan | Plan Ref: BRT-AHR-S0-05-DR-A-10-001 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-LG-DR-A-10-001 Version: 1 |
| Parking Strategy | Plan Ref: BRT-AHR-SO-LG-DR-A-10-002 Version: 3 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-LG-DR-A-20-010 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-UG-DR-A-10-001 Version: 1 |
| Parking Strategy | Plan Ref: BRT-AHR-SO-UG-DRA-10-003 Version: 3 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-SO-UG-DR-A-20-010 Version: 1 |
| Site Plan | Plan Ref: BRT-AHR-SO-ZZ-DR-A-20-001 Version: 1 |
| Waste Management Strategy | Plan Ref: BRT-AHR-SO-ZZ-DR-A-20-001 Version : 1 |
| Proposed Site Plan | Plan Ref: BRT-AHR-ZZ-ZZ-DR-L-90-001 Version: 4 |
| Proposed Roof Plan | Plan Ref: BRT-AHR-ZZ-ZZ-DR-L-90-006 Version: 1 |
| Block Plan | Plan Ref: SK-004 Version: 1 |
| Proposed Elevations | Plan Ref: BRT-AHR-BUI-ZZ-DR-A-20-100-S0 Version: 12 |
| Proposed Elevations | Plan Ref: BRT-AHR-BUI-ZZ-DR-A-20-101-S0 Version: 13 |
| Proposed Elevations | Plan Ref: BRT-AHR-BU2-ZZ-DR-A-20-105-S0 Version: REV 7 |
| Other | Plan Ref: BRT-AHR-SO-XX-DR-A-20-012 Version: 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-BU2-01-DR-A-20-002 Version: REV 2 |
| Roof Plan | Plan Ref: BRT-AHR-BU2-02-DR-A-20-002 Version: REV 1 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-BU2-LG-DR-A-20-002 Version: REV 2 |
| Proposed Floor Plan | Plan Ref: BRT-AHR-BU2-UG-DR-A-20-002 Version: REV 1 |
| Existing Plans | Plan Ref: BRT-AHR-BU2-XX-DR-A-10-001 Version: 1 |
| Site Layout | Plan Ref: BRT-AHR-SO-ZZ-DR-20-001 |
| Section | Plan Ref: BRT-AHR-BU2-XX-DR-A-ID-001 |
| Footpath link | Plan Ref: SK-0100 |
| Access Details | Plan Ref: 106467-101 Version: D |
| Visibility Splays | Plan Ref: 106467-202 |
| Location Plan | Plan Ref: BRT-AHR-SO-ZZ-DR-A-20-001 Version: 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 (as amended).

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

Reason

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

- 3 Prior to the commencement of above ground works, a site wide phasing plan shall be submitted to, and shall be approved in writing by the Local Planning Authority. The plans shall include details of the proposed sequence of development across the entire site and the extent and location of individual development and trigger points for successive phases to commence. The development thereafter shall be carried out in accordance with the approved details.

Reason

In order to ensure that the approved development takes place in its entirety and delivers optimal benefits for the town centre and the Conservation Area.

- 4 Prior to the commencement of above ground works for each phase of the development, full details, including samples, of the external materials of construction for the buildings hereby permitted shall be approved in writing by the local planning authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason

In the interests of appearance and securing a high quality development within the Conservation Area.

- 5 Prior to the commencement of above ground development for each phase of the development hereby permitted, the submission of 1:20 plans setting out the details of door, windows, roof eaves and other miscellaneous details as shall be agreed as required in relation to each phase of development, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

Reason

In the interests of appearance and securing a high quality development and appearance of the development within the Conservation Area.

- 6 Prior to the commencement of any development, including groundworks, a detailed surface water drainage scheme for the site, based on

sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

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

Reason

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

- 8 Prior to the commencement of above ground development for each phase of the development, details of all external extractor vents, condenser units, heater flues and meter boxes to be used in that Phase as appropriate shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the development.

- 9 Prior to the first occupation of any residential units hereby approved, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:-
- i) 12 affordable units consisting of 2no. x 1 bed units and 10no. x 2 bed units;
 - ii) the tenure mix;
 - iii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing, with no more than 80% of the open market dwellings being occupied before the affordable housing is completed and available for occupation (this timing will apply to each phase if the scheme is undertaken in phases);
 - iv) the arrangements for the transfer of the affordable housing to a Registered Provider or for the management of any affordable housing if no Registered Provider is involved;
 - v) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing including arrangements (where appropriate) for the subsidy to be recycled for alternative affordable housing provision;
 - vi) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
 - vii) that the affordable homes are built to the standards set by the Homes and Communities Agency at the time of development.
- The affordable units must always be maintained as affordable in accordance with the approved details.

Reason

To ensure the appropriate provision and long term retention of affordable housing at the site.

- 10 Prior to the commencement of above ground development in each Phase, details of any external lighting proposed for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority and no external lighting shall be provided without such

written consent. The lighting design strategy shall identify areas and features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, and the details shall clearly demonstrate that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places. The development shall then be carried out in accordance with the approved details.

Reason

In the interests of the visual amenity of the area and to ensure there is no harm or disturbance to a protected species.

- 11 Prior to the commencement of the above ground development, details of a remediation scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in full with the approved details, unless agreed otherwise. Should contamination be found that was not previously identified or not considered in the agreed remediation scheme, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development. The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To protect human health and the environment and to protect the residential amenity of existing and any future occupiers.

- 12 Prior to the commencement of development, including any groundworks, the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that Phase which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out

in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason

To secure the protection of and proper provision for any archaeological remains.

- 13 Prior to the commencement of development, including any groundworks, a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for that phase. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Traffic management requirements;
 - c. Construction and storage compounds (including areas designated for car parking);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances and the adjacent public highway;
 - f. Provision of sufficient on-site parking prior to commencement of construction activities;
 - g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason

In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 14 Prior to the commencement of above ground works for each phase of the development hereby approved, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:
- (a) A full planting schedule for the proposed roof terrace, noting species, sizes, densities, means of drainage, implementation timetables and any means of enclosure;
 - (b) A full planting schedule for the proposed public square, noting species, sizes, densities, details of tree pits and implementation timetables;
 - (c) Ground level hard surfacing materials across the site;
 - (d) Details of any railings or other means of enclosure across the site;
 - (e) Public seating including those designed as planters;
 - (f) A full schedule of soft planting across the rest of the site, noting species, sizes, densities, details of tree pits and implementation timetables;
 - (g) A proposed ecological enhancement plan detailing the provision of bird nesting, including swift boxes, and bat roosting boxes.
- Thereafter the development shall proceed in accordance with the approved details. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the

opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation

Reason

To ensure the provision of amenity afforded by appropriate landscape design and securing a high quality development and appearance of the development within the Conservation Area and in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 15 Prior to the commencement of above ground works, details for the provision of a minimum 80 cycle spaces, including 30 secure spaces for town centre users, shall be submitted to and approved in writing with the local planning authority. The cycle parking shall be delivered in full and on a phased basis prior to the first use of each phase of the proposed development and thereafter maintained in accordance with the approved details.

Reason

To promote the use of sustainable transport modes and to ensure the development is provided with adequate cycling parking provision.

- 16 Prior to the first use of the car parks, the first occupation of the residential units or the opening of the hotel to the public, whichever occurs first, details including a Car Park Management Plan, to include car park opening times, charges and signage, shall be submitted to and approved in writing by the local planning authority and thereafter carried out in accordance with the approved details.

Reason

Reason: In order to retaining adequate public parking for the benefit of the town centre.

- 17 Prior to the first occupation of any of the residential units, details of carpark allocation shall be provided to and approved in writing by the local planning authority. The details shall include setting out the allocation of the spaces to all the units including the affordable units. Once approved, parking space allocation shall be implemented and retained as such.

Reason

To ensure clarity with regard to the allocation of spaces and to ensure that provision is made to both open market and affordable units.

- 18 Prior to the commencement of above ground works for each phase of the development hereby approved, details of facilities to be provided for the storage and removal of refuse from the development in that Phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried and thereafter

maintained in accordance with the approved details.

Reason

In the interests of amenity and appearance and securing a high quality town centre environment.

- 19 Prior to the first occupation of any building hereby permitted, a Delivery and Servicing Management Plan will be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Delivery and Servicing Plan shall include restrictions on delivery times, vehicle tracking and contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles such plans. Once agreed, the development shall be constructed to enable the agreed arrangements to be implemented and shall subsequently be operated as agreed.

Reason

In the interests of maintaining highway efficiency and safety; the amenity of public shopping areas and to reduce conflicts with users.

- 20 Prior to the relocation of the existing bus station provision or taxi ranks, whichever occurs first, details of the temporary locations and operation of this provision, shall be submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved details.

Reason

To ensure the continued provision of such bus service and taxi provision.

- 21 All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure the continuity of amenity afforded by existing trees and hedges.

- 22 The A3 units hereby granted planning permission shall cease trading and all visiting members of the public shall have departed the units by 23:30.

Reason

In the interests of neighbour amenity.

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

Reason

To protect the residential amenity of existing and any future occupiers.

- 24 The plant rating level of the noise emitted from the site shall not exceed the following levels:-
Manor Street Daytime (07:00-23:00) 38dB
Night-time (23:00-07:00) 33dB
Victoria Street Daytime (07:00-23:00) 36dB
Night-time (23:00-07:00) 27dB
The noise levels shall be determined at the boundary of the nearest noise-sensitive premises. The measurements and assessments shall be made in accordance with BS4142:2014.

Reason

To protect the residential amenity of existing and any future occupiers.

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

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

To safeguard the amenities of residents of nearby properties.

- 26 To avoid disturbance to nesting birds vegetation removal should take place outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified ecologist. Any active nesting sites found must be cordoned off and remain undisturbed until young birds have fledged. (This should include ground nesting birds also).

Reason

To ensure there is no harm or disturbance to breeding birds

- 27 a) The bus station access and egress arrangements as show in principle on submitted plan 106476-107 Rev D, with the egress from the bus station being provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.
- b) The car park accesses from Manor Street and Victoria Street as shown in principle on submitted plan 106467-101 Rev D. Each access shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm at all times
- c) A Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason

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

- 28 Prior to the occupation of each Phase of the development, a CCTV Plan shall be submitted to and agreed in writing by the local planning authority, such plans to show the model, location, height and surveillance area of all CCTV cameras to be installed. The applicant shall also submit details setting out how the installed CCTV cameras are to be maintained and operated. Once agreed, the cameras will be installed and operated in full accordance with the approved CCTV Plan prior to the first occupation of any building in that Phase.

Reason

To ensure that security surveillance is effective and coordinated between services and to ensure that the safety and security of residents and visitors to the site is safeguarded.

- 29 Prior to the first occupation of any of the residential units hereby approved, a strategy detailing the mechanisms and means for securing contributions for outdoor sports, open space, equipped play and allotments, together with associated timescales, shall be submitted to and approved in writing by the Local Planning Authority and thereafter, the approved strategy shall be fully implemented.

Reason

To properly provide for the impacts of the development and in the

interests of amenity.

INFORMATION TO APPLICANT

- 1 If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).
- 2 The introduction of 'loading only' bay(s) on the highway would require the applicant to apply for a Traffic Regulation Order(s). The outcome of any application cannot be guaranteed and all costs would need to be met by the applicant. Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
- 3 All highway related details should be agreed with the Highway Authority. The applicant 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.

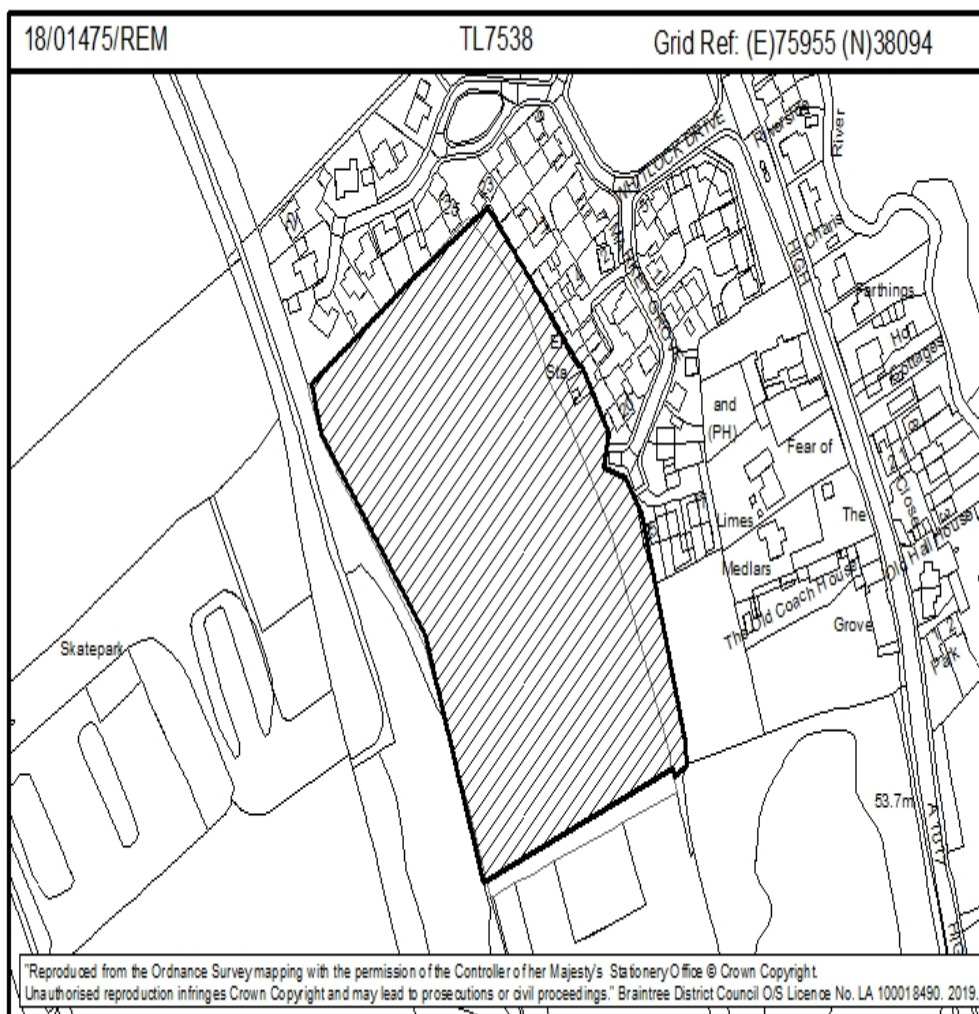
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART A

APPLICATION NO: 18/01475/REM DATE: 10.08.18
 VALID:
 APPLICANT: Miss Hannah Short
 Linden Ltd., Eastwood House, Glebe Road, Chelmsford, CM1 1RS
 DESCRIPTION: Application for approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) following grant of Outline Approval 14/01254/OUT - for the erection of up to 60 no. dwellings and community use area.
 LOCATION: Land At Hunnable Industrial Estate, Toppesfield Road, Great Yeldham, 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=PDI3AQBFO1000>

SITE HISTORY

| | | | |
|---------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------|----------|
| 14/01254/OUT | Erection of up to 60 no. dwellings and community use area | Granted with S106 Agreement | 08.09.15 |
| 16/00130/PDEM | Application for prior notification for proposed demolition of old industrial building containing asbestos. | Permission not Required | 18.02.16 |
| 18/01214/DAC | Application for approval of details reserved by condition 6 of approval 14/01254/OUT | Part Grant, Part Refused | 10.09.18 |
| 18/01477/DAC | Application for approval of details reserved by conditions 3, 5, 12, 15, 17 and 19 of planning approval 14/01254/OUT. | Pending Consideration | |
| 19/00216/DAC | Application for approval of details reserved by condition 18 of approved application 14/01254/OUT | 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 needs, 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 |
| RLP7 | Housing and Mixed Use Sites |
| RLP8 | House Types |
| RLP9 | Design and Layout of Housing and Mixed Use Areas |
| RLP10 | Residential Density |
| RLP28 | Employment Land Provision |
| RLP33 | Employment Policy Areas |
| RLP34 | Buffer Areas between Industry and Housing |
| RLP35 | Non-Conforming and Un-Neighbourly Industry |
| RLP36 | Industrial and Environmental Standards |
| RLP56 | Vehicle Parking |
| RLP62 | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP63 | Air Quality |
| RLP64 | Contaminated Land |
| RLP69 | Sustainable Urban Drainage |
| RLP71 | Water Supply, Sewerage & Drainage |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |
| RLP94 | Public Art |
| RLP138 | Provision of Open Space in New Housing Developments |

Braintree District Local Development Framework Core Strategy 2011

| | |
|-----|--------------------------------|
| CS1 | Housing Provision and Delivery |
| CS2 | Affordable Housing |
| CS4 | Provision of Employment |

| | |
|------|------------------------------------------------|
| 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 |
| SP3 | Meeting Housing Needs |
| SP5 | Infrastructure & Connectivity |
| SP6 | Place Shaping Principles |
| LPP1 | Development Boundaries |
| LPP17 | Housing Provision and Delivery |
| LPP33 | Affordable Housing |
| LPP37 | Housing Type and Density |
| LPP45 | Parking Provision |
| LPP53 | Provision of Open Space, Sport and Recreation |
| LPP55 | Layout and Design of Development |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP79 | Surface Water Management Plan |
| LPP80 | Sustainable Urban Drainage Systems |

Supplementary Planning Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the scheme of delegation as the Parish Council has objected to the application, contrary to the Officers recommendation.

SITE DESCRIPTION

The Hunnable Industrial Area is a site that continues to be used, in part, for a range of commercial and industrial uses. The site located within the development boundary of Great Yeldham, to the west of the A1017 and the Whitlock Drive residential estate and to the north of Toppesfield Road. The Whitlock Drive development was granted planning permission in 1996 and consists of 56 dwellings (permission ref 96/00588/FUL).

The application site measures 2.19ha and is located in the northern part of what was a large industrial area. The southern area continues to contain

buildings and commercial businesses. At the time that the outline planning permission was granted there were a number of industrial buildings on the application site, some of which were large and many of which were in a poor condition. Following the grant of outline planning permission those buildings have now been cleared from the site in readiness for its re-development, although concrete hard standings remain.

Along the northern and part of the eastern boundary there are residential properties which back onto the site. To the south-west there is a yard with hardstanding that is used by the County Council for low-key open air storage of materials that are used for highways maintenance. Along the remainder of the western boundary is land that previously carried the former railway line. The land now forms a woodland belt which is well used by local residents for walks and informal recreation.

Access to the commercial estate and the application site is currently taken from Toppesfield Road. Whilst it is proposed that construction traffic for the development will enter from Toppesfield Road it is proposed that the vehicular access to serve this housing development would be taken from Market Grove, with access through Whitlock Drive and onto the A1017.

PROPOSAL

This application seeks approval for details of all the Reserved Matters - access, appearance, landscaping, layout and scale - for a residential development of 60 no. dwellings with associated infrastructure and landscaping, pursuant to outline planning permission 14/01254/OUT that was granted planning permission on 8th September 2015.

The outline planning permission was granted with all matters reserved, meaning that whilst the principle of development has been established approval is still required for the detail of the access; appearance; landscaping; layout and scale of the development. This Reserved Matters application seeks permission for all the matters reserved at the outline permission stage.

The proposed dwellings would be a mixture of detached, semi-detached; terraced and a block of apartments.

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

- Planning Statement
- Design & Access Statement
- Affordable Housing Statement
- Flood Risk Assessment and Drainage Strategy
- Reptile Mitigation Strategy
- Arboricultural Impact Assessment
- Landscape Management and Maintenance Plan
- Landscaping scheme
- Full set of layout and elevational drawings

- Construction Management Plan

PLANNING HISTORY

Outline Planning Permission was granted on 8th September 2015 and Condition No.1 required that the application for approval of the reserved matters must be made within three years from the date of this decision-notice. This Reserved Matters application was validated 10th August 2018, shortly before the three-year period expired.

As can be seen under the Planning History heading the applicant has also made applications to the Council to discharge planning conditions attached to the outline planning permission. There are applications (18/01477/DAC; 18/1214/DAC & 19/00216/DAC) to discharge the following planning conditions:

Condition 3: Landscaping
 Condition 5: Surface Water Drainage
 Condition 6: Contaminated Land
 Conditions 12 & 15: Construction Environmental Management Plan
 Condition 17: Nesting birds
 Condition 18: Badger Survey
 Condition 19: Reptile Mitigation Strategy, Reptile and Badger Update Survey Report

CONSULTATIONS

External Consultees

Anglian Water – No objection subject to a condition
 Recommend a condition that no hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Essex Highways – No objection
 Provided the development is carried out in accordance with planning application drawings, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

Essex Police – no objection
 Report no apparent concerns with the layout but to comment further they would require more detail such as the proposed lighting, boundary treatments and physical security measures.
 Welcome the opportunity 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.

Lead Local Flood Authority (ECC SuDS) – No objection

Initially lodged a holding objection as required information concerning maintenance details. Applicant was asked to provide maintenance activities/frequencies for shared drainage features. Clarification provided by the applicant and the SuDS team have been asked to review and advise.

Internal Consultees

BDC Ecology – No objection

The applicant has submitted information regarding protected species, on or near the site. Further information is required before those conditions can be discharged.

BDC Engineers (Land Drainage) – No objection

BDC will not be accepting responsibility for the SUDS scheme, as stated within the FRA and SUDS strategy, therefore a management company will need to be formed to maintain and control the system.

BDC Environmental Services – No objection or comment

BDC Waste – Holding objection

Initial objection registered over concerns that roads within the development would not be publicly adoptable highway. Further information regarding the extent of adoption has been supplied to the Operations Team so they can consider the suitability of the proposals.

REPRESENTATIONS

Letters objecting to the application have been received from the occupants of eight properties in Whitlock Drive, Market Grove and Ridgewell Road.

A summary of the main issues raised in the objections received in 2018 are listed below.

Principle of Development

- Concerns above the infrastructure in the village and whether it can support more dwellings
- This development alone will increase the size of the village by 8%

Access/Highways

- Unsuitable vehicle access from Market Grove
- Existing on-street parking is already a problem in the local area
- A better vehicular access would be from Toppesfield Road
- Concerns about an increase in traffic along A1017
- Lack of public transport in the area, particularly to towns such as Haverhill and Cambridge

Other matters

- Note that the trees along the boundary are to be retained
- Concerns about the servicing of dwellings – oil tanker deliveries and collection of waste from the new dwellings as the existing arrangement for Market Grove is unsatisfactorily
- Concern that the site notice was not displayed in a prominent location
- Concern about the safety of oil tanks on adjoining property

A summary of the main issues raised in the objections received in 2019 are listed below.

- Concerns about the loss of the trees and the impact this would have on local wildlife
- Was under the impression that the boundary trees were covered by a TPO
- Concerns regarding loss of trees that are on the deeds of a neighbouring property
- Loss of the barrier/screen between the site and neighbouring properties and the view from these properties
- Loss of light to No.25 Whitlock Drive
- Overlooking of No.23, No.25 and No.27 Whitlock from some of the new dwellings
- Detrimental impact on the value of neighbouring properties
- **Great Yeldham Parish Council – Objection**
- The initial response from the Parish Council was that they remained concerned about the access to the scheme being taken through Market Grove but acknowledged that outline planning permission had already been approved. The new design was improved compared to the original plans.
- Following receipt of the revised plans the Parish Council registered an objection on the following grounds:
- The revisions to the North East corner of the site and removal of 23 Silver Birch Trees will result in overlooking concerns expressed by residents.
- Contrary to Local Plan Review 2005 Policy RLP 3 Development within Town Development Boundaries and Village Envelopes which seeks to protect the character of the existing street scene, the landscape value of existing tree cover and generally to ensure that new development does not materially detract from the character of the settlement.
- Recommend that the scheme reverts to the site layout plan dated February 2017 for the North East corner of the site.
- In addition the following comments were made;
- Disappointed by the removal of parking bays from the attenuation site. This would have helped alleviate parking issues for Market Grove residents directly affected by the development and the removal of the 2 existing parking bays to create entry into the new site.
- Play Area: disappointed that there is no link through from the gravel footpath (path leads to nowhere); not very imaginative play equipment

- Road from plot 20 – would have liked to see a path connected to the public footpath for residents to walk through to the sports and recreation ground

REPORT

Principal of development

The principle of development has been established under the original outline consent. The current application seeks approval only for the reserved matters pursuant to the outline planning permission.

The status of the site within the adopted and emerging Development Plan was discussed in some length in the Officer Report to Planning Committee on the 2014 outline application. The site is located within the Great Yeldham village development envelope, being designated as an Employment Policy Area in the Braintree District Local Plan Review.

The application site was put forward for allocation in the Site Allocations and Development Management Policy Plan (ADMP) and was included in the Pre Submission Site Allocation and Development Management Policy Plan. Policy ADM3 Housing Allocations stated that, '*...the land allocated for a residential site of 10 or more dwellings at the Hunnable Industrial Estate, Great Yeldham will be restricted to no more than 35 dwellings*'. The proposals map also showed part of the site being allocated for Community Uses. The remainder of the commercial estate, adjacent to Toppesfield Road, was given a separate allocation, being an Employment Policy Area.

This draft allocation is intended to be taken forward into the new Publication Draft Local Plan and the inset map for Great Yeldham shows the site to have a mixed use allocation for residential development and community facility.

It is necessary to return to the process the Council undertook for allocating sites through the Site Allocations and Development Management Plan to understand where this mixed use allocation came from. At that the time that the ADMP was being produced there was a strong desire within the village to secure a new GP surgery, to replace the branch surgery that currently operates for limited hours from premises in Bridge Street.

Landowners / developers who were promoting land for allocation at the time offered land on which a new Doctors Surgery / Community Facility could be constructed. Following the public consultation process and after careful consideration Members of the Local Plan Sub-Committee allocated both this site and land at Nuns Walk for residential development with land also allocated for a Community Facility. These mixed use allocations were carried forward to the Publication Draft Local Plan.

In 2014/15, as part of the consideration of the Outline planning application for this site, Officers discussed the provision of a new GP surgery within the village with the NHS. NHS England advised '*The provision of a branch*

surgery on this site is not in line with the current Primary Care Strategy for Essex and we can therefore confirm that NHS England have no requirement for a facility in this area'.

Members will know that the Council secured land for the provision of a new primary health care facility as part of the redevelopment of the Premdor site in Sible Hedingham. The Council are actively working with two GP practices and NHS England to bring forward plans for a new health centre.

When consulted NHS England were clear that there is no realistic prospect of the Community Use land being used to develop a new GP surgery. Officers are unaware of any other specific need for a new Community Building within the village and note that there is already a popular and attractive hall facility at the Reading Rooms. Even if land were secured for such a use Officers are unaware of how the cost of constructing a building would be met, or whether the facility would be sustainable in the long term.

Officers discussed at length how to deal with the issue and it was eventually agreed that 0.19ha of land to secured through the S106 agreement which could be used for Community Facilities. Securing the land for this purpose at Outline stage provided the opportunity for the developer and the Parish Council to discuss possible community uses, or for potential community use schemes to come forward. The S106 specifies that the Community Land could be laid out as Equipped Play Area together with open space and/or Allotments and/or such other use as the Owner and the Council shall agree.

Officers discussed the potential use of the land for allotments but the Parish Council were not supportive. In the intervening years no other viable community uses have come forward so the applicant proposes that the area is provided as Public Open Space and this is shown as a green in a central location with the site.

To summarise the policy position in respect of this site, the proposed development is contrary to the adopted Development Plan and whilst Community Uses land has been provided the proposed use of the land is not consistent with the Publication Draft Local Plan.

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

- access;
- appearance;
- landscaping;
- layout; and
- scale.

Design, Appearance and Layout

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

The applicant proposes a development of 60 dwellings – the maximum permitted by the Outline planning permission. The design and layout has been revised during the course of the application to respond to Officer concerns, particularly in relation to the size and design of dwellings; arrangement of parking; the distribution of visitor parking spaces; amendments to highway design; additional soft landscaping; the relationship with neighbouring properties; location of the amenity space and bin store for the apartment block. Officers consider the scheme now submitted is acceptable. Details of the materials to be used in the construction will need to be agreed by condition. It is also noted that the applicant proposes the use of timber fencing throughout the site to enclose private amenity spaces. Where means of enclosure are adjacent to the public realm brick walls will be required but again this can be covered by condition.

Policy RLP 81 of the Adopted Local Plan Review states that the Council will encourage landowners to retain and maintain trees in appropriate locations and that new planting will be required to replace the loss of any protected trees, woodland or hedgerow. Policy RLP 80 of the Adopted Local Plan Review states that proposals for new development should not be detrimental to the distinctive landscape features, such as trees. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

One of the most significant changes in the revised plans submitted in January has been the proposal to remove additional trees from the site. The original proposal saw a number of trees – identified as trees T2-T8 in the Tree Report - being removed in the bottom half of the site, from along the eastern side. T2 and T3 are self-seeded Ash trees and T4 – T8 are Silver Birch trees. The trees have been assessed as being C Category Trees and are therefore of lower quality with the exception of T8 – a silver birch – which is recorded as being of moderate quality. These trees tend to be located well inside the site and stand separately. These factors make their retention difficult without giving over additional land which cannot be developed.

The revised plans also propose the removal of the G3 group of trees, with the exception of two individual trees that are to be removed. The group contains Silver Birch trees and are categorised as C2 within the applicants Tree Report (Trees of lower quality) although that report acknowledges that whilst they

have low individual quality but landscape value as group as part of boundary screening.

Officers were concerned that whilst the original layout showed that these trees were to be retained they would largely have been left standing within the private gardens of the proposed houses. Leaving substantial retained trees within the gardens of dwellings would leave them vulnerable to removal and it is considered likely that had this arrangement been agreed many if not all the trees standing within gardens would have been removed by future residents who felt that their presence would adversely affect their gardens. The developer suggested that a restrictive covenant could be used at the affected properties requiring the retention of the trees but this would be reliant on the developer enforcing that covenant and Officers were concerned this would not provide an effective long term solution would ensure the retention of the trees. It was also suggested that Tree Protection Orders could be made but the Council's Landscape Officer was concerned that as the trees continued to grow the Council would find itself under pressure to allow for the reduction or removal of the trees given their proximity to dwellings and the effect they would have on the quality of residential gardens.

Without protection Officers consider it would be misleading to show trees to be retained by the development if the likelihood is that they would be removed soon after occupation of the development.

This issue led to a review of options. Where trees are to be retained in a housing layout this would usually be designed so as to place them within Public Open Space. This would be difficult in this situation given the location of the trees. It would be difficult to design a scheme that allowed for natural surveillance and an area of Open Space tucked away in a corner of a site would be less attractive for users. It is understood that the trees were planted along the boundary to provide screening of the former industrial buildings however as these trees have grown the crown has lifted and this has started to reduce their effectiveness as a screen. The trees are still growing and will continue to get taller and Silver Birch can grow up to 30 metres high. Trees of this height would potentially cause greater problems for both future residents of the development and existing residents along Whitlock Drive. Furthermore the Council's Landscape Officer has advised that Silver Birch do not respond well to being topped making future management and retention of the trees more difficult.

Officers were concerned that attempts to retain too many or unsuitable trees on the site would result in excessive pressure on the trees during construction and that there would be persistent demands for their removal, or significant reduction post-completion from affected residents. The applicant's tree report has identified two trees that can be retained at the end of the street and these trees will be on land that will be transferred to the Management Company, which will mean residents cannot remove them. The trees are far enough from dwellings that they should be able to continue to grow without significant pressure for their reduction / removal.

There is a large lime which stands just outside the south western corner of the site, (identified as T1 on the Tree Report) and the canopy of this tree is partially over the garden of plot 53. To mitigate against the over shadowing of that garden it is also proposed that the canopy is crown lifted to 5m, and the epicormic and basal growth removed from the main stem to a height of 5m. Unlike Silver Birch, Lime is a species that should tolerate this type of management very well.

Officers are of the view that the trees along the eastern boundary could not be retained within the layout that has been proposed. Whilst it is understood that residents in neighbouring houses have grown accustomed to having the trees there the trees are not considered to be of a quality or value that would mean they must be retained. It is understood that the trees were planted to help screen the large industrial buildings that used to stand on the site and this was reasonable when there was space for the trees to be planted and grow. The large industrial buildings have now been removed and as will be discussed below Officers consider that the proposed dwellings will have an acceptable relationship to existing properties and that the screening is not necessary to protect neighbour amenity. The proposed removal of the trees will enable the new development to be laid out in an appropriate manner and ensure an efficient use of this brownfield site.

The development is compliant with the Essex Design Guide in terms of garden sizes for the proposed dwellings and back to back distances between new dwellings. Overall, the layout is considered to be compact but acceptable.

The overall design would be traditional with the housing being predominantly 2 storey in form with fairly traditional elevations. The apartment block is proposed to be two and a half storey. The palette of materials would include facing brick with some dwellings using render or cladding to add visual interest. No details have been provided of the materials to be used so a condition is recommended. It is noted that the boundaries to properties are indicated to be timber fences. Officers have made the applicant aware that the Council will require brick walls to form boundaries that adjoin the public realm. Again this can be covered by condition.

Housing Mix

In terms of design, the applicant proposes the provision of 36 market and 24 affordable dwellings (60 total) which would be split as follows:

The Council's Housing Enabling Officer has confirmed that the proposed affordable mix is in accordance with that agreed with the applicant during the planning application process and is supportive of the proposal. This includes the mix of tenures (Affordable Rent and Intermediate Housing) in the apartment block having received assurances from the developer that a local Registered Provider had committed to take ownership / management of the units on the basis proposed.

The proposed market housing mix has been the subject of discussion between Officers and applicant.

Policy LPP37 of the Draft Local Plan indicates that the Council will expect the housing mix to be in line with the identified local need '*set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise*'.

Whilst Part Two of the Publication Draft Local Plan is yet to be examined and adopted Officers have drawn the applicant's attention to paragraph 50 of then NPPF, now paragraph 61 in NPPF 2. This states that LPAs should seek to deliver a wide choice of high quality homes; widen opportunities for home ownership and create sustainable, inclusive and mixed communities; plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and, identify the size, type, tenure and range of housing required in particular locations, reflecting local demand.

The Council's SHMA indicates that demand for Market Housing across the District is;

- 1-Bed - 6%;
- 2-Bed - 34%;
- 3-Bed – 43%) &
- 4+Bed – 17%.

The mix of market housing proposed by the applicant is;

- 1-Bed – no.0;
- 2-Bed – no.0;
- 3-Bed – no.8 (22% of the market dwellings proposed in the development);
- 4-Bed – no.23 (64% of the market dwellings) and
- 5-Bed – no.5 (14% of the market dwellings).

It is agreed that the Council cannot currently reasonably require that the Market Housing mix reflect the SHMA but Officers are concerned that that the scheme has too great a proportion of larger, 3 and 4 bed units, and these properties are considered to have limited value in catering for people who might be living on their own, wishing to buy their first property, or who are looking to down size.

The applicant has maintained that mix proposed is justified and they highlight that when considered the mix of all the housing being provided, including the Affordable Housing, that the scheme does have a reasonable mix of dwelling sizes. Market research undertaken by the applicant indicates a greater demand for smaller 3 & 4 bed houses for young families and downsizers. Whilst there is a large number of 4 bed properties they range in size ranging from 105m² to 145².

Whilst Officers accept that there is strong market and demand for larger properties this should not mean that smaller properties are excluded. The applicant has also argued that given that the site is Brownfield and in need of remediation that a higher proportion of large dwellings are required to achieve the sales values that they need to achieve for the scheme to be viable.

As the developer has not agreed to amend the housing mix Officers have had to make a judgement based on the proposal as a whole. Whilst the concern persists that there are no 1-bed or 2-bed market units and a large number of 4-bed units it is acknowledged that the affordable housing mix consists mainly of smaller units and some of these will be intermediate housing and so might be purchased through shared ownership or a similar scheme. The failure to provide a better mix of market housing is considered regrettable however given that the site is a brownfield site Officers consider that the fact that the provision of Affordable Housing is policy compliant provides some justification for this approach and Officers do not feel that concerns about the mix of Market Housing would warrant refusal.

Landscape

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'*. New residential developments are also required to provide an appropriate level of Public Open Space to meet future resident's needs.

The applicant proposes a central green that will contain a small equipped play area, along with new tree and shrub planting and benches. In addition to the green there will be a substantial landscaped area where the attenuation basin will be constructed. Together these areas will provide a green heart to the development and they will also help retain / establish some ecological connectivity between the decommissioned railway line and the field to the east of the site which fronts the A1017. The green will also contain a path that can provide a potential connection through to the decommissioned railway line.

Impact on Neighbour Amenities

The National Planning Policy Framework states that development should always seek to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan Review states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The development in this case would back onto existing residential development in Market Grove and Whitlock Drive.

Plots 10 to 20 back onto properties in Whitlock Drive. The Essex Design Guide provides design guidance which includes standards to ensure

appropriate relationships between properties. Where properties are directly opposite each other, back-to-back, a minimum distance of 25m should be designed between dwellings. Plots 14-20 have been designed so they are at least 25m from the back of the existing properties in Whitlock Drive.

Plots 12 and 13 back on to the side of No.25 Whitlock Drive, and therefore there is the potential for the rear garden and conservatory belong to No.25 to be overlooked and suffer an unacceptable loss of privacy. The applicant proposed that the dwellings on this plot be rotated through 90 degrees but this created an awkward and contrived and uncomfortable layout that Officers would not support. The applicant has responded by rotating the dwellings around so they address the street. To overcome the potential for overlooking these plots have been designed so that they do not contain a rear facing window, as the bedroom windows are located on either the side elevation. It is therefore considered that the privacy currently enjoyed by the occupiers of No.25 is suitably protected. In this instance it is considered necessary that 'permitted development rights' are removed for additional openings, including doors, windows and dormers, to ensure that this level of privacy is maintained. It is considered that the resulting relationships between plots 10 and 11 and No.23 and No.25 Whitlock is acceptable.

No.15 Whitlock Drive has a rear garden with a depth of 8.2m and the distance between the flank wall of plot 10 and No.15 is 12m. The flank wall of the property does not contain any first floor windows and the roof has been orientated so that a side gable faces the neighbouring property which will restrict the mass of the new building facing the neighbour's property. Before the site was cleared there were substantial industrial buildings on the site which would have a considerably greater mass than the proposed dwellings. Whilst the outlook from No.15 will clearly alter, it is considered on balance that the resulting relationship between the two properties is acceptable. To ensure that this relationship remains as such, it is considered necessary to removed 'permitted development rights' for any additional first floor windows in the eastern elevation of plot 10.

Residential Amenity for Occupants of Proposed Dwellings

To the south of the site there remains an existing commercial and industrial estate and an open store used by the Highway Authority infrequently to store road surfacing materials. The potential for the commercial uses to adversely impact on future residents of the development was considered carefully as part of the Outline planning application. The Council's Environmental Health Officer (EHO) required the submission of additional information from the applicant's acoustic consultants which considered not only existing noise levels but also the potential for noise disturbance from the current lawful uses of that site. The Council's EHO was satisfied that the continuation of businesses trading on the adjoining commercial estate can continue without adversely affecting the residential amenity of the occupants of the new development.

That acoustic report does say it would be prudent to erect an acoustic barrier along the boundary line and a condition was included in the decision requiring that details of the fence be agreed by the Council and installed prior to occupation.

Overall it is considered that the amenity of future residents would not be unacceptably compromised.

Highways, Parking and Access

The applicant proposes a single primary vehicular and pedestrian access point from Market Grove located on the eastern side of the site. It was agreed through the outline application that vehicular access to the development will be formed by an extension of Market Grove, where there is currently a turning head. Vehicular access to the development would be provided via the existing access junction with High Street which has a “ghosted” right hand turn lane.

Market Grove is designed as a ‘type 4’ road in the Essex Design Guide (EDG). The road has a 4.8m wide carriageway supporting two 1.8m wide footways. Guidance in the EDG indicates that this type of road is suitable for serving up to 100 dwellings. Access from the A1017 to Market Grove is via an existing ‘ghosted’ right hand turn lane and through Whitlock Drive.

Members will note that both the Parish Council and a number of objectors remain unhappy at these access arrangements and do not agree that Whitlock Drive and Market Grove are suitable roads to serve a development of this size. Concerns expressed about the access route included the adequacy of parking to serve existing dwellings; problems with on-street parking; service vehicles having trouble accessing Market Grove, inadequate carriageway width and risk of accidents. The Highway Authority was satisfied that the carriageway and access arrangements were adequate to serve the proposed development and in granting Outline planning permission the Council has accepted that the site can be accessed in this way.

Internally the access road leading in to the development would consist of a 5.5m wide adoptable highway with a 2m pedestrian footways on one side. This would then proceed to transition to a shared surface further into the development. The Highway Authority have been consulted on the current application and having reviewed the proposed internal road layout they raise no objection.

Parking for each dwelling would be provided in accordance with the Essex Parking Standards (2009) at a rate of 1 space per 1 bed unit and 2 spaces per 2 or more bed units. Parking would primarily be located on plot with a parking court serving some houses and the apartments in the south western corner of the site and following revisions Officers consider the proposed parking arrangements to be acceptable.

The Parish Council have stated that they preferred a previous version of the layout that included visitor parking by the attenuation basin on the basis that

this would be helpful in addressing some of the parking issues on Market Grove that already exist. The purposes of the visitor spaces is to make suitable provision for visitors coming to this development. Officers were concerned that the Open Spaces within the site were being dominated by car parking and that the visitor car parking should be distributed more evenly across the site. The developer has therefore made changes to the layout to address Officers concerns. Whilst Officers understand the Parish Council's concerns the proposed parking arrangements is acceptable.

Other Matters

A number of technical consultees have provided brief comment in relation to the discharge of conditions relating to the outline consent for the site. These do not directly relate to the current reserved matters application and will be dealt with under separate discharge of condition applications in due course.

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.

However, the current proposal is for the approval of Reserved Matters pursuant to an existing extant outline planning permission with the relevant planning obligations already being secured under the s106 Agreement attached to this outline planning permission. It is not therefore considered that an Appropriate Assessment or mitigation is required under the Habitat Regulations.

Surface Water Drainage

A condition was attached to the outline consent requiring approval of a detailed surface water drainage strategy for the site.

Both Essex County Council SuDS and Anglian Water (AW) have been consulted on the applicant's proposals to deal with surface water at the site. They highlight that surface water disposal should only utilise a connection to the sewer system as the last option. The Building Regulations set out a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Previously surface water from the site has been drained into the sewer in Market Grove and also to Toppesfield Road at an unrestricted rate of 267.75 litres/second in the 1 in 100 year flood event. The site is not a suitable to utilise infiltration for surface water drainage including the potential

remobilisation of existing contamination and unsuitable geology below the made ground.

It is proposed to continue to drain the site to the Anglian Water Adopted Surface water sewer in Market Grove but at a controlled rate of 5 l/s. To achieve this reduced rate it will be necessary to store water on site. The applicant has designed an attenuation basin that will provide adequate water storage such that no water leaves the site in a 1 in 100 year plus 40% climate change event and no flooding within buildings occurs. In addition to the detention basin the proposed surface water drainage system for this site will use permeable paving for private driveways and shared accesses.

AW have no objection to the applicant's submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) but request that they are consulted on the discharge of Condition 5 of the outline planning application 14/01254/OUT, that require the submission and approval of detailed surface water drainage information.

Gas Supply

One of the issues raised by local residents has been the access to the site and specifically the problems that residents in Whitlock Drive and Market Grove have with service vehicles – most notably refuse collections and oil tankers.

The village does not have mains gas so many properties have oil fired heating systems which require tankers deliveries. The applicant proposes that a LPG tank will be buried under the Green in the centre of the site. Dwellings can then take a gas supply from the tank. This can be considered advantageous in a number of ways. Rather than Lorries making separate trips to individual dwellings reducing the number of vehicle movements.

CONCLUSION

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

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

The scheme represents the re-development of a brownfield site within the District's main town and the detailed proposals follow lengthy negotiations and discussions with Officers over both the outline and reserved matters stages. Overall it is considered that the detailed proposal constitutes a sustainable residential development in an appropriate location and accordingly it is recommended that the Reserved Matters are approved.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons:-

- 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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed in on the northern elevation/roof slope of plots 12 and 13 hereby permitted without first obtaining planning permission from the local planning authority.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed in on the eastern elevation/roof slope of plot 10 hereby permitted without first obtaining planning permission from the local planning authority.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

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

Reason

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

- 5 Construction of any buildings shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to

and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples.

Reason

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

- 6 No development shall take place 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 ensure that the development does not prejudice the appearance of the locality.

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

Reason

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

- 8 The development shall not be occupied until the car parking areas indicated on the approved plans has been hard surfaced. The car parking spaces shall be retained in this form at all times. The car parking spaces shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 9 Prior to the occupation of the development the details of the number, location and design of covered parking facilities for each dwelling for bicycles shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to occupation of each dwelling and retained at all times.

Reason

To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

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

Reason

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

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

Reason

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

- 12 Prior to installation of any meter cupboards on the principle elevation of the dwellings hereby approved details of the location, design and materials shall be 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 maintained as such.

Reason

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

- 13 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

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

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

Reason

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

locality.

- 15 The development shall be carried out in accordance with the approved details in the Arboricultural Method Statement (AMS) Reference DFCP 3432 Rev A.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site and a site meeting arranged between the site manager; project arboriculturist and the Council's Landscape Officer in accordance with Para. 4.11.1 of the AMS.

The development shall be carried out in accordance with the approved Arboricultural Method Statement. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority recording their monitoring and supervision of the site.

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER