

# PLANNING COMMITTEE AGENDA

Tuesday 11th May 2021 at 7.15pm

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

**THIS MEETING IS OPEN TO THE PUBLIC**

*(Please note this meeting will be broadcast via the Councils YouTube Channel,  
webcast and audio recorded) [www.braintree.gov.uk](http://www.braintree.gov.uk)*

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

**Membership:-**

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

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy (*Substitutes who wish to observe the meeting will be required to do so via the Council YouTube Channel*).

Apologies: 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](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members team, no later than one hour before the start of the meeting.

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday).

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, and then 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](http://www.braintree.gov.uk)

**Substitute Members:** Only the named Substitutes on this agenda can be appointed by a Member of the Committee to attend in their absence. The appointed substitute becomes a full member of the Committee with participation and voting rights.

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

**Public Attendance at Meeting:** Public attendance is welcomed but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors' safe.

Public attendance is limited and will be on first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The Public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Councils YouTube Channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast or to contact the Governance and Members team to reserve a seat within the public gallery.

**Health and Safety/COVID:**

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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

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

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

**Comments and Suggestions:** 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](mailto: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 27th April 2021 (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 App. No. 20 00653 REM – Land to the West of Hedingham Road, GOSFIELD 6-23**

**5b App No. 20 01906 REM – Land South of Stonepath Drive, HATFIELD PEVEREL 24-63**

**PART B Minor Planning Applications**

There are no applications in Part B

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

*At the time of compiling this Agenda there were none.*

**PRIVATE SESSION**

**Page**

**8 Urgent Business - Private Session**

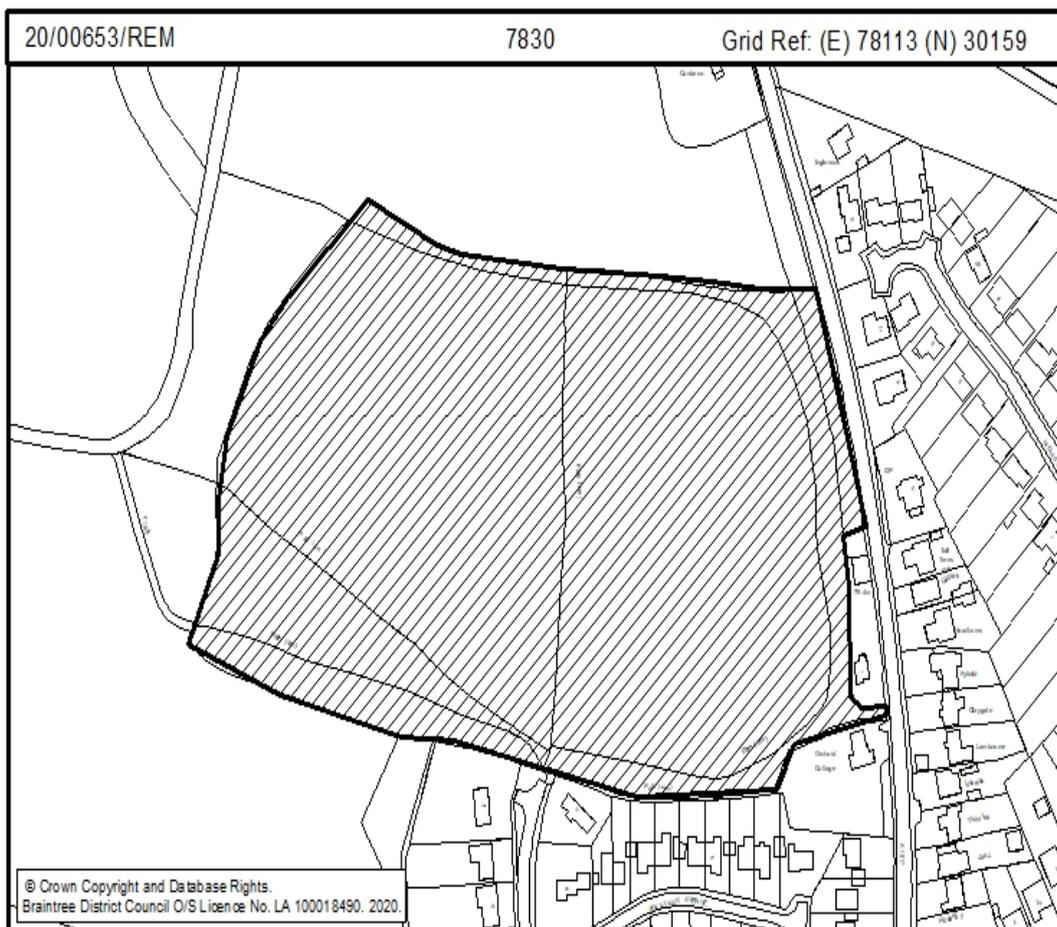
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00653/REM      DATE: 17.04.20  
VALID:  
APPLICANT: Abbey Developments  
Abbey House, 2 Southgate Road, Potters Bar, EN6 5DU  
AGENT: CMYK  
John Brindley, 6 The Gavel Centre, Porters Wood, St Albans, AL3 6PQ  
DESCRIPTION: Application for approval of reserved matters (layout, appearance, scale and landscaping) of outline planning consent 17/01066/OUT for the erection of 35 dwellings.  
LOCATION: Land To The West Of, Hedingham Road, Gosfield, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8XTQDBFLV000>

## SITE HISTORY

17/01066/OUT	Outline application with all matters reserved except for access for the erection of up to 35 dwellings - Access via Meadway	Granted with S106 Agreement	24.05.18
17/01067/OUT	Outline application with all matters reserved except for access for the erection of up to 35 dwellings - Access via Hedingham Road	Refused	29.11.17

## POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy)" which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP138	Provision of Open Space in New Housing Developments

### Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

### Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas

- LPP60 Heritage Assets and their Settings
- LPP69 Tree Protection
- LPP70 Protection, Enhancement, Management and Monitoring of Biodiversity
- LPP78 Flooding Risk and Surface Water Drainage
- LPP79 Surface Water Management Plan
- LPP80 Sustainable Urban Drainage Systems
- LPP81 External Lighting

#### Neighbourhood Plan

None

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document  
Essex Design Guide 2005  
External Lighting Supplementary Planning Document  
Open Spaces Supplementary Planning Document  
Essex Parking Standards Design and Good Practice 2009

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

#### DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located on the northern edge of Gosfield and comprises 4.9ha of land which is currently meadowland. The area proposed for development is approximately 2.3 hectares with the balance (2.6 hectares) proposed as open space. The site is located beyond, albeit immediately abutting, the village envelope and is therefore within the countryside for the purposes of planning policy.

The site is well contained on all sides by either woodland or the existing settlement. The A1017 (Hedingham Road) is located to the east which in part forms its eastern boundary behind established hedgerows. The southern boundary backs onto existing residential properties at the Meadway and Chestnut Avenue estate.

The south eastern boundary of the site abuts the Conservation Area with its boundary running along the A1017 and there is an existing Grade II cottage which also abuts the site (1 Hedingham Road). To the north west of the site is community woodland and to the south west is the parkland surrounding Gosfield Hall (a Registered Park and Garden).

There are public rights of way along the western and southern boundaries of the site providing access from the village. There are some existing trees close to the southern boundary of the site, which are protected by Tree Preservation Orders.

## PROPOSAL

This application seeks approval for details of the Reserved Matters - appearance, landscaping, layout and scale - for a residential development of 35no. dwellings, pursuant to outline planning permission 17/01066/OUT that was granted planning permission on 24th May 2018.

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

The proposed dwellings would be a mixture of detached, semi-detached houses (11no. 2 bedroomed, 8no. 3 bedroomed and 14no. 4 bedroomed) and 2no. one bedroom maisonettes.

The proposed dwellings are located in the eastern half of the application site, whilst the western half of the site has been designated as community land, which was secured by the earlier outline planning permission.

The vehicular access for the site, secured under the outline planning permission, is from Meadway, Gosfield. The small estate is laid out around a square road pattern that results in an outward looking development. There are four small private drives that serve between the two and three dwellings each.

Plots 9-19, 24 and 25 overlook a large area of public open space to the eastern side of the site. Plots 1, 2 and 29-35 overlook the community land to the west.

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

- Planning Statement
- Design & Access Statement
- Outdoor Lighting Report
- Affordable Housing Tenure Plan
- Soft Landscape Proposals
- Environmental Impact Assessment and Lighting Design
- Full set of layout and elevational drawings

## SUMMARY OF CONSULTATION RESPONSES

### Anglian Water

The reserved matters application is not foul or surface drainage related, therefore this is outside our jurisdiction for comment.

### ECC Independent Care

No comments received.

### BDC Environmental Health

Confirm that Environmental Health have no further comments to make, other than those comments already made in response to 17/01066/OUT.

### ECC Highways

Provided the proposal is carried out in principle in accordance with submitted document 1968/P/10.02 Rev B, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

### BDC Housing Research and Development

Satisfied the affordable unit and tenure mix indicated in the Tenure Plan, Design and Access Statement and Table below are considered appropriate to match housing need.

Affordable Housing Unit Mix	No.	Affordable Rented Tenure	Shared Ownership Tenure
1 Bed Flat -2 person maisonette	2	2	0
2 Bed House – 4 person	8	6	2
3 Bed House – 5 person	4	2	2
Total	14	10	4

Supportive of this application because it provides opportunity for a significant number of new affordable homes to be delivered which will compliment local existing social housing stock and assist the Council in addressing housing need.

### BDC Landscape Services

Following revisions made to the landscape proposals during the life of the application, no objection is raised.

### Natural England

No comments.

### NHS

No comments received.

### Essex Police

Whilst there are no apparent concerns with the layout, we do note from the lighting plan that Plots 25, 14 and especially 26 and 15 are devoid of street lighting. Whilst the rest of this development appears adequately lit these locations would rely solely on lighting on the properties potentially raising the fear of crime and incidents of such.

### ECC Suds

Having reviewed the associated documents which accompanied the planning application, we do not object to the reserved matters application and would like to note that detailed drainage information to discharge any drainage conditions should be provided at the discharge of conditions stage.

### BDC Waste Services

So long as the estate road, is adopted by ECC Highways, or built to adoptable standard, and BDC are given indemnity stating that we will not be held liable for any damage or repair to the road, then there will be no issues with waste and recycling collections for this proposed development.

### Historic Buildings Consultant

No objections to the layout, boundary treatment, green spaces and landscaping details as shown in the application drawings. The open space on the eastern side of the site has been effective in helping to reduce the visual impact of the development, on the approach to the Conservation Area and the setting of the listed cottage.

Requests conditions regarding samples of facing materials and the submission of large scale drawings of new windows, doors, facia and sills.

### PARISH / TOWN COUNCIL

#### Gosfield Parish Council

No objection subject to conditions requiring all construction traffic must enter the site through the airfield from Hedingham Road and not through Meadway and regular sweeping, washing and cleaning of the main entrance/exit into the site.

Comments also made in relation to S106 matters that do not relate to this planning application.

## REPRESENTATIONS

9 representations received from 8 addresses, making the following comments:

- Ensure that the Community Land will be made available for the use for the whole village.
- How long will the community land be maintained for?
- Concerned about the access via Meadway and this will cause extra traffic immediately and certainly if the development is expanded in the future.
- Meadway is very congested at school run time and also getting into a state of disrepair.
- It would be more acceptable to provide a properly designed access into the Hedingham road.
- Lighting is require for four plots in the centre of the development.
- Inadequate parking provision across the site, which could cause overspill into the nearby streets, which are already used by dog walkers.
- Concerns about flooding from the site.
- Concerns about ditch to front entrance to the site.
- Utility provision and impact on Gosfield, i.e. water/sewerage, electric/gas and broadband.
- The use of the site entrance/exit to be used outside school peak times as Meadway/Hall Drive is very congested.
- Concerns about parking for contractors.
- Highways install proper road markings to School Park to safeguard residents.
- Improvements are required on the wider highways network.
- Solar panels should be installed to make the most of solar gain.
- Comments made in relation to the s106 and the community land.
- Impact on views from existing properties in Meadway.
- Loss of a beautiful part of Gosfield.
- Concerns about impact on existing mature trees along the southern boundary of the site, a larger green buffer is required.
- No mention is made as to how the public footpath to Hedingham Road will be maintained and protected during construction.

## REPORT

### Principle of Development

The principle of developing this site for up to 35 dwellings has been established through the grant of outline planning permission (Application Reference 17/01066/OUT).

This proposal considers matters reserved for consideration at the outline planning application stage, namely: Appearance, Scale, Layout and Landscaping. These particulars are explored below.

