

PLANNING COMMITTEE AGENDA

Tuesday, 04 July 2017 at 07:15 PM

**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 Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray (Vice Chairman)
Councillor Lady Newton	

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
Acting 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

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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

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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 20th June 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 15 01193 FUL (Variation) - Land between London Road and East of Pods Brook Road, BRAINTREE | 5 - 16 |
| 5b | Application No. 16 02096 OUT - Land at Station Road, HATFIELD PEVEREL | 17 - 58 |
| 5c | Application No. 17 00660 FUL - Land adjacent to The Chase, Pretoria Road, HALSTEAD | 59 - 67 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5d | Application No. 17 00388 FUL - 5 Dewlands, BLACK NOTLEY | 68 - 76 |
|-----------|--|----------------|

**5e Application No. 17 00482 FUL - Land adjacent to Lodge Farm, 77 - 87
Hatfield Road, WITHAM**

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

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

Variation to resolution to grant planning permission, Land Between London Road And East Of Pods Brook Road, Braintree, 15/01193/FUL		Agenda No: 5a
Portfolio	Environment and Place Planning and Housing Economic Development Health and Communities	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Neil Jones, Principal Planning Officer	
Report prepared by:	Neil Jones, Principal Planning Officer	
Background Papers: Planning Committee Report – Application Reference 15/01193/FUL Planning Committee Minutes – 19.07.2016		Public Report Key Decision: No
Executive Summary: The Planning Committee passed a resolution to grant planning permission for this residential development, subject to conditions and the completion of a S106 legal agreement, on 19 th July 2016. Following that resolution being passed a number of unexpected issues have arisen which has meant that it would either not be possible, or not be desirable, to proceed on the basis originally proposed. As a result a number of changes are required to the proposed development and as the details of these changes vary from the details previously presented to the Planning Committee these changes are being reported back to Members. The amendments to the application are as follows: <ul style="list-style-type: none">• Revisions to proposed roundabout and cycleway improvements to ensure technical requirements of the Highways Authority are met.• Alterations to dwelling units 60 and 67 to ensure they will be fully compliant with wheelchair accessibility standards (Building Regulations Part M IV (3)).• Alterations to construction access arrangements via Pods Brooks Road to reflect advice from the Highway Authority.• Revisions to the conditions proposed by Officers in the first report to the Planning Committee. As a result it is proposed that the resolution to grant be varied to reflect the proposed amendments that address the issues that have arisen. Members are asked to consider		

the revised resolution to grant planning permission, to allow completion of the S106 legal agreement and for planning permission to be granted.

Recommended Decision:

It is recommended that Members modify the resolution to grant planning permission, that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following (unchanged) Heads of Terms:

- **Affordable Housing** (30% provision; 70/30 tenure split (rent over shared ownership); in accordance with Affordable Housing Mix Plan; delivered without reliance on public subsidy; all ground floor flats to be fitted with level access showers; 1x 3-bed five person ground floor flat and 1 x 2-bed four person ground floor flat to comply with Part M4(3) of the Buildings Regulations (wheelchair user dwellings); flats to comply with Part M4(2) of the Building Regulations (accessible and adaptable); all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction); and in accordance with a Phasing Plan which is to be agreed and which will require proportionate delivery of affordable and market housing through the development of the site
- **Allotments** – financial contribution of £6182.75 towards allotment provision improvements at Rose Hill, Braintree
- **Cycleway / Pedestrian Link** – provision for the Council to be able to construct a footbridge and / or cycleway bridge in the north-west corner of the site, near Pods Brook Road, to allow for the Council to create new pedestrian / cycle connections to adjoining land
- **Off-Site Cycleway Signage / Improvements** - Prior to occupation of the first dwelling the applicant shall make a contribution of £75,000 towards improvements to cycleway signage and off-site cycle parking to include but not be limited to signs within the vicinity of the site and towards the town centre, Fritchway and train station.
- **Education** - financial contribution for primary education
- **Footpath connection** to connect footpaths within the site to the Public Right at the south western corner of the site (between Plots 150-155 and 156-161) and to connect the new footpath running to the southern boundary (between Plots 107-112 and 101-106) with the Public Right of Way (Footpath 73) to the south of the site.
- **Health** (financial contribution of £60,600 to be used towards improving capacity or the relocation of either the Mount Chambers or St Lawrence surgeries.
- **Public Open Space – On Site** – The provision of land to be used as Public Open Space, as shown on the submitted layout, and which will be transferred to a Management Company (funded by future residents) for on-going maintenance.
- **Public Open Space – Off Site** - financial contribution of £194,828.04 toward outdoor sports provision, to be spent on the provision of a 3G Artificial Training Pitch in the town of Braintree
- **Public Art** – A package of ‘sculptures’ to be designed with input from community groups and created and installed at locations along the Public Open Space within the site

The Development Manager be authorised to GRANT planning permission under delegated powers subject to i) the amendments to Planning Conditions 12, 16, & 33-37 set out in this report and ii) the remaining conditions and reasons set out in the original Committee Report.

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

Purpose of Decision:

To enable the Local Planning Authority to make suitable variations to the plans and conditions that will form part of the planning permission and allow Officers to complete the S106 legal agreement and grant planning permission.

Corporate Implications

Financial:	None
Legal:	Any legal implications have been considered as part of the assessment.
Safeguarding:	None
Equalities/Diversity:	Amendments to the design of the two Affordable Housing units that are designed for occupation by wheelchair users will ensure that they will comply with the current regulations and so be fit for purpose, adding to the District's stock of dwellings that are designed for use by wheelchair users.
Customer Impact:	None
Environment and Climate Change:	None
Consultation/Community Engagement:	The amendments to the roundabout access on London Road and the London Road cycleway have been publicised and neighbours notified by letter. The Highway Authority has also been consulted.
Risks:	None
Officer Contact:	Neil Jones
Designation:	Principal Planning Officer
Ext. No:	2523
E-mail:	neijo@braintree.gov.uk

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as it is proposed that a number of changes are made to the application that Members assessed and approved when they passed a resolution to grant planning permission for the development in July 2016. The development considered was for: 215 residential dwellings, new vehicular access from London Road in the form of a roundabout, public open spaces, pedestrian and cycle links, extension to the Braintree River Walk, and landscaping at land between London Road and East of Pods Brook Road.

As it is proposed that changes are made to the details that Members considered in July 2016 these proposed changes must be reported back to Members to consider.

SITE DESCRIPTION

The site was described as follows in the Planning Committee report when the development of the site was considered in 2016.

'The application site covers approximately 9.3 hectares of land located on the southern side of Braintree, between London Road and Pods Brook Road. Following the London Road from the application site the town centre is located approximately 1.3 km (0.8 miles) to the north.

This is a 'greenfield' site consisting of four fields. The fields on the western side of the site continue to be cultivated for agriculture whilst the field on the eastern side is not currently cultivated and is unmanaged grassland. In addition to hedges and tree belts on the western and southern boundary within the site there are two hedgerows which run north/south. There are a number of individual and group Tree Preservation Orders on trees / hedges within the application site. The topography of the site is varied with significant changes in levels throughout the majority of the site. The land rises on entering the site from London Road, on the eastern side of the site. The A120 is elevated above the site on the southern boundary.

The land within the site undulates and that there are significant differences in levels – most notably the site slopes steeply from the south, where levels range between c 56.5–57.75m AOD towards the north, as the land falls towards the River Brain, where levels are in the region of 44.6-48.45m AOD. The land to the east also falls away to around 47m AOD. These changes in levels produce some quite steep gradients, for example on the eastern side there are gradients of 1 in 10, and along the northern boundary the gradient exceeds 1 in 10.

To the north of the site is the River Brain, with the residential development and the cemetery beyond. The A120 runs along the southern boundary of the site, at an elevated level. To the east of the application site, on the opposite side of London Road, lies Tortoiseshell Way and The Hawthorns retirement complex. Beyond this and further to the east is the Notley High School and Sixth Form College. The application site is bounded to the west by Pods Brook Road with open countryside beyond'.

PROPOSAL

As reported below it has become apparent to the applicant and Officers that there are several elements of the original application which need to be amended. These are;

- details of the site access and improvements to the cyclepath along London Road;
- the design of the temporary construction access off Pods Brook Road;
- alterations to the footprint and external elevations of two of the blocks of flats
- issues with the precise terms of a number of the planning conditions.

No other changes are proposed to the application, or the Heads of Terms, that were originally reported to Planning Committee.

CONSULTATION / REPRESENTATIONS

The proposed amendments to the highway along London Road (the changes to the roundabout and the cycleway) were publicised by site notices and letters sent to the occupants of the properties neighbouring the site.

Two letters of objection have been received following the submission of the revised plans. The main issues raised are:

The occupants of no.92 London Road raise concerns about the proximity of the access road serving the development to their property; the volume of traffic that will be passing their property and potential for damage to their property as a result of construction activity,

Traffic congestion on London Road and around the town,
Extra pressure on our Doctors, Police and schools,
Loss of green and precious land.

Consultations

BDC Housing Enabling Officer – No objection to the revised proposals for the two wheelchair user dwellings.

ECC Highways – No objection to the amended arrangements for the roundabout to access the site from London Road; the London Road cycleway improvements; and the Pods Brook Road temporary construction access. Conditions amended to reflect the revised plans. Other condition and recommended S106 obligations are unchanged.

REPORT

Since the application was originally assessed by the Planning Committee and a resolution to grant planning permission made a number of issues have arisen that have prevented the application progressing to the point where the planning permission can be granted. Officers have worked with the applicant to resolve the issues that have been identified and this necessitated a number of amendments to the detailed proposals that Members assessed in July 2016. The alterations are not considered to fundamentally alter the nature of the proposed development. However, because it is proposed that changes are made to the details that Members considered when passing a resolution to grant planning permission, these proposed

changes must be reported back to Members to consider. The details of the proposed changes are set out below.

London Road – Access & Cyclepath Improvements

The original planning application proposed a single vehicular access, off London Road, to serve the whole development. The Council and the Highway Authority were satisfied that this would be achieved by the creation of a new roundabout on London Road, opposite Tortoiseshell Way.

Officers recommended the inclusion of planning condition (Condition 36 of the report to Committee) which required the implementation of the roundabout in accordance with Drawing 14-358-002 (dated JUNE 15), subject to further details of the roundabout being submitted to, and agreed by, the Local Planning Authority.

After the resolution to grant planning permission was approved the applicant has submitted further technical information to the Highway Authority for approval. Following assessment of this information the Highway Authority has required that the applicant amend the design of the proposed roundabout.

The revised roundabout is similar to that which was originally proposed, with it being a four-arm roundabout which provides two-lane entries on the London Road approach arms (to the north and south); and single lane entries on the east and west side arms – off Tortoiseshell Way and the proposed site access.

The size, position and alignment of the roundabout have all been altered as a result of technical feedback from the Highway Authority. The revised enlarged roundabout accommodates two lanes on the roundabout itself, as opposed to the previous proposals which only accommodated one. The applicant has provided a plan which compares the revised and original roundabout. The applicant has stated that because the redesigned roundabout can now accommodate two lanes of traffic this will improve capacity and performance.

As previously proposed, the existing pedestrian island crossing will be re-provided to allow safe crossing of London Road.

In terms of other material planning considerations, the visual impact of the revised roundabout would not be significantly different, nor would there be any significant potential impact on neighbour amenity, when compared to the previously approved scheme.

As a result of the amendments to the proposed roundabout there is also a need to make alterations to the improvements that were proposed to cycle and pedestrian links near the site.

The application that Members previously assessed proposed a cycleway, connecting to existing cycle paths under the A120, running north-south on the western side of London Road. Cyclists would have joined vehicular traffic on London Road at the roundabout, to the south of the application site.

Following discussion with the Highway Authority the applicant now proposes that the cycle link, connecting the application site to the existing cycleways to the South of the

site, be along the 'old' London Road / service road to the west of London Road, away from vehicular traffic.

This amendment would mean that cyclists would not be directed to join the vehicular traffic on the proposed roundabout and whilst they would still be cycling within the highway this amended route is much more lightly trafficked than the main London Road.

It is recommended that Members approve the proposed amendments to the list of approved plans in respect of the roundabout / site access and the cycle link along London Road.

Temporary Construction Access off Pods Brook Road

As part of the original planning application the applicant proposed the construction of a temporary construction access into the site from Pods Brook Road. The Council resolved to approve this temporary access and Condition 35 required construction of the access to be in accordance with the principles of that shown in 14-358/010 dated DEC 15, subject to the submission and approval of further details. This would see the temporary junction operate on a 'left-in and left-out' basis with a traffic island within the centre of Pods Brook Road.

Since the Planning Committee passed that resolution the applicant has been in discussions with the Highway Authority about the implementation of this access. An alternative proposal has been developed which will retain the principle of 'left-in and left-out' the majority of the works to form the access can now be undertaken within the highway verge and application site. By not having to construct a traffic island within the Pods Brook Road carriageway the extent of disruptive highway works will be minimised, reducing the impact on traffic flows along Pods Brook Road.

It is recommended that Members approve the proposed amendments to the list of approved plans in respect of the proposed construction access off Pods Brook Road.

Design Amendments to Apartment Blocks

The original application proposed that within the Affordable Housing provision on the site there would be 1x 3-bed five person ground floor flat and 1 x 2-bed four person ground floor flat which will meet Building Regulations Part M IV (3), i.e. be constructed and fitted out for use as a wheelchair user dwelling.

The applicant originally intended to provide these two units of accommodation within the footprint of two of the Apartment buildings, however it subsequently became apparent that to comply with the Building Regulations these two dwellings would require a larger footprint due to the need for additional storage and space to manoeuvre a wheelchair.

This has resulted in the footprint and external elevations of two of the apartment buildings being redesigned. The Council's Housing Enabling Officer has confirmed that he is satisfied with the internal arrangement of the flats now proposed and Officers are satisfied that the changes are acceptable in terms of layout and appearance.

It is recommended that Members approve the proposed amendments to the list of approved plans in respect of these two apartment blocks.

Conditions

The original resolution to grant planning permission was subject to 44 conditions. Following the resolution to grant, the applicant has started to work on assembling the information required to discharge conditions. This has identified some issues with the recommended conditions and Officers have reviewed the original list of conditions in light of this. It is proposed that the following amendments are made to the recommended conditions.

Condition 12

The condition originally drafted stated;

12. Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. New tree planting should include themed planting of groups of nos. 3-5 tree using more exotic or unusual varieties of tree along the length of the linear footpath link crossing the site east / west.

The scheme of landscaping shall include a phasing scheme for the proposed landscaping.

The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) within that phase of the development; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

The drafted condition repeated twice the requirement that trees which die or become diseased within 5 years of completion of the development shall be replaced. There was also potentially some duplication between the requirements of the condition and the requirements of the S106 legal agreement which requires submission and approval of details of the Public Open Space provision on the site.

It is recommended that the condition is amended as follows:

12. Prior to the occupation of the development hereby approved a scheme of landscaping, for the amenity spaces being provided for individual dwellings and the apartment blocks, shall be submitted to and approved in writing by the local planning

authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

The scheme of landscaping shall include a phasing scheme for the proposed landscaping.

The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) within that phase of the development.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the dwelling to which the hard landscaping relates.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Condition 16

It was recommended that there was a condition removing Permitted Development Rights for the erection of means of enclosure by householders, however there are other conditions proposed regarding means of enclosure and their retention so this condition is not necessary and can be omitted.

Conditions 33, 34, 35, 36 and 37

Conditions 33, 34, 35, 36 and 37 need to be amended to reflect the revised plans that have been submitted and which are to be approved. It is proposed that the following amendments are made to the recommended conditions.

Condition 33

The condition originally drafted stated;

33. The visitor car parking spaces, identified on Approved Plan ref. PL-008 Rev.B, 'Parking Layout, shall be provided in accordance with the approved plans and thereafter be kept available at all times for the parking of vehicles of visitors to the development hereby permitted.

It is recommended that the condition is amended as follows:

33. The visitor car parking spaces, identified on Approved Plan ref. PL-008 Rev.C, 'Parking Layout, shall be provided in accordance with the approved plans and thereafter be kept available at all times for the parking of vehicles of visitors to the development hereby permitted.

Condition 34

The condition originally drafted stated;

34. Prior to occupation of the first dwelling the provision of the cycleway improvements shall be implemented as shown in principle on drawing 14-358-015 (dated JUNE 16), details of which shall have been submitted to and approved in writing with the Local Planning Authority. These improvements shall include but not be limited to a new section of 3 metre wide cycleway on the western side of London

Road between the proposed site access roundabout and the A120, widening of part of the footway to a 3 metre cycleway on the eastern side of London Road and relocation of the bus shelter.

It is recommended that the condition is amended as follows:

34. Prior to occupation of the first dwelling the provision of the cycleway improvements shall be implemented as shown in principle on drawing E3561/770 & E3561/771, details of which shall have been submitted to and approved in writing with the Local Planning Authority. These improvements shall include but not be limited to a new section of 3 metre wide cycleway on the western side of London Road between the proposed site access roundabout and the A120, widening of part of the footway to a 3 metre cycleway on the eastern side of London Road and relocation of the bus shelter.

Condition 35

The condition originally drafted stated;

35. Prior to first use of the construction access, the access and associated highways works shall be implemented as shown in principle on drawing 14-358/010 dated DEC 15,), details of which shall have been submitted to and approved in writing with the Local Planning Authority. The works shall include but not be limited to visibility splays of 4.5 metres by 215 metres and a kerb island in the centre of Pods Brook Road to prevent right turning. Upon completion of the development, the temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and kerbing.

It is recommended that the condition is amended as follows:

35. Prior to first use of the construction access, the access and associated highways works shall be implemented as shown in principle on drawing E3561/721, details of which shall have been submitted to and approved in writing with the Local Planning Authority. The works shall include but not be limited to visibility splays of 4.5 metres by 215 metres. Upon completion of the development, the temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and kerbing.

Condition 36

The condition originally drafted stated;

36. Prior to occupation of the first dwelling the provision of the proposed roundabout on London Road shall be implemented as shown in principle on drawing 14-358-002 (dated JUNE 15), details of which shall have been submitted to and approved in writing with the Local Planning Authority.

It is recommended that the condition is amended as follows:

36. Prior to occupation of the first dwelling the provision of the proposed roundabout on London Road shall be implemented as shown in principle on drawing E3561/770, details of which shall have been submitted to and approved in writing with the Local Planning Authority.

Condition 37

The condition originally drafted stated;

37. Prior to occupation of the 200th dwelling the provision of the cyclepath / footway shall be implemented as shown in principle on drawing PL-001 Rev A dated July

2015, details of which shall have been submitted to and approved in writing with the Local Planning Authority.

It is recommended that the condition is amended as follows:

37. Prior to occupation of the 200th dwelling the provision of the cyclepath / footway shall be implemented as shown in principle on drawing PL-001 Rev B, details of which shall have been submitted to and approved in writing with the Local Planning Authority.

List of Approved Plans

The list of Approved Plans has been updated to reflect the changes to the red line showing the extent of the application site; the amendments to the Highway works; the amended Site Plans and the floor plans and elevations for the two apartment blocks that have been amended.

CONCLUSION

Members have already accepted the principle of the proposed development of this site and whilst there are a number of amendments to the scheme originally proposed these do not fundamentally alter the nature of the proposals.

As set out above the revisions are relatively minor in nature and there are no objections from relevant consultees. Two letters of objection have been received, but most of the issues raised are not relevant to the amendments being proposed to the originally proposed scheme. Whilst the immediate neighbours are concerned about the proximity of the access road and traffic levels the new roundabout design is slightly further away from their property than that originally proposed.

The terms of the S106 are now agreed and if Members approve this new resolution to grant planning permission it is envisaged that the agreement can be completed without further delay and planning permission issued shortly.

RECOMMENDATION

It is recommended that Members modify the resolution to grant planning permission, that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following (unchanged) Heads of Terms:

- **Affordable Housing** (30% provision; 70/30 tenure split (rent over shared ownership); in accordance with Affordable Housing Mix Plan; delivered without reliance on public subsidy; all ground floor flats to be fitted with level access showers; 1x 3-bed five person ground floor flat and 1 x 2-bed four person ground floor flat to comply with Part M4(3) of the Buildings Regulations (wheelchair user dwellings); flats to comply with Part M4(2) of the Building Regulations (accessible and adaptable); all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction); and in accordance with a Phasing Plan which is to be agreed and which will require proportionate delivery of affordable and market housing through the development of the site
- **Allotments** – financial contribution of £6182.75 towards allotment provision improvements at Rose Hill, Braintree

- **Cycleway / Pedestrian Link** – provision for the Council to be able to construct a footbridge and / or cycleway bridge in the north-west corner of the site, near Pods Brook Road, to allow for the Council to create new pedestrian / cycle connections to adjoining land
- **Off-Site Cycleway Signage / Improvements** - Prior to occupation of the first dwelling the applicant shall make a contribution of £75,000 towards improvements to cycleway signage and off-site cycle parking to include but not be limited to signs within the vicinity of the site and towards the town centre, Flitchway and train station.
- **Education** - financial contribution for primary education
- **Footpath connection** to connect footpaths within the site to the Public Right at the south western corner of the site (between Plots 150-155 and 156-161) and to connect the new footpath running to the southern boundary (between Plots 107-112 and 101-106) with the Public Right of Way (Footpath 73) to the south of the site.
- **Health** (financial contribution of £60,600 to be used towards improving capacity or the relocation of either the Mount Chambers or St Lawrence surgeries.
- **Public Open Space – On Site** – The provision of land to be used as Public Open Space, as shown on the submitted layout, and which will be transferred to a Management Company (funded by future residents) for on-going maintenance.
- **Public Open Space – Off Site** - financial contribution of £194,828.04 toward outdoor sports provision, to be spent on the provision of a 3G Artificial Training Pitch in the town of Braintree
- **Public Art** – A package of ‘sculptures’ to be designed with input from community groups and created and installed at locations along the Public Open Space within the site

The Development Manager be authorised to GRANT planning permission under delegated powers subject to i) the amendments to Planning Conditions 12, 16, & 33-37 set out in this report and ii) the remaining conditions and reasons set out in the original Committee Report.

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

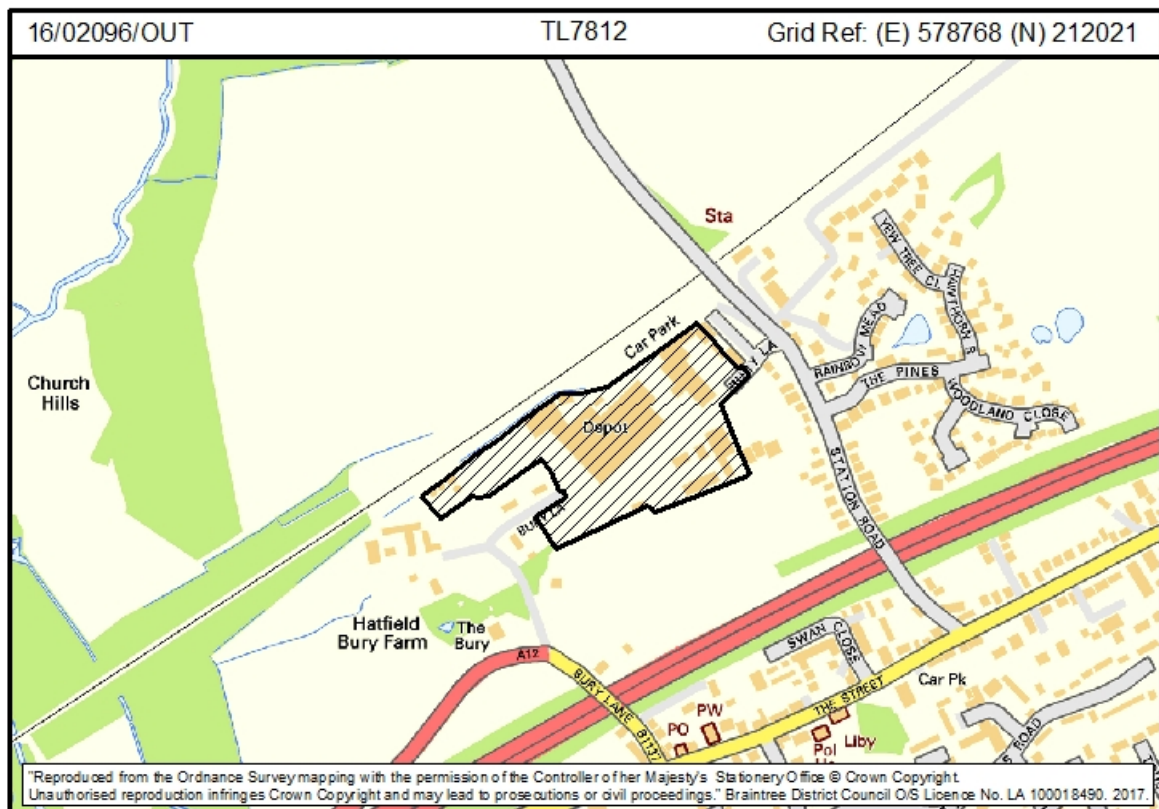
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 16/02096/OUT
 DATE: 13.01.17
 VALID:
 APPLICANT: Arla Foods UIK
 Mr Neil Cowburn, Arla House, 4 Savanna Way, Leeds Valley Park, Leeds, LS10 1AB
 AGENT: Mr Andrew Thomson
 9 Willow Drive, Bunbury Cheshire, CW6 9NY
 DESCRIPTION: Outline planning application for residential development for up to 145 dwellings (Use Class C3) with public open space, vehicular access and associated infrastructure
 LOCATION: Land At, Station Road, Hatfield Peverel, Essex

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



SITE HISTORY

02/00316/FUL	Erection of new silos, new services gantry and retention of existing storage buildings	Granted	14.05.02
04/01519/FUL	Erection of extension to accommodate brine tank	Granted	11.10.04
90/00186/	Erection of one pair of two bed semi-detached dwellings	Withdrawn	05.04.90
74/00024/P	Proposed 15000 gallon milk silo tank	Granted	16.05.74
74/01010/P	Proposed ice bank	Granted	07.01.75
75/00437/P	Proposed extension to dairy to form reception and washing area	Granted	03.06.75
75/00578/P	Additional holding tank to existing dairy effluent disposal system	Granted	15.07.75
76/00115/P	Erection of building for overnight parking of 5 lorries	Granted	24.03.76
79/00746/P	Construction of dairy effluent treatment plant	Granted	10.07.79
80/00890/P	Alterations and erection of extensions packaging hall and cold room	Granted	16.09.80
83/00018/P	Erection of extensions to dairy to provide package hall, cold store, changing room, toilets and canteen	Granted	01.03.83
84/00155/P	Erection of buildings and estate layout for industrial/small business/storage uses	Withdrawn	18.12.84
84/01108/P	Erection of 18m high stainless steel flue and support mast	Granted	27.09.84
87/01326/P	Construction of new dairy to replace existing	Granted	23.11.87
90/00986/PFWS	Retention & Continued Use Of Temporary Cold Store Building For Storage Of Fresh Bottled/Carton Milk Awaiting	Granted	06.08.90
90/01270/PFWS	Erection Of Bacteriological Effluent Plant For Treatment Of Effluent From Adjacent Dairy	Granted	20.11.90

96/00023/FUL	Proposed portakabin installation as additional office space to serve existing dairy business	Granted	19.02.96
97/00276/FUL	Construction of raised trolley handling area, erection of 4 milk storage tanks and associated works, plant and hardstanding	Granted	15.05.97
97/01229/FUL	Erection of 3.6m high and 80m long boundary fence	Granted	03.11.97
97/01295/FUL	Erection of blow moulding building and compressor/plant compound building. Stationing of temporary packaging and materials handling stores	Granted	01.12.97
98/00962/FUL	Proposed provision of new compressor enclosure	Granted	08.12.98
05/00178/FUL	6 No. street lights on 12m poles, dark sky compliant to replace existing lighting with high light pollution	Granted	25.03.05
05/00685/FUL	Proposed new pipe gantry and silo	Granted	30.05.05
07/01932/FUL	Erection of shed to protect plant machinery from the elements	Granted	22.10.07
07/02534/FUL	Erection of shed to protect plant machinery from the elements	Granted	24.01.08
09/00358/FUL	Erection of two storey lean-to extension to north side of Dairy unit	Granted	14.05.09
09/01533/FUL	Erection of stainless steel granular silo and associated concrete base	Granted	13.01.10
13/00740/FUL	Demolition of redundant treatment plant and a portakabin type office building. To install various large liquid storage tanks and treatment plant, plus a new portakabin type office and a steel storage container.	Granted	15.08.13

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 will run from 16th June to 28th July 2017.

In accordance with paragraph 216 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 216 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
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
RLP33	Employment Policy Areas
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

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 and Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP19	Housing Provision and Delivery
LPP31	Comprehensive Redevelopment Area – Land between A12 and GEM, Hatfield Peverel
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision for Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Species and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flood Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Draft Hatfield Peverel Neighbourhood Plan 2015 – 2033

ECN3	Broadband and Mobile Connectivity
ECN4	Protection of Commercial Premises
ECN5	Public Realm
HPE2	Natural Environment & Biodiversity
HPE5	Sport and Recreation Provision
HPE6	Protection of Landscape Setting

HPE7	Flooding & SUDs
FI1	Transport and Access
FI2	Parking
FI5	Developer Contribution
HO1	Design of New Developments
HO3	Affordable Housing
HO4	Minimum Garden Sizes
HO5	Creating Safe Communities
HO6	Allocation of the former Arla Site

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the Development Plan. It is therefore an application which has significant policy implications.

NOTATION

The application site is allocated as an Employment Policy Area in the Braintree District Local Plan Review 2005.

The application site is proposed for allocation as part of a wider comprehensive redevelopment area in the emerging Local Plan with the application site itself to provide a mixed use development of up to 200 dwellings. This draft allocation was approved for consultation by Full Council on 5th June 2017.

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

SITE DESCRIPTION

The application site is located within the Village Envelope of Hatfield Peverel.

It measures approximately 4.85 hectares and consists of the former Arla Dairy site which ceased operation in July 2016. The site is bounded to the north by the mainline railway and associated car park beyond which lies the countryside. To the south and east are existing dwellings located within the village. To the west are further dwellings located outside the village envelope in addition to areas of undeveloped countryside. Bury Farm, a former farm complex now occupied by a small number of businesses, is also positioned to the west. Station Road, from which the site's primary vehicular access is currently taken, is located to the east.

Until recently the site contained the commercial dairy buildings and associated plant, which are at the time of writing in the process of being demolished. These consisted of a very large main building with a substantial number of smaller ancillary buildings, tanks and structures. The buildings and silos were

of a significant scale, height and bulk and presented a formidable massing which was clearly visible from the surrounding countryside.

The site is of a relatively level topography with a modest fall of approximately 8.5 metres from east to west.

PROPOSAL

The applicant seeks Outline Planning Permission with all matters reserved except access for the residential re-development of the site for up to 145 dwellings (Use Class C3) with public open space, vehicular access and associated infrastructure. The scheme would make provision for 40% affordable housing. The scheme originally proposed a development of up to 173 dwellings, however following discussions with Officers this was reduced to a development of up to 145 dwellings.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage. As all matters are reserved except access, the remaining matters of appearance; landscaping; layout and scale would all be considered at Reserved Matters.

The applicant has submitted an illustrative site layout plan which demonstrates one way in which the site might accommodate the proposed number of dwellings. The main vehicular access would be taken from Station Road with a secondary access for emergency vehicles, pedestrians and cyclists being taken from Bury Lane. Internally a spine road would lead from east to west through the development with smaller Mews type roads leading deeper into the site. An area of amenity green space would be positioned centrally within the site with another smaller gateway green being positioned at the site frontage with Station Road. The illustrative layout shows a proposal with a high proportion of 2 and 3 bed town houses and a small number of 4 and one 5 bed properties and a development which could incorporate both higher and lower densities within it.

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

- Planning Statement
- Design and Access Statement
- Land Contamination Report
- Noise and Vibration Report
- Transport Assessment
- Utilities Assessment
- Flood Risk Assessment and Drainage Strategy
- Ecology Report
- Tree Survey
- Air Quality Assessment
- Landscape and Visual Appraisal

CONSULTATIONS

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

BDC Housing Research and Development

No objection. 40% affordable housing required which equates to 58 dwellings. Details of the mix would be subject to a reserved matters application. A tenure mix of 70% affordable rent and 30% intermediate tenure such as shared ownership is required.

Affordable units should be proportionately delivered (i.e. at a pace alongside market dwellings) and clustered in three areas of the site. Affordable dwellings should be deliverable without reliance on public subsidy and should be built to conform to standards acceptable to the Homes and Communities Agency. House types plus ground floor flats should meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations.

BDC Waste Services

No objection.

ECC Minerals and Waste

No objection. The area of the application site located within the sand and gravel safeguarding area is below the minimum threshold of 5ha.

ECC Flood and Water Management

No objection following submission of further detailed information relating to drainage. Standard conditions required relating to drainage strategy details.

BDC Landscape

No objection. Site is exposed to the north although the views are limited almost until the arrival into the settlement. The current mass of industrial buildings are an intrusive element in the local landscape and a sympathetic approach to the design and layout of the residential units should deliver a more attractive prospect in terms of the skyline and the visual mass of the development. The opportunity to provide a strong and robust landscaped setting to the site's northern boundary should be considered and a wider belt of native trees would serve to screen/punctuate the views into the site from the open countryside. The applicant's Visual Impact Assessment has not made reference to the evaluation of major settlement boundaries carried out for the Council by the Landscape Partnership in 2015 but the conclusions are broadly similar.

The applicant's Arboricultural Impact Assessment identifies little of the existing established planting which is worthy of retaining. There are therefore opportunities within the new development to establish new structural planting which provides a sense of arrival at the main access from Station Road and a reasonable level of screening to views in from the north of the site. The Applicant's Arboricultural report makes some useful and valid comments about suitable mitigation that could be provided by new planting and these ideas should be demonstrated in a landscape plan/scheme submitted as part of the Reserved Matters application.

CTIL (Telecoms Provider)

No objection. Large lattice mast located on site. Developer would need to work around this when positioning the proposed houses however CTIL do not need to make any further comment at this stage.

ECC Highways

No objection. Conditions required in relation to the submission of a Construction Management Plan; restriction preventing any vehicular through road being constructed to allow vehicular access through to the west or south of the site boundary to Bury Lane (except emergency access); improvement to existing access to Station Road as set out in the submitted access drawing; the construction of an access road between Station Road and the Railway Car Park; Residential Travel Information Packs and upgrades to the bus stops which will best serve the site.

NHS

NHS England advise that the proposed development would be likely to have an impact on the services of 1 GP Practice operating in the vicinity of the site which does not have capacity for the additional growth resulting from the development.

The development would therefore give rise to a need for improvements to capacity; in this instance through the extension, refurbishment or reconfiguration of Sidney House Surgery a proportion of the cost of which would need to be met by the developer. A financial contribution of £54,878 is therefore required and should be paid prior to the commencement of development.

Anglian Water

No objection. Require an informative to be added to any planning decision notice conditions relating to the need to incorporate Anglian Water assets on the site within any detailed site layout or if this is not practicable then the sewers will need to be diverted at the Developer's cost.

The foul drainage from this development is in the catchment of Witham Water Recycling Centre that will have available capacity for these flows. The sewerage system also at present has available capacity for these flows.

The proposed method of surface water management does not relate to Anglian Water operated assets and as such we are unable to provide comments on the suitability of the surface water management.

Highways England

No objection provided that there is no vehicular link to Bury Lane.

ECC Historic Environment Officer (Archaeology)

No objection. Site has been previously developed and comprises Industrial buildings; fuel tanks and hardstanding. It does truncate a historic route (Bury Farm) which connected to Hatfield Bury Farm and predates c.1870. The likelihood of the survival of below ground archaeological deposits is however low and there are no other archaeological remains within the surrounding area which are likely to extend into the development site. Due to previous disturbance caused by the existing development there is no recommendation for archaeological investigation.

BDC Environmental Health

Noise – no objection following the submission of further detailed information and the use of a detailed noise condition (Condition 9). Environmental Health originally raised an objection on noise grounds as the Applicant's Noise Report states that site noise levels as they currently exist are above Significant Adverse Effect Level. When judged against the old Planning and Noise Guidance PPG24 the levels are at a level where planning permission should not normally be granted. The areas of particular concern are those close to the railway and close to the slip road and the A12. The applicant's Noise Report details a number of proposals for noise mitigation. It should be recognised that the development will require some windows to be closed to achieve certain standards for properties closest to the railway and road unless adequate distance and screening from the source is possible.

Following the submission of further detailed noise calculations, which confirmed that both the internal and external noise levels required for new dwellings by BDC Environmental Health can be achieved on the site and that the required noise condition can be complied with, Environmental Health lifted their objection and advised that the noise issue has been resolved.

Contaminated Land – no objection. Agree with the conclusions of the applicant's report. More detailed survey will need to be undertaken to determine a remediation strategy and a standard contaminated land condition should therefore be applied.

Air Quality – no objection. This is not a constraint to development. A condition is required to ensure a Construction Management Plan is submitted for approval to ensure that air pollution from construction dust is minimised.

ECC Economic Growth and Development

No objection. Additional Early Years and Childcare places will be required within the Hatfield Peverel and Terling Ward to serve the demand generated by this development. A developer contribution of £176,911 is therefore required.

The development is within the priority admissions area of Hatfield Peverel Infant and St Andrew's Junior Schools. Both schools are full in some year groups and although there is surplus capacity overall, there is concern that not all Children moving to this development will be able to get a place. Our current data suggests that there are 28 surplus places across seven year groups at the two schools. Department for Education guidelines suggest 5% of capacity should remain unfilled to facilitate mid-year admissions and provide for parental choice. The two schools offer a total of 420 places, and thereby 21 should remain unfilled. There are a significant number of development proposals within Hatfield Peverel and it is now clear that, if permitted, this cumulative impact will require additional primary school places to be provided. This proposal alone can be expected to generate 42.6 new primary school pupils.

A new school site on the Lodge Farm development has been secured and this would be within walking distance of the above proposal. A financial contribution was also secured and I thereby advise on behalf of ECC that a similar formulae based sum is appropriate in this case. This equates to £12,218 per place index linked to April 2016 (based on 142 houses of 2 bedrooms or more the estimated developer contribution would be £520,487).

With regard to secondary school places, prior to the implementation of the revised Community Infrastructure Levy Regulations on 6th April 2015 the County Council would have sought a developer contribution. However, the revised regulations restrict the pooling of contributions for a specific item of Infrastructure to 5 separate planning obligations. The County Council have not therefore requested a secondary school contribution from this development because its scale is relatively small and the impact on pupil places is limited.

Hatfield Peverel Parish Council

The Parish Council unanimously agreed in principle to support this outline application, however not just for Use Class C3 Residential. The development of the site should be for mixed use. The site has previously provided employment for the Parish and should therefore continue to provide opportunities for business/shops/light industry. The emerging Neighbourhood Development Plan supports mixed use. Parish Council would also like to discuss house types regarding to the emerging Neighbourhood Plan and traffic impact with the case officer.

Additional comment – the Parish Council note the reason for the reduction in the number of dwellings which is welcomed. The Parish Council are disappointed that proposals for the site do not include a commercial aspect as the site has previously provided employment for the Parish and the Parish Council would like the site to continue to provide some employment opportunity for small business units/shops/offices. Councillors acknowledge Officer and Developer advice regarding how mixed use sites and also bungalows are viewed but residents support mixed use on the site as identified during the engagement process for the emerging Neighbourhood Development Plan and set out in emerging Policy H06.

REPRESENTATIONS

Two consultations were carried out as the applicant originally proposed a development of up to 173 dwellings. Following discussions with Officers this was reduced to a proposed development of up to 145 dwellings and a re-consultation was completed.

Overall 6 letters of objection and 2 letters of comment were received. The main reasons of objection stated are set out below:

- Traffic impact – traffic to/from the railway station using Station Road causes safety issues from excess speed coupled with turning onto The Street into a large volume of traffic at peak times. These matters will be worsened by the development particularly given the shared access to the railway station.
- Applicant has not factored in the substantial amount of construction traffic to their traffic assessment.
- Peak time traffic from development will overwhelm the Station Road/Street junction.
- Many Witham commuters would choose to travel via the lanes along Terling Road for speed. These routes are not built to operate as major arteries and a proper capacity study of this network needs to be undertaken.
- Unclear whether the construction period cited as 4 to 5 years by the applicant includes the demolition period. I do not accept that 4 to 5 years is short term as stated by the applicant and there will be a substantial impact on the quiet enjoyment of my property and that of my neighbours for a very extended period of time.
- If developers reduce car parking they should commit to a minimum of 2 cycle spaces per dwelling. Witham is close for cycling to but storage is required. Sheds at bottom of gardens are not good cycle storage – hard surface access from the highway is required.
- Proposed building heights with 4 storey flats and town houses is totally out of keeping with existing single, 1.5 and 2 storey development in the village. Developer should not use height of existing development on the site to justify taller residential buildings.

- Emerging Local Development Plan has identified the need for bungalows for existing residents in the village to downsize too – there are none shown on the plans and they are required.
- Access should be from Bury Lane/A12 slip road and not from Station Road which can't accommodate the development.
- Single access from Station Road may also lead to excessive use of country lanes through Terling to travel north.
- Development should be a mix of residential and commercial.
- Proposals do not address issues such as schools and doctor's already being over capacity.
- A development of 145 houses would be too large for our village infrastructure and facilities.
- Proposed entrance needs re-designing. Traffic priorities could be changed so that the road over the bridge towards Terling became a side road - it would be a safety improvement. Terling Road needs width and weight restriction to protect it from traffic from the development.
- Design of proposed buildings with flat roofs and modern single pitched roofs is not in keeping with the village. Materials such as Essex vernacular lapboard, render and traditional red or white bricks should be used.
- Commuter trains (beyond Chelmsford) are already full – scale of residential development should be less with commercial also introduced. Will also help to mitigate some of the job losses caused by the closure of Arla.
- Concerned that development will damage the many established trees located in our adjacent rear garden.
- Concerned that the Developer could encroach onto our land.
- Will further consultation particularly with adjacent landowners be carried out with regard to layout?
- Can developer erect a solid boundary fence of at least 6ft along the shared boundary to ensure that our privacy is not affected – it is currently partly protected by the existing buildings.
- Concerned that the dismantling of existing dairy buildings could damage our land/trees.
- Can the developer be made to comply with the existing illustrative masterplan which shows a road adjacent to our boundary rather than high density development and therefore helps minimise overlooking or can other safeguards be put in place to achieve this.

Two letters of support were received:

- Support the development of the site but for mixed use residential and commercial rather than just commercial.
- Site was included in the proposed Local Development Framework as a mixed use development site if the dairy closed.
- Brownfield site and should be developed to meet the villages housing need instead of greenfield development at sites such as Stonepath Drive and Gleneagles Way.
- Policy ECN9 of the emerging Neighbourhood Plan supports the development of the site for housing and employment uses.

- Site forms part of a proposed comprehensive redevelopment area in the Local Plan which will provide more housing than is needed for this parish.

REPORT

Principle of Development

5 Year Housing Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The Council's view as at 31st March 2017 is, that its forecast supply is 3.91 years. Although there have been a small number of applications approved since this calculation the Council does not consider that it has a current five-year supply. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

The impact of this is demonstrated at paragraph 14 which states that "At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision-taking....."

For **decision-taking** this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 14 of the NPPF.

Site Assessment

The Application Site and the Emerging Local Plan

The application site is located within the Village Envelope of Hatfield Peverel as identified in the adopted Local Plan. The land is currently allocated as an Employment Policy Area under Policy RLP33 where proposals for uses other than B1 (business); B2 (general industry) and B8 (storage and distribution) will be refused. The current proposal to develop the site in a residential capacity is therefore a departure from the adopted Development Plan.

However, this employment designation has not been carried forward into the emerging Local Plan which has accounted for this loss of employment land by ensuring additional employment land is allocated elsewhere. The Arla Dairy has now closed with the site being cleared. The Publication Draft Local Plan proposes to allocate the site as part of a wider comprehensive redevelopment area under Policy LPP31 with the application site providing a (predominantly residential) mixed use development of up to 200 dwellings. It should be noted that Policy LPP31 has not previously been subject to public consultation and accordingly in light of para. 216 of the NPPF must be considered to carry less weight than other policies which have already been subject to public consultation and, where required, objections resolved.

The current proposal to develop this site for up to 145 dwellings is therefore partly in accordance with the emerging Local Plan, although it is not comprehensive in scope nor does it include a mixed use element. The emerging Local Plan does not set out a quantum for any non-residential element or define its character. There is limited justification or evidence base linked to this mixed use requirement, and given the number of dwellings identified for the site (up to 200) the scale of any non-residential uses would be minor.

This proposal considers only one part of the comprehensive development area. However, it should be noted that the emerging Policy does not require the submission of a comprehensive scheme/masterplan for the entirety of the comprehensive development area. Given the nature of the land available and the fact that this is an outline application, those details which are fixed safeguard future pedestrian and cycle linkages and site design. Therefore it is possible to ensure that the overall site is developed as a comprehensive scheme notwithstanding the development is brought forward by way of separate applications. Furthermore, the illustrative masterplan for the site takes direct account of the adjacent sites within the comprehensive development area and Officers are satisfied that the development of these sites would not be prejudiced as a result of this proposal and moreover the

development of this site would not prejudice the delivery of the other aspirations of the emerging policy.

The emerging Local Plan Policy LPP31 also sets out the types of development which will be supported within the wider comprehensive re-development area. This includes access and capacity improvements to Station Road Car Park. The current scheme is able to deliver access improvements and these are set out in detail under the s106 Heads of Terms below. Capacity improvements to the car park are not a matter which, in Officer's opinion can be justified under the Community Infrastructure Levy tests as being necessary to make this development acceptable in planning terms.

Draft Policy LPP31 goes on to set out a number of points which the development of the sites identified as being part of the Comprehensive Redevelopment Area should address. A suitable link road between Bury Lane and Station Road as agreed with the Highway Authority is required. However, in considering the current application the Highways Authority have advised that they would not support such a link road as they consider it would be used as a cut through from the A12 slip road to Station Road to the detriment of the future residents of the Arla Dairy site. Contributions towards enhanced pedestrian and cycle access on Station Road and Bury Lane linking to The Street are also required by LPP31. However, the Highway Authority have advised that they do not consider that there is scope to provide such works and that they do not wish to require these by way of condition or s106 Agreement. They have instead requested the upgrading of identified bus stops as set out in the s106 Heads of Terms below. Draft Policy LPP31 goes on to state that the provision of structural landscaping to mitigate adverse noise and air pollution from the A12 and to provide visual separation from the highway is required, however the Arla site does not sit adjacent to the A12 and it is reasonable to presume that this requirement relates to other parts of the comprehensive re-development area. Furthermore the Reserved Matters for landscaping would include details of tree planting and additional mitigation measures in relation to noise would be secured through Condition.

Finally, draft Policy LPP31 states that policy compliant affordable housing provision; financial contributions towards early years and childcare provision; financial contributions towards primary and secondary and education facilities and towards community facilities including health provision should be made by the identified sites within the comprehensive redevelopment area. With the exception of a contribution towards secondary school provision (identified as not required by the County Council) the identified matters would be made by this development and have been set out in detail in the s106 Heads of Terms below.

Having considered this application in relation to the requirements of draft Policy LPP31, Officers do not consider that the fact that this site has been brought forward as a freestanding planning application would result in the loss of any benefits which could have been achieved if the site had been brought

forward as part of an application covering the entire comprehensive redevelopment area.

It is therefore necessary to consider the application on its merits, taking into account the fact that it is a departure from the adopted Development Plan and is partly in accordance with the emerging Publication Draft Local Plan when assessing the overall planning balance and the acceptability of the principle of development.

Neighbourhood Plan

Hatfield Peverel's Neighbourhood Area was designated in March 2015. The draft Neighbourhood Plan has been the subject of a public consultation under Regulation 14 of the Town and Country Planning Act with the consultation ending on 30th September 2016.

Following this the Plan was submitted to Braintree District Council under Regulation 15 of the Town and Country Planning Act for review prior to the commencement of the second public consultation under Regulation 16 which commenced on 5th June 2017 and is scheduled to finish on 17th July 2017.

However, the Neighbourhood Plan is not yet adopted and has not completed its consultation processes or been through the examination or referendum process. Its weight therefore is assessed in light of paragraph 216 of the NPPF and whilst it may indicate a direction of travel for policy it can be given only limited weight as a material consideration in the determination of the current planning application as per Chapter 20, Part 1 of the Neighbourhood Planning Act 2017.

The draft Neighbourhood Plan includes a specific Policy (HO6) which seeks the mixed use re-development of the application site. The Policy lists suitable uses for the site as affordable and retirement housing; bungalows, apartments and starter homes; small business units and a work hub/café/tea room. The current proposal to re-develop the site in a residential capacity, which would include affordable housing and would likely include apartments/starter homes is therefore partly in accordance with the emerging Neighbourhood Plan and partly in conflict. However at this stage the housing mix has not been defined and as such the degree of departure in this context must accordingly be given less weight at this time.

The development must still however be assessed against the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF, notwithstanding the draft Neighbourhood Plan, although it is a limited factor in the planning balance.

Brownfield Land and Proximity to the Railway Station

Importantly, the application site consists entirely of previously developed or 'brownfield land'. The NPPF (para 17) places significant weight on the effective use of land by re-using previously developed (brownfield) land. The

proposed development would result in the effective re-use of a large area of brownfield land and this is an important factor which weighs in favour of granting planning permission for the scheme.

The site is also located immediately adjacent to Hatfield Peverel Railway Station which provides a regular service into London. Again, the NPPF at paragraph 17 states clearly that planning should *'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'*. The site's immediate proximity to a mainline railway station is therefore another important consideration which weighs in favour of the proposed development.

Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments. Policy CS9 of the 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 56) that *'good design is a key aspect of sustainable development'* and that (para 58) developments should *'function well and add to the overall character of the area...establish a strong sense of place...are visually attractive as a result of good architecture and appropriate landscaping'*.

The current application is an outline application with all matters reserved except access. The applicant has submitted, in addition to a site location plan an illustrative masterplan which demonstrates one way in which the application site could accommodate the proposed quantum of development.

A detailed access drawing has also been submitted for approval demonstrating how the proposed main vehicle access to the site can be achieved.

The applicant seeks permission for the erection of up to 145 dwellings. The original scheme proposed up to 173 dwellings, however following a detailed review of the illustrative masterplan Officers considered that ultimately this number of units was too high for the site and that even given its brownfield status and immediate adjacency to the mainline railway station it would result in an overly dense development. Following constructive discussions with the applicant a revised scheme was submitted which proposed 142 dwellings with consent sought for up to 145. It is Officers view that this number of dwellings could be accommodated on the site and would strike the correct balance between maximising the use of the land whilst providing an acceptable standard of amenity for future occupiers of the proposed dwellings.

In general terms, the revised illustrative masterplan proposes 142 dwellings. The applicant seeks permission for up to 145 dwellings at a gross density of approximately 30 dwellings per hectare. The development layout consists of a spine road leading from east to west, with access into the site taken from Station Road and terminating with a pedestrian/cycle/emergency access only

though to Bury Lane. Smaller secondary roads would lead into the site from the main spine road and the scheme would be centred around a green crescent. A gateway green would also be positioned at the site's entrance from Station Road.

The illustrative masterplan proposes a mix of dwelling types and sizes ranging from 1 bed maisonettes and 2 bed flats through to 2 and 3 bed town houses, and 3, 4 and 5 bed detached houses. Overall there is a higher proportion of 2 and 3 bed dwellings indicated in the layout. It is Officer's view that if outline planning permission is granted the reserved matters layout would in fact need to provide a higher number of flatted units, with a number of flatted blocks being located at the eastern end of the site in the closest proximity to the rail station access. This would allow additional space for the remaining houses in comparison to the layout currently presented.

In terms of parking provision, the illustrative masterplan makes provision for the correct number of spaces for each dwelling. With regard to visitor spaces, the scheme has a shortfall of 33 visitor spaces if such spaces are to be provided at a rate of 0.25 spaces per dwelling in accordance with the Essex Parking Standards 2009. However, it is Officer's view that given the brownfield nature of the site and its immediate proximity to the mainline railway station, some degree of shortfall is acceptable. Furthermore, Officers would expect the detailed application to include a higher number of 1 bed dwellings (the illustrative masterplan identifying only 12 out of 142) which would reduce the parking deficit.

Landscape

Core Strategy Policy CS8 *Natural Environment and Biodiversity* 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'*.

The site is located on the edge of Hatfield Peverel and is, in terms of the wider context visible from the countryside which lies beyond the adjacent rail line. The application site is however a previously developed site and is unusual within the District in that it was until recently occupied by very large commercial buildings and plant which were of a significant bulk, height and massing. Against this context and given the site's location adjacent to the railway station Officers consider that there is scope for residential buildings of a greater height than might otherwise be considered suitable for an edge of settlement site, subject to high quality design and carefully planned landscaping being achieved.

The applicant submitted a Landscape and Visual Appraisal (LVA) in support of their application which identifies only a localised impact with beneficial effects associated with the residential re-development of the site in Landscape Character terms and many of the surrounding visual receptors experiencing negligible to beneficial effects. The LVA also identifies that in terms of the

wider context, the adjacent parcels of countryside to the north and west of the site, which lie outside the village envelope were evaluated under the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) 2015. They were found to have a 'medium' capacity to accommodate development (sites being rated from low; medium-low; medium; medium-high and high in category) and the site is not therefore located adjacent to countryside which has a low capacity to accommodate development. The site itself was not assessed, being a brownfield site contained within the established Village Envelope.

The Council's Landscape Officer has reviewed both the applicant's LVA and the application as a whole and has no objection to the proposed development, stating that:

The site is exposed to the north although the views are limited almost until the arrival into the settlement. The current mass of industrial buildings are an intrusive element in the local landscape and a sympathetic approach to the design and layout of the residential units should deliver a more attractive prospect in terms of the skyline and the visual mass of the development. The opportunity to provide a strong and robust landscaped setting to the site's northern boundary should be considered and a wider belt of native trees would serve to screen/punctuate the views into the site from the open countryside.

The illustrative masterplan makes provision for a landscaped frontage along the site's northern boundary. Careful tree planting along this frontage would facilitate a degree of softening to the proposed development when viewed from the surrounding countryside, particularly when compared to the stark and visually intrusive impact of the commercial structures which previously occupied the site.

In terms of building heights, the applicant's original illustrative masterplan proposed a 4 storey flatted block at the eastern end of the site. This has since been revised however Officers consider that some buildings of this height in this area of the site could be acceptable, subject to detailed design considerations. Overall, the proposed development provides an important opportunity to re-develop a substantial vacant commercial site and greatly improve upon the poor visual and landscape contribution which this site has made to the surrounding area in the past.

The applicant also submitted an Arboricultural Impact Assessment. The Council's Landscape Officer has advised that the assessment identifies little of the existing established planting which is worthy of retaining. A small number of low quality (Category C) trees and hedges would be removed to facilitate the proposed development. Both the applicant's Arboricultural Assessment and the Council's Landscape Officer have identified that there are opportunities to establish new, beneficial structural tree planting via a detailed landscaping scheme for the site at the Reserved Matters stage.

Ecology

Adopted Local Plan Policy RLP80 requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 states that planning permission will not be granted for development which would have an adverse impact upon protected species.

The site primarily consists of concrete hardstanding's and buildings, however the applicant has submitted an Ecology Survey in support of their application. The Survey found that the site was of low biodiversity value. A Bee Orchid was identified along the south-western boundary. Swallow nesting activity was observed at one of the existing buildings and considered likely at two others although all are now in the process of or have been demolished. Two veteran Oak Trees located along the site boundary in addition to boundary hedges and trees on the south-eastern site boundary were identified as providing suitable roosting features and commuting/foraging habitat for birds and bats. Japanese Knotweed was also identified adjacent to the site boundary and the applicant has advised that Network Rail are in the process of dealing with this.

The applicant's Ecology Report makes a number of recommendations in terms of ecological mitigation and enhancement for the site. These include preserving the Bee Orchid plant found on site by relocation; incorporating bat and bird boxes within some of the new dwellings and planting native tree, shrub and climber species that bear berries and seeds for birds and nectar to attract nocturnal invertebrates for bats as part of the site's landscaping scheme.

Overall it is considered that the re-development of the site in a residential capacity presents an opportunity to significantly improve its biodiversity value.

In terms of the wider Ecological context, the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area (SPA) and Ramsar Sites, known collectively as 'natura 2000 sites' are located approximately 7.9km south east of the site. It is therefore necessary for BDC to prepare a Habitat Regulations Assessment (HRA) Screening Report which is being undertaken at the time of writing. The County Ecologist, who prepares HRA Screening Reports on behalf of BDC does not consider it likely that the HRA process will demonstrate that a significant likely effect (which would trigger the need for further appropriate assessment) would be caused by the proposed development on natura 2000 sites. The Officer recommendation for approval is therefore subject to the outcome of this Screening exercise. Officers are aware of screening exercises carried out for other similar scale developments within the area, and are confident on that basis that there is unlikely to be a material risk that the screening will show significant effects.

Highways and Transport

The applicant seeks outline permission with all matters reserved except access for which full approval is sought. A Transport Assessment and detailed access drawing have been submitted in support of the application.

The primary access is proposed from Station Road and would improve the existing established access to the site, with the construction of a new footway and improved visibility splays.

A new access road would be created to the Station Car Park which would also utilise the improved visibility access to Station Road and would, in Officer's view likely result in the closure of the existing road access to the Station Car Park which is sub-standard. Both accesses could however operate simultaneously in the unlikely event that Network Rail took the decision not to close of their existing access.

In terms of trip generation, the applicant's Transport Assessment was based on their initial proposal for up to 173 dwellings (which was subsequently reduced to up to 145 dwellings). The Transport Assessment compares the traffic generated from the use of the site as a Dairy with the proposed use and estimates only a modest difference with equivalent to between 1 – 2 additional vehicles every 2 minutes during the AM and PM peak hours. Modelling software was used to assess the impact of traffic generated from the development upon the junctions at Terling Road; Station Road; Bury Lane/The Street and the A12 off Slip and all junctions were found to continue to operate within their standardised capacity limits. Some capacity issues were identified at the Bury Lane/The Street junction, which were identified as being 'slight', with an increased delay when turning right although the delay was found to impact a negligible number of vehicle movements and thus only a small amount of queuing was observed.

Essex County Council Highways have been consulted and have no objection to the proposal on highway grounds provided that a restriction is put in place by way of planning condition preventing any vehicular through road being constructed to allow vehicular access through to the west or south of the site boundary to Bury Lane (Condition 31). Conditions or s106 terms are also required in relation to the improvement of the existing access to Station Road as set out in the submitted access drawing and the construction of an access road through the application site between Station Road and the Railway Car Park. Residential Travel Information Packs and upgrades to the bus stops which will best serve the site (i.e. the two closest) are also required.

Highways England have also been consulted and again have no objection to the proposal again provided that there is no vehicular link from the site to Bury Lane due to the impact this could have upon the A12 slip road (Condition 31).

In terms of parking provision, the illustrative masterplan demonstrates a layout of 142 dwellings. No flatted blocks are utilised. The masterplan makes

provision for each dwelling in accordance with the standards required by the Essex Parking Standards (2009), however there is a shortfall in visitor parking of around 33 spaces. Given the site's immediate proximity to the mainline rail station and the low number of one bed units indicated in the illustrative masterplan Officers consider that this shortfall could be reduced with a different dwelling mix and also that some degree of shortfall is acceptable in this location.

Overall, it is not considered that there are any grounds to justify a refusal of planning permission in relation to highway matters.

Physically, the site is positioned immediately adjacent to Hatfield Peverel Railway Station, which runs to London Liverpool Street via Chelmsford at a rate of 3 services per hour during peak periods. With regard to bus services, the nearest bus stop is located approximately 420m from the site entrance from Station Road with a second pair of Bus Stops approximately 500m from the site entrance from Bury Lane. All Stops are positioned on The Street and provide regular links to Chelmsford, Colchester and Maldon in addition to providing school only services.

Hatfield Peverel itself is a key service village and provides a wide range of facilities and services which are easily accessible from the application site by foot or bicycle. These include for example a library; recreational ground; Doctor's and Dentist's Surgeries; Pharmacy; Nursery; several Pubs; a church; two food stores; an Indian takeaway and Infant and Junior Schools.

It is therefore considered that the site is positioned in a sustainable location with good pedestrian and cycle access to the services and facilities of Hatfield Peverel and good public transport links to the larger settlements of the district and beyond.

Impact Upon Residential Amenity

The application site is bounded to the east, south and west by existing residential dwellings. The illustrative masterplan demonstrates a proposed layout which is compatible with these existing dwellings and would not result in an unacceptable degree of overlooking or loss of amenity.

The site's proximity to the mainline railway and the A12 is also an important consideration with regard to the amenity of future occupiers of the proposed development. The applicant submitted a Noise Report in support of their application to which the Council's Environmental Health Officer originally raised an objection on the basis that insufficient detailed information had been submitted regarding final site layout and detailed noise mitigation measures.

This is an outline application with all matters reserved except access and the applicant is not therefore able to submit a final finished level of detail at this stage, however further detailed noise calculations were submitted which confirmed that both the internal and external noise levels required for new dwellings by BDC Environmental Health can be achieved on the site and that

the noise condition required by Environmental Health can be complied with. Environmental Health lifted their objection and advised that the noise matter has been resolved.

Officers also note that the applicant's Noise Report sets out 5 noise mitigation strategies identified as i) ensure only low rise dwellings are located adjacent to the site boundaries closest to the railway line and the A12; ii) install higher rise dwellings but with no balcony spaces or habitable rooms facing towards the railway line; iii) set residential properties back from the boundary with the railway line; iv) improve the degree of noise screening around the railway line; v) a combination of the above options. Officers consider that a combination of these options could be achieved on the site at the Reserved Matters stage.

The Council's Environmental Health Officer has confirmed that Air Quality is not a constraint to development at this location. The applicant's Noise Report also assessed vibration from the railway line. No mitigation measures were found to be necessary and the Council's Environmental Health Officer has no objection on these grounds.

Other Matters

Archaeology

Essex County Council Place Services (Archaeology) has no objection to the application and has advised that due to previous disturbance caused by the existing development there is no requirement for archaeological investigation.

Contamination

The Council's Environmental Health Officer has no objection to the application on contamination grounds subject to the imposition of standard planning conditions relating to further contamination surveys and site remediation.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and propose to utilise a SUDs scheme to discharge surface water into the River Ter with the viability of infiltration techniques also being investigated.

The Lead Local Flood Authority (Essex County Council) consider that the surface water drainage scheme proposed demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The details of the surface water drainage scheme would be agreed at the Reserved Matters stage and the County Council have specified conditions which should be attached to any permission granted relating to the required content of this scheme.

Anglian Water have confirmed that the foul drainage from this development is in the catchment of Witham Water Recycling Centre which has available capacity for these flows and that the sewerage system also at present has available capacity for these flows.

Reserved Matters Timescales

The applicant has agreed, at Officer's request, to reduce the time period for the submission of Reserved Matters from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current outline planning application and would result in the development being brought forward earlier than could normally be expected, which in turn would assist the Council to address the current shortfall in 5 year housing land supply.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees and Officers consider that initial concerns raised by the Environmental Health Officer relating to noise mitigation could be addressed at the Reserved Matters stage.

Overall Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

Section 106

The following identifies those matters that the District Council would seek to secure through a planning obligation.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is not located in an urban area and the provision of 40% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 40% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 145 dwellings this equates to 58 dwellings.

The Council's Strategic Housing Team require a 70/30 tenure mix (rent over shared ownership) to be secured. The affordable dwellings are required to be clustered in three areas of the site, to be proportionately delivered and without public subsidy. House types and ground floor flats should be compliant with either lifetime homes standards or Part M 2 of Building Regulations. All

affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction.

This is an outline application where design and layout are reserved matters. The Council's Affordable Housing SPD states that the size and type of dwellings will reflect the prevailing housing need and issues such as changes in the benefits regime can impact on the types of affordable housing that is required to meet local need.

However, it is recommended that the S106 Agreement specify that an Affordable Housing Strategy be submitted (as part of a site wide housing strategy to cover phasing and market housing mix) to the Council for approval prior to the submission of the first application for Reserved Matters.

Healthcare

NHS England advise that the proposed development would be likely to have an impact on the services of 1 GP Practice operating in the vicinity of the site which does not have capacity for the additional growth resulting from the development.

The development would therefore give rise to a need for improvements to capacity; in this instance through the extension, refurbishment or reconfiguration of Sidney House Surgery a proportion of the cost of which would need to be met by the developer. A financial contribution of £54,878 is therefore required and should be paid prior to the commencement of development.

Education

Essex County Council have advised that the proposed development is located within the Hatfield Peverel and Terling Ward. For the County Council to meet its statutory duties it must facilitate sufficient places to meet free childcare entitlement demand and ensure a diverse range of provision so that different needs can be met. A Developer contribution of approximately £176,911 towards Early Years and Childcare provision is required. The development is located within the priority admissions area of Hatfield Peverel Infant and St Andrew's Junior Schools. Both Schools are full in some year groups and although there is some surplus capacity overall there is concern that not all children moving to this development will be able to gain a place. A developer contribution of approximately £520,487 towards primary school place provision is required.

Open Space

Policy CS10 requires new development to make appropriate provision for publically accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares;

outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would usually be expected to make provision for equipped children's play areas and informal and casual open space on site with a financial contribution towards the provision of off-site outdoor sports facilities and allotments. Given the NPPF's emphasis on the effective re-use of brownfield sites and the need to make best use of the site's location immediately adjacent to the railway station it is considered appropriate in this instance for a financial contribution to be made toward the off-site provision of equipped children's play space with most if not all of the required informal open space to be provided on site. Any shortfall in on site provision for informal open space would need to be met by way of a financial contribution.

These calculations would be completed at the Reserved Matters stage when the final dwelling mix and site layout would be known and the financial contributions required through a Section 106 Agreement.

Highways and Transport

The adjustment of an existing roadway which runs through the application site between Station Road and the Railway Car Park and currently terminates preventing vehicles entering the car park is required to enable improved access to the car park.

Residential Travel Information Packs are also required for new occupiers of the development. The upgrading of the bus stop located on the north side of The Street, west of Station Road and the re-location of the bus stop located on the south side of The Street, East of Station Road is also required.

Ecology

A mitigation package towards the development's impact upon the natura 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites, a financial contribution to the improvement of the public rights of way network within the vicinity of Hatfield Peverel and the promotion of circular walking routes near the application site to new residents. The final detail of the mitigation package will be identified during the HRA screening process.

CONCLUSION

The application site sits within the village envelope of Hatfield Peverel. It is positioned in a sustainable location, on a brownfield site immediately adjacent to a mainline railway station providing direct links into neighbouring towns and London.

The site is currently allocated as an Employment Policy Area under Policy RLP33 of the adopted Local Plan; accordingly it must be considered as a departure from the development plan. However the emerging Publication Draft Local Plan proposes to allocate the site as part of a wider comprehensive redevelopment area with the application site providing a mixed use development of up to 200 dwellings. The emerging Neighbourhood Plan also seeks a mixed use development for the site.

The current proposal is a residential only scheme for up to 145 dwellings and is therefore in partial conflict with both the emerging Publication Draft Local Plan and the emerging Neighbourhood Plan in that it only addresses part of the comprehensive site and does not propose other uses. Both of these emerging Plans can be given some weight, although, based on their stage of development, it is considered that this weight is limited and it is necessary to consider the application on its merits, and against paragraph 14 of the NPPF with its associated presumption in favour of sustainable development.

In terms of economic and social sustainability, the development would bring significant public benefits including a substantial number of both market and affordable houses; the provision of public open space on site; financial contributions towards the off-site provision of outdoor sports facilities; children's playspace and allotments; an improved, safer vehicular access to the railway station car park from Station Road and upgrades to existing bus stops. It would also generate construction jobs during the build phase in addition to providing new residents to Hatfield Peverel to further support existing services and facilities.

In Environmental Terms, the re-development of this brownfield site would not have any significant adverse impacts and a well-designed residential scheme with carefully planned landscaping would be a clear landscape improvement in comparison to the previous commercial use of the site. The site is in an excellent position for future residents to access the mainline rail service and is also well positioned to provide pedestrian and cycle access into Hatfield Peverel.

The development would make a notable contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. Indeed the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application leading to earlier delivery. The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

The adverse impacts of the proposal are limited and would include partial conflict with the emerging Local Plan and the emerging Neighbourhood Plan, the loss of associated employment land and some impact upon the Bury Lane/The Street junction which has been identified as being 'slight' with only a small amount of queuing being observed during traffic modelling.

In conclusion, this application relates to the development of an allocated employment site, within a village settlement boundary, for the provision of up to 145 dwellings, including 40% affordable dwellings. Although currently allocated for employment in the adopted Local Plan, the site is being promoted as suitable for a mix of uses including residential in both the emerging Publication Draft Local Plan and the emerging Neighbourhood Development Plan. Both these latter Plans carry some weight, although this is limited due their stage in preparation, but they do indicate the emerging change in direction of land use policy for this particular site. As with all development proposals, the NPPF is clearly a material consideration and the Local Planning Authority must take account of its explicit guidance in relation to how it should consider applications for residential development where relevant policies are not considered in terms of the guidance to be up to date.

Paragraph 12 of the NPPF makes clear that the NPPF “does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

It is the case that the District Council cannot demonstrate a five year housing land supply and this clearly affects the weight that can be attached to adopted policies which might affect the acceptability of providing housing in certain locations and this point is emphasised by the planning balance that LPAs are required to undertake under paragraph 14 of the NPPF.

In this particular case, there are not considered to be any specific policies in the Framework that would indicate that a development of housing at this site should be restricted. This means that the LPA must consider the proposals in the context of the “tilted balance” indicated by the first bullet point of paragraph 14 of the NPPF; i.e. to consider whether the adverse impacts of the approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

The development would result in the loss of an area identified for employment purposes in the adopted Local Plan and would not deliver the mixed use (with residential predominating) sought in the emerging Local and Neighbourhood Plans. Nevertheless the loss of employment land should be considered in the context that the economic development basis for maintaining the adopted Local Plan designation has been changed in the development of subsequent policy and thus would be seen as an acceptable deviation from adopted policy. In respect of the mixed use which includes employment uses this emerging policy does not have a strong economic development base and therefore whilst a factor for consideration it must be recognised that as this is an emerging policy it can be given only limited weight.

Overall, when considering the economic, social and environmental limbs of sustainable development as identified in the NPPF, it is concluded that the

benefits of granting permission for the significant residential redevelopment of a brownfield site which will deliver an appreciable boost to housing supply within the District outweigh the limited adverse impacts. Accordingly approval is recommended.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The Habitat Regulations (HRA) Screening Report concluding that no likely significant effect will be caused and;
- 2) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
 - **Affordable Housing** (40% provision; 70/30 tenure split (affordable rented over intermediate tenure); clustered in three areas of the site; delivered proportionately; delivered without reliance on public subsidy; house types plus ground floor flats to be compliant with either lifetime homes standards or Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction.
 - **Site Wide Housing and Phasing Strategy** (to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan).
 - **Healthcare** (financial contribution of £54,878. Trigger point for payment being prior to the commencement of development).
 - **Public Open Space** (financial contribution toward outdoor sports provision, equipped children's play space and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contribution towards informal open space provision if the Reserved Matters site layout does not provide the total required amount on site as required by Policy CS10 and the Council's Open Spaces SPD. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula).
 - **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
 - **Highways** (adjustments to an existing roadway within the site to enable the provision of an improved access between Station Road and the Railway Car Park. Upgrading of the bus stop located on the north side of

The Street, west of Station Road and relocation of the bus stop (shelter) located on the south side of The Street, east of Station Road).

- **Education** (financial contribution toward Early Years and Childcare and towards Primary School provision required based on the County Council's standard formula, index linked to April 2016).
- **Ecology** (mitigation package to mitigate the development's impact upon nature 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites and to the improvement of the public rights of way network within the vicinity of Hatfield Peverel and the promotion of circular walking routes near the application site. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA screening process).

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Location Plan
Access Details

Plan Ref: 016-011-P001 Version: REV B
Plan Ref: 370422-MMD-XX-00-DR-C-0001
Version: REV B Station Rd/Bury

1 Details of the:-

- (a) scale;
- (b) appearance;
- (c) layout of the building(s): and the
- (e) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 145 dwellings with public open space, vehicular access and associated infrastructure and shall demonstrate compliance with the approved plan listed above.

Reason

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

- 3 No Reserved Matters application shall be submitted until a site wide strategy for the following has been submitted and approved in writing by the local planning authority:
 - Details of a parking strategy for the development;
 - Details of a waste management strategy for the development.

Reserved matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved strategy.

Reason

The particulars submitted are insufficient for consideration of the details mentioned.

- 4 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

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

- 5 Prior to the first occupation of the development the primary access shall be implemented as shown on approved drawing 370422-MMD-XX-00-DR-C-0001 REV B Station Road/Bury Lane Visibility Splay.

Reason

To ensure the access is constructed to an acceptable standard and in the interests of highway safety.

- 6 Prior to occupation of any dwelling, the access at its centre line shall be provided with visibility splays with dimensions of 2.4 x 60 metres to the left and 2.4 x 37 metres to the right, as measured from and along the

nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

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

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials including turning and offloading facilities for delivery/construction vehicles within the limits of the site;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

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

Reason

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

- 8 a) Prior to the commencement of development a comprehensive survey shall be undertaken in accordance with the further works identified as being necessary in the applicant's Geo-environmental Desk Study Report completed by Mott Macdonald and dated 3rd October 2016 to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex

Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

b) Notwithstanding the above, 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 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.

c) 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

9 Any Reserved Matters application for layout, scale and appearance shall demonstrate that:

a) all external amenity areas shall achieve a noise level of < 50 dB LAeq,16hr. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the external noise limit. The development shall only be implemented in accordance

with the approved details and thereafter retained as approved.

b) Internal noise levels shall not exceed noise levels given within Table 4 of BS8233 (2014) Guidance on Sound Insulation and Noise Reduction in Buildings. The maximum level of 42dB(A) arising from passing trains shall not be exceeded within bedrooms between the hours of 2300 to 0700 hours. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the internal noise limits. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

With reference to determining the levels of insulation then it should be recognised that the performance of acoustic insulation schemes may be below that specified as it is affected by the quality of installation, materials used, source noise spectrum assumed and in future years general wear and tear of the components and therefore there should be a safety margin to account for this within calculations submitted.

Reason

In the interests of the amenity of future occupants of the development.

- 10 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Limiting the discharge rate to at least 50% betterment of the existing brownfield rate for 1 in 100 year rate plus 40% allowance for climate change;
- Limiting discharge rates to the equivalent greenfield run off rates for the 1 in 1 and 1 in 30 year;
- 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 run off 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.

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. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that the development of the site is carried out in accordance with an approved drainage scheme.

- 11 No development shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

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. These details need to be agreed prior to the commencement of development to ensure that measures to minimise the risk of offsite flooding are in place when works commence on the site.

- 12 No development shall commence until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved 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. The Maintenance Plan is required prior to the commencement of development to ensure that measures to maintain the surface water drainage system are in place before works commence on the site.

- 13 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 that 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 floor risk.

- 14 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason

To prevent environmental and amenity problems arising from flooding. The Foul Water Strategy is required prior to the commencement of development to ensure that the development is constructed in accordance with the agreed details.

- 15 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.

- 16 No vehicular movements relating to the demolition of the existing buildings or the construction of the development to, from or within the site shall take place outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

In the interests of the amenity of residents of the locality.

- 17 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

In the interests of the amenity of residents of the locality.

- 18 Prior to the first occupation of the development a report validating the noise mitigation measures required by Condition 9 and confirming that such measures have achieved the required noise mitigation standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the approved noise mitigation measure are carried out in full in the interests of protecting the amenity of future residents of the development.

- 19 No above ground works shall commence in the relevant phase of the development until a schedule and samples of the materials to be used on the external finishes of the dwellings and buildings on the site have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 20 All electrical and telephone services to the development shall be run underground.

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 Prior to installation of any meter cupboards on the dwellings details of the location, design and materials for the relevant phase of the development shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity.

- 23 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure within the relevant phase of the development 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 and shall be

permanently retained as such and only in accordance with the approved details.

Reason

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

- 24 No above ground works shall commence in the relevant phase of the development until details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 25 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

Reason

To ensure nesting birds are not disturbed during the development.

- 26 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 any dwelling-house as permitted by Classes A, B, D and E of Part 1 of Schedule 2 of that Order without first obtaining planning permission from the Local Planning Authority.

Reason

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

- 27 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

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

- 28 Prior to first occupation details of a scheme for the provision of bat and bird boxes including a strategy for the scheme's implementation shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and thereafter so retained.

Reason

In the interests of protecting and enhancing biodiversity.

- 29 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site identified for retention in the approved Tree Quality Survey carried out by Tyler Grange dated 20 December 2016 from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

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

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

Reason

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

- 31 Any Reserved Matters application relating to layout shall demonstrate that the connection between the application site as identified on the approved Site Location Plan and Bury Lane shall be restricted to cycle, pedestrian and an emergency vehicle access only. There shall be no other vehicular access between the application site and Bury Lane.

Reason

To protect highway efficiency of movement and safety.

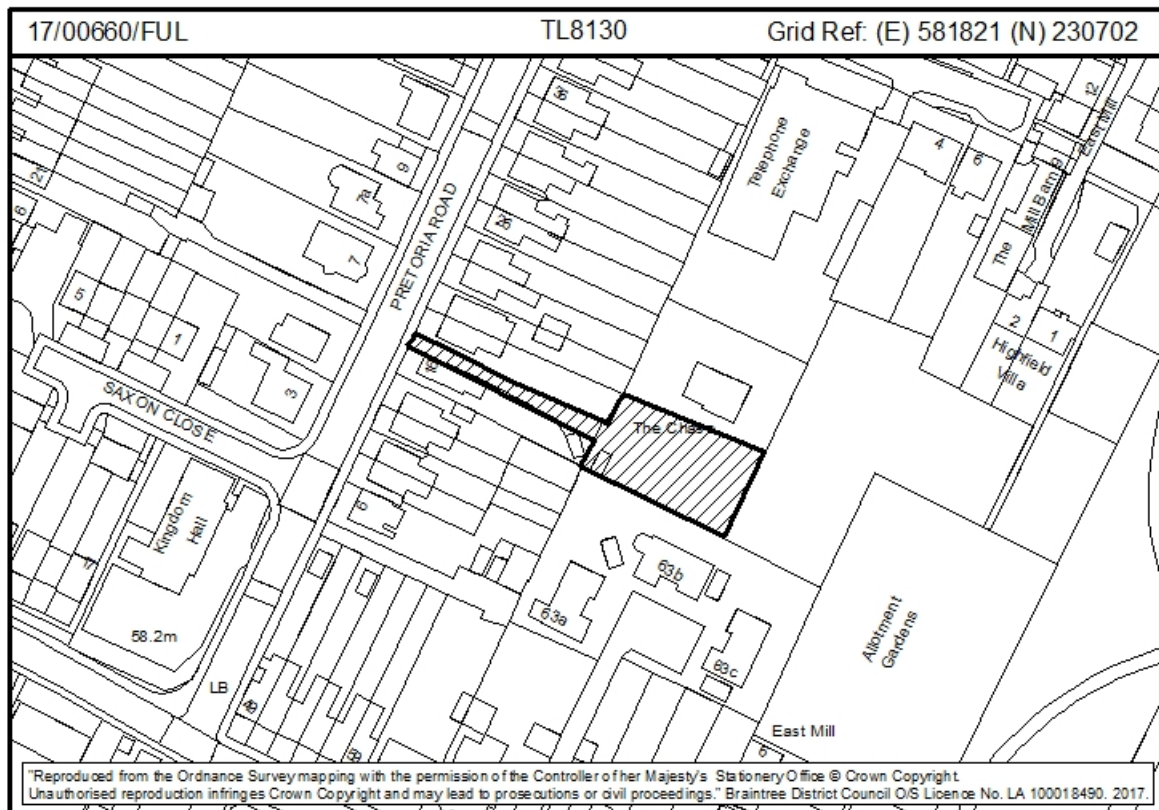
INFORMATION TO APPLICANT

- 1 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 2 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that diversion works should normally be completed before development can commence.
- 3 Your attention is drawn to the consultation response received from Network Rail on 19th May 2017 which sets out a number of requirements which any Developer will need to comply with.
TESSA LAMBERT - DEVELOPMENT MANAGER

PART A

APPLICATION 17/00660/FUL DATE 10.04.17
 NO: VALID:
 APPLICANT: Mr B Edwards
 127 Broad Road, Braintree, Essex, CM7 9RZ
 AGENT: Andrew Stevenson Associates
 21A High Street, Great Dunmow, Essex, CM6 1AB
 DESCRIPTION: Erection of 1 No. three bedroom dwelling with associated
 parking and landscaping
 LOCATION: Land Adjacent The Chase, Pretoria Road, Halstead, Essex

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



SITE HISTORY

11/00894/OUT	Erection of a three bedroom detached bungalow	Withdrawn	02.09.11
13/00813/FUL	Erection of a detached bungalow with garage	Granted with S106 Agreement	02.10.13

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 will run from 16th June to 28th July 2017.

In accordance with paragraph 216 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 216 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
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
LPP37	Housing Type and Density
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Committee as Halstead Town Council has objected to the proposals, and because the applicant is related to a member of staff at Braintree District Council.

SITE DESCRIPTION

Land Adj. The Chase is a plot of land of approximately 565sqm, set adjacent to an existing bungalow, located on land behind semi-detached houses on Pretoria Road, within the town development boundary of Halstead. The plot is surrounded to the south and west by residential development. At present, the

site is not being used, and features various forms of vegetation. The site slopes downwards from north east to south west.

In 2013, planning permission was granted for the erection of a single storey bungalow on the plot, which itself followed a withdrawn application in 2011 for a similar form of development.

PROPOSAL

The planning application proposes to erect a one and a half storey dwelling in the same location as the previously approved bungalow. The proposed dwelling would be 6.3 metres in height, and have a footprint of approximately 120sqm. It would therefore be larger in terms of its height and footprint than the previously approved dwellinghouse on the site. The walls would be finished in render over a low red brick plinth and the roof in plain tiles. It would feature a gabled front, a hipped element to the side and a lean-to carport. At first floor, light would be provided by a window in each of the bedrooms and rooflights.

Access, parking and amenity area would be similar to that approved in the previous planning application.

CONSULTATIONS

Highway Authority – No Objections.

Drainage Engineers – No Objections.

Halstead Town Council – Object to the application on the grounds it would exasperate existing parking issues.

REPRESENTATIONS

A site notice was displayed at the site and neighbouring dwellings notified by letter. Representations were received from two addresses (18 Pretoria Road and 63B Colchester Road) raising objection on the grounds there is an inadequate access to the site; inadequate visibility splays; unacceptable overlooking from the bungalow and unacceptable noise and disturbance during construction.

REPORT

Principle of Development

Paragraph 49 of the National Planning Policy Framework states “housing applications should be considered in the context of the presumption in favour of sustainable development”, and favour residential development in sustainable locations where there is an identified need for additional housing; for example within existing towns and villages. Policy RLP3 of the Braintree District Local Plan is supportive of development within town development boundaries, providing it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing

character of the settlement. Policy LPP37 of the Braintree District Draft Local plan states development should seek to create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need.

A planning application for a single storey bungalow with garage at this site was granted permission in 2013. This established the principle of a single new dwellinghouse in this location although the permission is no longer extant.

Design, Appearance and Layout

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, policy RLP90 of the Braintree District Local Plan Review and Policy LPP55 of the Braintree District Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm is of a high standard of design and materials, and uses appropriate landscaping. Policy LPP55 of the Braintree District Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The proposed dwelling would take the form of a one and a half storey building, relatively contained in its footprint and utilising hipped roofs to minimise its bulk. The proposed dwelling is well proportioned and quite traditional in its appearance. Although it would be taller than the neighbouring bungalows, it would not be overly dominating and would appear an appropriate form of development for this backland location.

The dwelling would be served by a garden area of approximately 204sqm, and the existing dwelling would retain a garden of 350sqm; both of which would comply with the required 100sqm for an amenity area serving a dwelling of 3+ bedrooms.

The layout of the proposed dwelling would not appear overly cramped and comprises a similar footprint to the dwelling which has already been approved.

It is considered that from a design and appearance perspective, the proposed new dwelling is acceptable.

Impact on Neighbour Amenity

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst policies RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP55 of the Braintree District Draft Local Plan allow for new development where there would be “no unacceptable impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.”

Both the representations received raise concern about the potential overlooking from the bungalow into the rear gardens of the surrounding properties. Furthermore, being a backland site there are backs of dwellings and gardens to the south and west of the site. The rear gardens which would be most affected by the proposals would include 63B Colchester Road, and the houses fronting Pretoria Road. At two storey level, the potential for overlooking is more than the previously approved single storey bungalow. The design of the dwelling has been clearly put together with this in mind; there are no side facing windows (there would be rooflights but these would be above head height); and there would be sufficient separation distance between the first floor front facing window and the rear gardens of the houses on Pretoria Road (in particular 18 Pretoria Road). It is considered therefore that there would not be an unacceptable level of overlooking which would occur to warrant refusal of the planning application.

The representations raised concern to noise and disturbance having an impact on neighbouring residential amenities during construction. These concerns are noted; and conditions have been included to restrict the hours of construction to minimise impacts on neighbours during construction.

Highway Issues

The Council refers to the latest adopted version of Essex Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The received representations, including the Town Council’s response, object on grounds that the proposal would exacerbate existing parking issues. The proposed dwelling would benefit from two parking spaces, shown on the block plan to measure 2.9m x 5.5m. The existing dwelling would also retain two spaces of the same sizes. Therefore, parking would be provided in accordance with the requirements set out in the Essex Parking Standards, and parking would not need to take place on the public highway.

The representations received object on grounds the access to The Chase is not an adequate access road. The Highway Authority has not objected to any previous applications, and made no comments to this application. Therefore, it

is considered it would not be reasonable to refuse the application on these grounds.

CONCLUSION

The proposal represents a new dwelling in a sustainable location. Planning permission has previously been granted for a new dwelling; the changes in design and form to the new dwelling proposed in this application are considered to be acceptable. As has been discussed, the proposal would not result in an unacceptable impact on neighbouring residential amenities, and parking and access to the site are found to be acceptable by Essex Highways. The application is therefore recommended for approval.

RECOMMENDATIONS

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

APPROVED PLANS

Location Plan	Plan Ref: 01
Existing Block Plan	Plan Ref: 02
Proposed Block Plan	Plan Ref: 03
Proposed Floor Plan	Plan Ref: 04
Proposed Elevations	Plan Ref: 05
Proposed Sections	Plan Ref: 06

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

Reason

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

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

Reason

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

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

Reason

Due to the restricted nature of the site and the proximity to neighbouring properties.

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

Reason

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

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

Reason

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

- 6 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 areas.

- 7 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 areas.

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

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local

planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

- 9 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

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

Reason

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

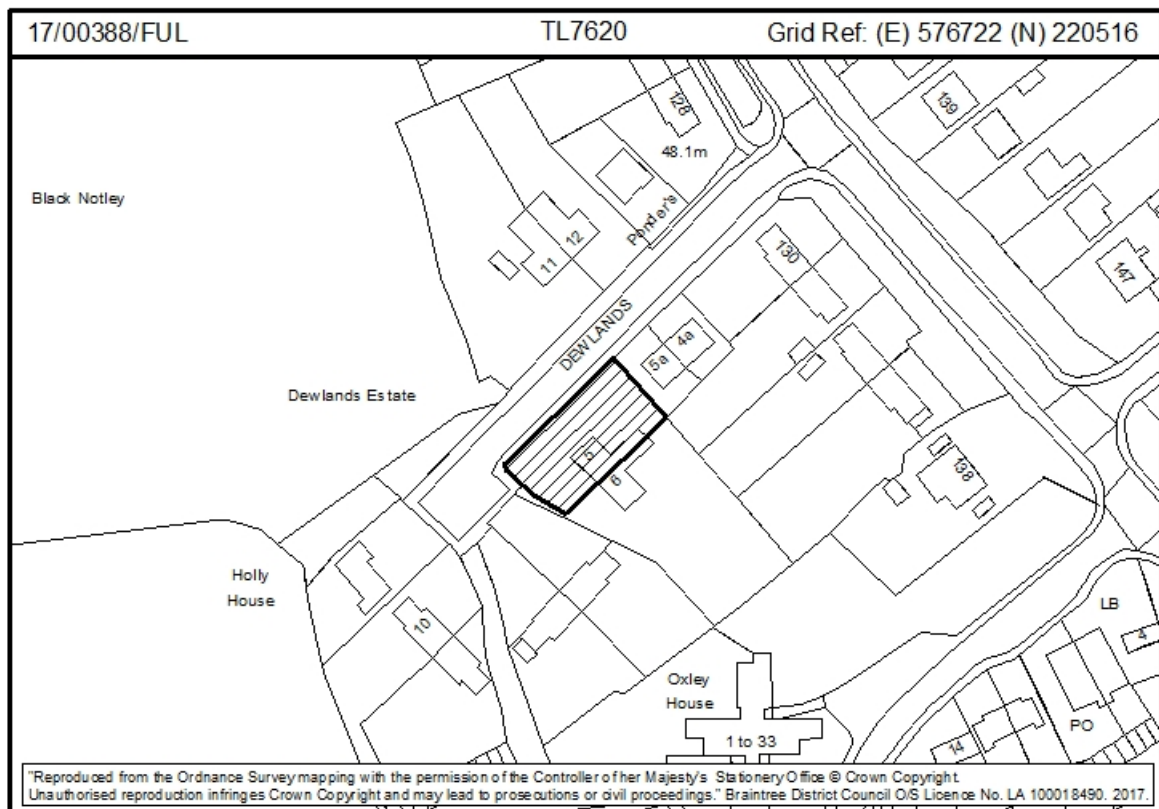
TESSA LAMBERT - DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART B

APPLICATION NO: 17/00388/FUL DATE: 02.03.17
 VALID:
 APPLICANT: Ms S Jones
 5 Dewlands, Black Notley, Essex, CM77 8LW
 AGENT: Andrew Stevenson Associates
 21A High Street, Great Dunmow, Essex, CM6 1AB
 DESCRIPTION: Alterations to existing single storey later addition including re-roofing, erection of single storey front extension, loft conversion including insertion of dormer window and associated landscaping and erection of attached annexe
 LOCATION: 5 Dewlands, Black Notley, Essex, CM77 8LW

For more information about this Application please contact:
 Mrs Sandra Green on:- 01376 551414 Ext. 2557
 or by e-mail to: sandra.green@braintree.gov.uk



SITE HISTORY

16/01440/FUL	Alterations to existing single storey later addition including re-roofing, erection of single storey front extension, loft conversion including insertion of dormer window and associated landscaping	Granted	28.10.16
83/00062/P	Erection of single storey extension to dwellinghouse	Granted	17.03.83
16/01447/FUL	Erection of 1 no. two bed dwelling with associated access and alterations	Withdrawn	05.10.16
16/01809/FUL	Erection of 1 no. two bed dwelling with associated access and alterations	Refused	19.12.16

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 will run from 16th June to 28th July 2017.

In accordance with paragraph 216 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 216 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
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Space Shaping Principle
LPP38	Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.

SITE DESCRIPTION

The site is located within the Black Notley development boundary. It is not within a Conservation Area or subject to any listing. The garden of No.5 Dewlands wraps around three sides of the dwelling, with the drive and parking area positioned at the eastern side of the site.

The properties in Dewlands which were built c.1940s are generally set in large plots set back from the road. The area which is known as the Dewlands Estate on 1950s mapping is generally intact. The original rhythm of plots and built form as well as the original hedging emphasises the sense of place and character and the area has a spacious feel. The style of architecture is fairly simple in form.

Dewlands rises towards the southwest away from its junction with Witham Road, and No.5 occupies a prominent position in the street scene by virtue of the lie of the land and the single storey dwellings to the southeast of No.5. There is a mature hedge at the boundary of the site. The adjoining property (No.6) has a two storey extension at the rear.

PROPOSAL

Various alterations are proposed in respect of the host dwelling, which include the erection of a single storey front extension, the conversion of the loft and the insertion of a dormer window; the principle of these alterations has already been accepted having been approved under planning application reference 16/01440/FUL.

The second element of the proposal related to the erection of an attached garage with studio accommodation over. Following discussion with the applicant, which is set out in detail later in this report, the design has been amended to propose an attached single storey annexe. The description of development has therefore been amended from:

“Alterations to existing single storey later addition including re-roofing, erection of single storey front extension, loft conversion including insertion of dormer window and associated landscaping and erection of attached garage with studio accommodation over”; to:

“Alterations to existing single storey later addition including re-roofing, erection of single storey front extension, loft conversion including insertion of dormer window and associated landscaping and erection of attached annexe.”

CONSULTATIONS

Black Notley Parish Council – Objection (submitted proposal): 5 Dewlands is a semi-detached property and this extensive plan unbalances the building as a whole. It is overdevelopment of the site and does not match the street scene making it unacceptable.

Objection (revised proposal): We feel it does not match the street scene and overbears the adjoining semi. Also parking is inadequate for the amount of vehicles this could generate.

REPRESENTATIONS

A site notice was displayed near the site and neighbour notification letters were sent out to adjacent properties.

In response, one letter of representation has been received from the occupier of 5A Dewlands who has commented that they have no reasons to say no to this planning application, and did not have any the last time.

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development.

The NPPF (paragraph 131) states that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. The sense of place in Dewlands is original and mostly intact, featuring much of the original layout.

Policy RLP3 states that proposals for infill development within village envelopes will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Proposals for infill development should seek to ensure that the scale, design and intensity of any new building is in harmony with existing surrounding development, respects neighbouring amenities and that inappropriate backland development is prevented and seek to protect the character of the locality.

Policy RLP4 of the Braintree District Local Plan Review states that development will not be permitted on open areas which contribute to the character of the settlement. Although the overall strategy for housing is to make maximum use of sites within existing urban areas, this should not be at the expense of open spaces and gaps between buildings, which are important in terms of local identity and visual amenity. Such open spaces are important to the character of a settlement by providing a break in an otherwise built-up area. The most important of these are identified on the Proposals Map. In many cases these areas will be in private ownership and there will be no public access. The fact that an area within a town development boundary, or village envelope, is not specifically shown for protection does not necessarily mean that it is suitable for development.

The adopted development plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing

property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in Policy RLP17. Namely, there should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling. Likewise Policy RLP90 seeks a high standard of layout and design in all developments, large and small in the district.

The Braintree District Local Plan Review also provides support for annexe accommodation for dependent relatives. To be considered as an annexe the building must have both a physical and functional relationship with the main dwelling.

In this case, it is considered that there is no objection in principle to the revised proposal, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity.

Design, Appearance and Layout

The planning history for the site includes two fairly recent proposals to erect a new (detached) dwelling on the site: planning application references 16/01447/FUL and 16/01809/FUL respectively; the former being withdrawn following discussion with the case officer that the proposal was not supported, and the latter application was refused. The three reasons for refusal were as follows:

- (1) The proposed infill dwelling would result in a cramped and awkward development that would be out of keeping with the character of the area and have a detrimental impact upon the street scene. The location of the proposed parking arrangements, forwards of the building line, would have a detrimental impact upon the street scene would and exacerbate the cramped appearance of the proposed development. The proposal is therefore considered to be contrary to the NPPF, Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP4 and RLP90 of the Braintree District Local Plan Review.*
- (2) The proposed parking arrangements, for both the infill dwelling, and the revised parking layout for the host, fail to meet adopted parking standards. The proposal is therefore considered to be contrary to the NPPF, Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP56, and RLP90 of the Braintree District Local Plan Review.*
- (3) The proposed infill dwelling would provide future residents with a poor level of amenity and is considered to represent overdevelopment of the site due to the internal layout and room sizes, some of which fall below the Nationally Described Space Standards, and substandard parking provision. The proposal is therefore considered to be contrary to the*

*NPPF, Policy CS9 of the Braintree District Core Strategy and Policies
RLP3, RLP4, and RLP90 of the Braintree District Local Plan Review.*

The applicant has previously advised that they were seeking approval to erect a house for their two adult children who could not afford to rent or buy a property, and made reference to the stretched social housing situation. Unfortunately the planning system can very rarely take personal circumstances into account and the applicant was advised that the submitted proposal was considered to be similar to the previously refused application in that it was considered to be out of character with area.

In respect of the original submitted proposal, at approximately 6.4 metres wide x 7.3 metres deep x 5.8 metres tall, it was considered that the scale and mass of the garage would have dominated the neighbouring bungalows. Cladding was also not considered to be in keeping with the area. The length of the link was considered to be out of proportion to the outbuildings that were designed as part of the original dwellings. The link and garage would have created a continuation of built form that was considered to lack the plot and building rhythms which are an important aspect of the character of the area; the original Dewlands Estate layout being reasonably intact. The overall mass was considered to have little sympathy to the character of the area and the proportions of the garage, which met parking standards, were too large in the street and over dominant because of the roof pitch, designed to accommodate rooms above the parking.

The applicant has subsequently submitted a revised proposal for a single storey addition for use as an annexe which has reduced the size of the same both in terms of height and width to approximately 5.5 metres wide x 7.3 metres deep x 4.5 metres high. No changes are proposed to the alterations to the main house that were approved under planning application reference 16/01440/FUL, therefore these elements of the proposal are not given further consideration in this report. The annexe is to be faced in brick with interlocking tiles on the roof to match the host dwelling, and will provide a utility area, bedroom, and shower room; the kitchen and reception rooms will be shared with the main house. The house does not have a rear private amenity area by virtue of its position in the site however the area of amenity space to the western side of the house will be retained. Whilst the long link remains, the built form is set well back in the site, and on balance it is considered that the revised proposal would not be sufficiently detrimental to the street scene to warrant refusal.

Impact on Neighbour Amenity

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

Highway Issues

A 2+ bedroom house is required to provide two parking spaces to the adopted standard. The standards do not require additional parking provision for an annexe. Sufficient space would be retained for two vehicles within the curtilage. It is considered therefore that there are no highways impacts associated with the proposal.

Other Issues

An annex must have a physical and functional link to the host in order to be considered to be an annexe rather than a new separate dwelling. The annex will be attached to the host via the link section and will share the kitchen and reception rooms. It will also share the amenity space, access and parking spaces. A condition to tie the use of the annexe to the host is recommended.

CONCLUSION

In this case, it is considered that the revised proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity. And it is further considered that the revised proposal would not be sufficiently detrimental to the character of the area to warrant refusal.

RECOMMENDATIONS

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 Block Plan	Plan Ref: 111	Version: B
Proposed Floor Plan	Plan Ref: 112	Version: B
Proposed Floor Plan	Plan Ref: 113	Version: B
Proposed Floor Plan	Plan Ref: 114	Version: B
Proposed Elevations	Plan Ref: 115	Version: B
Location Plan	Plan Ref: 101	

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form except that: the attached annexe shall be faced in brick not timber cladding.

Reason

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

- 4 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as "5 Dewlands" as identified on the submitted Location Plan. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

TESSA LAMBERT
DEVELOPMENT MANAGER

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



SITE HISTORY

14/00016/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Outline planning application for the erection of up to 850 dwellings, primary school, local centre and associated infrastructure	Screening/ Scoping Opinion Adopted	15.10.14
15/00430/OUT	Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.	Granted with S106 Agreement	27.05.16
16/01538/FUL	Infrastructure application for the provision of primary road network for Phase 1 with associated footpaths, cycleways, necessary drainage infrastructure including a foul water pumping station, and other minor access roads where appropriate.	Granted	28.04.17
16/01563/PDEM	Application for prior notification for proposed demolition of cottages and outbuildings	Permission not Required	10.10.16
16/01681/REM	Approval of site, appearance, landscaping, layout and scale reserved matters for Phase 1A to provide 91 dwellings with associated landscaping,	Pending Consideration	

	public open space, access and parking. Please refer to accompanying cover letter and Design, Access and Landscaping Statement. An Environmental Impact Assessment was submitted alongside the outline planning application.	
16/02101/VAR	Application to vary condition no. 26 of planning approval 15/00430/OUT - to vary the condition so that the site wide design guide will be submitted to and approved by the Council prior to the submission of the first reserved matters application for the 92nd dwelling on the site.	Pending Decision
17/00931/REM	Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout', and 'Scale' for Phase 1A comprising 91 dwellings with associated landscaping, public open space, access and parking, pursuant to outline planning permission 15/00430/OUT (Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.)	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 will run from 16th June to 28th July 2017.

In accordance with paragraph 216 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 216 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

RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Place Shaping Principles
LPP17	Housing Provision and Delivery
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP71	Landscape Character and Features

SITE CONSIDERATIONS AND CONTEXT

SITE DESCRIPTION

The application site forms part of a wider site of 36 hectares known as Lodge Farm and is situated on the south western edge of Witham, centred upon the Hatfield Road/Gershwin Boulevard roundabout.

The site has the benefit of outline planning permission for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping (15/00430/OUT). All matters, bar the main access point into the site were reserved for future determination.

This application seeks planning permission for the construction of a temporary vehicular access onto the site from Hatfield Road. The access will be used by construction traffic in connection with the development of the Lodge Farm site.

The applicant seeks temporary permission for the access up until the 31st December 2019.

To form the access a length of footway will be broken out with dropped kerbs and tactile paving to either side of an island within the new access road. The access is located on a length of Hatfield Road which is single carriageway width with traffic passing in a north easterly direction, towards the town centre. As a result traffic will enter into, and out of, the site on a 'left in – left out basis' only.

As highlighted above, the applicant has also submitted a reserved matters application (ref.17/00931/REM) in respect of the first 91 dwellings that they propose to erect on the site. That application is currently pending consideration.

The southern boundary of the Lodge Farm site fronts onto Hatfield Road. Along a large part of the boundary there is a hedge but its quality and depth is variable with the south eastern part of the boundary being the strongest. Boundary vegetation is sparser towards the south western end of the boundary where the proposed temporary access would be formed.

To the south west of the proposed access there is the off slip from the north bound carriageway of the A12. There is a layby to the southern side of the carriageway which is often used by commercial vehicles. On the opposite side of the Hatfield Road is a Petrol Filling Station, with a convenience store, car sales and garage. Next to the filling station there is an open storage yard.

SUMMARY OF CONSULTATION RESPONSES

Statutory Consultees

ECC Highways – No objection or recommended conditions

Highways England – No objection

Historic Environment Officer (Place Services) – Recommends a condition requiring completion of an agreed programme of archaeological investigation prior to the commencement of development.

Witham Town Council - *'Recommends refusal on the grounds that the suggested position is located too close to the exit of the A12 Highway and that fast moving traffic entering the town from the B1389 slip road would be confronted with slow moving construction vehicles, posing dangers'*.

Internal Consultations

BDC Environmental Services – No objection or recommended conditions

BDC Landscape Services – No comment to make on this application

Neighbour Representations

None received

ASSESSMENT

Principle of Development

The site was first allocated for development in the Core Strategy (2011) as a growth location and Policy LPP16 of the Draft Local Plan (DLP) lists the Lodge Farm site as providing for a minimum of 750 houses.

The Council proceeded to grant Outline Planning permission in May 2016 (application reference 15/00430/OUT), with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, primary school and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping. As such the principle of residential development is well established.

The applicant has recently been granted 'full' planning permission for the construction of the primary road network and surface water drainage to serve the proposed first phase of the development. An application has been submitted to the Council for approval of the Reserved Matters (appearance, landscaping, layout and scale) for Phase 1 of the housing development and this application is pending consideration.

The applicant has stated that they require a temporary vehicular access to facilitate the construction of the phase 1 dwellings on the site.

The Outline Application approved a single point of vehicular access off Hatfield Road, via a modified roundabout at the junction with Gershwin Boulevard. The applicant wishes to allow construction traffic to enter / leave the site without hindering the construction of the primary roads and residential development proposed as part of Phase 1 of the development. It will also allow for access to the land on which the Enterprise Centre will be built from an early stage in the site's development, without having to wait for the full length of the primary road to be constructed leading to the south western corner of the site.

Given the allocation of the site and its planning history Officers consider there is no objection to the principle of development.

Character and Appearance

The creation of a vehicular access in this location will change the character of what was previously an undeveloped field and notwithstanding the Maltings Lane development on the opposite side of Hatfield Road the site provided a softer countryside edge to the town. However the Council has allocated the site for a mixed use development which inevitably changes the character and appearance of the area.

There are a number of significant and valued trees along the Hatfield Road frontage, along with some lengths of hedge which contribute towards the character of this stretch of the Hatfield Road. However the construction of the temporary site access will be formed within a section of the site boundary which is open and won't require the removal of significant trees or hedgerow features.

The proposed access is a temporary arrangement and once it has fulfilled its purpose it will be closed off and this will allow for the opportunity of landscaping and an appropriate built response along the Hatfield Road boundary, which will form part of a new gateway into the town.

Impact on Neighbouring Residential Amenities

One of the Core Principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Local Plan Review which states that 'there shall be no undue or unacceptable impact on the amenity of any nearby residential properties'. The emerging DLP has similar objectives as those set out in the Local Plan Review.

The proposed construction access is located well away from the nearest residential properties which are located at Witham Lodge and Duncombe Place, on the Maltings Lane development, and is not considered to have an unacceptable impact on local residents.

The applicant has been required to submit a Construction Management Plan which establishes controls over construction activity on the site to help protect the living conditions of local residents from the activities and effects of the construction process.

Highway Considerations

The location and the design of the temporary construction access has been the subject of extensive pre-application discussion with the Highway Authority prior to submission of this planning application. Detailed plans have been submitted showing the Temporary Site Access and construction detail along with a swept path analysis to demonstrate that vehicles will be able to pull onto and off the site.

The speed limit in this location is 60 mph and the applicant has been required to demonstrate that an adequate visibility can be achieved. The plans supporting the application show that a visibility splay of 160m can be achieved back towards the A12, but to achieve this a short length of 11m of the layby adjacent to the carriageway will need to be kept clear of obstructions. If a commercial vehicle were to be parked within the end of the layby the visibility for drivers exiting the site would be restricted and the required level of visibility would not be achieved. To ensure that adequate visibility is retained at all times the applicant proposes the erection of concrete bollards to prevent

parking at the end of the layby. The Highway Authority has raised no objection to this.

Whilst the concerns of the Town Council are noted, no objection is raised by either the local highway authority or Highways England who are responsible for managing the strategic road network, to the proposal and from this basis it is considered that the proposal is acceptable on highway safety grounds.

Trees & Ecology

Ecology reports supplied with previous applications on this case have identified that protected species were present on the site - bats and reptiles. No reptiles were previously found in any surveys of suitable habitats in this part of the site. There are no trees in this location with the potential to support roosting bats.

It is recommended that a condition is added to ensure that the removal of vegetation will not affect nesting birds, if the works are to be undertaken between March and August. Where nesting birds are found, the vegetation can only be cleared once nesting has ceased.

Archaeology

In its glossary, the NPPF highlights that *“There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.”*

An archaeological programme of evaluation and excavation has been carried out on Phase 1 of the above development which has revealed significant prehistoric and Roman activity.

The proposed works covers an area which extends beyond the area investigated as part of Phase 1. The potential for further archaeological remains in these areas is unknown and will need to be established and therefore Policies RLP105 Archaeological Evaluation and Policy RLP106 Archaeological Excavation and Monitoring apply. These state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development. The construction of the temporary road is likely to cause disturbance to any potential buried archaeological remains and the Council's Historic Environment Officer has recommended that conditions are imposed in order to enable the grant of planning permission.

RECOMMENDATIONS

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

APPROVED PLANS

Location Plan	Plan Ref: 2582-43-04-003	Version: Rev A
Construction Details	Plan Ref: CEMP-02	
Access Details	Plan Ref: 47020/S278B/11	Version: E
Access Details	Plan Ref: 47020/S278B/12	Version: C
Access Details	Plan Ref: 47020/S278B/13	Version: D
Access Details	Plan Ref: 47020/S278B/11	Version: E
Access Details	Plan Ref: 47020/S278B/12 C	
Access Details	Plan Ref: 47020/S278B/13 D	
Access Details	Plan Ref: 47020/S278B/15	Version: E
Access Details	Plan Ref: 47020/S278B/16 C	
Construction Details	Plan Ref: CEMP-01	Version: C
Construction Details	Plan Ref: CEMO-03A	Version: D
Construction Details	Plan Ref: CEMP-04	Version: A
Construction Details	Plan Ref: CEMP-05	Version: C

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

Reason

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

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

Reason

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

- 3 This permission shall expire on 31st December 2019 and on or by that date the use of the vehicular access hereby permitted shall be discontinued and the access suitably and permanently closed, including hardstanding being demolished/removed; the reinstatement of the length of the Hatfield Road footway that is removed to form the access and reinstatements of the verge and kerbing, in accordance with details to be submitted to and agreed in writing by the local planning authority before demolition/removal.

Reason

This permission is granted solely in order to provide temporary construction access for a limited period whilst building operations are being carried out on the initial phases of the development.

- 4 The development shall be carried out in accordance with the approved Tree works schedule (140712-PD-12A & 140712-PD-12A), Tree Survey plan (140712-P-10-02) and Indicative Tree Protection Plan (140712-P-12-02). No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason

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

- 5 No removal of hedgerows, trees or shrubs shall take place during the bird nesting season (1st March -31st August inclusive) unless a competent suitably qualified ornithologist, or ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provide written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason

Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

- 6 The development shall be carried out wholly in accordance with the Construction Management Plan Issue 3 (dated 27.04.2017).

Reason

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

- 7 Prior to the first use of the construction access pre-cast concrete bollards shall be provided to ensure that the required visibility splay is maintained free of obstructions, as shown on Drawing 47020/S278B/16 Revision C.

Reason

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

TESSA LAMBERT
DEVELOPMENT MANAGER