### Design, Appearance, Layout and Impact on Neighbour Amenity

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The National Design Guide 'illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice'. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

Policies RLP3 and RLP90 of the Adopted Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 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 NPPF states that planning decisions should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. This is replicated in Policy RLP90 of the Adopted Local Plan.

The applicant proposes a development of 35 dwellings – the maximum permitted by the Outline planning permission. The design and layout has been revised during the course of the application to respond to Officer concerns, particularly in relation to: the size and design of dwellings; palette of materials; arrangement of parking; the treatment of rear boundaries to public spaces and routes; distribution of visitor parking spaces; and re-arranged soft landscaping. Officers consider the scheme now submitted is acceptable. Details of the materials to be used in the construction will need to be agreed by condition.

Following the grant of outline planning permission, the proposed development has gone through a couple of iterations following discussions during the application process. These discussions sought to improve the overall quality

of the layout and design of the development. The current proposals are therefore a reflection of negotiations between the Council and the Developer, who have implemented the changes that have been requested.

The proposed layout comprises an outward facing development, where a large number of the proposed dwellings would enjoy a view over the proposed public open space to the east or the new area of community land to the west. All of the dwellings are provided with a sufficient sized amenity space, and they accord with the guidance contained within the Essex Design Guide. A minimum back to back distance of 25m is provided between all of the dwellings.

Another element of the proposals that were amended during the life of the application, were small details to ensure that the development related well to the village, particularly in relation to house types and front boundary treatments. The dwellings now have a simple, but contemporary appearance and some of the detached dwellings have chimneys. Officer's consider that the style of the dwellings reflect the character of the existing development in nearby roads. Furthermore low brick walls and low level hedging have been used as the front boundary treatments for many of the properties. 1.8m high brick walls are proposed to enclose private gardens where the boundary is visible from the street. These boundary treatments are considered appropriate and acceptable for this site.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

All the properties have access to the required number of off-street car parking as required by the Parking Standards. The standards also require 9no. additional spaces for visitors, and these are provided and distributed evenly across the site.

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

To ensure that the new properties retain sufficient sized gardens and also maintain acceptable relationship between them, it is considered necessary to impose a planning condition removing permitted development rights for alterations, extensions, and the building of outbuildings in rear gardens.

#### Impact on Existing Neighbour Amenity

Paragraph 127 of the NPPF states that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should

not have an unacceptable impact upon neighbouring amenity. Similar sentiment is reflected in Policy LPP55 of the Draft Section 2 Plan.

Existing residential properties are located to the south of the development site in Meadway and Chestnut Avenue.

No.32 Meadway lies to the south of Plot 29, and the private garden serving No.32 lies to the south of the house, and the front of No.32 overlooks the development site. Between the two is the existing PRoW and a proposed double garage for Plot 29. Within the Essex Design Guide there is no specific guidance regards a front to back arrangement, however there would be a gap of at least 21m, that includes a double garage and Officers are content that this relationship is acceptable and complies with the guidance and policies above.

Plot 27 lies to the north of existing rear gardens that serve existing properties in Chestnut Avenue. An existing PRoW lies to the north of the existing gardens. Plot 27 contains a front door that would overlook the proposed amenity buffer and the PRoW. Again within the Essex Design Guide there is no specific guidance regards a front to back arrangement, however there would be a gap of at least 29m, and Officers are content that this relationship is acceptable and complies with the guidance and policies above.

Plots 26 and 24 both have side elevations that front onto the amenity buffer, PRoW and the rear gardens of a number of properties in Chestnut Avenue. There is a gap of 15m between the side of Plot 26 and the southern boundary of the site, which is considered an appropriate distance. The side elevation of Plot 24 contains two first floor bedroom windows. The side to back distance between Plot 24 and 20 Chestnut Avenue is approximately 22.5m. Within this gap is significant existing tree planting, which is to be retained. Officers are content that this resulting relationship is acceptable.

To the east of the site are three existing properties, Orchard Cottage, 1 Hedingham Road and Gairsay House. Significant gaps would be maintained between the proposed development and these three properties and Officers are content that the amenity of these properties would not be materially harmed.

### Impact on Heritage Assets

The south eastern boundary of the site abuts the Conservation Area with its boundary running along the A1017 and there is an existing Grade II cottage which also abuts the site (1 Hedingham Road).

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

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Policy RLP95 of the Adopted Local Plan Policy states that built or other development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that: the proposal does not detract from the character, appearance and essential features of the Conservation Area and is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings. Policy LPP56 of the Section 2 Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas.

The Historic Buildings Consultant has considered the application and raises no objections to the layout, boundary treatment, green spaces and landscaping details as shown in the application drawings. The open space on the eastern side of the site has been effective in helping to reduce the visual impact of the development, on the approach to the Conservation Area and the setting of the listed cottage.

However, the Historic Buildings Consultant considers that there is a lack of detail regarding the materials to be used for the new dwellings. The materials plan indicates the use of various materials and the plots where they are to be used. However only the basic descriptions of brown roof tiles, grey roof tiles, red brick, buff brick and boarding are given.

Paragraph 200 of the NPPF states that new development within the setting of Conservation Areas and heritage assets, should enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset, or which better reveal its significance,

should be treated favourably. Due to the close proximity of the Conservation Area and the listed cottage, high quality, natural materials are required in this instance, to ensure the development is sympathetic to the character of the setting of the heritage assets.

To ensure that either natural slate and/or ceramic roof tiles are used, rather than faux slate or concrete tiles, details of the roofing materials would require approval. In addition, the boarding indicated on the materials plan should be of timber, rather than fibre cement cladding and approval of this detail is also required. Further details of the appearance and type of brick and the bond to be used, along with details of the windows, would also require approval. A number of suitably worded conditions are therefore proposed.

### Landscape

Policy CS8 of the Core Strategy states that 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'. New residential developments are also required to provide an appropriate level of Public Open Space to meet future resident's needs.

The proposed landscaping plans include the large area of community land secured by the legal agreement attached to the outline permission 17/01066/OUT. The details on the appearance of this community land is currently under consideration by the Local Planning Authority by the submission of the required s106 documents and do not form part of this application.

During the life of the application the landscaping proposals have been amended to accommodate comments made by the Council's Landscape Officer.

A large area of public open space is proposed to the east of the new housing and adjacent to Hedingham Road. Within this area is the Suds feature, which would include aquatic and marginal planting and be surrounded by a meadow mix for wetlands.

Throughout the development specimen trees and grass verges are proposed, which will soften the proposals and are considered acceptable.

A Public Right of Way (PRoW) crosses the southern portion of the site which will not be obstructed by the development. Officers consider that the width of the landscaped gap retained between the PRoW and the development, to the south of Plots 24, 26, 27 and 29, is acceptable.

To conclude, Officers are of the view that the street scene planting and public open space planting, would mitigate against the landscape impacts of the development, which would be suitably assimilated into its surroundings. This conclusion also factors in the relatively level topography of the site and the

traditional two-storey scale of the proposed development. Furthermore, the high-quality design of the soft landscaping strategy proposed will create an attractive, green, tree-lined development, which will have a very pleasant feel for future residents, visitors and passers-by.

The proposal satisfies the abovementioned policies and a suitably worded condition is recommended to ensure the landscaping scheme is implemented.

### Access and Highway Considerations

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

Having regard to the National Planning Policy Framework, particularly Paragraph 109, the Highway Authority has reviewed the planning application against its own Development Management Policies and they raise no objections to the scheme in highway terms.

A number of comments have been received regarding construction traffic and requests made that this traffic should be routed onto the site either via Hedingham Road or from the adjoining airfield site. Neither of these options were pursued at the outline planning stage and would also rely on access across 3<sup>rd</sup> party land not owned by the developer. Therefore it is considered that neither of these options are viable and furthermore this was not a requirement of the earlier outline planning permission.

### Affordable Housing

Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%.

The application proposes the following tenure split: 2no. affordable rent 1 bedroom, 2 person flats; 6no. affordable rent 2 bedroom, 4 person houses; 2no. shared ownership 2 bedroom, 4 person houses; 2no. affordable rent 3 bedroom, 5 person houses; and 2no. shared ownership 3 bedroom, 5 person houses.

The Council's Housing Enabling Officer is satisfied with the mix of type and tenure of housing proposed and therefore complies with Policy CS2 of the Core Strategy.

### Street Lighting

Essex Police have made some comments regarding the siting of the proposed street lighting within the new estate. A street lighting plan has been submitted and 12 lamp posts are proposed throughout the development. The new road is to be adopted by Essex County Council. The suggested locations for the new lampposts will be submitted to ECC for checking and agreement.

## Flood Risk and Drainage

The application site is located within Flood Zone 1 where there is a low probability risk of flooding. Whilst a detailed drainage strategy has been submitted by the Applicant, with no objections raised by the Lead Local Flood Authority or Anglian Water, the details contained within the drainage strategy seek to address the requirements of Conditions 9 and 10 of the outline planning permission (Application Reference 17/01066/OUT). Therefore, on the basis that this application relates solely to the approval of the reserved matters, the drainage strategy is to be submitted and determined under a separate application for the discharge of Conditions 9 and 10 of the outline planning permission.

## Habitat Regulations Assessment (HRA / RAMS)

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

The application site subject of this planning application is located outside of the updated Zones of Influence and therefore no appropriate assessment or contribution is required in this case.

## CONCLUSION

The principle of residential development at the site has been established by the existing outline planning permission. The applicant seeks permission only for reserved matters pursuant to this outline planning permission namely matters of appearance; layout, scale; and landscaping of the development.

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

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan	Plan Ref: 1968/P/10.01	
Refuse Information	Plan Ref: 7160 - 402	Version: C
Materials Details	Plan Ref: 7160 - 401	Version: D
Landscape Masterplan OF 4	Plan Ref: ABBEY 22857 - 11 D	Version: SHEET 1
Landscape Masterplan OF 4	Plan Ref: ABBEY 22857 - 11 D	Version: SHEET 2
Landscape Masterplan OF 4	Plan Ref: ABBEY 22857 - 11 D	Version: SHEET 3
Landscape Masterplan OF 4	Plan Ref: ABBEY 22857 - 11 D	Version: SHEET 4
Proposed Floor Plan	Plan Ref: 20.81A	
Proposed Elevations	Plan Ref: 20.82A	
Proposed Floor Plan	Plan Ref: 20.91	
Proposed Elevations	Plan Ref: 20.92	
Proposed Elevations and Floor Plans		Plan Ref: 50.01A
Proposed Elevations and Floor Plans		Plan Ref: 50.03A
Proposed Plans	Plan Ref: 20.01B	
Proposed Plans	Plan Ref: 20.11B	
Proposed Elevations	Plan Ref: 20.12B	
Proposed Plans	Plan Ref: 20.31B	
Proposed Elevations	Plan Ref: 20.32B	
Proposed Floor Plan	Plan Ref: 20.41B	
Proposed Floor Plan	Plan Ref: 20.42B	
Proposed Floor Plan	Plan Ref: 20.61B	
Proposed Elevations	Plan Ref: 20.62B	
Proposed Elevations	Plan Ref: 20.63A	
Proposed Floor Plan	Plan Ref: 20.71A	
Proposed Elevations	Plan Ref: 20.72B	
Proposed Floor Plan	Plan Ref: 20.51A 1BM1 _ 2BM2	
Proposed Floor Plan	Plan Ref: 20.52A 1BM1 _ 2BM2	
Site Plan	Plan Ref: ABBEY22857- 11	Version: D
Site Layout	Plan Ref: 10.02	Version: D
Boundary Treatment	Plan Ref: 10.03	Version: D
Refuse Information	Plan Ref: 10.05	Version: D
Materials Details	Plan Ref: 10.04	Version: C
Site Plan	Plan Ref: 10.06	Version: B
Tenure Plan	Plan Ref: 10.07	Version: B
Lighting Plan	Plan Ref: MMA15876/001 R2	

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

### Reason

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

- 2 No above ground development shall commence until samples and a schedule of the materials and finishes to be used on the external surfaces of the dwellings 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 and shall thereafter be permanently retained as such.

Reason

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

- 3 All of the hard surface areas and parking spaces shall be completed prior to the first occupation of the dwelling to which the hard surfacing and parking relates and shall thereafter be permanently retained as such. The car parking spaces shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

In order to secure the satisfactory development of the site and to ensure that adequate parking provided in accordance with the standards adopted by the local planning authority.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and to ensure that the private gardens are maintained to a suitable size.

- 5 No above ground development shall commence until additional drawings that show details of proposed new windows, doors, facia and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 6 The scheme of landscaping hereby approved shall be carried out during the first available planting season after the commencement of the

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

Reason

To enhance the appearance of the development.

INFORMATION TO APPLICANT

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

There shall be no drainage of surface water on to the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01906/REM  
DATE VALID: 16.11.20

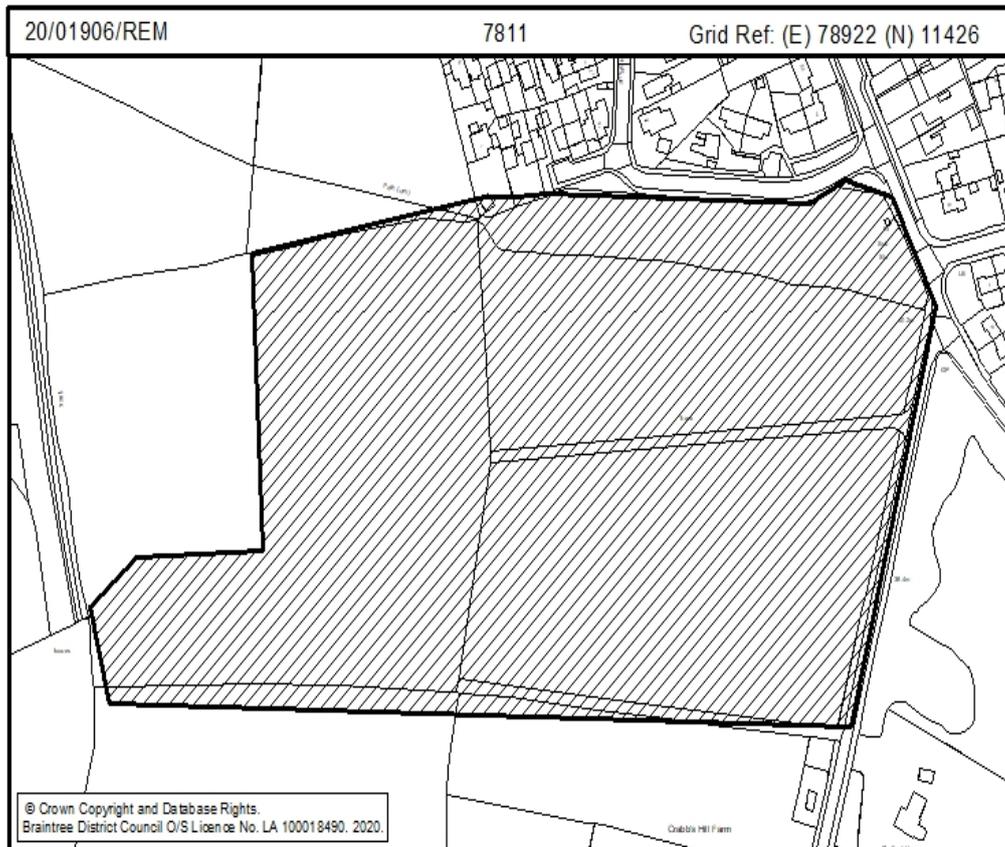
APPLICANT: Mrs Sarah Cornwell  
Bellway Homes Limited, C/o Agent, C/o Agent

AGENT: Mr Olivier Spencer  
Andrew Martin - Planning Limited, Town Mill, Mill Lane,  
Stebbing, Dunmow, CM6 3SN

DESCRIPTION: Reserved matters application seeking detailed approval for appearance, landscaping, layout and scale of outline approval 16/01813/OUT (as varied by 20/01329/VAR) for the erection of up to 140 No. dwellings. Details also provided in respect of public open space, local equipped area of play, refuse collection, biodiversity management, noise mitigation and external lighting.

LOCATION: Land South Of, Stonepath Drive, Hatfield Peverel, Essex

For more information about this Application please contact:  
Kathryn Oelman on:- 01376 551414 Ext. 2524  
or by e-mail to: [kathryn.oelman@braintree.gov.uk](mailto:kathryn.oelman@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJWCMOBFHQN00>

## SITE HISTORY

16/00073/REF	Outline planning permission for up to 80 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, primary vehicular access off Stone Path Drive and associated ancillary works. All matters to be reserved with the exception of the site access.		08.07.19
17/00041/REF	Outline planning permission for up to 140 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water mitigation and attenuation, site access off Stone Path Drive with associated ancillary works. All matters to be reserved with the exception of site access.		08.07.19
05/01108/OUT	Proposed residential development of 29 starter homes	Withdrawn	25.07.05
05/02313/OUT	Erection of 19 no. 2 bed houses, 8 no. 2 bed flats and 16 no. 1 bed flats as affordable housing	Refused	14.02.06
06/00250/T56	Re-site one KX100 style telephone kiosk	No Objections Raised	21.03.06
16/00443/FUL	Change of use of land for the keeping of horses and	Withdrawn	09.05.16

16/00545/OUT	<p>for the erection of a stable block with associated hardstanding, fencing and access track</p> <p>Outline planning permission for up to 80 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, primary vehicular access off Stone Path Drive and associated ancillary works. All matters to be reserved with the exception of the site access.</p>	Refused then allowed on appeal	25.10.16
16/01813/OUT	<p>Outline planning permission for up to 140 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water mitigation and attenuation, site access off Stone Path Drive with associated ancillary works. All matters to be reserved with the exception of site access.</p>		28.07.17
16/00005/SCR	<p>Town &amp; Country Planning Act 1990 (as amended), Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Outline planning permission for up to 140 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water mitigation and</p>	Screening/ Scoping Opinion Adopted	28.11.16

20/00002/S106A	attenuation, site access off Stone Path Drive with associated ancillary works. All matters to be reserved with the exception of site access. Application made under Section 106a of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to discharge schedule 3 of s106 legal agreement relating to 16/01813/OUT	Pending Consideration	
20/01233/DAC	Application for approval of details reserved by condition no. 16 of approved application 16/01813/OUT (WSI approval)	Granted	07.09.20
20/00004/S106A	Application made under Section 106a of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to discharge schedule 9 of s106 legal agreement relating to 16/01813/OUT.	Pending Consideration	
20/01329/VAR	Variation of conditions 4 & 21 of approved application 16/01813/OUT granted 08/07/2019 for: Outline planning permission for up to 140 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water mitigation and attenuation, site access off Stone Path	Granted with S106 Agreement	06.11.20

Drive with associated ancillary works. All matters to be reserved with the exception of site access. Variation would allow:  
 - to alter the approved landscape treatment on the sites southern boundary, introduce a line of new trees along the main street and remove a Scots pine to the west of the site. Replace Green Infrastructure Plan 7015-L-108 Rev C with BW197-GIS-01 Rev D and Tree Retention Plan 7015-A-03 Rev D with BW197-TRP-01 Rev A.

20/00026/TEL 20/01988/DAC	Kiosk substation Application for approval of details as reserved by conditions 17, 18 & 20 of approved application 20/01329/VAR	Granted	18.01.21
20/01989/DAC	Application for approval of details as reserved by conditions 22, 23, 24, 28 & 32 of approved application 20/01329/VAR	Pending Consideration	
20/02107/DAC	Application for approval of details as reserved by condition 21 of approved application 20/01329/VAR	Pending Consideration	
20/02237/DAC	Application for approval of details as reserved by condition 11, 14, 15, 19, 29 and 30 of approved application 20/01329/VAR	Pending Consideration	
21/00219/DAC	Application for approval of details as reserved by condition 16 of approved application 20/01329/VAR	Pending Consideration	

**POLICY CONSIDERATIONS**

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
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
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

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency

LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Hatfield Peverel Neighbourhood Plan 2015 – 2033

ECN2	Working from Home
ECN3	Broadband & Mobile Connectivity
HPE1	Natural Environment and Biodiversity
HPE4	Sport & Recreation Provision
HPE5	Protection of Landscape Setting
HPE6	Flooding and SuDS
FI1	Transport and access
FI2	Parking
HO1	Design of New Housing Developments
HO3	Minimum Garden Sizes
HO4	Creating Safe Communities

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)  
 Essex Design Guide for Mixed Use and Residential Areas (2005)  
 Essex Coast RAMS Supplementary Planning Document (2020)  
 External Artificial Lighting Supplementary Planning Document (2009)  
 Open Space Supplementary Planning Document (2009)  
 Essex Parking Standards – Design and Good Practice (September 2009)  
 Urban Place Supplement Guidance (2007)

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

The application is also considered to be of significant public interest given the sites planning history and the representations that have been received in connection with this application site, notwithstanding the previous grant of outline planning permission.

#### DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located to the west of Hatfield Peverel totalling 6.2 hectares in area. The site is enclosed by overgrown hedgerows and currently comprises four fields that are part semi-improved grassland and part arable, separated by fragments of the former field boundaries. To the north it is bordered by existing properties on Stone Path Drive. To the east, beyond a hedgerow, lies Crabbs Hill. To the south and east lie agricultural fields.

The site is generally flat, however the land slopes downwards beyond the site to the River Chelmer valley in the south. Approximately 120m to the west lies the Grade II\* listed property, Hatfield Place. Hatfield Place is a late 18<sup>th</sup> Century gault brick country house now operated for wedding and events use. A similar distance to the north lies the William Boosey Public House, also Grade II\* listed.

## PROPOSAL

This application is a Reserved Matters to an Outline permission for 140 dwellings. The access arrangements have already been approved under the outline consent, with access to the site provided from Stone Path Drive. The Reserved Matters relate to details of appearance, landscaping, layout, and scale only.

The applicant proposes that the 84 dwellings for market sale will consist of 17 x 2-bed, 34 x 3-bed, 30 x 4-bed and 3 x 5-bed properties. In addition, 56 Affordable Homes are proposed. 39 homes would be provided on an Affordable Rent basis; 10 x 1-bed flats, 21 x 2-bed houses (2 bungalows), 7 x 3-bed houses (2 bungalows) and 1 x 4-bed house. 17 homes would be provided on a Shared Ownership basis; 4 x 1-bed flats, 8 x 2-bed houses and 5 x 3-bed houses.

## SUMMARY OF CONSULTATION RESPONSES

### Anglian Water

No comments received (deadline expired 19.02.21)

### Essex Police (Designing out Crime Officer - DCO)

No objections were raised in relation to the original layout. Following revisions, the DCO notes that there are now only ten lighting columns proposed to solely illuminate the spinal road, leaving most of the development in darkness potentially raising the fear of crime and creating opportunities for such. The DCO extends an invitation to assist the developer to comply with their obligations under Policy RLP90 (viii) which states; *“Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety”*, and to achieve a Secured by Design Homes award.

### Essex Fire & Rescue

No objections.

### ECC Highway Authority

Confirm they have reviewed the proposed development layout (drawing number BW197 PL-02 Rev. F) as uploaded to your website on 26<sup>th</sup> March 2021. Provided all private drives longer than 18 metres terminate in a size 5

turning head, from a highway and transportation perspective the Highway Authority confirms they have no comments to make on the proposal. They note the proposal is in accordance with the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

*[Officer Comment: The applicant has confirmed that all private drives allow for the equivalent of a size 5 turning head, although for urban design reasons these are not a fixed 8m x 8m square. The turning heads are shown on Development Tracking Plan PL-12 Rev E.]*

#### ECC Independent Living & Extra Care

No comments were received.

#### Lead Local Flood Authority (ECC SuDS)

No objections, confirm the sustainable drainage proposals comply with the required standards.

#### Historic England

No objections.

#### Natural England

No objections.

#### NHS England

No comments were received.

#### BDC Ecology

Following the submission of further information, have removed their holding objection and are satisfied with the detail submitted to accompany the application [see Officer Report for further details of this].

#### BDC Environmental Health

No objections, confirm they have no adverse comments regarding the type of noise mitigation proposed.

#### Historic Buildings Consultant

No objection, observing that, whilst the new development will be seen from both assets, the Inspector determined that these views would be mostly incidental and, as such, the setting of both buildings would not be undermined or harmed. The Historic Building Consultant initially made some suggestions as to how the general design of the original proposal could be improved, but

notes in relation to revisions that this issue is ultimately a matter for the Council's Urban Design Consultant to determine.

#### BDC Housing Enabling Officer

No objections.

#### BDC Landscape Services

Confirm that the revised proposals address concerns raised previously about the landscape provision on the open space around the SuDS feature and the PROW across the northern boundary to the development. Note that the revised route to the latter is welcomed as this gives the route some discrete identity and separation from the private drives.

Landscape Officer notes that the key only refers to hedgehog access in *fence* lines and that should apply equally to both fences and those plots with brick walls, i.e. Plots 28, 31, 32, 40, 53, 69 and 73.

Landscape Officer confirms they have considered the further update on the veteran tree in the adjacent open space from SES and notes that there is no disagreement with its conclusions on the cultural history/analysis of this significant Oak in the boundary hedge to the north of the site.

#### BDC Waste

Confirm that neither the original nor the revised plans posed any problems for BDC to carry out waste and recycling collections. Comment that refuse and recycling storage will need to be provided for flatted development.

#### PARISH / TOWN COUNCIL

##### Hatfield Peverel Parish Council

Comments (neither support or objection stated)

##### 1<sup>st</sup> Response (17<sup>th</sup> December 2020)

*"The Parish Council is pleased to see the provision of fourteen bungalows within the scope of this development site. It is noted that the incorporation of bungalows complies with Condition 6 annexed to the Inspector's DL and handed down by the Secretary of State:*

*'The outermost line of dwellings located on the western periphery of the developable area and on the northern area of the developable area where it abuts undeveloped countryside, shall not exceed one story in height or have a maximum ridge height of more than 6.5 metres'.*

*The factoring in of bungalows also responds to local need as identified in the Hatfield Peverel Neighbourhood Development Plan (HPNDP) for single story dwellings/bungalows and addresses Policy HO2 - Retirement Housing.*

*It is noted that the affordable/shared ownership dwellings are dispersed throughout the development site. The Parish Council welcomes the effort to formulate a socially cohesive development site and believes that such integration is a good approach.*

*The Parish Council is disappointed by the density of dwellings on the development site and has discussed this with the Applicant. The outline planning permission granted by the Secretary of State is for 'up to 140 dwellings'. It was acknowledged at the Inquiry leading to grant of permission for the site that the applicants, at that point, were not developers and had no control over final construction on the site.*

*If constraints on the capacity of the site have arisen following conditions imposed as part of the process of permitting the development, it is not unreasonable to expect that the Applicant adapts the proposals accordingly. Conducting due diligence before acquisition of the site cannot have failed to reveal the constraints. Concessions have already been made within the Green Infrastructure Plan which have allowed an easier setting out of the site.*

*As a significant intrusion into the countryside this development only has contact with the existing built area along approximately half of its northern boundary adjoining the area currently known as Stonepath Drive. This area indicates a density of 32dph and there does not appear to be a reason for the new area not to follow this pattern rather than the 32.6dph indicated on page 12 of the Design and Access Statement. The Parish Council believes that the pursuit of higher density has led the Applicant to forego modifications that would make the development more acceptable.*

*It is noted that whilst ECC is satisfied with tandem parking, Policy FI2 – Parking of the Hatfield Peverel Neighbourhood Development Plan actively discourages it.*

*The Parish Council is disappointed with the limited number of dwellings with garages in terms of its implications for electric car charging facilities. It is noted that 25% of properties with garages are fitted with a socket and supply to enable overnight charging of electric vehicles.*

*However, it is also noted that the occupiers of other properties will be provided with adequate electricity supply and cabling to be able to apply for a grant to obtain an electric vehicle charging point. This would comply with Policy FI2 – Parking - of the Hatfield Peverel Neighbourhood Development Plan.*

*Policy FI2 - Parking - of the Hatfield Peverel Neighbourhood Development Plan states that new developments should include the provision of a public charging point/s in communal parking areas. The Parish Council has asked the Applicant to consider installing a public charging point in the most*

*appropriate visitor parking space, and the parking area for the affordable housing at the centre of the development to comply with Policy FI2 but has had a reply to say there is no plan to do this. The Parish Council would welcome the District Council's view on this matter.*

*The Parish Council is concerned that existing services in Hatfield Peverel will not be able to cope with all the new arrivals taking up residence in the various new developments within the Parish. There is no surplus of places in the village school and the GP practice is at capacity. Anecdotal evidence shows that house sales are being negatively impacted as prospective purchasers find that they are unable to register with the doctors' surgery.*

*The Parish Council is also concerned that housing on the north west of the development site could cause harm to the setting of grade II\* Hatfield Place. It is noted that since the Call-in Inquiry, the National Planning Policy Framework has been revised (February 2019) Paragraph 193 now states:*

*'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*

*The Parish Council has approached the Applicant regarding a covenant that restricts changing the height or adding dormer windows to properties on the north west of the development site that could mitigate such potential harm. It would ensure compliance with Condition 6 annexed to the Inspector's DL and handed down by the Secretary of State.*

*The Applicant has suggested that a condition could be added to any reserved matters consent to remove Permitted Development rights. The Parish Council therefore ask that this be considered when determining the application.*

*The Parish Council has received assurance from the Applicant that ridge heights to all house types do not exceed Planning Condition 6:  
'No building erected on site shall exceed two stories in height or have a maximum ridge height of more than 9 metres'.*

*The Parish Council acknowledges that the Applicant has incorporated a droppable lockable bollard at the western end of the central spine road to provide service access to the Community Land, and also the SuDS Attenuation Basin for maintenance including mowing equipment etc.*

*The Applicant has again suggested that a condition could be added to any reserved matters consent to confirm that this is to provide service access, and that a key will be made available to the Parish Council. The Parish Council ask that this also be included when determining the application.*

*Policy HO1 Design of New Housing Developments of the Hatfield Peverel Neighbourhood Development Plan directs that the design should meet the*

*BREEAM Standard Excellent where viable. The Applicant's consultants have advised that changes to planning legislation mean that local authorities can no longer insist on BREEAM at the planning or reserved matters stage. The Parish Council welcomes the District Council's view on this matter.*

*The Parish Council is pleased that the York flagstones will be re-laid to conform with the original path alignment. These flagstones form an important historic feature on Stonepath Meadow. It is appreciated that they are being preserved for perpetuity and presented in a manner that befits their local heritage value.*

*The Parish Council wishes to have signage or some other device erected to inform passers-by of the flagstones' significance, and is happy to undertake this task, after local discussion, if agreeable to all parties."*

#### 2<sup>nd</sup> Response (15<sup>th</sup> February 2021)

*"Thank you for asking Hatfield Peverel Parish Council to comment again on this application for reserved matters.*

*A further useful meeting was held with the Applicant, their Agent and the Neighbourhood Development Plan team, on Friday 12th February 2021.*

*The Applicant and their Agent advised of the proposed variations to enhance the scheme which included:*

- 1. Brick walls to replace some of the close boarded fences*
- 2. Chimneys have been added to some of the house types*
- 3. The footpath across the site from Church Road to the Community Land will now be a 2m wide tarmac path*
- 4. The York flagstones will be re-laid immediately next to the footpath to conform with and reflect their original position. There were three flagstones that cross the access to the site and these will be re-laid in line with the others*

*The Applicant is open to suggestions as to how information on the historic significance of the York flagstones can be displayed i.e. having an inscription on a flagstone itself instead of a notice*

- 5. The footpaths around and through the green space in the centre of the development will now be gravel*
- 6. Traffic calming measures will be in place with raised tables at certain points of the road infrastructure.*

*The Parish Council supports these proposed enhancements to the development.*

*As regards the Parish Council's concerns over density, it is acknowledged that rear gardens to most of the dwellings are in excess of the minimum standard requirements.*

*However, the frontage to dwellings is still small which is not in keeping with the character of the surrounding area.*

*The Parish Council also acknowledges that tandem parking can be acceptable, and that parking will be partially hidden, keeping cars off the street and helping the street scene.*

*The Parish Council further acknowledges that all dwellings will have ducting and infrastructure in place for householders to be able to apply for grants for enabling installation of electric vehicle charging connection points in the future. The new EV Charging Plan clearly identifies properties with garages, floor or wall connections to comply with Policy FI2 – Parking - of the Hatfield Peverel Neighbourhood Development Plan.*

*The question of public electric charging points in some of the visitor parking bays was revisited. Despite the discussion on Friday, the Parish Council would ask the Applicant to reconsider the installation of public electric charging points in order to comply with the Policy.*

*The Parish Council recognises the Applicant will ensure that a covenant be included to protect Hatfield Place in relation to removal of permitted development rights regarding height restriction and adding dormers to properties on the western boundary.*

*The Parish Council notes that the Applicant will ensure that a covenant be included for a key to the lockable bollard be held by the Management Company and the Parish Council for access to the Community Land and Attenuation Basin.*

*The Parish Council has recorded that the following matters were also discussed at the meeting on Friday 12th February 2021:*

- 1. How and what the Management Company manages?*
- 2. Planting on the amenity land along the northern boundary opposite Stone Path Drive*
- 3. The utility easement along that boundary and the difficulty that it could pose to the planting of a hedge*
- 4. The play area will be landscaped, fenced by a railing, and will be accessible for all residents*
- 5. The revised Biodiversity Management Plan includes hedgehog highways. The Applicant to look at how these are to be managed and kept passable by householders in the future."*

3<sup>rd</sup> Response (8<sup>th</sup> April 2021)

*“Thank you for your email of 26th March 2021 regarding revised plans received in relation to the above.*

*Members of the Neighbourhood Development Plan team - on behalf of the Parish Council -have been in communication with the applicant regarding the further proposed revisions which are welcome.*

*The Parish Council thanks the applicant for their ongoing dialogue.*

*The Parish Council is grateful to the applicant for clarifying the Public Right of Way (PRoW) and the re-laying of the York flagstones in their original location, and that both will be kept free from obstructions.*

*The revised proposals to the open space for self-binding gravel paths and additional planting are most welcome, and will create a more pleasant visual and usable environment.*

*Improvements are noted in character and appearance for the dwellings along the northern, eastern, southern and western edges of the development. It is hoped that the use of render, boarding and pastel shades will offer a more aesthetically pleasing result. The Parish Council acknowledges that the applicant has designed hipped roofs on the bungalows and houses on the western and north western part of the site. It is hoped that the hipped roofs will be more sympathetic to the setting of Hatfield Place (grade II\*).*

*Concerns over air quality and noise pollution have been raised with the applicant. However, it is acknowledged these are not considered relevant for Reserved Matters. The LPA alike are aware of the Parish Council’s concern about the air quality in Hatfield Peverel in regard to the A12 and development in and around the parish.*

*In relation to the potential visual impact of the 2.5m high garden boundary wall (for noise mitigation) being in close proximity to the setting of Hatfield Place, the Parish Council wonders if planting along the boundary wall – on Hatfield Place side – would soften the outlook from this grade II\* heritage asset. The applicant has confirmed that Place Services have been consulted although we have not to date had sight of their response.*

*The Parish Council is pleased that the applicant recognises the importance of planting ‘heavy standard’ size trees in the entrance open space and SUDS area.*

*In regard to the loss of the 8 Elm trees - G14 - the Parish Council seeks replacement of these substantial trees. The intention is to help to repair the landscape damage which will be done to Crabbs Hill by their removal. The planting of new hedging will fall short in this instance.”*

## REPRESENTATIONS

Over the course of the consultation process, the Council received a number of objections and comments from 10 local residents. A summary of the points raised is provided below:

- Density not in keeping with local area
- Houses too high
- Lack of front gardens
- Typical modern estate with house designs which lack individuality and character
- More bungalows and different material palette would be preferable
- Increased use of Stonepath Drive and Garden Field causing traffic noise and risk to elderly residents living opposite the site
- Traffic calming measures proposed unlikely to be effective
- Poor air quality affecting occupants health
- Light pollution from streetlights on the site
- Construction impacts including dust
- High voltage lighting cable interrupting root zone of existing Oak tree
- For 140 dwellings to be achievable on the site, it would seem either community safety (lighting) or ecological protection must be compromised
- Harm to setting of listed buildings
- Insufficient school places
- School places should be delivered before development commences
- Insufficient biodiversity gain & temporary loss of habitat
- Loss of hedgerow along frontage
- Veteran tree not acknowledged in Arboricultural Report
- Run off from roads, cars, roofs and driveways polluting the river Tier
- Differences between outline and reserved matters applications
- Insufficient wheelchair units provided in accordance with Policy HO1 of the Neighbourhood Plan
- Lack of safe cycle paths as required by Policy F11 of Neighbourhood Plan
- Query accuracy of noise survey
- Query whether provision of visitor parking spaces compliant
- Query whether solar panels and renewable sources of heating should be provided given government aims for new builds
- Management Plan proposed not presented to Parish Council for prior agreement
- Need to preserve footpath

## REPORT

### PRINCIPLE OF DEVELOPMENT

The principle of residential development on the site has already been established by the grant of Outline planning permission. Permission was granted by the Secretary of State (SoS) for the development of up to 140 dwellings on the site in July 2019 (Application Reference 16/01813/OUT).

This was an Outline consent with all matters reserved except access. Development of the site was tied via a Section 106 agreement, the terms of which, amongst other things, secured the transfer of fields comprising 3.4 hectares to the north east of the site to the Parish Council for community use.

The 2016 consent, as granted by the SoS, included a number of conditions governing information that should be submitted concurrently with a reserved matters application. It also contained Condition 4, which required that the Reserved Matters application be in “*broad compliance*” with the Development Framework Plan (3015-L-101 Rev H) and “*demonstrate compliance*” with the Location Plan (7015-L-100 Rev A), Access Details (A095687-SK01 Rev C) and Green Infrastructure Plan (7015-L-108 Rev C). These are the plans which effectively set the parameters of development to which the Reserved Matters should conform.

In 2020, an application was granted to vary Conditions 4 and 21 of the original outline planning permission (Application Reference 20/01329/VAR). This had the effect of replacing the Green Infrastructure Plan, for which Reserved Matters must demonstrate compliance with, to a slightly amended version (BW197-GIS-01 Rev D). The varied consent also replaced the tree retention plan referenced in Condition 21 to a revised version (BW197-TRP-01 Rev A).

Since the grant of consent, the Hatfield Peverel Neighbourhood Plan was made on 16<sup>th</sup> December 2021. Those policies contained within the Neighbourhood Plan which relate to matters of appearance, layout, scale and landscaping are relevant to this application; those which relate to the principle of development and access arrangements are not. The same is true of the policies which comprise the rest of the Development Plan.

## SITE ASSESSMENT

### Layout

Paragraph 127 of the NPPF requires *inter alia* that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 122 of the NPPF advises as follows in relation to achieving appropriate densities on sites:

*“122. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.”*

Policy SP6 of the Section 1 Plan sets out a number of urban design principles which should be reflected within developments and include a requirement for development to “*respond positively to local character and context to preserve and enhance the quality of existing communities and their environs*”.

Policy RLP90 of the Adopted Local Plan requires a high standard of design for all development and that the layout and height and overall design of development to be in harmony with the character and appearance of the surrounding area; sentiments which are echoed within Policy HO1 of the Neighbourhood Plan. Policy RLP10 of the Adopted Local Plan requires that the density and layout of development relate to surrounding development. Policy RLP8 of the Adopted Local Plan seeks provision of a range of house types and sizes within individual sites to meet the needs of different household types. Policies ECN2, HO3 and HO4 of the Neighbourhood Plan also set standards concerning provision of home offices, minimum garden sizes and parking provision respectively.

The proposal is for 140 dwellings – the maximum permitted on the site. However, it is noted that the mix is good; it contains 42% one and two bedroom properties and a low proportion of very large (5 bed) properties. It cannot be said therefore that is an unreasonable representation of how 140 dwellings might be achieved on the site; the overall quantum having been accepted in principle at Outline stage. Overall, the net density of the development, at 32dph, is the same as that calculated for the adjacent development on Stone Path Drive. The layout is considered therefore to maintain the area's prevailing character and setting whilst also acknowledging that a variation of house types and sizes is required to comply with policy.

The layout as proposed takes its cues from the adjacent development on Stone Path Drive (leading to Garden Field) and therefore observes an estate format. As described previously, the layout is also broadly dictated by the Development Framework Plan (3015-L-101 Rev H) approved at Outline stage and the compliance that is necessary to be demonstrated with the revised Green Infrastructure Strategy (BW197-GIS-01 Rev D).

The proposed layout plan (see drawing no. BW197-PL-02 Rev G) shows a single access point from Stone Path Drive, an open space area to the frontage containing a play area in the north-east and an indicative network of smaller roads diverging off a central avenue; this is consistent original Framework Plan. The existing hedgerow and trees in the centre (north) and west of the site, which are marked for retention on the Framework Plan, are also present. There is also a SuDS area in the south-west and a tree belt which extends along the southern boundary as indicated on the original Framework Plan. Furthermore, the existing right of way is shown retained and free from obstruction in its current location crossing the site to the north. A

circular surfaced (Breedon self-binding gravel) footpath is also indicated to be provided around the edge of the development and across the open space in the north, connecting to the less formal network of footpaths on the community open space in the north-west. Officers therefore consider that the reserved matters complies with the provisions of Condition 4, in that it is in 'broad accordance' with the original Framework Plan.

A number of initial inconsistencies were identified between the originally submitted layout plans and the Green Infrastructure Strategy (GIS), noting that there is a higher bar required for compliance with the GIS than with the Framework Plan. Some of these discrepancies have been remedied, albeit some differences still remain, the most pertinent of which are listed below:

1. *Relocation of new hedgerow planting to Stone Path Drive:*  
The GIS indicated that either side of the new access there would be new hedgerow planting to supplement the existing gappy hedgerow present along the northern boundary of the site. Unfortunately it has transpired that an easement prevents new planting in this area. Any hedgerow in this area would also have had to be limited in height due to the visibility splays required for the access. The original layout plans have now been amended to show a completely new hedgerow planted behind the existing gappy hedgerow along the entire site frontage. This ensures the retention of the existing hedgerow and provision of a new hedgerow. The changes are considered consistent with the objectives of the GIS as they will lead to a more defined and desirable boundary whilst also ensuring the retention of existing vegetation along the frontage.
2. *Relocation of new trees in the open space:*  
The GIS plan indicated that there would be a line of trees planted between the formal PROW and the developable area. A combination of the need to retain the historic York Flagstone paving slabs which line this path in their original location, the need to fit an appropriate barrier along the boundary of the development to prevent parking in the open space, and the requirements of highways to have a surfaced 2m width footpath available through the open space, have meant that a different solution was needed in this area. The latest revised plans now show a new informal surfaced path which passes through the open space, separate and north of the PROW, with an avenue of Cherry trees planted to the south of this. This informal path will form the preferred route from east to west across the development, and from this path views will be filtered of the development by the trees, therefore the amenity and experience of users maintained to a comparable level as was shown in the GIS. This approach also ensures the existing PROW alignment is not altered and is retained for use if desired. The York Flagstones can be appreciated from the PROW or from other locations in the open space.

It is considered that these differences would not result in any additional adverse impacts as were already considered and weighed in the

balance by the Inspectorate at Outline stage. Differences with the GIS are balanced by the benefits of provision of a more accessible path which can be used in all weathers by all people. It is also noted that the GIS as approved only shows the position of trees as 'indicative' and it is inevitable that the practicalities of detail may affect compliance in some areas, but to all reasonable extents Officers consider it has been demonstrated that the GIS has been complied with.

3. *Reorganisation of SuDS area in south-west of site:*

The GIS showed provision of six new trees in this area, three of which would be Scott's Pine trees as compensation for a Scott's Pine lost when the Tree Retention Plans were varied under 20/01329/VAR. The applicant still proposes three Scotts Pine, but following an increase in the area required for SuDS drainage, it has been decided to provide only one Oak Tree in the SuDS area its self. On the advice of the Council's Landscape Officer, a further four Field Maple trees will be provided in the hedgerow to the north of the SuDS area. Therefore, whilst the format is different from that shown indicatively on the GIS, there would be more trees overall, and this would ensure that all the trees planted have sufficient space to spread and grow given the nature of the space which is now available. It is considered by Officers that the changes preserve the objectives of the GIS for additional planting in this area, alongside the practicalities of delivering the surface water drainage capacity and ecological mitigation required.

It is therefore considered that, within the bounds of what is practically achievable, and acknowledging the layout's necessity to respond appropriately to constraints at Reserved Matters stage, this layout does demonstrate sufficient compliance with the Green Infrastructure Plan in accordance with Condition 4 of the varied Outline consent.

As noted above, there are a number of policies within the Neighbourhood Plan which introduce considerations that affect the layout of the development, including the following:

**Neighbourhood Plan Policies ECN2 & ECN3** – This policy expects all new dwellings to enable home working. The proposed dwellings would incorporate either: (i) a separate ground floor study / office / snug; or, (ii) sufficient space in a bedroom or dining room (i.e. separate from the main family room / living space) to accommodate a workspace area (including desk and chair) for home working. The proposed dwellings also would be served by high speed fibre broadband and this is likely to become a Building Regulations requirement for all new build dwellings by the time the development is built. As a result, there will be potential for home working in every dwelling and the layout would be in accordance with Policies ECN2 & ECN3 of the Neighbourhood Plan. It also complies with Policy SP5 of the Section 1 Plan regarding the provision of connections to superfast broadband.

**Neighbourhood Plan Policy FI2** – This policy expects garages to be set back from the street scene, discourages tandem parking and expects new

development to show that there is scope for electric vehicle charging and to include provision of a public charging point/s in communal parking areas.

All of the proposed garages on-site are set back from the streetscene. However, tandem parking is a feature of the proposed layout. The local highway authority raises no objection to this on the basis of highway safety or the free flow of traffic. With reference to the reasons given in accompanying text to this policy, it is also considered that, in this area, the effects of any on street parking which arises from a reluctance to utilise tandem places would be localised and confined to the development its self, therefore would not impact upon the availability of parking within the wider community. On the basis that the quantum and mix of development is accepted on this site, the Reserved Matters would either be left with providing parking in front of dwellings or in tandem alongside them. The latter has been preferred in this case as makes fewer cars visible from the public realm – in accordance with the aspirations set out in the National Design Guide.

In relation to electric vehicle charging, a plan (reference BW197 PL-05a) has been received which identifies that 44 of the dwellings on-site will enable electric vehicle charging at the point of occupation, via sockets in garages. Another 24 dwellings will be served by passive charging points ready for future floor standing Electric Vehicle Charging Points (ECVPs) and the remaining 72 dwellings by passive charging points ready for future wall mounted EVCP. The occupiers of dwellings with passive charging points should be able to apply for an Office for Low Emissions Vehicles Grant, which would provide them with £350 towards the purchase and installation of a home charging point. In summary, all of the proposed dwellings will be provided with the potential for electric vehicle charging in accordance with Policy FI2 and Policy SP5 of the Section 1 Plan. A condition is recommended to ensure installation of these elements prior to occupation of each dwelling. However, in relation to electric vehicle charging in communal areas, this has not been provided. As such, there is only partial compliance with Neighbourhood Plan Policy FI2, however, having regard for the minor magnitude of adverse impacts created in this particular case, in Officers view, this would be sufficient basis alone to render the proposal in conflict with the Neighbourhood Plan, or the Development Plan, as a whole.

**Neighbourhood Plan Policy HO1** – This policy requires, among other things, that at least one ‘wheelchair unit’ be provided for every ten dwellings. There are 14 bungalows proposed: 10% of the total 140 dwellings on-site. Of these, 12 will be ‘wheelchair adaptable’ bungalows and 2 ‘wheelchair user’ dwellings (as per Part M4 (2) and M4 (3) of the Building Regulations respectively). The ‘wheelchair adaptable’ dwellings will have 3.3m wide parking spaces, which is greater than the preferred bay width (i.e. 2.9m) for a standard space in the Essex Parking Standards and compliant with Building Regulations standards. The two ‘wheelchair user’ dwellings have full disabled parking with additional space as per the Regulations. It is noted that Policy HO1 of the Neighbourhood Plan does not define what constitutes a ‘wheelchair unit’. Officers are of the view that the proposal is compliant with Policy HO1 in so far as such matters are defined.

It is noted that Policy HO1 also contains a stipulation that all new residential development demonstrate an innovative approach to achieve a *“low carbon sustainable design that meets the BREEAM Home Quality Mark Standard Excellent where viable”*. Officers consider that this requirement, alongside others relating to energy efficiency are connected to the principle of development and as a result can only ‘bite’ at Outline stage. There is not therefore a strong policy basis at Reserved Matters stage to insist upon this standard or other stipulations concerning energy saving design to be met.

**Neighbourhood Plan Policy HO3** – This policy requires minimum garden areas of 50sq.m for one and two bedroom houses and 100sq.m for three or more bedroom houses. The Garden Areas Plan submitted demonstrates that all of the proposed houses comply with this minimum standard and some houses benefit from significantly more garden space than is required. The policy also expects all flats / apartments to have a 5sq.m balcony area and 25sq.m of shared amenity space. There are 14 maisonettes proposed on-site, which have been designed externally to appear like houses and are not suitable for balconies. However, each maisonette benefits from an average of 37.7sqm of shared amenity space, which exceeds the policy standard by circa 50%. The maisonettes are also in easy walking distance of the public open space both on-site and on the adjacent Community Land. It is therefore considered that the provision of amenity space is appropriate, compliant with Policy HO3 of the Neighbourhood Plan and the standards within the Essex Design Guide.

It is noted that a number of Neighbourhood Plan Policies have been referenced by local residents, for instance those relating to the provision of cycle routes and infrastructure such as school places. The appropriate time to consider these issues was at Outline stage, where they would have been considered in the context of the weight to be given to national and local policies at the time and any related Section 106 obligations to be applied; it is not therefore reasonable to impose additional controls at Reserved Matters application when the principle of development has already been accepted on this site.

Overall, having appraised the layout, the Council’s Urban Design Consultant is satisfied that the proposal would be of a satisfactory standard of design. Officers also consider the layout is sufficiently consistent with the parameters agreed at Outline to would provide a well-connected and permeable development with a good network of pathways, roads and recreational spaces within it to be enjoyed and accessed by its inhabitants and the wider community as a whole. The layout also satisfactorily safeguards the residential amenity of its occupants by conforming to the required separation distances as specified in the Essex Design Guide and provides sufficient parking for visitors and occupants of dwellings, alongside cycle storage facilities, in accordance with the Essex Parking Standards SPD.

It is noted that the layout provides details of the location of refuse bins, recycling materials storage areas and collection points has been provided

concurrently with the Reserved Matters submission as required under Condition 20 of the Outline consent. These details are acceptable to the Council's Refuse and Recycling Officer and it has been confirmed that the arrangements for the flats do meet the Officer's specified required criteria. The Outline consent will ensure that the details are implemented prior to occupation of the unit to which they are relevant.

### Scale

The scale of dwellings on the site is partially controlled under Condition 6 at Outline stage. This stipulated that *"No building erected on the site shall exceed two storeys in height or have a maximum ridge height of more than 9 metres"*. It also stipulated that *"The outermost line of dwellings located on the western periphery of the developable area and on the northern periphery of the developable area where it abuts undeveloped countryside, shall not exceed one storey in height or have a maximum ridge height of more than 6.5 metres"*. The scale of dwellings proposed complies with these requirements. The scale of development on the site reflects the predominant two storey scale of development in the surrounding area whilst also stepping down to reduce its visual impacts where the transition into countryside occurs.

It is noted that both Officers and the Historic Buildings Consultant are content with the proposal and raise no objections in relation to its scale. Street Elevation D (Drawing number BW197-ST-02 Rev H) shows how the scale of development in views from the community open space and the Heritage Assets which lie beyond. The application is also accompanied by full details of finished floor levels showing the buildings in relation to existing ground levels in plans and section as required under Condition 7 of the Outline consent whereby Officers are sufficiently assured that the scale of the buildings would not have a significant adverse impact upon visual or residential amenity.

The requests of the Parish Council to remove the permitted development rights to increase the height of dwellings on the western periphery have been carefully considered. Officers can confirm that there are no permitted development rights for householders to raise the overall height of their dwelling and that this is already prevented by the outline consent. The Parish Council have however requested that permitted development rights of householders to add dormer windows to their dwellings on the western periphery of the development is removed on the basis of potential harm to the setting of Hatfield Place. Officers do not consider that, for the majority of dwellings, their roof form which contains a cross wing would prevent the addition of dormers of any significant scale. The Inspector who judged the outline application found there to be no harm caused to the setting of the listed buildings and did not consider at the time that it was necessary to remove permitted development rights to preserve this. It would therefore be unreasonable to apply constraints at reserved matters stage on the basis that harm would be caused by the addition of dormers to roof slopes, particularly as only a very small number of dwellings are affected and they lie some 120m away from the assets behind retained trees. If the Local Planning Authority

were to do as requested, it would be open to challenge at a later date whereby the permitted development restrictions would be removed, therefore Officers cannot recommend this approach.

### Appearance

Stone Path Drive contains C20th development characterised by the application of similar house forms and materials, some of which are not particularly traditional in nature. The size of front gardens varies throughout the estate, and driveways and parked cars are generally prominent. Some of these features are not particularly desirable to carry forwards into a new development if an advancement of design standards is to be achieved.

The surrounding area is characterised by a strong regularity, simplicity and uniformity to the housing estates which comprise it, for example on Stone Path Drive, Church Road, Willow Crescent, Remembrance Avenue and New Road all exhibit these qualities. Also, whilst the appearance of dwellings within each estate is very similar, each estate is quite different from the other. So when looking within the boundaries of the settlement as a whole, dwellings exhibit a vast variation in period, style, materials, form and detailing. On the edges of the settlement though, for example on Crabbs Hill, the dwellings are arranged in a more irregular format and have increased variation in their form and materials. Generally, detached and semi-detached formats are common in the settlement as a whole, with occasional groups of terraced properties in places.

It would not be desirable to apply a single design approach throughout the whole of this development this could result in a bland appearance which lacks a sense of place. In order to avoid this, but still maintain a common uniformity to individual streets and areas, the applicant adopted a 'character areas' approach. For each character area, a theme for the appearance of the dwellings has been developed which draws on the positive features identified in the wider locality, such as use of traditional materials and detailing.

The appearance of the dwellings aim to respond to context, including the road layout and landscaping to derive a 'sense of place'. For example, those entering the central spine road to the development will be struck by the traditional format of footways raised above the carriageways and tree planting to one side that will create an avenue that focuses the eye on vistas towards the countryside, the retained trees and areas of open space. In this area the new homes are placed close to the edge of the street and regularly-spaced so that they create a rhythm and a distinct built form (see Street Elevation drawing Section B, ref. BW197-ST-01 Rev E). A limited palette of materials is applied which reflects the uniformity of existing dwellings on Stone Path Drive.

In contrast, to the eastern boundary of the site on Crabb's Hill, the dwellings are set back from the streets, which are designed with a shared space format surrounded by open space. The dwellings are angled to have a more organic and less regular layout, which helps derive the character of a lane. They are larger 'countryside' properties in a less dense layout, which again is more

rural. Materials would be render and boarding painted in pastel shades to possess an appearance often seen in a village context (see Street Elevation drawing Section F, ref. BW197-ST-02 Rev H).

Differing design character themes have also been applied to the other areas within the estate to ensure they feel different from the other parts of the estate. All dwellings in the development are designed in perimeter blocks, therefore address the road and any open space beyond. The layout has sought to retain existing landscape features, such as trees and hedgerows where possible. The layout has then turned these features into small greens and incidental areas of open space, with the roads then organised to turn or terminate around them. In this way, existing features have been used to provide a visual focus and lend distinctive wayfinding markers in the street scene. Corner turning dwellings have also been used in these areas to ensure an active frontage to the street and ensure that the identity of that space is enhanced.

Officers are of the view that in general the 'character areas' approach has largely succeeded in producing a development which has streets which are distinct from their neighbours and respond to the context that they sit within. A suite of revisions have been made to the application to refine the house type by adding detailing such as brick soldier courses, stone cills and chimneys. Some of the brick types and distribution of materials has also been revised to increase the quality and emphasise the differences between different areas. In some areas, features such as hipped roofs have been introduced to give the dwellings an appearance that has more in common with those in the wider locality. Minor changes have also recently been made to provide higher quality detailing to the dwellings and to address residual concerns from the Urban Design Consultant that there was an over proliferation of house types with forward facing projecting gables dominating the southern and eastern peripheries of the site. The revised plans are considered to satisfactorily address these concerns and the Urban Design Consultant raises no objections to the proposal (see Street Elevations E and F as found on drawing number BW197-ST-02 H for these revised street scenes).

Whilst the overarching standard of design on this site has been somewhat inevitably compromised by the quantum of development sought and the limited willingness of the applicant to be flexible within their particular volume housebuilding approach, provided that the above issues are attended to, Officers consider that overall the design has the potential to satisfactorily respond to context in a way which will create a sense of place that is locally distinctive and contains aesthetically pleasing elements, therefore is in sufficient compliance with the aforementioned national and local policies which concern design.

### Landscaping

Policy CS8 of the Core Strategy requires amongst other things that all development proposals have regard for the landscape and its sensitivity to

change; requiring that development enhances the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan requires new development proposals not to be detrimental to the distinctive landscape features and successfully integrate into the local landscape. Paragraph 127 of the NPPF requires decisions to ensure that developments are sympathetic to landscape setting, whilst Paragraph 170 explains the planning system should recognise the intrinsic character and beauty of the countryside; a sentiment also echoed in Policy CS5 of the Core Strategy. Policy HPE5 of the Neighbourhood Plan requires that the landscape setting of the village is protected and any proposed development does not detract from the key landscape features of the views identified on the map in the Plan, whilst Policy HPE1 requires proposals to enhance the locally distinctive character of the landscape in accordance with the Hatfield Peverel Landscape Character Assessment (2015).

The application is accompanied by a Landscape Masterplan (ref PR184-01 Rev R), Cross Section drawings and detailed specification for hard and soft landscaping, including all areas of formal and informal planting, hedgerow, trees and SuDS area in accordance with the requirements of Condition 10 of the Outline consent and the Tree Retention Plan as varied under Condition 21 of 20/01329/VAR. It is also accompanied by Biodiversity Management Plan in accordance with Condition 9 of the Outline consent which is in accordance with the recommendations as set out in the original Ecological Appraisal Report and revised Bat Mitigation Statement.

In general, the landscaping proposed aims to assist in creating a sense of place. For example, a wide grassed highway verge with trees running the length of the spine road will create an open, verdant character to the street scene which is distinctive to this location and to counter the tighter, denser appearance of the built form. A provision of low hedgerows and larger gardens on the periphery of the development will assist the transition to the countryside and a more informal feel to the street scene at the edges.

In the open space areas, wildflower grassland, tree planting and hedgerow supplementation are integrated with biodiversity objectives to provide a considered approach and produce a scheme that can be managed in the short and long term to add amenity and biodiversity value to the development. Along the countryside edges, visitor spaces have been provided as areas of grasscrete enclosed by wooden bollards in order to be sensitive to the transition into a more rural setting. Along the northern and eastern peripheries, existing hedgerow features will be retained and strengthened with a new understory planting to Crabb's Hill and a new hedgerow on Stone Path Drive.

A new tree belt along the southern open space will also help filter views of the development from the wider countryside and ensure that landscape objectives for new development in the Boreham Farmland Plateau are observed, i.e. by ensuring high quality green infrastructure is an integral part of new developments and that new developments conserve the traditional settlement

pattern and character. 'Important Views' as identified by Policy HPE5 of the Neighbourhood Plan, standing on Church Road, between the junctions with Crabb's Hill and Stone Path Drive, looking south and west within the open space areas would also be preserved, notwithstanding the fact the developable area now occupies most of the site in a manner consistent with the GIS plan, dictating the layout heavily at Reserved Matters stage.

Over the course of the application process, the landscaping of the open space area at the front of the development has been revised; following a request from Highways for surfacing of the footpath along its length, this gave rise to a necessity for more vegetation planting to counteract the urbanising appearance of these changes. The circular walk along the edges of the development is now to be surfaced in Breedon self-binding gravel in order that it can be used by a range of people in all weathers.

In response to specific concerns raised by residents, the status of Oak Tree reference T53 in the north-western boundary adjacent the community open space has been reassessed by the Applicant's Arboricultural Consultants. It had been queried whether the tree was a Veteran Coppice (Tree number 9211) on the basis of an entry as such on the Woodland Trust's Tree Inventory. The Inventory is a voluntary online database compiled with entries from members of the public which are not subject to professional review. Having revisited the site, the Applicant's Arboricultural Consultant explained that the Tree is classified correctly within the Tree Schedule and the Tree Protection Plan; in accordance with the British Standard *BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations*. Some confusion over the diameter of the tree may have arisen from the fact the tree is comprised of four trunks, rather than one single trunk.

Professional analysis suggests Tree T53 is a multistem tree which has fused in the centre rather than a coppiced oak, and thus whilst appearing very large and impressive, the tree is therefore no older than any one of its four stems individually. Having been assessed further for the existence of defining Veteran Tree characteristics (in line with the Veteran Tree Initiative Specialist Survey Method) it was concluded the tree is not in fact a Veteran Tree. The tree is however recognised as being of high value; having been categorised class 'A' and therefore been retained within the layout along with a maximum Root Protection Area (RPA) calculated in accordance with BS5837 specification for multistem trees. It is noted that the Landscape Officer, having considered the plans in conjunction with a revised Arboricultural Method Statement received (not yet approved at the time of writing this report) under Condition 21, is satisfied with the approach proposed subject to a condition being applied to the Reserved Matters which requires root investigations to take place under supervision of an Arboricultural Consultant and for any root pruning or alternative design solutions, such as the imposition of cellular 'no dig' mats or re-routing of any services as necessary, be approved in order to ensure that damage to the root systems of all the relevant trees on the site indicated for retention are minimised and therefore ensure the development will not harm their long term viability or vitality. A

condition is recommended to this effect which has been subject to the agreement of the Landscape Officer.

### Other Overarching Considerations

#### *Biodiversity*

Biodiversity value of wildlife corridors and promote wildlife enhancements which contribute to the targets set out in the Essex Biodiversity Action Plan. Policy RLP84 of the Adopted Local Plan directs that planning permission is not granted for development which would have an adverse impact upon protected species. Policy HPE1 of the Neighbourhood Plan states that *“strong support will be given to the retention of natural boundary treatments and the provision of new areas of natural planting and habitat as part of new developments.”* Paragraph 170(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity.

The application site, having been initially surveyed in 2016, was subject to an updated suite of reptile, bird, badger and bat surveys undertaken in 2020. This informed the details originally submitted with the Reserved Matters application, and in response to comments from the Council’s Ecological Consultants, the applicant has also submitted a Construction Environmental Management Plan, Outdoor Lighting Report, Landscape Environmental Management Plan, revised Biodiversity Management Plan, Biodiversity net gain matrix calculations and revised Ecological Impact Assessment. The details supplied aim to ensure that, from construction into occupation, this development delivers the both the required biodiversity mitigation and the necessary biodiversity net gain to comply with policy.

In consideration of these details, the Landscape Officer and the Council’s Ecological Consultant have reviewed all the documentation and have confirmed it is acceptable to discharge a number of conditions on the varied consent, including Condition 9) Biodiversity Management Plan, 10) specification for hard and soft landscaping, 11) Construction Management Statement, 13) External Lighting, 21) Means of Tree Protection, 23) vegetation clearance, 22) provision of nesting and roosting sites, and 28) Bat Mitigation Scheme.

The Council’s Ecological Consultant has reviewed the Biodiversity metric calculations Rev B and Biodiversity Management Plan Rev D and is satisfied that it demonstrates that the development will be able to secure measurable and deliverable biodiversity net gains for this application, as outlined under paragraph 170 [d] & 175[d] of the NPPF 2019. Furthermore, Officers note that the Landscape Environmental Management Plan required under the s.106 agreement provides considerable scope to enhance the ecological potential of the site in the long term, both through strategic new habitat creation and optimisation of existing habitats, and through restoration and conservation management. Particular measures include the augmentation of existing, and planting of new, trees within the SuDS attenuation basin and along the boundaries of the site, the seeding of the public open space with wildflowers,

provision of hibernacula and basking sites for reptiles, 'hedgehog highways' as well as the installation of bird nesting and bat roosting boxes. In response to the Landscape Officer's observations, it is also anticipated that any revised plans will include walls as well as fences in the legend pertaining to hedgehog highways to resolve this discrepancy. As a result, the submission is considered to comply with the relevant local and national policies concerning protected species and biodiversity.

### *Legal Obligations*

Schedule 1 of the Section 106 Agreement requires that a Landscape Strategy Plan be submitted. Under Schedule 5, an Open Space Plan, Open Space Specification and Open Space Management Plan are to be submitted which accord with the approved Landscape Strategy Plan. The Section 106 Agreement requires that the open space is laid out prior to occupation of the 80<sup>th</sup> dwelling, and that within 9 months of its certification, all the open space within the red line is transferred to a Management Company. The open space areas will then be managed in accordance with the Open Space Management Plan in perpetuity and paid for by an annual service charge levied to the residents of the dwellings.

The required details have been received and should help ensure that the long-term future of the retained, and enhanced, habitats on site will be safeguarded. The documents include a Landscape Environmental Management Plan (LEMP) which will ensure that the landscape management, ecological biodiversity enhancement and maintenance of the landscaped features are considered comprehensively together. The LEMP sets out a programme of relatively intensive establishment, maintenance and habitat restoration for the site within an initial five-year period. This is followed by longer term traditional conservation management regime aimed at optimising the biodiversity interests of the retained vegetation, including hedge sections mainly on the site boundaries, in perpetuity along with the areas of new habitat provision associated with the residential scheme. It is noted that the Section 106 agreement does not require the LEMP to cover the community land (within the blue line) as it is anticipated this will be owned and managed by the Parish Council. There is no requirement therefore for the LEMP to be developed in conjunction with, or subject to the prior approval of, the Parish Council.

Schedule 4 of the Section 106 Agreement requires that the land identified in the blue line to the north west of the developable area is used for informal public amenity recreational use. Three months prior to commencement of development, the developer is required to offer this land to Hatfield Peverel Parish Council along with a sum for its ongoing maintenance. If the Parish Council do not accept the land then it is to be transferred to a Management Company prior to occupation of 10% of the dwellings and then managed and paid for with an annual service charge to the dwellings. All rights of access are to be transferred with ownership and a covenant has been placed on the land preventing any development, additional landscaping or structural planting to occur. It is not therefore necessary to impose conditions which concern

access to this land as the Parish Council has the option to impose their own obligations when accepting its transfer.

In relation to Affordable Housing, Schedule 1 of the Section 106 Agreement requires that a Housing and Phasing Strategy be submitted which identifies the affordable housing mix and its phasing. Under Schedule 6 and Affordable Housing Scheme is to be submitted setting out the location, size and tenure of the dwellings in accordance with the Housing & Phasing Strategy together with providing details of the Registered Service Provider. It is understood that the affordable housing will be delivered in a single phase and therefore in place before 80% of all the dwellings are occupied.

All of the above documents required under the Section 106 Agreement have been received and are currently awaiting conclusion of the Reserved Matters before being finalised. Officers are satisfied that the details submitted with this Reserved Matters application does not prejudice the necessary compliance and implementation of any of the obligations under the Section 106 Agreement.

### *Heritage*

The Council has a duty under Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this case, there are two Grade II\* listed buildings which lie adjacent the community open space to the north-east of the site: Hatfield Place and the William Boosey Public House.

As part of the scheme, it is proposed to retain the original York Flagstone path which has been uncovered and crosses the meadow in the direction of Hatfield Place in their original position. This is consistent with the wishes of Hatfield Peverel Parish Council and would serve to preserve the significance of the stones as a non-designated heritage asset. It is proposed that, as they will form a feature in the new open space area to the north, that a condition is applied requiring a scheme of works to be identified that serve to which explain their significance for those using the footpath which runs alongside them.

In considering the Outline consent, the Secretary of State concurred with the Inspector that there would be no harm caused to the setting of either listed building. It is therefore not possible in principle to find a conflict with Policy RLP100 of the Adopted Local Plan, Policy SP6 of the Section 1 Plan or Paragraphs 196 & 197 of the NPPF. The Council's Historic Buildings Consultant raises no objections to the scheme on the basis of harm to Heritage Assets and therefore Officers are satisfied that the Local Planning Authority has fulfilled both its policy and statutory obligations in this regard.

The Parish's request for planting along the footpath alongside Plots 69-73 which are bordered by a 2.5m high wall serving to provide acoustic mitigation for the gardens of these dwellings has been considered. However, it is noted that in terms of potential impact upon the settings of listed buildings the wall would not be prominent as it is situated behind an existing hedgerow with trees and be located some considerable distance away. Having regard for personal safety concerns, some low planting was never-the-less requested in this area by Officers, but it did not prove possible to provide due to the shaded location and limitations of ground disturbance which can occur in the root zones of the tree. Furthermore, the developer felt it would not be compatible with the requirements of the Management Company who would take on the ownership and maintenance of this area. It was therefore resolved to concentrate efforts on the detailed design of the wall itself and for further information to be required in satisfaction of conditions on the consent, should this be granted.

### *Air Quality*

The principle of development was established at Outline stage and with this any associated impacts upon air quality as a result of traffic movements and other activities associated with the development were considered. The Secretary of State agreed with the Inspector that there was no evidence of conflict with the Development Plan in relation to matters of air quality having raised no issue with the Air Quality Assessment and updated Reports submitted at the time. Whilst Policy HO1 of the Neighbourhood Plan has since become a material consideration, requiring that housing development prevent unacceptable risks from emissions including by air in order to ensure no deterioration of current standards, this cannot affect the underlying principle that 140 dwellings are acceptable on this site by virtue of having been granted Outline consent. Initial conclusions therefore remain valid; that the cumulative impact of development would have a negligible impact upon local air quality and would therefore continue to comply with Policy RLP93 of the Adopted Local Plan and Policy HO1 of the Neighbourhood Plan.

### *Noise*

Policy RLP62 of the Adopted Local Plan and SP6 of the Section 1 Local Plan advises permission not be granted for development or changes of use which give rise to noise emissions which harm the amenity of existing or future residents. Paragraph 180 of the NPPF recommends that planning decisions mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (acknowledging advice contained within the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)).

In this case, Condition 8 of the Outline consent required that any Reserved Matters applications relating to scale or layout be accompanied by a Noise Report demonstrating that indoor ambient noise levels for the proposed dwellings will comply with the requirements of Table 4 of BS8233 Guidance

on Sound Insulation and Noise Reduction for Buildings (2013) and that the upper guideline noise level of 55Db(a) be achieved for outside amenity spaces such as gardens and patios.

The application is accompanied by a Noise Impact Assessment which contained an updated baseline noise survey to obtain an up-to-date understanding of the existing noise climate for the site. Identifying the dominant noise sources of traffic from nearby roads and the A12 in the distance, the report proposes to minimise any adverse effects in back gardens through use of slightly taller (2.5m) fencing to plots 69-72 on the north-western corner of the site in order to minimise noise intrusion. Within properties acoustic glazing will be applied to affected facades and enhanced ventilation installed to ensure adverse impacts are minimised.

The Council's Environmental Health Officer is satisfied with the report and raises no objections to the mitigation proposed. Following discussions with the Council's Urban Design Consultant the submission was revised to provide a 2.5m wall rather than a fence in this location as this would be more acceptable treatment to the public realm, notwithstanding the fact it necessitated a slight relocation of the boundary and away from the noise source to avoid impacts upon the root protection zone of a retained Oak Tree in this location. Officers therefore consider that the details proposed would successfully mitigate noise impacts upon inhabitants of the development in accordance with the aforementioned British Standard Guidance.

#### *Provision of External Lighting*

Paragraph 8 of the NPPF establishes fostering a safe built environment as a key aspect in delivering the social objective of sustainable development. Paragraph 91 sets out to ensure that planning decisions achieve inclusive and safe places, which are accessible and ensure that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 110 & 127 require development to create places that are safe and secure. Paragraph 180 of the NPPF advises that planning decisions limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The National Planning Policy Guidance in relation to Light Pollution states that *"Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development. However, for maximum benefit, it is important to get the right light, in the right place and for it to be used at the right time."*

Adopted in 2009, the Council's Supplementary Planning Document on External Artificial Lighting does not have the benefit of being informed by recent developments in research and technology, never-the-less Section 4.4 of the document recognises the safety of the general public is of the utmost importance and, rather than prohibiting external lighting, seeks to ensure that lighting does not exceed that which is necessary to perform its function in providing safer mobility of pedestrians and cyclists and reducing crime. Paragraph 6.9 advises that external lighting for residential developments

remain in balance with the village as a whole and do not give rise to unacceptable impacts upon biodiversity or landscape – avoiding situations where a line of lights becomes a defining feature to the edge of a settlement.

The above objectives are echoed in Policy RLP90 criteria (x) of the Adopted Local Plan which requires that the level of any lighting proposals are in context with the local area. It also requires at criteria (viii) that designs and layouts promote a safe and secure environment, crime reduction and prevention, encouraging related objectives for enhancing personal safety. Policy RLP65 of the Adopted Local Plan recognises that a balance needs to be struck between community safety and other considerations such as ecology, amenity, highway safety and landscape. The policy does not encourage a reduction in lighting in for residential developments, but seeks to ensure that all the impacts are considered at the design stages to ensure that they are no greater than necessary.

Condition 13 of the Outline consent required that details of any external lighting for the site be submitted and approved concurrent with the Reserved Matters submission. Reasons for this condition were to control the impact upon protected species such as bats. A comprehensive lighting scheme was originally proposed by the applicant with street lighting to both the spine road and the shared spaces within the development. This comprehensive lighting scheme was acceptable to the Council's Ecological Consultant and raised no concerns in relation to bats. However, in response to confirmation from Essex County Highway Authority that they would not adopt the shared space areas if they contained street lighting, revised the plans were received which removed this lighting from those areas. This has given rise to adverse comments from the Designing Out Crime Officer at Essex Police who is concerned that the lack of lighting will encourage crime and risk the personal safety of users.

Officers acknowledge that, in this particular case there are exceptional factors which constrain the applicant's ability to provide lighting to a standard advocated within the most up to date industry standard, Secured By Design [SBD] (2019). For example, the layout of development is highly constrained by the parameters applied at Outline stage and this has prevented a different road layout being adopted which could provide the levels of street lighting normally required. Street lighting is a feature of the existing development on Stone Path Drive and other estate roads in the vicinity, therefore the originally proposed comprehensive lighting scheme would have been in keeping with context. However, there have also always been ecological and landscape sensitivities to this site which have not favoured a flexible solution being explored for lighting the footpaths which border the periphery of the site.

Officers feel therefore that, whilst it is unfortunate an optimum solution cannot be reached on this site, opportunities which may have been available had the application been less advanced in the planning process are no longer at their disposal. In view of this fact, the competing objectives in this case have meant the matter is unresolvable from a practical perspective and therefore it is necessary to acknowledge a degree of harm arising from the schemes inability to provide a design and layout which promotes a safe and secure

environment, crime reduction and prevention, encouraging related objectives for enhancing personal safety. Officers feel that in this case the partial lack of compliance with the criteria of RLP90 (viii) is not sufficient to render the development contrary to the Development Plan or the NPPF as a whole, but Members will need to weigh the degree of harm caused themselves and attribute their own weight to it in the planning balance as they consider appropriate in this case.

### *Construction Management*

A Construction Method Statement has been received in connection with the requirements of Condition 11 of the varied consent (reference 20/02237/DAC). The Statement proposes a temporary access is formed onto Crabbs Hill for use by construction traffic and this would necessitate the removal of a group of trees (G14) adjacent to Crabbs Hill. The Landscape Officer notes that the Tree Survey submitted as part of this application identifies this group as a group of eight struggling elm trees which probably have Dutch elm disease. Having observed there is evidence of large scale die-back and deadwood, these trees are judged to be of limited long term value and viability. However, amendments have been requested to the Arboricultural Mitigation Statement and Tree Protection details to take account of these works. Whilst the discharge of conditions application is still ongoing, the Landscape Officer has provided assurances that the levels of landscape mitigation proposed on the site exceed that required to mitigate for the loss of these trees, including a comprehensive planting scheme received in connection with this application which would see significant improvement and supplementation of the existing hedgerow to Crabbs Hill in the long term. Officers therefore consider that there is nothing in this application which would compromise the objectives of Condition 11. Once the Construction Method Statement is agreed it will remain effective in protecting the amenity of nearby residents. Should there be any breaches of its terms in future these would be investigated and enforcement action could be taken if necessary in the normal way.

### *Surface Water Drainage*

Policy RLP69 of the Adopted Local Plan requires that developers use Sustainable Drainage techniques such as grass swales, detention/retention ponds and porous paving surfaces, as methods of flood protection, pollution control and aquifer recharge. Policy CS8 of the Core Strategy requires that Sustainable Drainage Systems (SUDS) are used wherever possible to reduce flood risk, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise. Policy HPE6 of the Neighbourhood Plan requires that development use appropriate Sustainable Urban Drainage Solutions (SuDS) based on an engineering and ground assessment on all sites.

In this case, a detailed Surface Water Drainage Scheme has already been approved for the site under Condition 17 of the Outline consent. This will

ensure that there is sufficient flood storage provided on site to prevent an increase in flooding off-site. As the land slopes gently from the north east of the site towards the south west, these ground levels have been used to dictate a logical location for sustainable drainage provision in the form of a detention basin in the site's south-west corner. This would drain into an adjacent watercourse at controlled Greenfield run-off rates. The SuDS drainage system would be maintained in accordance with a Maintenance Plan which has already been approved under Condition 18 of the Outline consent to ensure that it continues to function in perpetuity under the maintenance of the Management Company as the dwellings become occupied. The proposal is therefore considered to comply with the aforementioned policies concerning surface water drainage.

## CONCLUSION

The principle of the residential development of the site has been established following the grant of Outline planning permission by the Secretary of State, which followed a detailed examination of all the issues by a Planning Inspector at a Public Inquiry. The applicant seeks permission only for Reserved Matters pursuant to this Outline consent consisting of the appearance; landscaping; layout and scale of the development.

The scheme has been designed in accordance with parameters established at the Outline stage. Officers consider that the proposed appearance; landscaping; layout and scale of the development are acceptable in planning terms.

The scheme has been substantially amended since the original submission to address issues raised by Officers, the Parish Council and local residents and consultees. The scheme now presented to Members is considered to represent an appropriate and reasonably sympathetic design response having regard for the limitations and constraints in this case. It is therefore recommended on balance that the Reserved Matters are approved.

## RECOMMENDATION

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

## APPROVED PLANS

Proposed Plans	Plan Ref: BW197-HT-CA-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-CHa-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-CHb-02	Version: 00
Proposed Plans	Plan Ref: BW197-HT-CHc-03	Version: 00
Proposed Plans	Plan Ref: BW197-HT-FU-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-GO-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-GO-02	Version: 00

Proposed Plans	Plan Ref: BW197-HT-JE-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-PH-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-PO-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-PO-02	Version: 00
Proposed Plans	Plan Ref: BW197-HT-QU-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-SC-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-SI-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-TH-01	Version: 00
Proposed Plans	Plan Ref: BW193-HT-TI-01	Version: 00
Proposed Plans	Plan Ref: BW193-HT-TI-03	Version: 00
Street elevation	Plan Ref: BW197-ST-01	Version: E
Play Area Plan	Plan Ref: PR184-02	Version: E
Proposed Plans	Plan Ref: BW193-HT-2B-01	Version: B
Proposed Plans	Plan Ref: BW193-HT-2B-02	Version: D
Proposed Plans	Plan Ref: BW193-HT-BA-03	
Proposed Plans	Plan Ref: BW193-HT-BA-04	
Proposed Plans	Plan Ref: BW193-HT-PL-01	Version: A
Proposed Plans	Plan Ref: BW193-HT-GO-03	Version: B
Proposed Plans	Plan Ref: BW193-HT-HA115-01	Version: B
Proposed Plans	Plan Ref: BW193-HT-JE-02	Version: A
Proposed Plans	Plan Ref: BW193-HT-SI-02	Version: B
Refuse Information	Plan Ref: 19-066-006	Version: G
Levels	Plan Ref: 19-066-103	Version: F
Site Plan	Plan Ref: 8996-200	Version: C3
Section	Plan Ref: BW197-CS-01	Version: A
Section	Plan Ref: BW197-CS-02	Version: A
Planning Layout	Plan Ref: BW197-PL-02	Version: G
Height Parameters Plan	Plan Ref: BW197-PL-04	Version: F
Parking Strategy	Plan Ref: BW197-PL-05	Version: F
Other	Plan Ref: BW197-PL-05a	Version: D
Refuse Information	Plan Ref: BW197-PL-06	Version: F
Garden Study	Plan Ref: BW197-PL-07	Version: F
Location Plan	Plan Ref: BW197-PL-08	Version: G
Other	Plan Ref: BW197-PL-09	Version: G
Other	Plan Ref: BW197-PL-10	Version: F
Other	Plan Ref: BW197-PL-12	Version: A
Street elevation	Plan Ref: BW193-ST-02	Version: H
Landscape Masterplan	Plan Ref: PR184-01	Version: R
Section	Plan Ref: PR184-03	Version: B
Plant Housing	Plan Ref: PR184-07	Version: C
Plant Housing	Plan Ref: PR184-08	Version: C
Other	Plan Ref: PR184-09	Version: C
Proposed Plans	Plan Ref: BW193_HT-3B-01	Version: C
Proposed Plans	Plan Ref: BW193_HT-3B-02	Version: C
Proposed Plans	Plan Ref: BW193_HT-3B-03	Version: C
Proposed Plans	Plan Ref: BW197_HT-CA-03	Version: A
Proposed Plans	Plan Ref: BW197_HT-FU-03	Version: B
Proposed Plans	Plan Ref: BW197_HT-GO-04	Version: B
Proposed Plans	Plan Ref: BW197_HT-HA50-03	Version: 00
Proposed Plans	Plan Ref: BW197_HT-JE-03	Version: C

Proposed Plans	Plan Ref: BW197_HT-LUa-01	Version: 00
Proposed Plans	Plan Ref: BW197_HT-LUb-02	Version: 00
Proposed Plans	Plan Ref: BW197_HT-PH-02	Version: C
Proposed Plans	Plan Ref: BW197_HT-SC-02	Version: A
Proposed Plans	Plan Ref: BW197_HT-SI-03	Version: D
Proposed Plans	Plan Ref: BW197_HT-TH-02	Version: C
Proposed Plans	Plan Ref: BW197_HT-WA-02	Version: C
Garage Details	Plan Ref: BW197-GR-01-SG1&SG2	Version: A
Garage Details	Plan Ref: BW197-GR-02 -SG3&DG1	Version: A
Garage Details	Plan Ref: BW197-GR-03 -DG2	Version: B
Other	Plan Ref: PR184-06	
Other	Plan Ref: BW197-BS-01	Version: 00
Cycle Plan	Plan Ref: BW197-CS-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-HA50-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-HA102-01	Version: 00
Proposed Plans	Plan Ref: BW193-HT-BA-01	Version: 00
Proposed Plans	Plan Ref: BW193-HT-BA-02	Version: 00
Proposed Plans	Plan Ref: BW197-HT-WA-01	Version: 00
Proposed Plans	Plan Ref: BW197-HT-WA-03	Version: 00
Other	Plan Ref: PR184-04	Version: A
Other	Plan Ref: PR184-07	Version: C
Other	Plan Ref: PR184-08	Version: C

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

#### Reason

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

- 2 Notwithstanding the details hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to their installation or build. The development shall not be carried out otherwise than in accordance with the details hereby approved.
  - a) Confirmation of distribution, together with samples, of all materials to be used in the exterior of the dwellings, including the colour and finish of all render and weatherboarding;
  - b) Details of all brickwork; brick bond, detailing, capping, plinths, mortar mix and colour;
  - b) Details of all ground floor frontages including entrance doorways, garage doors, canopies, post boxes (apartments only);
  - c) Window design: specification for all typical windows including reveals, spandrels, flashing and frame thickness and the location of glazing bars;
  - d) Details of materials and colour for all ridges and verges to the roofs;
  - e) Details of all ground surface finishes, including kerbs and manhole covers;
  - f) Detailed design and bricks to be used for all chimneys;
  - g) Details of the materials and appearance of all boundary treatments.

#### Reason

In the interests of visual amenity: to ensure the development achieves a high standard of design which is sympathetic and in character with its surroundings.

- 3 Prior to the commencement of any development within the Root Protection Areas of any trees identified to be retained on the Tree Retention Plan reference BW197-TRP-01 Rev A, a report detailing the findings of root investigations carried out under arboricultural supervision shall have been submitted to and approved in writing by the Local Planning Authority together with details of any root pruning or alternative design solutions as necessary to retain the viability and vitality of the retained trees. Development shall only proceed in accordance with the approved details.

#### Reason

To ensure the protection of existing trees, shrubs and hedges given that the details hereby approved indicate that the digging of trenches and excavations will be necessary within the Root Protection Areas of retained trees, notably the provision of landscaping and lighting.

- 4 Prior to completion of the open space area, the York Flagstones which formed a path within the site (as shown on drawing number BW197-PL-02 Rev G) shall have been reinstated in their original position and works implemented to fulfil the objective of explaining their origin and historical significance to the public; the design and location of such works shall have been submitted to and approved in writing with the Local Planning Authority prior to their implementation. The York Flagstones and accompanying works shall only be installed in accordance with the approved details, thereafter to be retained and maintained as such.

#### Reason

In order to ensure the retention and conservation of the York Flagstones along their original alignment through the meadow in accordance with their status as a non-designated heritage asset of community value and interest, enhancing their value and interest through works which communicate their origin and historical significance to the public.

- 5 The relevant electric vehicle charging points and passive charging points shall be installed prior to occupation of the dwelling to which they relate in accordance with drawing number BW197-PL-05a Rev D.

#### Reason

In order to ensure occupants have the ability to access electrical vehicle charging as proposed, in accordance with Hatfield Peverel Neighbourhood Plan Policy FI2.

- 6 The garages/car parking spaces, cycle storage facilities (as provided within sheds and other buildings) shall be provided as shown on BW197-

PL-05 Rev F and BW197-CS-01 Cyclestore Rev00 prior to occupation of the dwelling to which they relate and shall thereafter be retained and kept available for use for their specified purpose. The garages/car parking spaces and cycle storage facilities shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

**Reason**

To ensure adequate parking, garage space and cycle storage facilities are provided within the site in accordance with the Essex Vehicle Parking Standards Supplementary Planning Document (2009) and Policy FI2 of the Hatfield Peverel Neighbourhood Plan.

**CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER**