

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 12 September 2017 at 07:15 PM**

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

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

---

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

**Membership:-**

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

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

A WRIGHT  
Acting Chief Executive

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

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

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

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

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

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

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

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

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

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

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

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

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](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 29th August 2017 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

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

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

**PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 15 00289 FUL - Acres Down, Station Road, HATFIELD PEVEREL</b>	<b>5 - 16</b>
<b>5b</b>	<b>Application No. 16 01908 FUL - Old Ivy Chimneys, Hatfield Road, WITHAM</b>	<b>17 - 34</b>
<b>5c</b>	<b>Application No. 17 00575 OUT - Land East of Sudbury Road, HALSTEAD</b>	<b>35 - 80</b>
<b>5d</b>	<b>Application No. 17 01196 FUL - Park Farm Buildings, Church Road, BRADWELL</b>	<b>81 - 94</b>

**PART B**

Minor Planning Application:-

<b>5e</b>	<b>Application No. 17 00658 FUL - Orchard House, Mallows Lane, Gainsford End, TOPPESFIELD</b>	<b>95 - 103</b>
<b>6</b>	<b>Planning and Enforcement Appeal Decisions - July 2017</b>	<b>104 - 118</b>
<b>7</b>	<b>Urgent Business - Public Session</b> 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.	
<b>8</b>	<b>Exclusion of the Public and Press</b> 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**

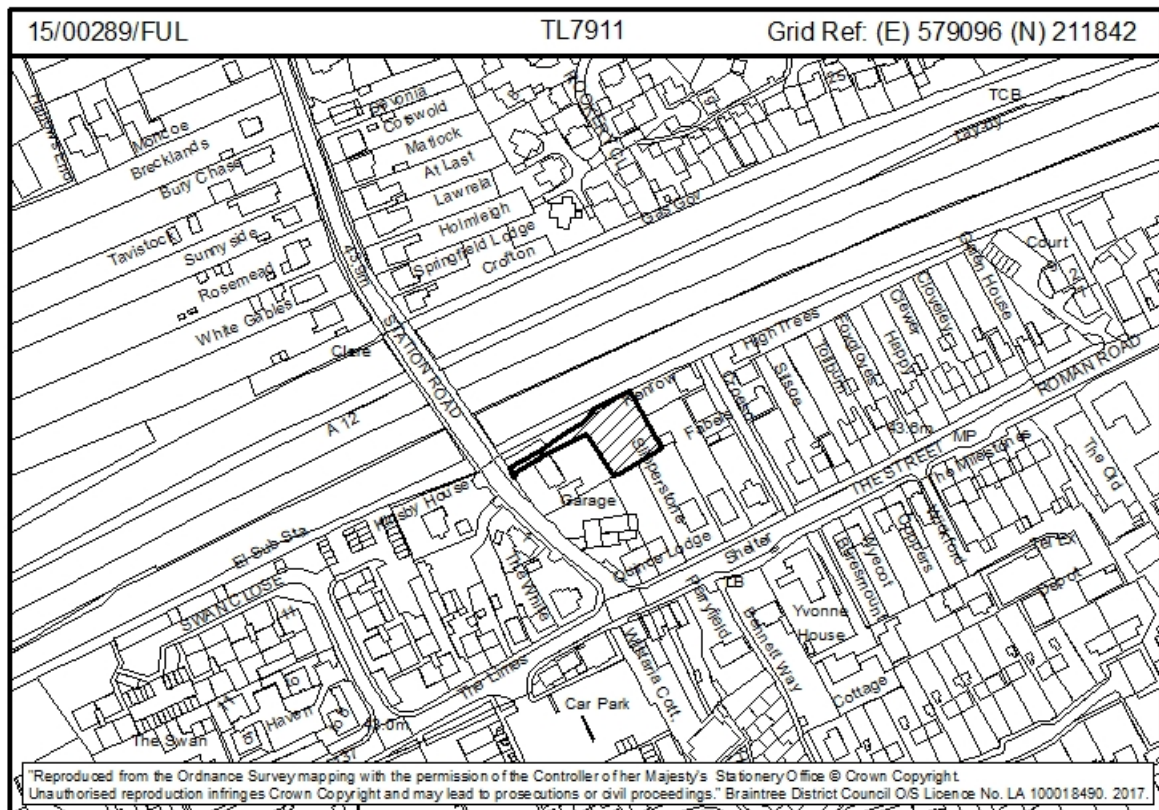
#### **Page**

<b>9</b>	<b>Urgent Business - Private Session</b> 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

APPLICATION NO: 15/00289/FUL  
 DATE: 03.03.15  
 VALID:  
 APPLICANT: Mr D Nicolic  
 71 Chignal Road, Chelmsford, Essex, CM1 2JA  
 AGENT: Edward Parsley Associates Ltd  
 Mr Dave Farrow, West End Barn, The Street, Rayne,  
 Essex, CM77 6RY  
 DESCRIPTION: Erection of bungalow  
 LOCATION: Acres Down, Station Road, Hatfield Peverel, Essex, CM3 2DS

For more information about this Application please contact:  
 Mrs Natalie Banks on:- 01376 551414 Ext. 2545  
 or by e-mail to: [natalie.banks@braintree.gov.uk](mailto:natalie.banks@braintree.gov.uk)



## SITE HISTORY

77/00129/	Erection of dwelling.	Refused	30.05.77
80/01653/	Erection of two storey extension to side of bungalow to form separate dwellinghouse.	Granted	13.02.81
91/01175/	Proposed loft conversion.	Granted	19.11.91
91/01175/PFWS	Proposed Loft Extension	Granted	19.11.91
94/01079/FUL	Erection of garage	Granted	25.10.94
08/01359/FUL	Reconstruction of Existing detached garage following fire damage	Granted	03.09.08

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

#### Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

- Page 76 & 77 – Amenity Space

- Minimum Driveway Width – Page 139
- Page 168 – Access for Fire Tenders

## Essex Parking Standards

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

This application is brought before the Planning Committee due to an objection received from Hatfield Peverel Parish Council.

### SITE DESCRIPTION

Acres Down is a single-storey dwelling with garage accessed off Station Road within the Village of Hatfield Peverel. There is an existing access to the north of the dwelling which was previously used for a sub-station. This would be utilised for this development. The A12 trunk road is to the north and there are residential properties to the east and south of the site. This part of the village sits atop of the embankment adjacent to the A12 and there are a number of trees on the boundary. The application site comprises the eastern part of the garden to Acres Down and measures approximately 770sqm.

### PROPOSAL

This proposal is for the erection of a single storey dwelling. The application submission has been revised by reducing the quantum of development to a single storey dwelling. The application originally proposed the erection of a pair of semi-detached one and a half storey dwellings with integral garages. The proposed dwelling would be positioned with its front elevation facing to the north, towards the A12. It is set out in a rectangular form with a hipped roof, projecting gables of unequal length and width at each end and a projecting porch canopy on the front. It will measure approximately 6m in height, 16.7m in width and 12m in depth. The front elevation features a bay window on the larger gable projection, a casement window in the smaller gable, with 3 single windows tucked in on the recess between the gables. The rear elevation features a flush casement in the smaller gable, with bi-folding doors in the larger gable with a single window above and two roof lights, and a pair of French doors within the recess. There is a single window indicated in each side, together with a door on the north-east elevation. The dwelling will provide 3 bedrooms, one with en-suite, a bathroom, kitchen/diner, utility room, lounge and home office. The materials proposed are buff brickwork with render and composite timber on the gables, a natural slate roof and uPVC windows. Two vehicle parking spaces are proposed in the north-east corner of the site measuring approximately 3.1m in width and 5.5m in length, set back from the side boundary. Amenity space is indicated to the sides and rear of the dwelling measuring between 8m–10m in length, equating to approximately 250sqm. Access will be via a driveway adjacent to Acres Down, measuring approximately 4m in width and 35m in length.



The application is accompanied by a Planning Statement, Noise and Air Quality Assessments, Tree Protection Plan, Arboriculture Report and Planning for Sustainable Design and Construction Checklist. The proposal will involve the removal of 3 trees, which are considered of low amenity value. Root protection and 'no-dig' areas are indicated on the plans. The air quality and noise assessments conclude that the site is suitable for residential development. The Noise Quality Assessment recommends that an acoustic barrier is erected on the site boundary and thermal double glazing installed. Further information regarding noise has also been submitted and assessed by the Council's Environmental Health Officer.

### CONSULTATIONS

Highways Agency – no objection.

ECC Highways – no objection, subject to condition relating to visibility splays.

BDC Environmental Health – no objection, subject to conditions.

Hatfield Peverel Parish Council has objected to the revised proposal on the following grounds:

- Hazardous access due to heavy vehicular and pedestrian use, particularly by commuters;
- Potentially dangerous site splays;
- Pollution, noise and lighting;
- The dwelling would be too close to the A12 and there is a possibility the land may be required for the widening of the A12.

### REPRESENTATIONS

Two letters of representation have been received from the occupiers of 'Slipperstone' and 'Quince Lodge' objecting to the proposal as follows:

- The proposed access has not been used since the neighbouring house was demolished in the 1960s to make way for the A12;
- The driveway is too narrow to allow access for emergency vehicles;
- The footprint of the new dwelling is larger than that of the previously proposed dwellings and appears to be closer to the boundary of 'Slipperstone';
- The proposed dwelling will be over-bearing;
- The new dwelling will over-stretch existing sewerage/drainage arrangements;
- The village needs more affordable houses, not housing of this type;
- Traffic issues during the construction phase.

## REPORT

### Principle of Development

At the heart of Government advice contained within the National Planning Policy Framework is the presumption in favour of sustainable development. Proposals that accord with the local authority's development plan should be approved without delay. The site is in a sustainable location, within the established Hatfield Peverel Village Envelope, where new residential development is acceptable, in accordance with Policy RLP2 of the Braintree District Local Plan Review, subject to other relevant policy criteria. The proposal is therefore considered to be acceptable in principle, subject to detailed considerations which are set out below.

### Design, Layout and Impact on Neighbouring Amenity

The National Planning Policy Framework attaches great importance to the design of the built environment. It is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people (para 56). Decisions should aim to ensure that development:

- Will function well and add to the quality of an area;
- Establish a strong sense of place to create attractive and comfortable places to live;
- Optimise the potential of the site to accommodate development;
- Respond to local character and history;

Policy RLP3 of the Braintree District Local Plan Review requires that residential development is only acceptable if it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities. Inappropriate back-land development should be prevented.

Policy CS9 of the Core Strategy and Policy RLP90 of the Braintree District Local Plan Review seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. RLP10 of the Braintree District Local Plan Review states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development.

Recommendations set out in the Essex Design Guide (EDG) state that dwellings with 3 bedrooms should benefit from a minimum of 100sqm private

garden space. In terms of spatial separation, the Guide recommends a minimum 'back-to-back' distance of 25sqm.

The design of the dwelling is simple and discrete, with the front facing away from the existing dwelling. As such it is considered that it will not have a material impact on the character of the area, given that the area displays a mix of dwelling types and designs. It is recognised that with infill plots, care must be taken to ensure that the development can be accommodated within the constraints of the site and without resulting in harm to existing residential amenity. The proposed scheme has been revised to a single storey dwelling to address concerns regarding potential overlooking, overshadowing or overbearing impact to existing residents. In relation to relevant standards required to achieve a good level of amenity for existing residents and that of the potential residents, the new dwelling would have private amenity space of approximately 250sqm, which exceeds the minimum requirements. In addition, the existing dwelling will retain rear amenity space in excess of 300m. As the dwelling is single storey the 'back-to-back' distance between the proposed dwelling, 'Quince Lodge' and 'Slipperstone' at approximately 30m+ means that it will not be overbearing, result in overshadowing or overlooking. It is therefore considered that the design of the dwelling is acceptable in the local context, will not result in harm to neighbouring residential amenity and that it satisfies the relevant policy criteria and adopted Standards as set out above.

#### Parking/Access/Highway Safety

Policy RLP56 of the Braintree District Local Plan Review states that off-road vehicle parking should be provided in accordance with the Council's adopted Vehicle Parking Standards 2009. For dwellings with two bedrooms or more a minimum of two parking spaces should be provided. Each parking space should measure 5.5 metres in depth by 2.9 metres in width. The new dwelling would be provided with 2 vehicular parking spaces which slightly exceed the required dimensions. The existing dwelling has a garage and parking to the front, therefore, existing arrangements in that regard will not change.

With regard to highway safety issues, it is noted that the Highways Agency has advised that whilst the site is within an area that may be affected by the widening of the A12, no objection have been raised to the proposal. ECC Highways also raises no objection, subject to a condition regarding visibility splays.

In terms access for fire engines, the EDG states that access is required to a point not further than 45m from all parts of the ground floor of any residential building. Any road or private way forming part of such an access must be no less than 3.7m in width. As referred to above, the driveway exceeds this minimum width and at 35m is less than the maximum 45m suggested.

It is relevant to note that refuse vehicles will not enter private drives and any dwellings more than 25m from the highway therefore, the applicant will need

to provide a bin collection point within that distance. Conditions are therefore suggested in this regard (Conditions 8 & 9).

### Environmental Impacts

Policy RLP62 of the Local Plan Review states that planning permission will not be granted for development which will, or could potentially, give rise to polluting emissions such as noise, smell, fumes, vibration or other similar consequences unless, adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment.

Policy RLP63 states that where air quality objectives are likely to be prejudiced, as a result of development proposals and/or resultant traffic movements, applicants will be required to submit a specialist assessment. Planning permission will be refused for developments where air quality objectives cannot be met.

In terms of the amenity of the potential occupier of the dwelling, it is recognised that the site is close to the A12, as are several dwellings within the Village. As referred to above, the Council's Environmental Health Officer raised concerns regarding the proposal. Whilst the Noise Report indicated that it was possible to attenuate noise from the A12 inside the property, it was not demonstrated conclusively that the external minimum tolerance of 55d(B(A) could be achieved. No adverse concerns were made regarding air quality.

Members will note that an application for outline consent for the erection of 3 dwellings outside of the village envelope was dismissed at appeal because whilst it was accepted that the Council could not demonstrate a 5 year housing supply, it had not been satisfactorily demonstrated that the likely impact from noise and air quality from the A12 had been addressed (reference 14/01481/OUT - APP/Z1510/W/15/3097731). As such, the development was considered unacceptable.

In this case, the proposal is within the defined settlement. It is also relevant to note that this dwelling would be set further back from the noise source than those in the appeal decision. It is single storey and the issues relating to noise have been addressed following extensive negotiations with the Council's Environmental Health Officer. In order to mitigate the impact of the development the provision of various measures, including an acoustic fence, triple-glazed windows and an appropriate noise and ventilation system are required and it is recommended that these are secured through conditions (Conditions 6 & 7).

### Other Issues

The issues raised within the representations relating to drainage are a matter for the Building Regulations. Disturbance during the construction phase is not

a matter that is material in the determination of a planning application. However, relevant conditions are suggested to mitigate disturbance to existing residents during the construction phase.

## CONCLUSION

At the heart of the NPPF is the 'presumption in favour of sustainable development' which should be seen as a golden thread running through both plan making and decision taking. The site is located in a sustainable location within the Hatfield Peverel Village Envelope. The original proposal has been amended to a single storey dwelling in order to protect neighbouring amenity and ensure a good standard of amenity for the future occupier.

The NPPF is quite clear that where development does accord with the development plan, it should be approved without delay. It is considered that the scale, layout and appearance of the proposed development is acceptable and would not have an impact on highway safety or the amenity of neighbouring residents to an extent that justifies refusal of the application. The concerns regarding impact from the A12 can be ameliorated satisfactorily. It is concluded, therefore, that the development could take place without material detriment to neighbouring residential amenity or the wider settlement.

## 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: 01.1
Block Plan	Plan Ref: 02.1
Proposed Site Plan	Plan Ref: 03.1B
Proposed Floor Plan	Plan Ref: 04.1B
Proposed Elevations	Plan Ref: 05.1B
Visibility Splays	Plan Ref: 9279 06B
Tree Plan	
Noise Details	

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

### Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A, 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

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

- 4 Construction of any buildings shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

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

Reason

In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.

- 6 Prior to the commencement of the development hereby approved details of the acoustic fencing as indicated on the above Site Plan, reference 03.1B, shall be submitted to and approved in writing by the local planning authority. The details shall include design, mass density and method of fixing, height and materials of the fence. The approved acoustic fencing shall be installed prior to the occupation of the development hereby approved and shall thereafter be permanently retained as approved.

Reason

These details are required prior to the commencement of the development due to the sites location in relation to the A12 Trunk Road.

- 7 Prior to the commencement of the development details of the windows and noise insulation/ventilator system to be installed shall be submitted to and approved in writing by the local planning authority. These details

shall include manufacturer's details of the glazing bars and pane thickness of the windows, and the noise insulation/ventilation system, together with the relative predicted sound reduction. The windows and insulation/ventilation system shall be installed prior to the occupation of the dwelling and thereafter retained as approved.

Reason

These details are required prior to the commencement of the development due to the sites location in relation to the A12 Trunk Road.

- 8 Prior to occupation of the development, the site access at its centre line shall be provided with a clear to ground visibility splay with minimum dimensions of 43 x 2.4 x 43 metres, as measured from and along the nearside edge of the carriageway. The visibility splay shall be retained free of any obstruction at all times.

Reason

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

- 9 Prior to the occupation of the development details of the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - (a) the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
  - (b) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details.

Reason

In the interest of promoting sustainable forms of development.

- 10 The refuse collection point shall be sited within 25m of the highway and thereafter so retained.

Reason

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

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

Reason

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

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

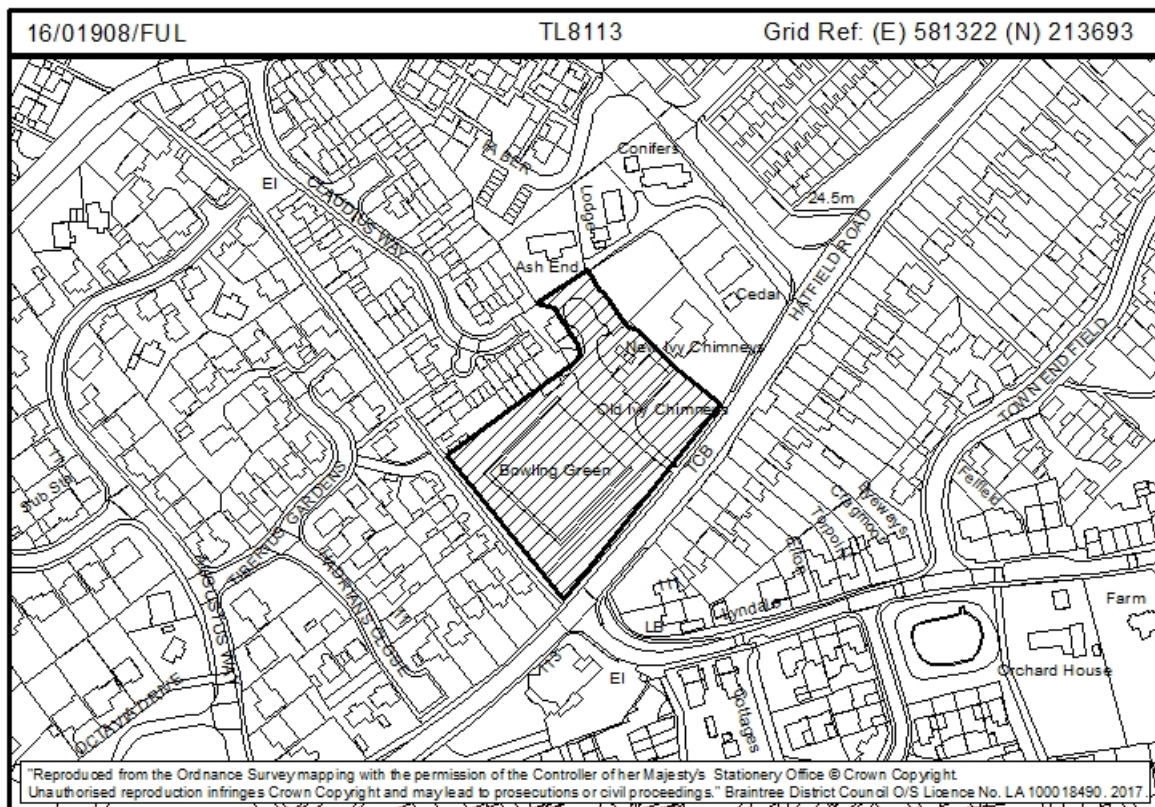
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 16/01908/FUL DATE: 09.02.17  
 VALID:  
 APPLICANT: Mr Ladkin  
 St. Giles Developments Ltd, 61 Alderford Street, Sible  
 Hedingham, Halstead, Essex, C09 3HX  
 AGENT: DAP Architecture  
 Mr Lewis Cullerton, 200 Avenue West, 120 Skyline,  
 Braintree, Essex, CM77 7AA  
 DESCRIPTION: Erection of 15 no. residential units and conversion of listed  
 building into 4 no. residential apartments.  
 LOCATION: Old Ivy Chimneys, Hatfield Road, Witham, Essex, CM8 1EN

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



## SITE HISTORY

92/00836/COU	Change of use from residential to offices for 19 staff for 18 months	Granted	14.09.92
94/00528/COU	Change of use from office to residential care home and extensions	Granted	29.07.94
94/00529/LBC	Proposed upgrading and change of use of existing redundant building to form new offices	Granted	29.07.94
94/01176/FUL	Continued use of New Ivy Chimneys as office and proposed new office extension with additional parking	Granted	16.11.94
98/01257/COU	Change of use of building to provide a new community mental health day centre and internal alterations	Granted	08.12.98
98/01258/LBC	Change of use of building to provide a new community mental health day centre and internal alterations	Granted	08.12.98
14/01528/OUT	Outline planning application for 18 no. residential units and development of vacant and disused former NHS site	Granted with S106 Agreement	15.10.15
14/01529/FUL	Conversion of vacant former NHS building to create four no. two bedroom residential flats	Granted	12.10.15
14/01530/LBC	Conversion of vacant former NHS building to residential dwellings	Granted	12.10.15

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP27	Location of Employment Land
RLP38	Conversion of Rural Buildings
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport

RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP66	Flood Risk in Developed and Urban Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

#### Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density

LPP44	Sustainable Transport
LPP45	Parking Provision
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
LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Supplementary Planning Guidance

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

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

This application is brought before the Planning Committee as the Town Council have written in support of the application, contrary to the Officer recommendation for refusal.

The application also represents a departure from the current Development Plan.

#### NOTATION

Part of the application site is safeguarded under the adopted Local Plan (Policy RLP36) as an area of formal recreation.

The emerging Local Plan does not seek to retain this safeguard and proposes to allocate the land for residential development.

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

### SITE DESCRIPTION

The application site is located within the Town Development Boundary of Witham. It measures approximately 0.69ha and consists of Old Ivy Chimneys, (a vacant Grade 2 listed building) and its immediate curtilage, a disused bowling green and an established area of trees to the rear of the site. The site also includes an area of open space located along its site frontage with Hatfield Road and a substantial hedge line which abuts this.

Old Ivy Chimneys was last used by the NHS for offices and consulting rooms and has been vacant since 2014. It is now in a poor state of repair and has been the subject of arson and vandalism although the building has since been well secured against further attacks.

The existing vehicular access to the site is taken from Hatfield Road, onto which the site fronts. The site is bounded to the north and west by existing residential development and to the east by New Ivy Chimneys; a vacant commercial building which is the subject of a current planning application for its demolition and the erection of a new residential building.

### PROPOSAL

The applicant seeks full planning permission for the erection of 15 new dwellings and the conversion of the listed building to 4 apartments. The new dwellings would consist of 11 houses located on the western side of the site and 4 apartments located in a 2 storey block located to the rear of the site, behind the listed building.

The conversion of the listed building would be carried out in the same manner as a previously approved scheme granted planning permission and listed building consent in November 2014.

The scheme would utilise the existing vehicular and pedestrian access point to the site from Hatfield Road.

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

- Planning Statement
- Development Viability Assessment
- Heritage Statement
- Design and Access Statement
- Transport Statement
- A full set of plans and drawings
- Flood Risk Assessment and Drainage Strategy
- Utilities Assessment
- Ecology Report

- Arboricultural Impact Assessment

## CONSULTATIONS

### ECC Highways

No objection subject to conditions relating to the provision of a Construction Management Plan and the construction of the site access and internal road layout as detailed on the submitted plans. Also a requirement for the upgrading of the two bus stops adjacent to the site on Hatfield Road and the provision of Residential Travel Information Packs to be achieved via a s106 Agreement.

### ECC SUDs

No objection subject to standard conditions relating to the provision of a detailed surface water drainage scheme with associated Maintenance Plan and the submission of a surface water drainage scheme to minimise the risk of off-site flooding during construction.

### ECC Education

No education contribution requested.

### Anglian Water

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

### ECC Archaeology

No objection. The conversion of Old Ivy Chimneys will affect a building of historical and architectural significance. A full historic building recording condition was put on the previously granted planning permission 14/01529/FUL for the conversion of this building and this condition should again be used.

The site was identified as one of high archaeological potential due to the proximity to known significant archaeological remains and a limited test pit previously revealed survival of potential Roman remains. The extent and significance of these and their relationship to the nearby Roman Temple site and Iron Age settlement has not been determined. Full Archaeological evaluation and excavation conditions are therefore required.

### ECC Historic Buildings Consultant

No objection. Following an initial objection to the design and scale of some of the proposed house types and to elements of the site layout revised drawings were submitted.

The revised drawings show considerable alterations to the proposed block of flats and more minor alterations to the houses. No objection is now made to these elements or to the scheme overall.

If the local authority was minded to approve the application conditions would be required in relation to external materials, window and door details, and details of the proposed hard and soft landscaping (including the proposed materials).

### Witham Town Council

Witham Town Council considered the application at its Planning Application and Transport Sub-Committee Meeting on 6<sup>th</sup> March 2017 and recommends approval of the proposed development.

### REPRESENTATIONS

Two consultations were carried out as following detailed discussions with Officers the design and layout of the scheme was amended. No representations were received in relation to the second consultation.

Two objections were received in relation to the first consultation. These are summarised as follows:

#### 2 Tees Close

Objection. No sheltered and secure cycle storage. The cycle store and bin store is poorly located and insufficient for the site.

#### 12 Tiberius Gardens

Objection. Request that all trees and shrubbery at the edge of the public footpath running alongside the new development are not removed or lessened to ensure that our view from our house is unchanged and that we will not be overlooked by the new properties.

### REPORT

#### 5 Year Housing Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full



objectively assessed needs for market and affordable housing”, together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The Council’s view as at 30<sup>th</sup> June 2017 is, that its forecast supply is 4.32 years. Although there have been a small number of applications approved since this calculation the Council does not consider that it has a current five-year supply. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’*.

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

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

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

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

### Principle of Development

The application site is located within the Town Development Boundary of Witham where, in accordance with adopted Local Plan Policy RLP2 the general principle of residential development is acceptable, subject to compliance with other relevant planning policies.

The site currently contains Old Ivy Chimney's, the previous use of which was an Office building. Although the building is currently vacant, the conversion of this building to residential would therefore result in the loss of this Office space with associated employment opportunity. However, neither the adopted nor the emerging local Plans afford any protection to such a use in this location and the principle of a change of use is not therefore objectionable.

Adopted Policy RLP136 safeguards the western area of the site (the former bowling green) as an area of formal recreation and the application is therefore a departure from the adopted Development Plan. However, this safeguard is not being carried forward into the new Local Plan which seeks to allocate the site for residential development for 10 or more dwellings. Part of the evidence base for the new Local Plan includes The Braintree Open Space, Sports and Recreational Facilities Study (2016) which includes an assessment of Bowling Green provision in the District and finds that 'broadly speaking there appear to be sufficient outdoor greens to meet current demand via the local clubs and parish facilities'.

The adopted Local Plan Policy is therefore considered to be outdated in this regard and Officers therefore consider that only limited weight should be attributed to it when assessing the application site. By contrast, the emerging Local Plan and its proposed residential allocation for the site has been through two rounds of public consultation with the allocation backed by the evidence set out in the 2016 BDC Facilities Study and it is considered that this must be given a moderate degree of weight in the decision making process.

Given that the Council are actively seeking to allocate the site for residential development and the limited weight which can be attributed to the adopted Local Plan Policy with regard to this site, the conflict with and identified departure from the adopted Local Plan is not considered to constitute grounds for refusing the current planning application.

In addition, outline planning permission was granted in 2015 (Ref 14/01528/OUT and 14/01529/FUL) for the residential re-development of the site and also for the conversion of the listed building. Both of these permissions remain extant and have therefore already established the principle of residential development on this site.

### Design, Appearance and Layout

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

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires 'the highest possible standards of design and layout in all new development'.

The applicant seeks full planning permission for the erection of 11 new dwellings on the western side of the site. A new apartment building housing 4 2 bed flats would also be located at the rear of the site and the existing listed building converted to provide a further 4 flats. During the course of the application and following discussions with Officers the applicant amended the proposed design and layout. Overall, the revised site layout is considered acceptable.

The existing access to the site would be utilised and would provide internal access to the 11 new dwellings proposed on the western side of the site. These units are inward facing dwellings arranged around a turning head and consist of 6 detached 5 bed units; 2 semi-detached 5 bed units and a terrace of 3 no. 4 bed units. All make sufficient provision for parking (2 spaces per dwelling) and all proposed garden sizes exceed the 100sqm requirement set out in the Essex Design Guide.

The dwellings are of differing but traditional dual pitched designs. All are 2.5 storey with the exception of Plots 14 and 15 which are of a two storey design.

To the rear of the site, the applicant proposes to erect a two storey apartment block. This would accommodate 4 no. 2 bed units with parking provision located to the front and a small area of private amenity space to the rear providing approximately 150m<sup>2</sup> of space, which accords with the Essex Design Guide requirement for 25m<sup>2</sup> per 2 bed flat.

The conversion of the listed building itself would follow the format of the previously approved scheme which remains extant. Two 2 bed flats would be provided at ground floor level and 2 at first floor level. An existing detached building located to the rear of Old Ivy Chimney's would be converted to a store room and 4 parking spaces would be provided to the front of the building. A small private amenity area would be located to the rear of the building measuring approximately 45m<sup>2</sup>. This falls short of the 100m<sup>2</sup> required by the Essex Design Guide, however the layout matches that which was previously approved and it is recognised that the conversion of the existing listed building is a more constrained process than the erection of a new build flatted block. In addition, there is a large grassed amenity area to the front of the building measuring over 600m<sup>2</sup>, which although not completely private does provide a spacious setting for the building and is of some amenity value both to this building and to the wider site.

Overall, the proposed design and layout is considered acceptable.

### Landscape and Character

Adopted Policy RLP90 states that development shall recognise and reflect local distinctiveness and be sensitive to the need to conserve local features of historic and landscape importance. It goes on to state that the layout of developments shall be in harmony with the character and appearance of the surrounding area. Core Strategy Policy CS8 *Natural Environment and*

*Biodiversity states that 'development must have regard to the character of the landscape and its sensitivity to change'.*

Policy RLP3 requires new development to seek to protect the character of the existing street scene, the setting of attractive buildings and the historic interest of the locality, the landscape value of existing tree cover and generally to ensure that new development does not materially detract from the character of the settlement.

The application site encompasses an open area of land situated along the site frontage with Hatfield Road and an associated hedge line which is well established and substantial in its nature. This hedge line divides the open area of land from the remainder of the application site and provides a distinctive and attractive setting to the local street scene, creating breathing space between the highway and the actual application site. The importance of this open area of land and the associated hedgerow is specifically recognised in the emerging Local Plan, and the land is safeguarded under emerging Policy LPP53 as Visually Important Open Space.

The proposed development does not encroach onto this land and proposed layout of the development would allow for the retention of the existing hedge. Officers consider that both the non-encroachment onto this land and the retention of the hedge would be essential if the development were to be visually acceptable in the existing street scene. The applicant has advised that they would be agreeable to a condition requiring the retention of this hedge and Officers would also seek to ensure both that the hedge was located immediately adjacent to but outside the rear curtilages of the proposed dwellings and that a maintenance plan was secured by way of a Section 106 Agreement. This would ensure the long term maintenance of the hedge and also its retention as placing it outside residential curtilages would prevent the risk of residents felling sections of it over time.

### Viability

Adopted Core Strategy Policy CS2 requires housing schemes on sites within the urban ward of Witham to make provision for 30% affordable housing. The Policy goes on to state that the Council will take economic viability into account where it is necessary to do so.

The applicant states that the scheme is unable to make provision for any affordable housing on the grounds of viability and submitted a Viability Report and a Supplementary Viability Report in support of their case, completed by their viability consultant. The Council's viability consultant has assessed both reports and fundamentally disagrees with the applicant's case.

In broad terms, it is the Council's judgement that the value attributed to the site when the applicant purchased it did not reflect the full extent of the costs associated with the development of a policy compliant residential development of the site (i.e. taking account of the reduced return resulting from a proportion of the units being affordable). There is nothing unusual or

unexpected about the site in terms of abnormal site preparation or construction costs and accordingly it is concluded that there are no viability grounds to justify the non-provision of the required 30% affordable housing and the scheme is therefore contrary to adopted Core Strategy Policy CS2.

### Ecology

The applicant supported an Ecology Report in support of their application. The Report identifies the need for further Bat Surveys in addition to those already completed to inform the initial report, with some evidence of brown-long eared bats using the Old Ivy Chimney building and associated outbuilding for roosting. The old Bowling Green club house should also be covered by these further surveys as a precaution although the latter is of low bat roost potential.

The Report also identifies a number of ecological enhancement measures including the erection of bat roosting boxes on retained trees and some of the new buildings; provision of tree and building mounted bird nesting boxes and the retention of dead wood (stumps and logs) in situ/creation of new log piles for invertebrates.

The Council's Ecology Officer has reviewed the application and has no objection subject to planning conditions requiring the additional bat surveys and any resulting mitigation measures to be carried out and the submission for approval by the Council of a suitable wildlife mitigation plan including ecological enhancement measures and a lighting design strategy.

There are also a number of established trees located on the site. The majority of these could be retained with a condition relating to a tree survey and tree protection measures being utilised. One Category B1 tree (Sycamore) would need to be felled to enable the provision of higher quality amenity space for the proposed flatted block and to prevent conflict between the building and the tree. Officers consider that the degree of harm caused by the loss of this tree would be outweighed by the benefits of the proposal and that it is not objectionable.

### Impact Upon Neighbour Amenity

There are existing dwellings located immediately to the north and west of the application site. To the west, the existing dwellings are positioned on the opposite side of a public footpath in a front to back relationship with the closest proposed dwellings. The Essex Design guide does not specify minimum distances for a front to back relationship, however the distance varies between 20m and 25m and with the public frontages of the existing dwellings being orientated towards the proposed dwellings this is considered acceptable in terms of amenity for both existing and new residents.

To the north, proposed dwellings 5,6 and 7 and the new apartment block are orientated towards existing dwellings. In the case of plots 5 to 7, this is in a back to back relationship where the Essex Design Guide requires a minimum of 25m between houses. The distances proposed are marginally below this,

varying from approximately 22.5 to 24m. This is not significantly below the 25m distance and is considered to represent an unacceptable relationship in this instance.

In terms of the new apartment block, this would be in a back to front relationship with existing dwellings to the north. The closest existing dwelling is a bungalow, the front elevation of which would be located approximately 18m away at the closest point with the applicant's boundary fence and the bungalows access road located in-between. Again, given that this is a front to back relationship this is considered acceptable.

### Heritage

Adopted Core Strategy Policy CS9 states that the Council will secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment. Local Plan Policy RLP100 seeks to protect the setting and character of listed buildings.

The application site contains a Grade 2 listed building, Old Ivy Chimneys. The applicant wishes to change the use of this, converting it from its previous office use to a residential use. Listed building consent has already been secured for this under a previous consent (14/01530/LBC).

The impact of the development of the remainder of the site upon the setting of the listed building must also be considered. The Council's Historic Building's Advisor has been consulted and following revisions to the original scheme's design and layout has no objection to the proposed development, subject to conditions requiring samples of materials for the new dwellings, window and door details and details of the proposed hard and soft landscaping. The revised scheme has been specifically designed to help retain the setting of the listed building and ensure that an appropriate stand-off is retained between Old Ivy Chimneys and the new dwellings. The retention of the existing hedgerow and associated area of open space along the site frontage with Hatfield Road would also assist with retaining the wider setting of the listed building, both by helping to retain the historic plan form of the plot and by helping to retain the current experience of the listed building which is partly defined by a degree of screening from Hatfield Road.

Overall, it is not considered that there are any grounds for refusal in terms of heritage impact.

### Highways and Transport

The applicants propose to use the existing established access from Hatfield Road, upgrading it to 5m in width with a 1.8m footpath to the western side. Essex County Highways have been consulted and have no objection to the scheme subject to the securing of the upgrading of the two bus stops nearest to the site and the provision of Residential Travel Information Packs to the new occupants of the development.

The Essex Parking Standards (2009) require parking provision to be made at a ratio of 2 spaces per 2 or more bed dwellings and 0.25 visitor spaces per dwelling. The proposed layout makes provision for 2 spaces for each of the proposed houses. The new flatted block to the rear of the site would have a total of 6 spaces, 2 less than required. Old Ivy Chimneys would be converted to 4 no. 2 bed apartments and would be provided with 4 parking spaces, 1 space per unit rather than the 2 required by the parking standards. 4 visitor parking would be provided, which falls one space short of the 5 required. Overall, there would therefore be a parking deficit of 7 spaces, however these relate to the proposed 2 bed flats and the visitor parking and not the proposed houses.

Given that the deficit relates to the 2 bed flats which each have at least one space and not the family houses, that the visitor parking provision falls short by only one space and that the site is well positioned for future occupants to access Witham Town Centre either on foot, by bicycle or by bus, Officers do not consider that the parking deficit would justify the refusal of planning permission.

#### Other Matters

#### **Archaeology**

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application subject to a full historic building recording condition being used in relation to the conversion of Old Ivy Chimneys.

The site is also identified as one of high archaeological potential due to the proximity to known significant archaeological remains and a limited test pit previously revealed survival of potential Roman remains. The extent and significance of these and their relationship to the nearby Roman Temple site and Iron Age settlement has not been determined. Archaeological evaluation and excavation conditions would therefore be required if the application were supported.

#### **Construction Activity**

The Council's Environmental Services Team have been consulted regarding the proposed development and have no objection subject to a number of conditions which include, in relation to construction activity, conditions to control hours of working and the submission of a dust and mud control scheme for approval.

Conditions relating to the provision of a Contaminated Land Assessment and internal noise levels (sound proofing between units) in the proposed listed building conversion are also required.

## **Flood Risk and Surface Water Drainage**

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of their application and proposes to attenuate surface water through the use of permeable paving prior to discharge into the existing public surface water sewer which runs through the south eastern part of the site.

The Lead Local Flood Authority (Essex County Council) have been consulted and following the submission of further information have no objection to the proposal subject to standard conditions relating to the provision of a detailed surface water drainage scheme with associated Maintenance Plan and the submission of a separate surface water drainage scheme to minimise the risk of off-site flooding during construction.

### **Section 106**

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

## **Affordable Housing**

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in most rural areas or 30% affordable housing on sites in urban areas. The application site is located in an urban area and the provision of 30% affordable housing is therefore required; that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market.

As set out under the Viability section of this report the applicant submitted a Viability Report (with a follow up report) stating that the scheme could not make any affordable housing provision and remain viable. The Council's Viability Consultant has assessed both reports and it is the Council's view that the scheme can make the required 30% affordable housing provision and remain viable. The provision of 30% affordable housing would therefore be required under any Section 106 Agreement if planning permission were granted.

The Council's Strategic Housing Team would require a 70/30 tenure mix (rent over shared ownership) to be secured.

## **Open Space**

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



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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for informal open space on site with a financial contribution towards the provision of off-site outdoor sports facilities; equipped children's play areas and allotments.

In terms of off-site contributions, the Open Space SPD requires a financial contribution of £31,134.64 toward the off-site provision of, or improvements to outdoor sports facilities; equipped children's play areas and allotments. These contributions would need to be secured through the S106 Agreement.

### **Highways and Transport**

The Highways Authority would require the upgrading of the two closest bus stops to the application site located on Hatfield Road in addition to the provision of Residential Travel Information Packs for the new occupiers of the development. This would need to be secured under the S106 Agreement (bus stop improvements) and by condition.

### **CONCLUSION**

The application site is located within the Town Development Boundary of Witham and is identified for allocation for residential development in the emerging Local Plan. The general principle of the proposed development is considered acceptable and Officers have no objection to the design and layout of the scheme. The heritage, highways and ecology/landscape impacts of the proposal are also considered to be acceptable.

However, Officers are not in agreement with the applicant's case in relation to the viability of the scheme and consider that there are no valid grounds for the development not to make the 30% affordable housing provision required by adopted Core Strategy Policy CS2. The development would therefore be contrary to Policy CS2 and cannot be supported on these grounds. In addition and following on from the lack of affordable housing provision proposed, no Section 106 Agreement has been reached to ensure the delivery of affordable housing, financial contributions towards public open space and improvements to nearby bus stops in order to mitigate against the impacts of the development and this constitutes a second reason for recommending that the application is refused.

### **RECOMMENDATION**

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

- 1 The proposed development triggers the need for 30% affordable housing provision. The applicant has not made this provision and the Local

Planning Authority does not consider that the applicant has demonstrated that there are valid grounds with regard to the viability of the scheme to justify this. The proposed development is therefore contrary to adopted Core Strategy Policy CS2.

2 The proposed development would trigger the requirement for:

- The delivery of affordable housing on the site;
- Financial contributions towards the provision of off-site public open space;
- The upgrading of the two bus stops located nearest to the application site on Hatfield Road.

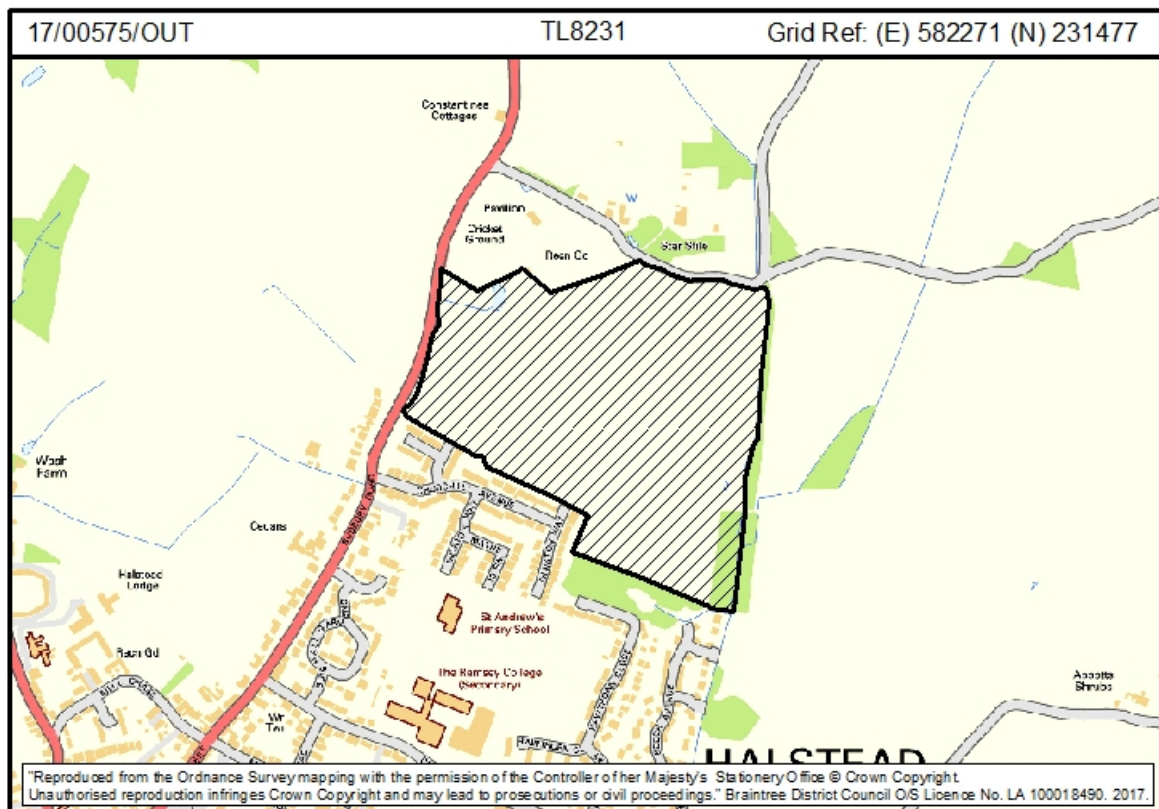
These requirements would be secured through a Section 106 Agreement. At the time of issuing this decision a Section 106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2; CS10 and CS11 of the adopted Core Strategy (2011) and the Council's adopted Open Space Supplementary Planning Document (SPD).

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00575/OUT DATE: 30.03.17  
 VALID:  
 APPLICANT: Vaizey North Estate Trust & Gladman Developments Ltd  
 C/O Gladman House, Alexandria Way, Congleton,  
 Cheshire, CW12 1LB  
 DESCRIPTION: Outline planning permission for up to 205 residential dwellings (including 30% affordable housing), 0.51ha for apartments with care (C2 use class), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of three access points.  
 LOCATION: Land East of Sudbury Road, Halstead, Essex

For more information about this Application please contact:  
 Katie Towner on:- 01376 551414 Ext. 2509  
 or by e-mail to: [katie.towner@braintree.gov.uk](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

None.

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP136	Formal Recreation Policy
RLP138	Provision of Open Space in New Housing Developments

## Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP35	Specialist Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP74	Climate Change
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

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

This application is being presented to Committee, as the development is considered to be of significant public interest and represents a departure from the development plan and is therefore an application which has significant policy implications.

#### SITE DESCRIPTION

The application site comprises 20.25ha of agricultural land located to the east of Sudbury Road (A131) and on the north eastern edge of the existing

settlement of Halstead. Halstead Town Centre is located 800m to the south of the application site. The site consists of two arable fields to the south, an area of grassland to the north and a wooded area of land to the eastern boundary. The northern part of the site is scattered with trees, some of which are protected by way of preservation orders. The site falls in levels from the northwest at approximately 75m Above Ordinance Datum (AOD) to the south east at approximately 56m AOD, with the eastern side of the site more undulating than the relatively flat nature of the remaining area of the site.

Beyond the site to the north is Star Stile, a protected lane and Star Stile House, a grade II listed building. The Halstead Cricket Club is located to the north west of the application site. The western part of the site is allocated as Formal Recreation in the Local Plan Review.

4no. Public Rights of Way (PROW) traverse the site on a north south axis. A National Grid pipeline crosses through the centre of the site from east to west.

To the south of the site is existing residential development in Churchill Avenue, Honeywood Road, Tylneys Road and Winston Way and the Coggeshall Pieces wildlife site (also known as Ramsey School Star Stile Mosaic).

## PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of up to 205 residential dwellings (including up to 30% affordable housing), 0.51 ha for apartments with care (use class C2), introduction of landscaping, public open space, a children's play area and a sustainable drainage system.

All matters are reserved with the exception of the vehicular site access which would connect to the existing highway in Tylneys Road and Winston Way.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before a fully detailed proposal is put forward. Besides access all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters and cannot be given consideration at this stage.

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

- Design & Access Statement
- Landscape and Visual Assessment
- Air Quality Report
- Arboricultural Assessment
- Archaeological Desk Based Assessment
- Heritage Desk Based Assessment
- Ecological Appraisal
- Flood Risk Assessment

- Foul Drainage Analysis
- Noise Assessment
- Phase 1 Preliminary Risk Assessment
- Groundwater Review Report
- Planning Statement
- Socio-Economic Sustainability Statement
- Mineral Resource Assessment
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Utilities Statement

The density of the development would be approximately 33 dwellings per hectare over an area of 6.20ha. In addition 0.51ha of land is shown for a C2 (residential institutions) use. The illustrative masterplan indicates areas for the public open space, a locally equipped area for play (LEAP), a local area for play (LAP), planting and a potential attenuation basin to the South East corner of the site. Overall 13.5ha of public open space is proposed.

Information within the application indicates that it is likely that on average around 30 - 35 dwellings would be completed per annum, with the development period covering 6 years. This is however only indicative and would be determined ultimately by the housebuilder at a later date.

### CONSULTATIONS

ECC Archaeology – No objection subject to conditions in respect of a programme of archaeological evaluation.

ECC Highways – No objections, subject to conditions

ECC Minerals and Waste – No objections

ECC Education – Seek financial contributions in respect of early years and childcare places and primary school places.

ECC Flood and Water Management – No objections, subject to conditions

BDC Housing Research and Development - 30% of the units should be provided as affordable homes. The proposal for construction of up to 205 residential dwellings therefore requires up to 61 dwellings to be provided as affordable homes.

BDC Environmental Health – No objections subject to works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents.

BDC Waste Services – No comments received



BDC Landscape Services – No objections

BDC Ecology – No objections, subject to conditions

Sport England – No comments

NHS England – Request a financial contribution to mitigate the impact on healthcare provision.

Anglian Water – No objections. There is capacity for both foul water and sewerage.

## REPRESENTATIONS

1322 representations of objection have been received in response to the public consultation (from two rounds of consultation). Listed below is a summary of the main material planning objections:

- The site is outside of the existing town development boundary
- The site has not been allocated for residential development
- Harm to character and appearance of the landscape
- Public consultation by the applicant was inadequate
- Over 420 houses have been granted planning permission in Halstead since 2016
- Insufficient employment opportunities in Halstead
- Reliance on car
- Limited public transport
- Poor road infrastructure which is at capacity
- Impact on primary and secondary schools
- Impact on healthcare services
- Impact on Conservation Area
- Impact on protected species
- Impact on Grade II listed Star Stile House
- Impact on the adjacent protected lane
- Impact on residential amenity
- Loss of moderate agricultural land
- Increase in traffic
- Highway and pedestrian safety
- Proposed accesses not practical
- Town facilities/infrastructure cannot cope with additional houses
- Pressure on the Ambulance Trust
- Lack of cycle lanes in the town
- Lack of sporting and hobby facilities in the town which the development will not address
- Noise and disturbance during construction
- Buffer zone to Coggeshall Pieces is inadequate
- Flooding
- Increase in pollution

- Detriment to the history of the town
- Part of the site currently allocated for formal recreation
- Not in a sustainable location
- A bypass is needed before any further development

Greenstead Green and Halstead Rural Parish Council – Objects to the application for the following reasons:

1. The impact upon the highway network and highway safety and efficiency.
2. Insufficient information to demonstrate no adverse impact upon ecological assets.
3. Insufficient information about drainage strategy.

Halstead Town Council – Objects to the application for the following reasons:

1. Ingress and egress from the site at this identified accident black spot
2. Local infrastructure is saturated
3. Loss of green space at town perimeter and impact on local nature reserve

If the application is to be approved the Town Council would ask for the following to be secured by S106.

1. A new primary school
2. New GP Surgery or extension to the existing
3. Resolution of highways saturation in the town
4. A community hub
5. Open Space action plan

## REPORT

### Principle of Development

#### Planning Policy Context – Housing

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on 5<sup>th</sup> June 2017 for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. It is expected that the Plan will be submitted to the Planning Inspectorate in October 2017, for examination in public in late 2017/early 2018.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed needs for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at the time of writing is, therefore, that its forecast supply for the period 2017 - 2022 is 4.32 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.*

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means (second bullet point) *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted’.*

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the development plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 14 (second bullet point) is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

## Site Location and Designation

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

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

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

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

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

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

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

The site is located immediately adjacent to but outside of the Town Development Boundary of Halstead and is situated within the countryside. Halstead is identified in the adopted Core Strategy as one of the main towns within the District. It is stated in Para.4.9 of the Core Strategy that, *'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to greenfield growth in Halstead are its relatively isolated location and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham.'*

As one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that may be found in Witham and Braintree, it offers a good range of day to day services and facilities and includes several large employment areas which offer residents the opportunity to meet their needs within the town. The site is readily accessible to the town centre and its facilities/services on foot.

The Core Strategy does however specify landscape sensitivity around the town as being a potentially significant constraint on future growth of the town and this matter is considered in more detail below.

The site was put forward the call for sites and was considered as two separate areas. The sites were considered by the Local Plan Sub Committee on the 25<sup>th</sup> May 2016 and it was decided that they should not be allocated for residential development.

Part of the site is allocated for formal recreation within the Local Plan Review. Policy RLP136 of the Local Plan Review states that development that would result in the loss or reduction of formal recreation site will not be permitted unless (1) the development is for buildings ancillary to this, or (2) it is demonstrated that alternative open space is provided, it is readily accessible and there is no resulting loss of visual amenity. This allocation is not proposed to be carried forward in the new Local Plan. This matter is discussed in more detail below.

### Sustainable Development

The application is supported by a Socio- economic Sustainability Statement.

The NPPF states in Paragraph 14, 'at the heart of the NPPF is a presumption in favour of sustainable development... for decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic.

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present

and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being and

- An Environmental role – contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

These roles should not be considered in isolation, because they are mutually dependent. These are considered in more detail below.

Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvement in the quality of the built, natural and historic environment as well as in peoples' quality of life'.

### (1) Economic Impacts

An assessment of the potential socio-economic impacts of the development has been submitted in support of the application. The report highlights a number of positive benefits including the following:

Creation of jobs – The report suggests a construction spend of some £20.1 million. This will contribute to the creation of jobs both directly and indirectly during the construction of development and through increased on going demand for goods and services as a result of the occupation of the proposed dwellings. The report suggests that the proposed development could help sustain 173 full time equivalent jobs over a 6 year build out and 189 indirect jobs in associated industries. This could also contribute towards supporting the local labour force.

Contribution to the local economy – The development of up to 205 units could be home to 492 new residents bringing increased spending power to Halstead of just over £6m per year. The benefits of increase household expenditure to the local economy would be enhanced and would ensure the long term economic competitiveness of Halstead.

Additional income to the Council from Council Tax – The proposed development could see some £3.1m in Council Tax contributions over 10 years.

S106 Contributions – These will be accrued by the Local Authority for the benefits of the residents.

It is not disputed that the proposal would deliver economic benefits and that these should weigh in favour of the development.

### (2) Social Impacts

The social benefits of the proposal are highlighted as follows:

Provision of market housing – Boosting the supply of land for housing. The development proposals will contribute to the 5 year supply for the District. The applicant has agreed to a reduction in time for the reserved matters to come forward from 3 years down to 2 years. This weighs in favour of the development in the overall planning balance given the 5 year housing land supply position.

Choice of homes – The proposed development of up to 205 units and additional C2 apartments will provide a balanced mix of dwellings, providing a choice of type and size in response to the identified housing demand.

Provision of Affordable housing – The application proposal would deliver 30% affordable housing. The Strategic Housing Market Assessment Update (2015) sets out that 218 affordable homes are needed in the District every year to meet the need. The proposal for 205 units would secure 62 affordable units which would contribute to meeting the above mentioned need.

Public Open Space provision – The western part of the site is shown for formal recreation in the Local Plan Review. As mentioned above this allocation is not proposed to be carried forward in the new Local Plan. Policy RLP136 of the Local Plan Review states that development that would result in the loss or reduction of formal recreation site will not be permitted unless (1) the development is for buildings ancillary to this, or (2) it is demonstrated that alternative open space is provided, it is readily accessible and there is no resulting loss of visual amenity. Notwithstanding this policy the formal recreation identified is on private land and thus the Council has little, if any control to actually bring this forward. The proposed development allocates 13.2ha for public open space, a much greater area than shown for formal recreation and also including areas for play. This open space will be publically available; such users would not be confined to the Public Rights of Way as currently.

It is acknowledged that the proposal would fulfil a social role. It would deliver a mix of market and affordable housing, public open space and play areas. Financial contributions would be secured (where justified) through a S106 agreement to enhance and improve local facilities. These benefits would be consistent with the social dimension of sustainable development.

### (3) Environmental Impacts

#### Landscape Impact of the development

One of the core principles set out in the National Planning Policy Framework is that 'planning should recognise the intrinsic character and beauty of the countryside. Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside'. Paragraph 109 of the NPPF refers specifically to protecting and enhancing valued landscapes.

Core strategy policy CS8 (Natural Environment and Biodiversity) states that ; *'Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'*

The site is within the area of the Wickham Farmland Plateau as defined and described in the 2006 Braintree Landscape Character Assessment. The key characteristics of this area are *'rolling hills and valleys, large scale arable field pattern, infrequent blocks of deciduous and occasionally coniferous woodland, some mature hedgerow trees on field boundaries, wide views across farmland, small villages with a wealth of historic buildings and a strong sense of tranquillity'*. The site and surroundings are typical of this character description with the exception of the *wide views* and *strong sense of tranquillity*. In these respects, the site is not typical as it is well contained in visual terms with few long views into or out of the site and its tranquillity diminishes towards the busy Sudbury Road.

The Council's Evaluation of Landscape Capacity Study for the settlement fringes of Halstead was commissioned in 2015. This analysis, commissioned to provide an evidence base and assist in the landscape evaluation of applications, made a fine-grained study of settlement fringes and categorised parcels of land in terms of their capacity to absorb new development. The site falls into two of the parcels identified in this study:

**Parcel H3b** – most of the site falls into this parcel which was categorised as having a medium capacity for development.

**Parcel H3e** – the woodland copse and tree belt on the eastern boundary of the site fall into this parcel which is categorised as having a low capacity for development.

Parcels with medium, medium high or high capacity are defined in the study as those *'most likely to be suitable as a location for development'*

The difference between these two land parcels is that H3b is relatively well screened, adjoins the settlement boundary and is made up of fields which aside from their boundary hedgerows have no particular landscape features. Parcel H3e, in contrast, contains an existing planted copse and a significant tree belt which form notable landscape features contributing to the countryside character to the north of the town. The difference between the two land parcels is important in establishing whether the proposals have regard to the character and sensitivity of the landscape in compliance with policy CS8.

The applicants have submitted an Illustrative Masterplan which shows that the proposed residential development is confined within the parcel H3b where there is medium capacity for development. Parcel H3e is retained as public open space in the masterplan. The Illustrative Masterplan indicates that existing landscape features will be retained and landscape buffers are



proposed between the development and the more sensitive adjoining features such as Coggeshall Pieces Wildlife Area and the wooded area to the east of the site.

The northern portion of the site is illustrated as public open space with play facilities and enhanced footpath networks. This not only includes the parcel of land identified as having low capacity for development but a wider area between the site and Star Stile and the cricket ground which has an open parkland character at present. This will be retained and some new tree planting is proposed.

### Visual Impact of the proposed development

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and an Illustrative Masterplan to support the application. The LVIA has been carried out using methodology from the Guidelines for Landscape and Visual Impact Assessment which are used by Landscape Architects to evaluate the impact of a proposed development on both character and visual amenity. The report and study have been evaluated by an independent Landscape Architect and the conclusion is that the methodology and content are appropriate for a development of this scale.

In terms of visual impact the LVIA concludes that:

*'the visual assessment found given the containment of the site, the undulation to the south and the woodland in the wider area views are limited to the close vicinity of the site. These views are from the public footpaths in and around the site, and the roads around the site, and from the residential properties on the northern edge of the town. In these views the site will be seen in the context of the existing town to the southwest, and many of them can be mitigated by additional planting'*

The Council's Landscape Consultant advises that this conclusion is reasonable. The site has sufficient space for landscape buffers to be planted to filter views and it is possible that once vegetation is established the town will be less visible from the surrounding countryside than at present- where there is an abrupt edge to the settlement at the north of the town.

The analysis presented in the LVIA in combination with the Illustrative Masterplan indicates that the development has been planned with regard to the parameters of policy CS8 having regard to the sensitivity of the existing landscape and its features and character and, through the proposals set down in the illustrative masterplan, offering enhancement of the settlement edge.

### Evaluation of landscape value

The importance of the landscape value assessment has become heightened since the publication of the NPPF where in paragraph 109 it states that 'the planning system should contribute to and enhance the natural and local environment by: *'protecting and enhancing valued landscapes, geological conservation interests and soils'*

Where a site is considered to have 'valued' landscape characteristics, it can be given more weight when assessing if an application can be refused on landscape grounds. The impact of development on a 'valued landscape' has been a key factor in deciding appeals where applications have been refused on landscape grounds.

The assessment of whether a site is a 'valued landscape' is typically based on one of the methods set down in the 'Guidelines for Landscape and Visual Impact Assessment' published by the Landscape Institute and Institute of Environmental Management and Assessment. A range of factors (landscape condition and quality, scenic quality, rarity, representativeness, conservation interests, recreation value, perceptual aspects and associations with cultural or historical events / figures) are assessed to determine the 'landscape value'.

Although representative of the character of the area the application site is not a particularly rare landscape type. Its condition is good and the major trees are protected by TPOs but it has no specific designations and associations which would raise it to the status of a 'valued landscape' in the context of the NPPF.

Overall, given the findings of the landscape and visual impact assessment and the level of consideration given to the landscape setting in the proposed Illustrative Masterplan, the development proposals are considered to be in accordance with Policy CS8 and to have regard to the character of the landscape and its sensitivity to change and could enhance the locally distinctive character of the landscape.

#### Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 of the NPPF states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit and respond to local character and history and reflect the identity of local surroundings and materials'.

Policy RLP9 of the Local Plan Review requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP 10 of the Local Plan Review considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek a high standard of design and layout.

This application is made in outline form where scale, design, layout and landscaping are reserved matters. The application does include an illustrative Development Framework Plan and an indicative layout which indicate the key aspects to the design and layout, such as access, areas for built development,

public open space, landscape features, attenuation and an equipped play area. These illustrative plans have been developed by the applicants to demonstrate to the Council that a development of the scale proposed could be accommodated within the site whilst adhering to relevant design principles and standards.

The illustrative Framework Plan indicates a density of 33 dwellings per hectare. Officers consider that the net density of the developable area is realistic. The illustrative layout plan is useful to demonstrate how development could come forward on the site and also details how the site could accommodate areas of open space, structural landscaping and drainage features. A large proportion of the site (13.2ha) is to form public open space.

Although design, layout and landscaping are reserved matters, in Officer's opinion the general principle of this level of development on the site is considered acceptable and forms an appropriate form of development at the settlement edge, with opportunity to soften what is currently a relatively harsh edge between the settlement boundary and the countryside. It is recommended that a site wide design guide is secured by condition on any grant of planning permission. A design guide would provide a basis for how the site will come forward for development in each phase and include for example, an assessment of local character, character areas and street hierarchy across the site, parking design, landscape design, architectural variation and public realm design.

#### Impact on the Historic Environment

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 setting or any features of special architectural or historic interest which they possess.

A core principle of the NPPF is the conservation of the historic environment. Para. 132 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 assets' conservation. The more important the asset the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policies RLP100 of the Local Plan Review seeks to conserve the local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Core Strategy also seeks to protect and enhance the historic environment.

Star Stile House is a grade II listed building located north of the application site on Star Stile Lane. The house is set back from the highway and is

screened from view by dense tree coverage. This verdant character forms the setting of this listed building. The illustrative plan submitted shows the northern half of the site undeveloped and retained as parkland, such the proposed built development is well distanced from the listed building and its curtilage. It is considered that the development as proposed would ensure the character and setting of the listed building is unharmed. The impact on the listed building would also be a consideration for each reserved matters application.

The Council's Heritage Consultant raises no objection to the proposal but notes the need for careful attention to be given to any landscaping strategy.

### Impact on Neighbour Amenity

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

Properties that back on to/have a side boundary on to the site in Honeywood Road, Churchill Avenue and Winston Way are those which are closest to the development site. Whilst their outlook would change significantly as a result of the development, views are not protected and it can be ensured at the reserved matters stage when the layout is known, that the development does not result in a loss of privacy.

The existing dwellings in adjacent streets will already experience traffic movements along the highway and on street car parking, associated with such a residential estate. The properties sited within close proximity to the proposed points of vehicular access will undoubtedly experience the impact of the development by way of an increase in vehicular and pedestrian traffic. Not all residents from the proposed development will enter/leave the site at the same time and thus flows (vehicular and pedestrian) will be spread throughout the day, most probably with peak periods corresponding to those existing (discussed further below in Highway Issues section). It is considered that the activity generated from the site would be experienced against that already existing and would not prove detrimental upon residential amenity to an extent that would justify withholding planning permission for this reason.

There is the potential for the development to affect the amenity of residents of nearby properties during the construction period. If the Council were minded to approve the development, Officers would recommend a number of conditions to control construction activity in order to minimise the impact on those properties. This would include a condition requiring a construction access to be taken off Sudbury Road such to prevent construction traffic using Churchill Avenue, Tylneys Road and Winston Way. In addition Officers would recommend that the S106 agreement specify that a phasing plan is agreed to minimise the impact of construction on those properties.

## Highway Issues

Para.32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF also requires planning to focus development in locations which are or can be made sustainable. Policy CS7 of the Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel.

Policy RLP49 of the Local Plan Review states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in the design and layout. Policy RLP50 of the Local Plan Review advises that development proposals will only be permitted where design and layout incorporates routes for cyclists. Policy RLP53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport service exist or there is potential for the development to be well served by public transport and the layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

The application proposes that access is considered at the outline stage. The Development Framework Plan indicates vehicular and pedestrian access in to/out of the site is to be taken from Tylneys Road and Winston Way. In addition a pedestrian footpath along the eastern side of Sudbury Road to link the site with Churchill Avenue is also proposed. The Highway Authority is satisfied that Tylneys Road and Winston Way can accommodate the proposed development.

The existing Public Rights of Way (PROW) which traverse the site will remain and the applicant acknowledges the opportunity to improve/upgrade these.

The application is supported by a Transport Assessment (TA). This assessment considers the existing situation in the locality and the impact of the development on the highway network. Essex County Council as Highway Authority considers the scope of the TA to be acceptable. To determine existing traffic patterns automatic traffic count surveys were undertaken between 3<sup>rd</sup> November 2016 – 9<sup>th</sup> November 2016. This determined that peak hours are between 08:00-09:00 and 16:00-17:00.

Survey data in the form of Manual Classified Junction Counts (MCJC) were undertaken to support the planning application at Oak Road Halstead. These surveys were undertaken at the following junctions:

- A131 Mount Hill Road / Oak Road
- A131 / Trinity Road

- A131 / Kings Road
- A131 / Hedingham Road / Parsonage Street; and
- A131 Head Street / Colchester Road

These surveys have been used to form a basis of the assessment used for the Transport Assessment. In addition a further MCJC was undertaken at the Sudbury Road/Churchill Avenue junction on the 23<sup>rd</sup> January 2017. The Highway Authority are content for the above mentioned junction analysis to be used and acknowledged that appropriate growth has been factored in.

In line with accepted practice the TA focuses on a single future year of 2022, 5 years after the date the application was submitted. The assessment has included committed development at Oak Road and Central Park Warehouse.

The TA suggests that the proposed development is forecast to generate 122-127 two way trips in weekday peak hours, which equates to two trips per minute on average. This traffic would be distributed in a number of different directions. The Highway Authority is satisfied that the trip rates are robust and reasonable in terms of how accessible the site is and that the resulting flows (including the development) have been correctly calculated. The Highways Authority also note that although the number of C2 apartments is not known, this part of the scheme would generate only very small amount of extra trips which would be imperceptible alongside the remainder of the site.

The TA also includes junction capacity assessment. The junctions are categorised as follows:

- J1 - A131/Colchester Rd
- J2 - A131/Parsonage Rd/Hedingham Rd
- J3 - A131/Kings Road
- J4 - A131/Chapel Hill
- J5 - A131/Trinity Road
- J6 - A131/Churchill Avenue

Junction 1 operates at capacity with localised queuing in both peak times. A maximum increase in queues of 8 and 5 vehicles in AM and PM peak hours respectively would result as a consequence of the development.

Junction 2 also operates with localised queuing in both peak hours. A maximum increase of 4 and 6 vehicles in AM and PM peak hours respectively would result as a consequence of the development.

Junctions 3-6 operate well within their operational capacity and without excessive queues and will continue to do so including flows from the proposed development.

The TA concludes that junctions 1 and 2 operate over capacity and will continue to do so taking in to account the proposed development, but without significant increase in queues. As such it concludes that the impact would not be severe.

The Highway Authority acknowledges that on occasion, junctions 1 and 2 do currently experience some queuing and delay. It is unreasonable in planning terms to require development proposals to remedy existing problems. It is only possible to require the development to mitigate the impact that it would cause. The Highway Authority are of the opinion that the development would only add a small amount of extra traffic to the highway network, not enough to justify requiring any improvements to the junctions to be undertaken or for the application to be refused on this basis.

As part of the production of the new Local Plan the Council commissioned Ringway Jacobs to assess the impact of the Local Plan preferred option. The results of this assessment were published in a report dated March 2017. The report considers only growth from preferred sites and for the entire length of the plan period (up to 2033). This report does not consider that the preferred sites may not come forward for development nor is its conclusions specific to a particular development.

This report refers to the junctions (mini roundabouts) at Head Street Halstead and concludes, as does the applicants Transport Assessment, that these junctions are currently operating at capacity and thus by 2033 increased traffic flows will further exacerbate congestion.

Local Planning Authorities are required to determine planning applications on their merits and take professional advice where necessary to inform a decision.

As addressed above, it is the applicant's argument that the proposed development will not add significantly to congestion and as a result the impact cannot be considered to be severe in terms of the NPPF. Essex County Council as Highway Authority agrees with this position and proposes conditions to encourage modal shift (residential travel packs, footpath link, improvements to bus stops). Officers acknowledge that concerns have been raised by local residents within regards to increase in traffic volume. As discussed above the Highway Authority have considered the TA and raise no objection to the proposed development on highway grounds. Without objection from the Highway Authority, substantive evidence to suggest a severe highway impact and considering the application on its merits as required, it is Officer's opinion that a highways impact reason for refusal could not be substantiated nor robustly defended. Each application received hereafter within the locality will be assessed for its highway impact, whether it is a site allocated for development or not. At some point it may be the case that it could be concluded that the cumulative impact in highway terms would be severe and the withholding of planning permission justified, however based on the information provided and the advice of the Highway Authority, Officers do not consider this is the case for this proposal.

Some local residents have raised concern with regards to highway safety, in particular at the Sudbury Road/Churchill Avenue junction. Accident data supplied shows that there have been 7 accidents in the immediate area in the

last 5 years, equating to just over one incident per year. Only one of these incidents occurred at the above mentioned junction. None of these accidents were fatal and the majority were classed as minor/slight incidents. This evidence does not suggest a current highway safety issue and there is no evidence to suggest that the proposed development would alter this, such to justify a refusal of planning permission on this basis.

Comments have been made in respect of access to the site during the construction phase. Officers acknowledge that construction traffic, the majority of which would be heavy goods vehicles, passing through Churchill Avenue/Tylneys Road/Winston Way would not be acceptable. It is recommended that a condition is placed on any grant of consent which requires, prior to the submission of the first reserved matters, details of a construction access from Sudbury Road to be provided. Such a condition would also require this access to be closed off once the construction is complete and the land reinstated to its former condition, in accordance with details to be agreed. The Highway Authority is agreeable to this condition.

### Arboriculture and Ecology

Policy CS8 of the Core Strategy states that all development proposals will ensure the protection and enhancement of the natural environment, habitats and biodiversity. Development must have regard to the character of the landscape and its sensitivity to change.

Policy RLP80 of the Local Plan Review states that proposals for new development should not be detrimental to the distinctive landscape features and habitats of the areas such as trees, hedges, woodlands, grasslands, ponds and rivers. Policy RLP81 of the Local Plan Review encourages landowners to retain, maintain and plant locally native trees, woodlands and hedgerows.

The application is supported by a Tree Survey which has assessed 29 individual trees, 18 groups of trees and 10 hedgerows. All trees/hedgerows fall within categories A-C. The report recognises that no significant tree loss is required in order to accommodate the development. The developable area contained to the south of the site is devoid of tree cover given that it is actively farmed. All trees and hedgerows at the boundaries are to be retained. The trees which are most notable and have been assessed as being category A are the mature trees located in the northern part of the site. These trees are already protected by way of preservation orders. It is recommended that a condition is placed on any grant of consent which requires tree protection measures by way of protective fencing and exclusion zones to be in place throughout the construction phase.

Once a layout is known at the reserved matter stage it will be possible to consider any impact on root protection areas and mitigate accordingly. Landscaping within the development is a reserved matter and will be considered at a later date. The Development Framework Plan alludes to new tree planting and Officers would expect a robust landscaping scheme to come forward.



Policy RLP 84 states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

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

The Council's Ecology Officer advises that the Ecological Appraisal report has been undertaken in accordance with best practice guidance. This report identified the need for further surveys to be undertaken in respect of Great Crested Newts, bats and farmland and ground nesting birds. During the course of the application surveys in respect of Great Crested Newts and birds have been submitted.

Great Crested Newts – Great Crested Newts (GCN) are afforded protection under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. As such they are protected by legislation beyond the jurisdiction of planning.

Although no records of GCN were obtained during the extended Phase I habitat survey undertaken in November 2016, waterbodies located within and adjacent to the site were found to provide suitable breeding habitat and the hedgerows, grassland and woodland provide suitable terrestrial habitat. Surveys have therefore been undertaken of waterbodies within 500m of the site. This survey established the presence of GCN in 2 ponds. The numbers identified were low and not suggestive of a significant habitat.

The development includes the retention of all ponds, woodland and grassland as well as the creation of landscape buffers. The terrestrial habitat that would be lost would be an arable field, generally of low value to GCN.

It is advised that a European Protected Species Licence will be required, due to the requirement to provide fencing, trapping and translocation prior to the commencement of any development on site. Creation of new habitats on receptor sites and further habitat creation and improvements to an existing pond or the creation of a new suitable pond nearby and suggested planting scheme are also recommended as part of the proposed mitigation. A post development management plan will be implemented and monitoring will be required to ensure mitigation and ongoing maintenance has been effective.

The Council's Ecology Officer considers the proposed mitigation in respect of GCN to be acceptable.

Birds – The survey advises that 27 bird species were recorded on site which suggests that that site supports a species assemblage consisting, predominantly of wide spread and common species associated with arable farmland, woodland and scrub habitats. A number of declining bird species were recorded, however in very small numbers, common in Essex. It is concluded that the loss of the arable habitat is unlikely to result in a significant adverse impact upon any of the species present. The development proposals do not affect the existing grassland to the north of the site, which will remain as existing.

It is recommended that a condition be placed on any grant of consent to ensure that any clearance is undertaken outside of bird nesting season (March to August inclusive) or preceded by a search for nests to ensure compliance with the Wildlife and Countryside Act 1981. In addition it is recommended that a condition be placed on any grant of consent to secure habitat enhancements, by way of bird/bat boxes.

Bats – The Phase I survey recommends that further surveys are required to assess bat activity and usage of the site. Furthermore details of a bat sensitive lighting strategy should be provided. These can be controlled by condition on any grant of consent.

Badgers – The Phase I survey identified evidence of badger foraging within and passing through the site, however no setts were identified within or immediately adjacent to the site. As the woodland, grassland and hedgerows are to be retained, there will be no significant loss of foraging habitat. However as they are known to pass through the site precautionary methods are recommended to ensure that badgers are not harmed during development works. It is recommended that a condition be placed on any grant of consent requiring a badger survey to be undertaken, which shall include for example, details of protection zones/protective measures.

To conclude, it is considered that the application has sufficiently considered the impact on ecology and suitable mitigation measures can be put in place to ensure identified species are not adversely affected.

### Drainage and Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Ministerial Statement issued by The Secretary of State for Communities and Local Government on 18 Dec 2014 states that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever it is appropriate. It states 'To this effect, we expect local planning policies and decisions on planning applications relating to major development – developments of 10 dwellings or more; equivalent non-residential or mixed development – to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. Under these arrangements, in considering planning applications, local planning authorities should consult the relevant lead local flood authority on the management of surface, satisfy themselves that the proposed minimum standards of operations are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development'.

These changes took effect from 6 April 2015. It also states that for the avoidance of doubt the statement should be read in conjunction with the policies in the NPPF. The statement should also be taken into account in the preparation of local and neighbourhood plans and may be a material consideration in planning decisions.

Paragraph 86 of the Planning Practice Guidance (PPG) states that when considering major development the local planning authority should consult the Lead Local Flood Authority (LLFA). The LLFA (Essex County Council) became a statutory consultee on planning applications from April 2015.

The application site is located in flood zone 1, which is land at low risk from fluvial flooding. There is an unnamed watercourse along the eastern boundary and one within the north west of the site. Surface water mapping shows surface water flooding associated with the watercourse to the east of the site.

A Flood Risk Assessment (FRA) has been submitted which considers the potential impact of development on surface water runoff rates, given the increase in impermeable areas post development. The FRA concludes that the surface water can be managed, such that flood risk at and arising from the development of the site will not increase. This will be achieved through restricted discharge rates and an appropriately sized detention basin, with outfall to the watercourse to the east of the site. The FRA demonstrates that the proposed development would be operated with minimal risk from flooding and there would not be increased flood risk elsewhere.

The FRA proposes the following surface water/fluvial flooding mitigation measures:

- An easement free of development along the reach of the watercourse
- Avoid land raising activities within the mapped extent of surface water flooding
- Regularly inspect and clear overgrown vegetation, debris and sediment along the watercourses

- Set finished floor levels above external levels.

The information submitted has been considered by the Lead Local Flood Authority. No objections are raised, subject to a series of conditions being placed on any grant of consent.

### Section 106

Paragraph 204 of the NPPF sets out the planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant it permission.

**Phasing and landscaping** – Given the size of the site and the number of units, it is likely that development would be undertaken in phases. In order to secure an orderly and comprehensive development, in the interests of residential amenity and for the Local Planning Authority to retain control over such matters, it is proposed to include a requirement within the S106 for a phasing plan to be provided, at least 3 months prior to the submission of the first reserved matters, to detail how the site will come forward for development. In addition this phasing plan will include details of the market and affordable housing and housing mix within each phase. A landscaping strategy would include details of the open space and landscaping for the site. These strategies would be used to inform the entire development.

**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 30%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought. The applicant wishes for affordable housing to be secured by condition; however it is Officer recommendation that this should be secured within a S106.

**Education** – Essex County Council has advised that there is insufficient capacity within Early Years and Childcare and Primary Schools in order to meet demand from this proposal. Based on the outline details financial contributions would be requested to sums of £267,150 for Early Years and Childcare and £751,407 to mitigate its impact on local primary provision. The Contributions would be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2017.

Essex County Council advises that there is sufficient capacity at the local Secondary School to accommodate the proposal and no contribution is requested for secondary school transport.

Healthcare – NHS England advises that the development will impact upon the Local GP Surgery (Elizabeth Courtauld Surgery) which does not have the capacity for the additional growth resulting from the proposed development. Based on expected population growth and to mitigate the impacts of the proposal, NHS England requests a financial contribution of £77,602 for the residential development and also an additional sum for the C2 apartments. As the number of C2 units is not yet known it is proposed to seek a contribution of £378.54 per each C2 and C3 unit to ensure that a contribution is made from each unit to satisfy the requirements of NHS England.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for on-site informal open space, amenity green space and an equipped play area. The Development Framework Plan shows a large area of some 13.53ha to the north of the site, which is to be public open space.

A financial contribution would be sought for outdoor sport and allotments. As identified in the Open Spaces Action Plan the outdoor sport contribution has been identified for new tennis court provision at Courtauld Sports Ground. The allotment contribution would go towards improvements to and provision of equipment and utilities at the Colne road allotments. The provision/contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site.

Community Building – Policy CS11 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include 'transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities'.

When discussing housing growth in Halstead the Council's Core Strategy further states that 'The expansion of existing employment locations and community services will be supported'.

Following work undertaken over several years plans are now well advanced for a new multi-purpose community building designed to serve the needs of existing and future residents of the town. The Halstead Community Centre Charitable Company has secured land for the building on land adjacent the car park in Butler Road and the District Council has also pledged a significant financial contribution towards the development costs. Planning permission has been secured for the buildings (15/00526/FUL).

Based on schemes of comparable scale, in the District, the contribution sought would be in the region of £462.30 for each C2 and C3 unit.

Coggeshall Pieces Wildlife Area – Policy CS8 of the Core Strategy states that the natural environment will be protected from adverse effects. The application site abuts Coggeshall Pieces and given the presence of PROW's through this site in to the application site, it is considered reasonable to conclude that the development will result in additional foot fall/cycle movements through this area, especially as it provides a link to the nearby schools. In this regard Officers consider it reasonable to seek a financial contribution to mitigate the impact of the development. The Open Spaces Action Plan identifies Coggeshall Pieces as requiring improvements to existing facilities and thus a contribution can be justified. It is proposed to seek a contribution of £15,000 towards improvements, which shall include, but not be limited to, the provision of footpath and cycleway links.

Residential Travel Packs – In accordance with policy DM9 and DM10 of Essex County Council's Development Management Policies (2011), the Highway Authority have requested that each property is provided with a Residential Travel Pack, which is a bespoke booklet aimed at promoting the benefits of sustainable transport. These booklets would contain for example; guidance, promotional material and travel vouchers.

The applicant has agreed to the above being included within a S106 agreement. The S106 agreement is being prepared and is well advanced, such it will be ready to complete and sign should Members grant planning permission.

Officers acknowledge that the site is located within the Parish of Greenstead Green and Halstead Rural, however the S106 requirements above relate to services/facilities and sites within Halstead Town Council area. In order to secure obligations by way of a S106 agreement, they must be relevant and directly related to the development. Given the location of the site, it is considered that future residents will in the main utilise facilities/services in Halstead Town and nearby and thus it is most appropriate to secure contributions within the immediate area, rather than sites which are distant from the application site.

### Other Matters

Archaeology – The application is supported by a Desk Based Assessment which provides a summary of the known archaeological remains within the surrounding area. A prominent cropmark feature lies to the west of the site and is likely to continue into the development area, its form appears to be a track which shows parallel ditches at the western end, the cropmark could represent a Roman road. The Historic Environment Characterisation Report for the zone in which the development lies suggests that there is good potential for the preservation of archaeological remains relating to the historic settlement pattern and cropmarks nearby attest to this. The industrial heritage of the area includes the former line of the Colne Valley railway, several brick-

making sites and numerous mills. A historic brickmaking site was located at Star Stile House and historic mapping depict former small scale clay pits within the development area. Part of the area was also parkland associated with Star Stile House. Essex County Council advise that an assessment of the archaeological potential of the site will need to be made including investigation of the possible Roman road, this could be carried out by geophysics in the first instance with a programme of archaeological trial trenching dependent upon results. This can adequately be dealt with by condition on any grant of planning permission.

Minerals – The application is supported by a Mineral Resource Assessment. The site is within an Essex Mineral Safeguarding Area. The Mineral Resource Assessment sets out a number of pre-existing constraints which reduce the area of the site where minerals could be extracted and thus the volume of mineral which may be gained from the site would be reduced to below commercially viable levels. Essex County Council as the Mineral Authority agrees with the assessment made and does not raise an objection on the grounds of mineral sterilisation as the mineral would not be worked regardless of the development proposed.

Loss of Agricultural Land – The NPPF requires planning to protect and enhance valued soils. Local Planning Authorities should take in to account the economic and other benefits of the best and most versatile agricultural land.

The Agricultural Land Classification maps show the site to be grade 3 (good to moderate). Grade 3 agricultural land is divided in to two sub categories, 3a (good quality) and 3b (moderate quality). It is grades 1-3a that is considered to be best and most versatile agricultural land.

The application is supported by a Soils and Agriculture Quality report. This report also identifies the site to be grade 3 and 4 agricultural land. Soil samples have been taken across the site to determine the quality of the soil with the results of this shown in diagrammatic form. The soil testing has determined that 75% of the site is in grade 3b and 4 agricultural land or is non-agricultural. In respect of the 25% of the site that is best and most versatile agricultural land, only 65% of this is located within the area proposed to be developed and even some of this land will remain undeveloped (albeit not agricultural land) given the 40m buffer to Coggeshall Pieces and the landscape belt to the east.

There are abundant areas within the District and around Halstead of best and most versatile agricultural land. The samples taken from the site indicate that the majority of the site is of a quality that would be less than “best and most versatile” agricultural land. Given the above and the limited amount of best and most agricultural land that would be lost to the development, it is not considered that the proposed development would compromise best and most versatile agricultural land to an extent that would justify a refusal of planning permission.

Construction Activity – The Council's Environmental Services Team have been consulted on the proposed development. They have raised no objection, subject to conditions to control construction activity and the impact on residential amenity. It is inevitable that there will be some disruption with construction activity; however this will not be permanent. Although a factor for consideration, it is not significant in the planning balance.

Contaminated Land – The application is supported by a Phase I Environmental Report. There is no indication of any potential contamination. Further sampling will be required from the areas listed as historical unspecified pits and this can be secured by condition. Part of the site (tree belt to the eastern boundary) falls within a groundwater flooding zone, however the illustrative layout has been designed to reflect this and could also be controlled by condition on any grant of planning permission.

Noise – A noise and vibration assessment report has been submitted in support of the application. This identifies Sudbury Road as the main source of noise to future residents of the development. Some mitigation maybe required for dwellings located on this side of the site; however this would depend on the detailed design. This report also acknowledges that noise will be generated during the construction stage that would propagate beyond the site boundary. At the current time there is no information regarding the specifics of the construction, for example no. of vehicle movements. Some noise and disturbance during construction is inevitable, however it would be possible to attach conditions to any grant of planning permission which would control for example, hours of working, noise levels and piling operations.

Air Quality – The application is supported by an air quality assessment. The methodology for this was agreed by the Council's Environmental Health team prior to the submission of the application. The report concludes that the development will not have a significant effect on air quality.

Foul Drainage – A report submitted with the application indicates that there are public foul sewers located in Winston Way and there is adequate capacity to accommodate foul flows from the proposed development.

#### Other Utilities

Electricity – Plans supplied by UK Power Networks indicate that there are existing underground high voltage mains crossing the site. The illustrative plan accommodates for these and they will be unaffected by the proposed development. A new on site secondary substation will be required.

Gas – Plans supplied by National Grid indicate that there is a local high pressure gas main crossing the northern part of the site running east to west. The illustrative plan accommodates for this.

Water – There is an existing water main crossing the site which will need to be diverted within the new infrastructure of the site. There is an existing main along Sudbury Road.



Telecoms – BT records indicate there is existing underground plant running along Sudbury Road, but this will be unaffected by the proposed development. Broadband connections are available within this area.

## CONCLUSION

The application site is located outside of the Town Development Boundary for Halstead and is therefore within the countryside for the purposes of planning. The development therefore conflicts with policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy.

Notwithstanding the conflict with the above mentioned policies of the adopted development plan, the presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus although policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy still carry weight, this must be reduced in light of para. 14 of the NPPF.

In this particular case Officers have concluded that specific policies in the Framework (e.g. designated heritage assets, flood risk) do not indicate that development at this site should be restricted.

Accordingly, the LPA must therefore apply the “tilted balance” to the consideration and determine and assess whether any adverse impact of granting consent would demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. In terms of economic and social sustainability, the development would bring significant public benefits including a substantial number of both market and affordable houses, the provision of public open space and children’s play space on site and financial contributions towards the off-site provision of outdoor sports facilities, enhancement work at Coggeshall Pieces and a community building. It would also generate construction jobs during the build phase in addition to providing new residents to Halstead to provide further support for existing services and facilities.

The development would also provide 13.5ha of public amenity space for existing and future residents with significant associated social benefits, which could either be taken on by the Parish Council if they so wished or run by a management company facilitated by the developer of the site.

Environmentally, the site has been assessed as having the capacity to accommodate the proposed quantum of development without significant adverse impacts on the wider landscape and mitigation/enhancement measures have been identified to address the ecological impact of the proposal. The site is capable of providing strategic landscaping and public open space, according with Braintree District Council's adopted policy requirements. Furthermore although the development would result in the loss of some best and most versatile agricultural land, this would not be to an extent significant enough to tilt the balance towards refusing the application.

The site is well positioned for access to the facilities of Halstead which is designated as one of three main Towns in the adopted Development Plan. Officers consider the site's location to be sustainable. Officers have considered the impact of the proposed development on the highway, however based on the information presented and professional advice from Essex County Council, the highway impact is not considered to be severe in terms of the NPPF such to justify withholding planning permission.

Importantly, the development would make a substantial contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement. The applicant has agreed to a reduced time in which to make a reserved matters application, which weighs favourably in the overall planning balance.

The adverse impacts of the proposed development are limited and would include the loss of greenfield (agricultural) land, the increase of traffic on the local highway network and limited landscape and ecological impact with associated social impacts. There are however no objections from any statutory consultees and Officers consider that the significant benefits of the proposal outweigh any adverse impacts.

Having assessed the specific merits of the site and the public benefits which the proposal would bring against the Council's policies and the requirements of the NPPF both individually and as a whole, Officers consider that the proposed development would be sustainable and that the planning balance falls in favour of granting planning permission. Accordingly it is recommended that this application is approved.

### **RECOMMENDATION**

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

**Housing Phasing and Landscape Strategy** - To be provided, at least 3 months prior to the submission of the first reserved matters, such to detail how (in what phases) the site will come forward for development.

**Affordable Housing** – 30% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage, but with a 70%/30% ratio of affordable rent over shared ownership.

**Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage to fund improvements at Colne Road Halstead Allotments.

**Outdoor Sport Contribution** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage, to be spent providing a new tennis court and associated facilities at Courtauld Sports Ground, Colchester Road Halstead.

**Community Building Contribution** - Financial contribution towards a new community building at Butlers Road, Halstead of £462.30 per unit.

**Public Open Space and Equipped Play** (on-site) - A minimum area of 13.53ha for informal Open Space and an area of equipped play. Areas of public open space and equipped play to be managed by a Management Company.

**Open Space Contribution** (Coggeshall Pieces) - Financial contribution towards improvements to Coggeshall Pieces, including but not limited to the provision of footpath links.

**Education** - Financial contribution for Early Years and Childcare provision and Primary School place provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2017.

**Health** – Financial contribution of £378.54 per dwelling towards the improvement of Primary Health care facilities, or the provision of new facilities for Elizabeth Courtauld Surgery, Halstead.

**Highways and Transport** – The provision of residential travel packs to the first occupiers of each dwelling.

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the

application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

### APPROVED PLANS

Location Plan	Plan Ref: GSA/3174/107
Development Framework Plan	Plan Ref: CSA/3174/108 REV P
Highway Plan	Plan Ref: P004

- 1 Details of the:-
  - (a) scale, appearance and layout of the building(s); and the
  - (b) landscaping of the site

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

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

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

#### Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 205 dwellings on a developable area in board compliance that shown on drawing no. CSA/3174/108 Rev P, an area of 0.51ha for C2 apartments, parking, public open space no less than 13.53ha, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above and broad compliance with the illustrative Development Framework Plan CSA/3174/108 Rev P.

#### Reason

For the avoidance of doubt and to determine the scope of the application

- 3 Prior to the submission of the first reserved matters a site-wide design guide for all areas of housing development, public realm and character areas, shall be submitted to and approved in writing by the local planning authority. All reserved matters submissions shall accord with the approved site wide design guidance, unless otherwise agreed in writing by the local planning authority. The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each

respective phase to which it relates.

Reason

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

- 4 Construction of any buildings shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 5 Any Reserved Matters application relating to scale to layout in each phase of the development shall be accompanied by finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site, which may lead to unneighbourly development or adverse impact on the landscape.

- 6 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points.

The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

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

- 7 No development or preliminary groundworks can commence until a programme of archaeological evaluation (which may include trial trenching) has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

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

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

#### Reason

The site may be of archaeological interest and the programme of archaeological works must be completed prior to development commencing in order that any archaeological remains that do exist on the site are assessed and recorded before they might be harmed by construction activity.

- 8 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. Wheel and underbody washing facilities;
- v. Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. Measures to control the emission of dust and dirt during the construction of the development;
- viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

#### Reason

To ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not

brought out onto the highway in the interests of highway safety and Policy DM 1 and DM20 of the Highway Authority's Development Management Policies February 2011. In addition this condition is necessary to protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 9 Prior to the first occupation of the development the primary access shall be implemented as shown on drawing no. CSA/3174/108 Rev P and P004.

Reason

To ensure the accesses are constructed to an acceptable standard and in the interests of highway safety.

- 10 Prior to first occupation of the development details shall be submitted to and agreed by the Local Planning Authority of upgrade works to two bus stops which best serve the application site. The details as agreed shall be implemented in their entirety prior to first occupation of the development.

Reason

To promote sustainable modes of transport in accordance with policy DM9 of the Highway Authority's Development Management Policies.

- 11 Prior to first occupation details of a footpath link between the application site and the western end of Honeywood Road and Churchill Avenue (as shown in principle in part on drawing no. CSA/3174/108 Rev P) shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented in their entirety prior to first occupation of the development.

Reason

To improve pedestrian links to/from the application site in accordance with policy RLP49 of the Local Plan Review and policy DM9 of the Highway Authority's Development Management Policies.

- 12 Prior to first occupation details of improvements to the Public Rights of Way which transverse the site shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented in their entirety prior to first occupation of the development.

Reason

In order to improve pedestrian links through the site and ensure the longevity of the Public Rights of Way.

- 13 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a construction access to be taken off Sudbury Road. The details as agreed shall be implemented on site prior to any other development commencing and be

retained throughout the construction phase. Prior to first occupation of the development the access shall be permanently closed in accordance with details which have firstly been agreed in writing by the Local Planning Authority.

Reason

To ensure a suitable access during the construction phase in the interests of residential amenity and highway safety. This matter is required to be dealt with prior to commencement as it relates to details that will need to be known before works commence.

- 14 No vehicular movements relating to the construction of the development to, from or within the site shall take place outside the following times:-  
Monday to Friday 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

- 15 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-  
Monday to Friday 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sundays, Public and Bank Holidays - no work

Reason

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

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

Reason

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

- 17 No development shall commence before sampling from the unspecified pits as identified within Table 3 of Section 3.0 of Phase I Environmental Report produced by Enzygo dated March 2017 has been undertaken and a report of the findings and any necessary mitigation measures and/or remediation submitted to and agreed in writing by the Local Planning Authority. Such agreed measure/remediation as agreed shall be implemented in accordance with the details agreed and completed prior to the commencement of development hereby approved.

Reason

To ensure that risks from land contamination to the future users of the



land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18 Should at any time throughout the construction phase contamination be found that was not previously identified that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed and a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to any further development being undertaken. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 19 No built development shall be located in the dark brown areas as shown on BGS Groundwater flooding map, as contained within the Groundsure Flood Insight report dated 31st October 2016.

#### Reason

To ensure development is not located in an area likely to experience ground water flooding at surface level, in the interest of residential amenity.

- 20 No external lighting shall be provided within a development area or each phase unless details thereof have first been submitted to and approved in writing by the Local Planning Authority. Prior to slab level, a bat friendly detailed lighting scheme for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be:
- a) Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED;
  - b) Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

#### Reason

To minimise pollution of the environment, to safeguard the amenities of the locality and the appearance of the development and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998).

- 21 No works shall take place on each phase until a detailed surface water drainage scheme for the relevant part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Final modelling and calculations for all areas of the drainage

system.

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- More groundwater monitoring will need to be demonstrated at the detailed stage and should be demonstrated to be fully mitigated against. It should be ensured that no properties are located in areas susceptible to groundwater flood risk.
- Any CV values used will need to be fully justified at a detailed stage.

The scheme shall subsequently be implemented prior to occupation of each phase, in accordance with the agreed details.

#### Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment.

- 22 No works shall take place within each phase until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

#### Reason

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

- 23 No works shall take place, within each phase until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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

Reason

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

- 25 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works for individual dwellings and the apartment blocks, for each phase of the development. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs, gates, fences, wall (or any other means of enclosure) and lighting.

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

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

All hard surface areas, gates, fences, walls (or any other means of enclosure) agreed as part of the scheme shall be carried out before the first occupation of the relevant building to which it relates or upon completion of the development whichever is the earlier.

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

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 26 No removal of hedgerows, trees or shrubs shall take place in any phase of

the development, between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason

In the interests of biodiversity and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 27 The development shall be carried out in accordance with the recommendations as set out in the Breeding Bird Survey Report and Great Crested Newt Survey Report (FPCR Environment and Design Ltd, July 2017).

Reason

This is necessary to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 28 No development, including ground works or vegetation clearance shall take place until a Biodiversity Method Statement is submitted to and approved in writing by the Local Authority. The content of the method statement should include provision for protective measures before, and during development, and the proposed ecological enhancement of the site.

The content of the method statement should also include (but not be limited to):

- o Details of the proposals to translocate Great Crested Newts and new habitat creation, management plan and monitoring responsibilities
  - o Measures to avoid impact on the adjacent Local Wildlife Site (Coggeshall Pieces) in particular hydrology considerations, how risk of polluted surface water during and post construction is to be avoided and details of buffering from construction and human disturbance. Protection from pollution of retained water bodies during construction should be specified.
  - o An up to date badger survey to check for setts
  - o Protection plans for badgers and other mammals during construction.
- The plan shall include:
- a) An appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive

- working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- d) Details of the person responsible for:
  - (i) compliance with legal consents relating to nature conservation;
  - (ii) compliance with planning conditions relating to nature conservation;
  - (iii) installation of physical protection measures during construction;
  - (iv) implementation of sensitive working practices during construction;
  - (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
  - (vi) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.
- o A methodology for the removal of Himalayan balsam that has been identified on the northern section of the site.

The details as agreed, including any mitigation shall be those implemented on site.

#### Reason

To protect features of recognised nature conservation importance. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

- 29 Prior to the submission of the first Reserved Matters a bat survey shall be submitted to and approved in writing by the Local Planning Authority. The recommendations/mitigation measures within the survey shall be those implemented on site prior to first occupation.

#### Reason

In order to fully consider bats roosting/foraging on site and to ensure this protected species is adequately protected.

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

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

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains,

pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. Details are required to be agreed prior to commencement as it relates to measures that will need to be in place before any works start on site.

- 31 The Reserved Matters application(s) shall include details of a scheme for the provision of bat and bird boxes including a strategy for the scheme's implementation. The development shall be implemented in accordance with the approved details and thereafter so retained.

Reason

In the interests of protecting and enhancing biodiversity.

- 32 The first Reserved matters applications for appearance and layout on each phase of the proposed development on the western half of the site shall include details for noise attenuation measures that will be incorporated in to the development. The details as approved shall be those implemented on site prior to first occupation within each phases and thereafter retained in the approved form.

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

Reason

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

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material

operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

- 3 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.
- 4 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at [www.braintree.gov.uk/streetnaming](http://www.braintree.gov.uk/streetnaming). Enquiries can also be made by emailing [streetnaming@braintree.gov.uk](mailto:streetnaming@braintree.gov.uk).
- 5 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 6 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 7 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations).

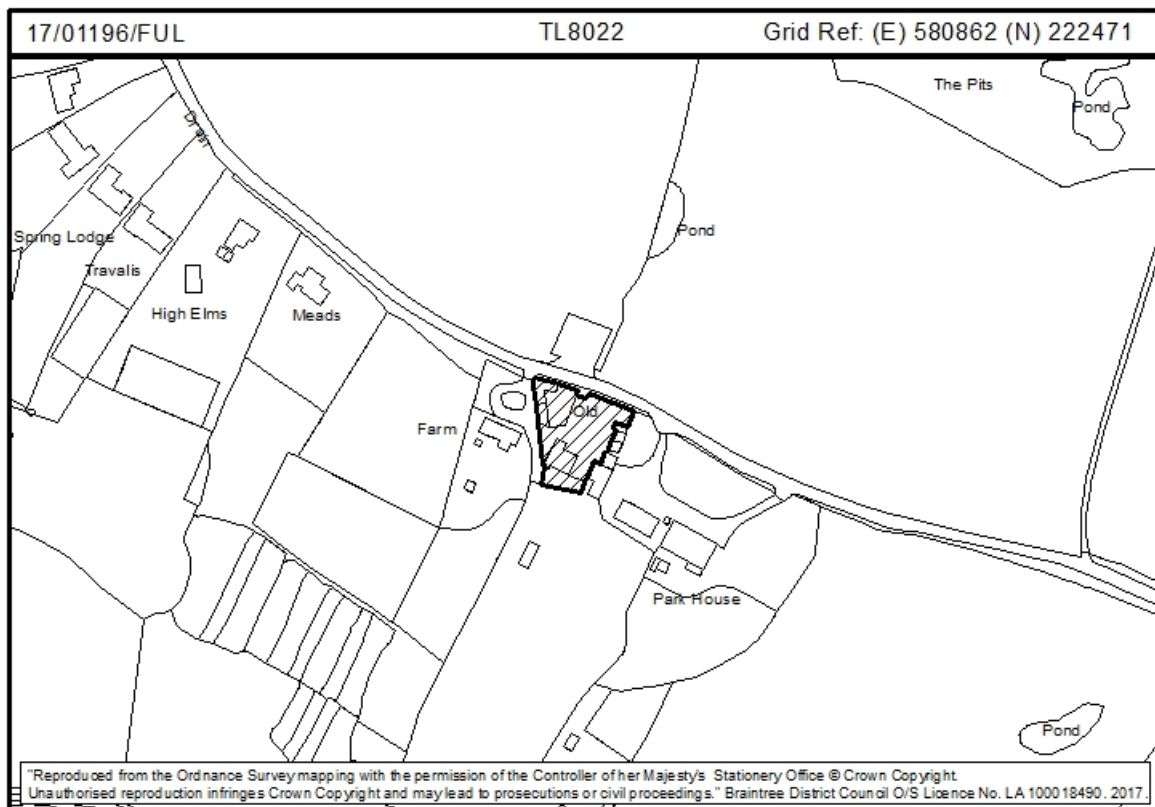
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 17/01196/FUL DATE: 30.06.17  
 VALID:  
 APPLICANT: Trustees of the Bradwell Estate  
 c/o agent  
 AGENT: Strutt and Parker LLP  
 Mrs Nicola Bickerstaff, Coval Hall, Rainsford Road,  
 Chelmsford, Essex, CM1 2QF  
 DESCRIPTION: Change of use to 1 no. residential dwelling, including an  
 extension to an existing building, provision of associated  
 amenity space and demolition of a building  
 LOCATION: Park Farm Buildings, Church Road, Bradwell, Essex, CM77  
 8EP

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



## SITE HISTORY

None.

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

National Planning Policy Framework (NPPF)

## National Planning Practice Guidance (NPPG)

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

### Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP42	Residential Conversion of Buildings in the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features

LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP81	External Lighting

### Supplementary Planning Guidance

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

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

This application is brought before the Planning Committee as the Parish Council have written in support of the application, contrary to the Officer recommendation for refusal.

### SITE DESCRIPTION

The application site is known as 'Park Farm' and is located in the countryside, lying to the south-east of the Village Envelope of Bradwell as defined in the adopted Local Plan. The site measures approximately 0.1ha and consists of 3 existing buildings with associated curtilage.

Vehicular access is currently taken from Church Road, onto which the site fronts and beyond which lies open countryside to the north. To the west the site sits adjacent to the curtilage of Park Farm House, a Grade 2 listed building and to the east lies Park House, also Grade 2 listed. To the south the site abuts further countryside.

The existing buildings on the site consist of 3 single storey structures, all of which are unoccupied. To the rear, the largest building is a single storey structure of utilitarian appearance with modern brick walls and an asbestos corrugated roof.

To the front of the site is a flat roofed commercial building which abuts a pitched roof structure constructed from clay tiles and weatherboarding. The latter is of some historical merit and is of an attractive appearance, particularly in comparison to the other two buildings on the site.

The site was previously used in a commercial capacity but is currently unoccupied.

## PROPOSAL

The applicant seeks planning permission for the change of use of the site to provide a single dwelling, including substantial enlargement and extension to the largest of the existing buildings, the demolition of the flat roofed building and the provision of amenity space.

The site is currently vacant, however the planning history indicates that it was previously used in a commercial capacity, with the most recent planning permission being granted in 1989 for the use of one of the buildings (not identified but assumed to be the larger rearmost building) as a furniture restoration workshop and store.

More recently, the site was used for general storage purposes, the applicant stating that the buildings were used for general storage from 2001 to 2011; 2011 to 2012 and the 2012 to 2014, all by different occupiers. The lawfulness of these storage uses has not been established; however Officers consider that it is correct to consider the site as a commercial site, given the previously granted (and implemented) planning consent.

The change of use of the site would result in the largest of the existing buildings being substantially enlarged and extended to form a two storey, four bed dwelling. The clay tiled and weatherboarded building located at the front of the site would be retained as a single bay garage and the existing curtilage landscaped to form a driveway and garden.

## CONSULTATIONS

### Bradwell/Pattiswick Parish Council

Support this application in principle. Consider that the development would enhance this part of the entrance to the village to the east. Parish Council would like to see the boundary with Church Road being no higher than 1m to remain in keeping with existing properties along this stretch of Church Road.

Site is currently untidy and overgrown so plans to improve its appearance will be welcome.

Parish Council would like to see steps taken to reduce the possibility of loss of privacy to neighbouring properties either through raising windows or using frosted glass.

### BDC Ecology

No objection. Should be noted that if the development has not commenced within 1 year of the bat survey taking place (February 2017) another bat presence/absence survey should be undertaken to ensure the building has not been utilised/colonised.

BDC Landscape Officer

No objection.

BDC Environmental Services

No objection subject to standard conditions relating to contamination; a dust and mud control management scheme; hours of working and submission of a piling method statement.

Essex County Council Highways

No objection subject to an informative stating that there shall be no discharge of surface water onto the highway.

ECC Historic Buildings Consultant

Objection. Historic mapping shows that the clay tiled and weatherboarded building on the site was originally associated with the Grade 2 listed Park Farm. This building is of historic value and its physical presence on the road makes it an important visual marker which contributes positively to how the adjacent listed buildings are understood and experienced. No objection to its internal reconfiguration provided that the building itself is retained.

The proposed demolition of the modern flat roofed building would be beneficial to the environment surrounding the two listed buildings and would therefore allow their architectural and historic character and significance to be better appreciated. Similarly the removal of existing insensitive boundary treatments and the general tidying up of the site are also considered to be positive proposals which weigh in favour of the application from a heritage perspective.

Concerned however about the impact of the conversion of the larger building on the listed buildings as this would to all intents and purposes resemble a new dwelling. Current site and streetscape is defined by two dominant listed buildings and by the proliferation of smaller ancillary buildings between them which are clearly distinguishable as such in their design and form. This allows the hierarchy of the buildings on the site to be understood and the two principle buildings to be both physically and visually dominant. The erection of a new house will challenge this, as the two listed buildings will now be experienced as the book-end elements of a run of 3 houses with the new house being a harmful and competing factor. In particular the dormer adorned roofscape and the projecting gables are distinctively domestic in appearance, which highlights the domestic and ultimately unacceptable nature of the design.

Overall no objection in principle to what is proposed but cannot support a visually domestic building being erected on the site. A simply designed building of agricultural character with an unadorned roofscape would be

considerably more appropriate. From a heritage perspective this could be achieved by a more light touch conversion. Would not object from the heritage perspective to the demolition and replacement of the existing building although acknowledge that this would likely conflict with local authority planning policies.

Overall conclude that that the application is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is identified to cause harm to the heritage asset identified above, as per paragraph 134 of the NPPF.

## REPRESENTATIONS

One letter of objection was received from the occupier of one of the adjacent dwellings, Park Farmhouse on the following grounds:

- Serious loss of privacy.
- Top floor windows of proposed western elevation would look directly into 5 rooms of our property, our patio area and a significant area of our garden. Planning Portal states that such windows must be obscure glazed and non-opening or high level. Not clear if the proposed windows are.
- Doors and windows on ground floor western elevation would also look directly into our property. Current windows are small and high level and the existing door is solid. All are currently largely screened from our house by a high fence. The existing storage use has also meant the building has only been occupied intermittently during working hours.
- Removal of the fencing and demolition of the existing building is not acceptable and would also result in a serious loss of privacy. Would like to see a wall or solid fence of a similar or greater height constructed along the entire boundary to preserve our privacy.
- Proposed patio area would look into our garden and patio again causing loss of privacy. Existing trees which provide screening would have to be removed.

## REPORT

### 5 Year Housing Land Supply

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

The Council's view as at 30<sup>th</sup> June 2017 is, that its forecast supply is 4.32 years. Although there have been a small number of applications approved since this calculation the Council does not consider that it has a current five-year supply. The NPPF provides specific guidance in relation to the

determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

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

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

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

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

### Principle of Development

The application site is located in the countryside. Core Strategy Policy CS5 states that development in the countryside will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance its landscape character, biodiversity, geodiversity and amenity.

Adopted Local Plan Policy RLP38 makes provision for the conversion of rural buildings to a residential use, subject to a number of criteria. Firstly, Policy RLP38 states that a conversion to residential will only be acceptable where the applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts made.

The applicant has submitted a detailed Marketing Statement in support of their application setting out a 7 month marketing campaign which ran from



November 2016 to June 2017 and was carried out by Strutt & Parker. The site was marketed for commercial and community uses with flexible terms and advertisements being placed on the Estates Gazette website, Strutt & Parker's own website and also Rightmove.

In response, only 3 enquiries were received, none of which resulted in the buildings being let. The relatively isolated location of the site, cost of the renovation work required to bring the buildings up to a modern, weatherproof and secure standard and restrictive size and layout of the buildings were identified by the marketing agents as being key factors which make the site difficult to market successfully. Officers therefore consider that the applicant has made every reasonable effort to secure the employment or community re-use of the buildings and that the general principle of a conversion to residential is acceptable, subject to the other criteria in Policy RLP38 being met.

### Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments.

More specifically, Policy RLP38 permits the conversion of rural buildings to a residential use provided that they are of a permanent and substantial construction and capable of conversion without major extension or complete reconstruction.

The applicant has submitted a structural survey in support of their application which states that both the larger building located to the rear of the site and the clay tiled and weatherboarded building positioned at the front of the site are structurally sound and suitable for conversion.

However, RLP38 also states clearly that such buildings must be capable of conversion without major extension or complete reconstruction. The applicant's proposal would result in the erection of a substantial 4 bedroom dwelling. The existing building would be increased in terms of its footprint, bulk, height and massing to the point where Officers do not consider it to be a true conversion project. The main ridge height would be increased and the single storey projection which sits at the front of the existing building would become a large two storey structure which would significantly increase the size of the building, particularly when viewed from the eastern elevation where the change would be dramatic. A relatively large single storey side extension would also be added to the eastern elevation.

Taken together, these changes are considered to represent both major extension and substantial reconstruction and the building would no longer be recognisable in its original, considerably smaller form. Whilst a much more modest conversion project, which complied with the requirement of Policy RLP38 in terms of avoiding major extension or substantial reconstruction, would likely be acceptable, the current proposal does not meet these criteria.

For these reasons Officers consider that the proposed development would be contrary to adopted Policy RLP38.

In general terms, the proposed site layout is considered acceptable, with sufficient parking provision and a large garden to serve the new dwelling.

### Heritage

Policy RLP38 states that where rural buildings are to be converted to residential, their form, bulk and general design must be in keeping with their surroundings if such a conversion is to be permitted.

Core Strategy Policy CS9 and adopted Local Plan Policy RLP100 seek to protect Listed Buildings and their settings and Policy RLP100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. At the national level, paragraph 134 of the NPPF states that where a proposed development would cause less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal.

In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the Local Planning Authorities duty to have special regard to the desirability of preserving the building or its setting.

The Council's Historic Buildings Consultant has objected to the proposed development, due to the detrimental impact it would have upon the adjacent listed buildings, in-between which it would be located. The Historic Buildings Consultant advises that:

The current site and streetscape is defined by two dominant listed buildings and by the proliferation of smaller ancillary buildings between them which are clearly distinguishable as such by in their design and form. This allows the hierarchy of the buildings on the site to be understood and the two principle buildings to be both physically and visually dominant. The erection of a new house will challenge this, as the two listed buildings will now be experienced as the book-end elements of a run of 3 houses with the new house being a harmful and competing factor. In particular the dormer adorned roofscape and the projecting gables are distinctively domestic in appearance, which highlight the domestic and ultimately unacceptable nature of the design.

Officers therefore consider that the proposed development would be contrary to adopted Policies RLP38 and RLP100. In terms of the balancing exercise required by paragraph 134 of the NPPF and the LPA's duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is not considered that the public benefit would outweigh the harm caused to the significance of the heritage assets. It is recognised that the demolition of the flat roofed building located on the site, the removal of the existing boundary treatment and the general tidying up and landscaping of the site as a whole would benefit the setting of both listed buildings. The re-use of the clay tiled

and weatherboarded building on the site and the provision of a new dwelling toward the District's housing need also weigh modestly in favour of the scheme. However, it is not considered that these benefits outweigh the identified and demonstrable harm to the adjacent designated heritage assets that the development would cause and the proposal is therefore considered to be contrary to both paragraph 134 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Again, Officers consider that a much more modest conversion project which complied with the requirements of Policy RLP38 would also be likely to result in significantly less harm to the adjacent heritage assets. The Historic Buildings Officer has also identified that a light touch conversion resulting in a building of more agricultural character with unadorned roof scape would likely achieve this.

#### Impact Upon Neighbour Amenity

The occupants of the adjacent Park Farmhouse have objected to the proposed development on the grounds of overlooking and loss of privacy. The proposed dwelling would have two windows and a door at ground floor level and 3 velux windows at first floor level on the western elevation, all orientated towards Park Farmhouse.

A planning condition could be used to ensure that an appropriate height boundary treatment was erected to prevent any overlooking from the ground floor windows or from the new garden. With regard to the first floor velux windows, these could also be required, by way of planning condition to be high level windows, which were non-opening below an internal floor height of 1.7m to prevent any overlooking.

It is not therefore considered that there would be an unacceptable impact upon neighbouring amenity.

#### Highways

The development would utilise the existing established access to the site. Sufficient parking could also be satisfactorily accommodated within the site in accordance with the Council's standards.

Essex County Council Highways have been consulted and have no objection to the proposal on highway grounds.

#### Landscape and Ecology

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

granted for development which would have an adverse impact upon protected species.

The site is located in the countryside and the impact of the proposed change of use upon the surrounding landscape is therefore an important consideration. The Council's Landscape Officer has been consulted and has no objection to the proposal. Although the application site is relatively exposed to the north, it sits in-between two existing dwellings and there is already built form on the site. It is not considered that there is a landscape objection to the proposal.

The applicant submitted a Bat Survey in support of their planning application which found no evidence of any bats using the existing buildings.

### Planning Balance

The balancing exercise required with regard to the impact of the proposed development upon the adjacent heritage assets has been discussed in detail in the above report and found not to fall in favour of the development.

In terms of the general planning balance, the Council currently lack a 5 year housing land supply and in accordance with paragraphs 14 and 49 of the NPPF the presumption in favour of sustainable development must apply and relevant policies for the supply of housing should not be considered up to date.

For decision taking this means granting planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. The benefits of the proposed development are limited with a single new dwelling making a negligible difference to the Council's 5 year housing land supply deficit. The tidying up of the site and the improvement this would have to the setting of the adjacent listed building weigh moderately in favour of the development.

However, clear harm is identified to the adjacent heritage assets, contrary to paragraph 134 of the NPPF and the identified improvements to the setting of the listed buildings would be far outweighed by the detrimental impact of the proposed dwelling upon their historical significance.

In addition, Officers consider that the proposed development goes beyond what could reasonably be considered to be the conversion of the building with the degree of extension and re-building so great that the scheme would simply result in an isolated new build dwelling in the countryside. The site is located outside the village envelope of Bradwell as defined in both the adopted and the emerging Local Plans. Bradwell itself is a very small settlement and is identified as a third tier village in the emerging Local Plan, sitting below the main towns, key service villages and second tier villages. Third tier villages are described as lacking most of the facilities to meet day to day needs, often having very poor public transport links. The emerging local plan goes on to state that 'when considering the tests of sustainable development, these will not normally be met by development within a third tier village'.

Paragraph 55 of the NPPF is clear in its assertion that such isolated dwellings should only be permitted in special circumstances such as rural workers dwellings; the optimal use of a heritage asset, dwellings of innovative and exceptional design or where development would re-use disused buildings and lead to an enhancement to the immediate setting. With the exception of the latter, none of these special circumstances are relevant. The scheme would result in the re-use of disused buildings but this re-use would extend significantly beyond a conversion, consisting of substantial extension and re-building.

Overall Officers consider that the identified adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits.

### CONCLUSION

The applicant proposes to change the use of the site to residential with a single dwelling being located on the site. Officers consider that the application would result in demonstrable harm to the adjacent heritage assets and that the public benefits of the proposal do not outweigh this harm.

In addition, the proposal goes beyond what could reasonably be considered a conversion of the existing building and would result in an isolated new dwelling in the countryside. The degree of enhancement to the site is limited and the provision of 1 new dwelling in terms of the District's housing need deficit is negligible. Together these limited benefits are not considered to outweigh the adverse impacts of locating a new dwelling in this isolated and unsustainable location.

### RECOMMENDATION

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

- 1 The proposed development would result in harm to the significance of the two adjacent Grade 2 listed buildings. It would have a detrimental impact upon their context and setting and would alter the hierarchy of the existing group of buildings in the locality, with the new dwelling becoming a harmful and competing structure to the two existing dominant listed buildings.

The proposed development is therefore contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; paragraph 134 of the NPPF; Policy CS9 of the Braintree District Core Strategy; Policies RLP90 and RLP100 of the Braintree District Local Plan Review and Policies LPP55 and LPP60 of the emerging Braintree District Publication Draft Local Plan.

- 2 The proposed development would result in the substantial extending, enlarging and re-constructing of the existing building on the site and is

considered to constitute a new isolated dwelling in the countryside rather than the conversion of an existing building.

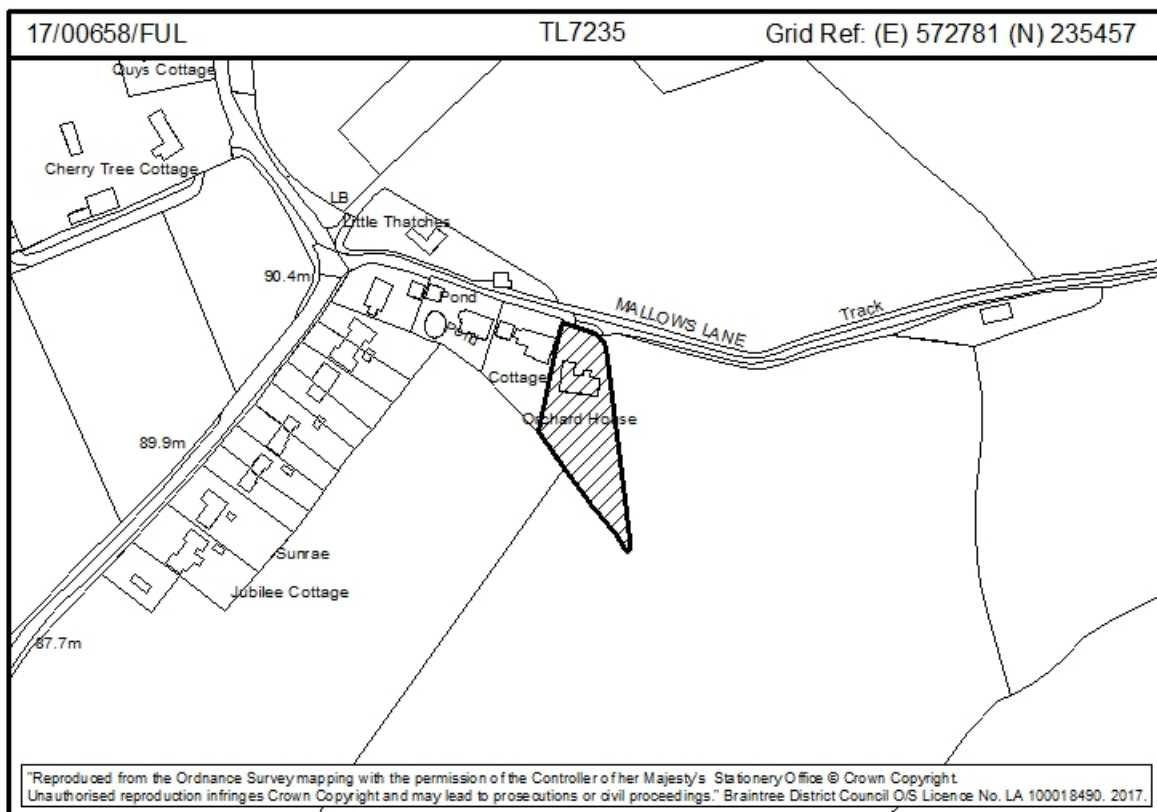
The proposed development is therefore contrary to Policy CS9 of the Braintree District Core Strategy; Policies RLP2 and RLP38 of the Braintree District Local Plan Review; paragraph 55 of the NPPF and Policies LPP1 and LPP42 of the emerging Braintree District Publication Draft Local Plan.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 17/00658/FUL DATE 10.04.17  
 NO: VALID:  
 APPLICANT: Mr Michael Wills  
 Orchard House, Mallows Lane, Gainsford End, Toppesfield,  
 Essex, CO9 4EH  
 AGENT: JLR Design & Planning Services  
 Mr John Rainer, 101 Hawkwood Road, Sible Hedingham,  
 Halstead, Essex, CO9 3JS, UK  
 DESCRIPTION: Change of roof to existing garage with two storey side  
 extension, two storey front porch extension and single  
 storey rear extension.  
 LOCATION: Orchard House, Mallows Lane, Gainsford End, Toppesfield,  
 Essex, CO9 4EH

For more information about this Application please contact:  
 Daniel White on:- 01376 551414 Ext. 2518  
 or by e-mail to: [daniel.white@braintree.gov.uk](mailto:daniel.white@braintree.gov.uk)



## SITE HISTORY

None.

## POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.



## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

## Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development

## INTRODUCTION

This application is brought before the Planning Committee as the Parish Council object to the application, contrary to Officer recommendation.

## SITE DESCRIPTION

Orchard House is situated on Mallows Lane in the Village of Gainsford End, approximately 1 mile to the south of Toppesfield. The site itself is located outside any defined development boundary in the current Braintree District Local Plan Review and is situated in a rural part of the district. There are 5 dwellings situated on Mallows Lane with Orchard House being at the very end of the lane, neighbouring (Mallows Cottage) to the east, and agricultural fields to the west and south of the site.

## PROPOSAL

The proposal is for the change of roof to the existing garage, to a two storey side extension, with a two storey front porch extension and single storey rear extension. The two storey front porch extension would be constructed on the same footprint as the existing porch and would measure 6.6 metres to the ridge, 2 metres in length, by 3.5 metres in width and would be constructed using stained weatherboarding and plain concrete tiles to match the existing dwelling. The two storey side extension would measure 7.8 metres to the ridge, 6m in length by 5.1 metres in width, and would be constructed using the

same footprint of the garage. The two storey side extension would have a pitched roof and would use plain concrete tiles to match the existing dwelling with a combination of render to match the existing dwelling and stained weatherboarding to match the other extensions. The front half of the existing garage would be changing its roof from a flat roof to a pitched roof using Marley Ashmore Interlocking double plain tiles. The single storey rear extension would measure 3.9 metres to the ridge, 5.7 metres in length and 7.3 metres in width and would use stained weatherboarding with Marley Duo Modern interlocking tiles in smooth grey for the pitched roof.

## CONSULTATIONS

### Parish Council

The Parish Council objected to the application for the following reasons listed below:

- Overdevelopment of the site
- Adverse visual impact on the character of the area
- Impedes the enjoyment of the garden of Mallows Cottage
- Generally has an overbearing presence
- Impact of the skyline of a rural lane
- Increase in traffic along a rural lane

## REPRESENTATIONS

A site notice was near the beginning of Mallows Lane and 8 representations were received from the neighbouring property (Mallows Cottage) in connection with this application and are summarised below:

- The proposal resembles the prow of a super tanker bearing down on the neighbouring property
- Would have an overbearing presence and an unacceptable impact on the neighbouring property
- Overdevelopment of the plot
- The proposal would not be compatible with the scale and character of the existing dwelling and is not subordinate
- Excessive in scale, density, height and massing
- The proposal would increase traffic generation and degrade the surface of Green Lane
- The proposal would be able to occupy potentially 16 people and 16 cars and an environmental assessment should be required
- Loss of light, loss of privacy and increased overshadowing

## REPORT

### Background

This application for the change of the roof of the existing garage with two storey side extension, two storey front porch extension and single storey rear extension, follows a revision to the original plans that were submitted in which the proposal was larger and would have had a detrimental effect on the neighbouring residential amenity. During the course of the application the applicant sought advice from officers and the scheme was subsequently amended resulting in the side extension, at first floor level being reduced to resemble a side extension that was more proportionate and compatible with the existing dwelling, together with minimising the impact on the neighbouring property.

### Principle of Development

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In paragraph 56 of the NPPF it states that good design is a key aspect of sustainable development. Paragraph 57 highlights the importance of achieving high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area.

Current Local Plan Policies RLP2, RLP18, RLP56, RLP90 and Core Strategy Policies CS5 and CS9, together with Draft Local Plan Policies SP1, LPP38, LPP45 and LPP55 would apply to the application as they provide for extensions within the countryside subject to the siting, design and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling. It is therefore considered that the principle of development would be acceptable.

### Design, Appearance and Layout

Policy RLP18 states, inter-alia, that planning permission for extensions in the countryside will only be granted, subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Extensions would be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

Policy RLP90 seeks a good standard of design and layout in all developments, large and small and Planning Permission would only be granted when the designs layout, height, mass and overall elevational design of buildings are in harmony with the character and appearance of the surrounding area; including their form and scale and have no undue or unacceptable impact on the amenity of nearby residential properties.

In this case, it is considered that the key considerations are the impact of the size, form and materials on the character of the existing dwelling and countryside setting, together with the impact the proposal would have upon neighbouring residential amenity.

Orchard House is a detached, largely unaltered 1970's dwelling finished in buff coloured bricks, with a large flat roofed porch on the front elevation. The windows and external doors are finished in white UPVC with brown concrete tiles used for the roof. Attached to Orchard House is also a large flat roofed garage, situated on the eastern side of the dwelling. For clarity, the Case Officer has split up the proposal into the various elements below.

#### *Two storey front porch extension*

The two storey front porch extension, would be constructed on the footprint of the existing porch and would measure 6.6 metres to the ridge, 2 metres in length, by 3.5 metres in width and would be constructed using stained weatherboarding and plain concrete tiles to match the existing dwelling.

Whilst being large in terms of its size, scale and form, it is considered that the two storey front porch extension would be in keeping with the original dwelling and the other elements of the proposal. It is also considered that the two storey front porch extension would be subordinate to the existing dwelling, due to the ridge height of the extension being a lot lower than the existing roof (by 1.6 metres) and proportionate to the existing dwelling in terms of its good solid to void ratio.

#### *Two storey side extension*

The two storey side extension would be constructed on the same footprint as the garage and would measure 7.8 metres to the ridge, 6 metres in length, by 5.5m in width and would be constructed using render on the front elevation with stained weatherboarding on the side and rear elevations, with plain concrete tiles to match the existing dwelling.

Whilst being large in terms of its size, scale and form, it is considered that the two storey side extension would be in keeping with the original dwelling, would read easily as an extension and be proportionate to the other elements of the proposal. It is also considered that the two storey side extension would be subordinate to the existing dwelling, due to the ridge height of the extension being slightly lower than the existing roof, together with the elevations being set back from the existing dwelling.

#### *Change of roof to existing garage*

In front of the two storey side extension, the remaining part of the garage (5.7 meters) would change from a flat roof to a pitched roof with the garage door being removed and a large window inserted in its place and two small windows inserted into the side of the garage. This element would be finished in stained weather boarding, with the new pitched roof would be tiled in

Marley Ashmore interlocking double plain tiles. It is considered that this element of the proposal be subordinate in its nature with its low pitched roof, together with it having a good solid to void ratio, and would use materials that would be in keeping with the other elements of the application

#### *Single Storey Rear Extension*

The single storey rear extension would measure 3.9 metres to the ridge, 5.7 metres in length and 7.3 metres in width and would use stained weatherboarding with Marley Duo Modern interlocking tiles in smooth grey for the pitched roof. It is considered that the single storey rear extension would be acceptable due to its siting, design and materials proposed being in harmony with the countryside setting, and compatible with the scale and character of the existing dwelling and plot upon which it stands. It is also considered that the extension would be subordinate to the existing dwelling in terms of its bulk, height width and position and would be in harmony with the character and appearance of the surrounding area and would not have a detrimental impact on the neighbouring residential amenity.

#### *Design, Appearance and Layout conclusion*

Whilst the proposal contains a number of extensions and alterations to the property, together they would be acceptable due to their siting, design and materials being in keeping with the host dwelling and plot upon which it stands.

#### Impact on Neighbour Amenity

It is considered that the proposal would have minimal impact on the neighbouring residential amenity in terms of overlooking, overshadowing or privacy. It is noted that there would be some increase in overlooking from the new master bedroom windows at first floor level. However, it is noted that there are existing windows at first floor level result in some indirect overlooking to the neighbour's garden and whilst this would result in some first floor windows in the rear elevation being closer to the neighbouring site it would not result in direct overlooking and any impact is considered to be minimal.

The addition of the windows on the side elevation of the proposal would increase overlooking into the neighbour's property, however both windows can be conditioned to be obscure glazed to prevent any overlooking and provide some privacy for the applicant.

It is noted that the proposal would be visible from the neighbouring property, however, the extensions would be situated over 3.6 metres away at the closest point from the neighbouring boundary as well as the large trees being retained on that boundary. It is therefore considered that due to the distance between the extensions and the neighbouring property, the extensions would not cause overshadowing and therefore acceptable.

### Highway Issues

Concerns have been raised about traffic and parking impacts. It is considered that the site has sufficient existing off road parking that meets the Adopted Parking Standards and that the loss of the garage is therefore acceptable.

### Other Matters

The neighbour has raised a number of issues that are not material planning matters. The number of bedrooms is not something that can be controlled through the planning process provided the dwelling house continues to be occupied as a Class C3 dwelling house. Reference is made to “inadequate” antiquated sewage pit and that the Environment Agency should be consulted. The sewer is a matter for Building Regulations. The Environment Agency does not require consultations on extensions to dwelling not within the flood zone, as is the case here. The neighbour makes also reference to the “resultant traffic generation” which is noted, however with development traffic generation is inevitable, however it would be for a short period of time during construction.

### CONCLUSION

In conclusion, it is considered that the change of the roof of the existing garage with two storey side extension, two storey front porch extension and single storey rear extension would be acceptable in terms of their design and appearance and would not have any unacceptable impact on the neighbour’s amenity. It is therefore recommended that planning permission is granted.

### 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

Block Plan

General Plans & Elevations

Plan Ref: P17-10-WILLS-EXTENSION

Version: REV 2

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

#### Reason

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

- 2 The development hereby permitted shall be carried out in accordance with

the approved plans listed above.

Reason

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

- 3 The first floor windows on the eastern facing elevation shall be glazed with obscure glass and shall be so maintained at all times.

Reason

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

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

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

<b>Monthly Report of Planning and Enforcement Appeal Decisions Received</b>		<b>Agenda No: 6</b>
<b>Portfolio</b> Planning and Housing <b>Corporate Outcome:</b> A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure <b>Report presented by:</b> <b>Report prepared by:</b> Liz Williamson – Planning Technician		
<b>Background Papers:</b>		Public Report
Appeal decisions summary		Key Decision: No
<b>Executive Summary:</b>  This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
<b>Recommended Decision:</b>  That the report be noted.		
<b>Purpose of Decision:</b>  To note a report on appeal decisions.		
<b>Corporate Implications</b>		
<b>Financial:</b>	N/A	
<b>Legal:</b>	N/A	
<b>Safeguarding:</b>	N/A	
<b>Equalities/Diversity:</b>	N/A	
<b>Customer Impact:</b>	N/A	
<b>Environment and Climate Change:</b>	N/A	
<b>Consultation/Community Engagement:</b>	N/A	
<b>Risks:</b>	N/A	
<b>Officer Contact:</b>	Liz Williamson	
<b>Designation:</b>	Planning Technician	
<b>Ext. No:</b>	2506	
<b>E-mail:</b>	lizwi@braintree.gov.uk	



This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **July 2017**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	<b>Application No/Location</b>	15/01271/OUT – Land at West Street, Coggeshall
	<b>Proposal</b>	Hybrid application for mixed use development to include community wood and public open space. Outline; 8 no self-build plots and business hub (Class B1a) 836sqm floorspace (both elements re-sited in revised plans). Full: 98 dwellings with associated garages and parking areas. Proposed new access from West Street and pedestrian access from Robinsbridge Road
	<b>Council Decision</b>	Refused at Committee RLP2, RLP7, RLP8, RLP9, RLP10, RLP22, RLP49, RLP50, RLP51, RLP52, RLP53, RLP54, RLP56, RLP65, RLP69, RLP70, RLP71, RLP72, RLP74, RLP77, RLP80, RLP81, RLP84, RLP90, RLP91, RLP92, RLP93, RLP95, RLP100, RLP105, RLP106, RLP138
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposed development on the landscape character and appearance of the surrounding area; and</li> <li>2. The effect on heritage assets, and particularly, whether or not the proposed development would preserve the setting of the grade II listed buildings at Highfields Farm and the effect on the character or appearance of the Coggeshall Conservation Area.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The Inquiry sat between 9-12 May and on 19 May with the site visit held on 18 May 2017.</p> <p>During the application process the scheme was revised. The proposed number of dwellings in the fully detailed scheme was reduced from 119 to the 98 dwellings sought, along with associated garages and parking areas, proposed new access from West Street and pedestrian access from Robinsbridge Road, ancillary buildings, roads, footpaths and incidental open space, as well as use of 5.6 hectares as community woodland.</p> <p>Outline planning permission was sought for eight self-build plots and a business hub (use Class B1(a)). The outline elements of the proposal would be accessed from roads</p>

	<p>which are the subject of the full part of the application but all other matters within the identified areas are reserved for later approval.</p> <p>Given that consultation was undertaken on the revised scheme, it was that scheme that the Local Planning Authority made its determination. The appeal has been determined on the basis of the revised proposals.</p> <p>A S106 planning obligation between Systemafter Limited (the landowner) and the Council was submitted at the Inquiry. The S106 Agreement overcomes the Council's reason for refusal no. 3 and, as set out in the Statement of Common Ground, the reason for refusal is no longer being pursued.</p> <p>A Community Infrastructure Levy (CIL) Compliance Statement was submitted at the Inquiry. The affordable housing requirement of Policy CS2 of the Braintree District Core Strategy 2011 is necessary and directly and fairly related to the development scheme. The Primary Healthcare Contribution accords with the requirements of Policy CS11 of the Core Strategy. The existing doctors' practice does not have capacity for the assumed number of new residents derived from the scheme (254 people) and so a sum was sought towards capital costs for increased provision.</p> <p><u>Housing Land Supply and the Policy Background</u></p> <p>The development plan includes the saved policies of the Braintree District Local Plan Review 2005 and the Core Strategy. With regard to housing land supply, there was general agreement between the main parties with regard to the figures in terms of available sites and completions. However, the main parties do not agree on the extent of the shortfall. The Council explained that its new Local Plan would be based on new settlements so it would be delivering large volumes of housing, but later in the plan period. However, it was agreed that the new Local Plan is so early on in its progress that it cannot be afforded material weight. In these circumstances, and being realistic about the hurdles of getting a plan adopted and then progressing to development, there is every likelihood that large scale delivery of new settlement(s), if adopted as an approach, would be a long way off. As there is a current need for homes for people, provision of sites to meet the existing requirement in line with the Sedgefield approach is what is necessary now, at least there is greater certainty with the Local Plan and the approach it</p>
--	---

	<p>will take.</p> <p>The Inspector concluded that the situation outlined affirms that in this case paragraph 14 of the Framework applies. This states that where the development plan is out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.</p> <p><u>Character and Appearance – Landscape</u></p> <p>The appeal site is currently an area of open land. The key characteristics are the shallow valley, with gently rising sides. The land is predominantly arable with a strong sense of tranquillity away from the A120. Visual characteristics include views along the valley corridor. In terms of sensitivities the Landscape Character Assessment notes the importance of historic settlements and the dispersed settlement pattern including farms.</p> <p>Taking all the factors into account, the Inspector concluded that the site as part of a landscape is more than merely an area of agricultural land or countryside at the edge of a settlement. Rather, it is part of a valued landscape, at an increasingly pressurised point near a settlement edge. Thus, the Inspector considers it is a Framework paragraph 109 valued landscape. This paragraph of the Framework seeks that the planning system should contribute to the natural and local environment by protecting and enhancing valued landscapes. In conclusion, the Inspector states that the proposed development would seriously harm the landscape in this locality and would detract from the character and appearance of the area. This would conflict with the Framework requirement to protect and enhance valued landscapes. It would also fail to accord with Core Strategy Policy CS5 which limits development outside specified boundaries to uses appropriate to the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. The Inspector does not consider a large speculative housing scheme to be an appropriate use for the countryside for the purposes of this policy. The Inspector notes that the weight attached to this policy is reduced because it has the effect of restricting land for housing where there is not an adequate supply of housing land. However, this does not mean those aspects which</p>
--	---

	<p>seek to protect and enhance landscape character and the amenity of the countryside are not relevant; indeed the Framework makes them so. It is necessary to consider schemes on their own merits in this respect instead of simply applying rigid boundaries. Thus, the Inspector attached more than moderate weight to this policy albeit not full weight. Furthermore, whilst not initially raised as an issue, the view that there would be conflict with Policy CS8 was raised at the Inquiry. Despite the mitigation put forward, the Inspector was not satisfied that the scheme had adequate regard to the character of the landscape and its sensitivity to change. Thus, the lack of compliance with CS Policy CS8 to which the Inspector attached significant weight given it reflects the Framework.</p> <p><u>Benefits of the Scheme</u></p> <p>The scheme would provide 89 dwellings and provision for a further 8 dwellings on a self-build plot basis. This represents a significant number of additional dwellings and reflects the Government's objective of supporting self-build opportunities to broaden the housing offer. In addition, the housing would be policy compliant in providing 44 affordable dwellings. Again, that would be a significant benefit given the need to expand the type, range and affordability of housing availability and in this part of the scheme two of the 13 bungalows proposed would be built as wheelchair accessible properties, with the remainder of the affordable accommodation being 13 houses and 18 apartments. These factors weight heavily in favour of the scheme in the balance, particularly given that the Council cannot demonstrate a five year housing land supply. This housing would offer social benefits. It would also provide economic benefits during the construction phase and, once occupied, residents would be likely to support the local economy.</p> <p>The appeal scheme includes a significant area of public open space/community woodland as part of the proposals as noted in the description of development. The change of use of land for recreational purposes requires planning permission.</p> <p>The appellants attach weight to the screening of the A120 and provision of a permanent meadow area around the listed building group at Highfields Farm which the Inspector attached very little weight.</p> <p>The scheme includes a business hub (Use Class B1(a)) which would also provide scope for economic growth and</p>
--	--

	<p>have the benefit of potentially reducing travel to work distances for new residents or those already within Coggeshall. As with the housing, there are also likely to be some economic benefits during the construction phase and potentially from occupation of the hub units. Thus, there are also social, economic and potential environmental benefits from this scheme.</p> <p><u>Balancing Exercises and Conclusion</u></p> <p>The National Planning Policy Framework is a key material consideration in determining planning proposals. In this case this national policy establishes an approach to dealing with certain matters and/or circumstances.</p> <p>The first Framework based balancing exercise which the Inspector considered necessary to make, related to the heritage assets. This is because the outcome of this balance affects the applicability of paragraph 14 of the Framework. The Inspector identified less than substantial harm to the designated heritage assets, and it is necessary to weigh the harm to each of them with the benefits of the appeal proposal. Of the designated heritage assets cited, the Inspector found the greatest harm to the listed building Highfields Farmhouse. However, balancing the harm to Highfields Farm and giving it considerable importance and weight, the Inspector found the balance with the public benefits of providing the housing proposed in the scheme is such that the balance lies in favour of the housing the development, given the extent of the housing shortfall in the District.</p> <p>Given that Highfields Farmhouse is the most affected listed building, it is not necessary to make a specific balance for each other heritage asset as this assessment means the scheme does not fail the Framework test that <i>'specific policies of the Framework indicate development should be restricted'</i>. (this is the second strand of paragraph 14 bullet point 2). However, it remained necessary to apply the first strand of paragraph 14 bullet point 2 and consider the balance set out which seeks granting of planning permission unless <i>'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies on this Framework taken as a whole'</i>.</p> <p>The Inspector considered it necessary to aggregate all the adverse impacts and weigh them against all the aggregated benefits, but applying the tilted balance because the Council does not have a five year housing</p>
--	--

		<p>land supply.</p> <p>On one side of the scales are the harms to each of the designated heritage assets and the harm to the landscape and character and appearance of the area which the Inspector identified. These are matters of importance, each being a matter to which the Framework attaches significance.</p> <p>In terms of benefits, the Inspector found that the extent of undersupply of housing to be of a moderate level. As identified by the NPPF, significant benefits would accrue from the proposed housing because of the number involved and the affordable housing element. To this there are some modest public open space, social, economic and biodiversity benefits.</p> <p>The Inspector concludes that the harms to the heritage assets and to the landscape, both of which also contribute to the character and appearance of the area, are such that those adverse impacts significantly and demonstrably outweigh the benefits of the scheme. Therefore, in addition to the conflict with the development plan, the Inspector concludes that the proposal does not gain support from the Framework taken as a whole. Thus for the reasons stated and having paid regard to all other matters raised, the Inspector concludes that the appeal fails.</p>
2.	<b>Application No/Location</b>	16/02060/FUL – 13 Dorothy Sayers Drive, Witham
	<b>Proposal</b>	Erection of a new two storey two bedroom house attached to the existing
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP3, RLP10, RLP24, RLP56, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The character and appearance of the area</li> <li>2. The living conditions for future occupiers, with specific regard to amenity space.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The estate was originally designed without garden fences or walls abutting the highway, giving it a verdant and open plan character. The appeal site is a prominent corner plot and retains an open plan front and side garden, giving it a spacious appearance. The proposed dwelling has been stepped back from the front elevation of no. 13 to continue the staggered building line. However, the building and its associated boundary fencing would heavily encroach into the open garden area to the side of no. 13 and significantly reduce the sense of spaciousness associated with this corner plot. It would also necessitate the</p>

		<p>provision of a parking area to the front of no. 13 for two cars, further reducing the amount of soft landscaping which helps to define the character of the area.</p> <p>In conclusion, the layout and position of the proposed dwelling would be harmful to the character and appearance of the area and the proposal would not comply with Policy CS9 of the Braintree District Council Core Strategy and Policies RLP3 and RLP90 of the Braintree District Local Plan Review which amongst other things, seek to protect the character of an area and ensure high quality design.</p> <p>The Inspector stated that there was no evidence to suggest that the proposal does not meet the requirements of the Essex Design Guide in terms of amount of amenity space. The rear garden to the proposed dwelling would be capable of being overlooked by two first and second floor side elevation windows from the adjacent flats, however the Inspector did not consider the extent of this overlooking would be unduly harmful.</p> <p>Therefore, the Inspector concluded that the proposal would provide acceptable living conditions for future occupiers with specific regard to amenity space. The appeal proposal would conflict with the development plan when taken as a whole and the Inspector concludes having regard to all other matters raised, that the appeal should be dismissed.</p>
3.	<b>Application No/Location</b>	16/01782/FUL – Land adjoining and to the rear of 1 to 8 Leyfields, Cressing
	<b>Proposal</b>	Change of use of land from agricultural to residential and the erection of a barn style detached house
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP56, RLP69, RLP70, RLP74, RLP76, RLP80, RLP81, RLP84, RLP90
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposal on the character and appearance of the area</li> <li>2. Whether future occupiers of the dwelling would have satisfactory access to local services and facilities</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The appeal site is located to the rear of 1 to 8 Leyfields, a short row of semi-detached dwellings on the east side of Braintree Road.</p> <p>It is not disputed that the Council is unable to demonstrate a five year supply of deliverable housing sites. As such, paragraph 49 of the National Planning Policy Framework</p>

		<p>(the Framework) states that relevant policies for the supply of housing should not be considered up to date. In such circumstances, or where the development plan is absent or silent, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole, or where specific policies in the Framework indicate development should be restricted. As LP Policy RLP2 seeks to constrain housing supply, it should be considered a relevant policy for the supply of housing, and is thus out of date.</p> <p>The eaves and ridge height of the proposed dwelling would not be significantly taller than properties nearby. It is proposed to be constructed with dark grey vertical timber cladding and a black or dark grey metal roof. Although the proposed materials do not reflect those of the adjacent dwellings on Leyfields, dwellings in the wider area are constructed from a variety of materials. Furthermore, the dwelling would be in a secluded location set back from the road and thus would not be prominent in the streetscape. The Council contends that the proposal is not outstanding or innovative in terms of design and therefore cannot be justified as an exception to policies of housing restraint in the countryside. However, paragraph 55 of the Framework, to which the Council refers, seeks to avoid new isolated homes in the countryside unless there are special circumstances. The term isolated is not defined in the Framework, but for the reasons already described, the Inspector does not consider the dwelling would be isolated, and thus the proposal is not required to meet the special circumstances set out in paragraph 55.</p> <p>In conclusion, the Inspector stated the proposal would not harm the character and appearance of surrounding area. There would be a conflict with LP Policy RLP2 by virtue of the site's location outside the village envelope, but as the Council has only about 3 and a half years housing supply full weight cannot be attributed to the aforementioned policy and that future occupiers would have satisfactory access to local shops and services. There would also be modest economic benefits arising from the proposal during the construction phase and increased economic activity within the village in the longer term. As such the proposal would constitute sustainable development having regard to the policies in the Framework as a whole.</p>
4.	<b>Application No/Location</b>	16/2040/FUL – Brook Hall, Brook Hall Lane North, Foxearth
	<b>Proposal</b>	Change of use and alterations to disused agricultural



		outbuilding to form 3 no. dwellings with associated private gardens and car parking spaces.
	<b>Council Decision</b>	Refused at Committee RLP2, RLP10, RLP56, RLP74, RLP84, RLP90
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. whether the proposal constitutes a sustainable form of development</li> <li>2. the effect of the development on the character and appearance of the area</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The proposal lies just under a mile to the south of Foxearth and approximately 2 miles to Long Melford and Sudbury. The Inspector noted that there are very few facilities in Foxearth but that both Long Melford and Sudbury have a wide variety of schools, shops and services.</p> <p>Policy CS7 of the Core Strategy seeks to ensure that future development will be provided in accessible locations to reduce the need to travel. Although occupants of the proposed dwellings would have a greater reliance on cars than residents within a village (with limited services/facilities) or urban area, Paragraph 7.1 of the Core Strategy defines accessible locations as being within 30 minutes walking or cycling distance of a retail centre, primary school, secondary school and GP surgery. Future occupants of the converted outbuildings could reach both Long Melford and Sudbury within this timeframe by cycle and access the range of amenities and services available. Therefore the Inspector was satisfied that the appeal site is in a sufficiently accessible location.</p> <p>Policy RLP 38 of the Local Plan allows the conversion of rural buildings to residential use on the provision that the applicant has made an effort to secure employment/community reuse or where it is a subordinate part of a business re-use. Given that the primary objective of the proposal is to provide a steady commercial income stream to support the Appellant in their overall management of the agricultural business. The Inspector is of the opinion that the proposal constitutes a suitable form of farm diversification and would be subordinate to this. The Inspector also had no reason to conclude that the rental income derived from this business activity would not be reinvested in the farm any more than an employment re-use of the barns.</p> <p>The Inspector therefore concludes that the proposal would comply with Policy RLP 38 of the Local Plan and Policies CS5 and CS7 of the Core Strategy, which seek to restrict development in the open countryside to appropriate uses;</p>

		<p>promote sustainable travel; and ensure that residential conversions are subordinate to a business re-use.</p> <p><u>The effect of the development on the character and appearance of the area</u></p> <p>The Inspector states that the private gardens would be mostly screened by existing and new walls. Cycles and storage would be screened from view in a covered store and the existing unsightly steel storage tanks would be removed. These factors would help ensure that the converted barns retain their agricultural character and enhance their immediate setting. Allowing the existing brick built barns to be used for residential accommodation that has been designed in a sympathetic manner will ensure that they have an ongoing purpose and help avoid them becoming neglected and falling into disrepair.</p> <p>Therefore, the Inspector concludes that the proposal would comply with Policies RLP 38 and RLP 90 of the Local Plan and Policy CS9 of the Core Strategy which seek to ensure that the design is harmonious with the character and appearance of the area and sensitive to the need to conserve features of architectural importance.</p>
5.	<b>Application No/Location</b>	16/00545/OUT – Land at Stonepath Drive, Hatfield Peverel
	<b>Proposal</b>	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 of Stone Path Drive, and associated ancillary works. All matters to be reserved with the exception of the site access.
	<b>Council Decision</b>	Recommended for approval and overturned at Committee RLP2, RLP7, RLP8, RLP9, RLP10, RLP22, RLP49, RLP50, RLP51, RLP52, RLP53, RLP54, RLP55, RLP56, RLP63, RLP64, RLP65, RLP67, RLP69, RLP70, RLP71, RLP72, RLP74, RLP77, RLP80, RLP81, RLP84, RLP87, RLP90, RLP91, RLP92, RLP93, RLP94, RLP100, RLP105, RLP106, RLP138
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposed development on the character and appearance of the countryside, including on landscape and the historic environment, and;</li> <li>2. The effect of the proposal on local biodiversity, and;</li> <li>3. Whether the proposed development would make adequate provision in respect of local infrastructure.</li> </ol>

	<p><b>Inspector's Conclusion</b></p>	<p><u>Planning History</u></p> <p>Outline planning permission for the appeal scheme (16/00545/OUT) was refused on 11 October 2016, with a decision issued on 25 October 2016.</p> <p>Subsequently, a further outline application for planning permission was submitted for 140 dwellings with a site area that covered most of the current appeal site (ref: 16/01813/OUT). The Council sought additional advice in respect of landscape impact and ecology matters on this 140 dwelling scheme</p> <p>The Council took into account the information for the 140 scheme on landscape and ecology (this was transposed onto the appeal scheme given similarities in the site areas). This resulted in the 140 dwelling scheme being recommended for approval on 28 March 2017 by the Council's professional officers. The elected Members resolved to grant planning permission subject to conditions (delegating powers to the Head of Planning) and that the appellant entered into a 'suitable' Section 106 Agreement. This proposal was considered by the Council prior to the Supreme Court issuing its judgement.</p> <p>On the 12 July 2017, the Secretary of State CLG called-in this 140 dwellings scheme for their own determination by means of an Inquiry. This has not yet been determined.</p> <p><u>The impact of the proposal on the character and appearance of the countryside, including on landscaping and historic environment</u></p> <p>The appeal site is located adjacent on the western edge of Hatfield Peverel in Essex. The site itself comprises about 4.57 hectares of agricultural land. The topography of the site is characterised by a gentle slope upwards from the south-west to the north-east. A majority of the site boundary is edged by a mixture of mature trees or hedgerows; with a short length of chain link fence along the boundary with Stone Path Drive to the north.</p> <p>Hatfield Peverel is identified within existing and emerging planning policy as a key service centre. As such, the settlement is identified for future growth. However, it should be noted that the appeal site itself is located outside of the Town Development Boundaries and Village Envelopes as defined by Policy RLP2 of the LP.</p> <p>Accordingly, for planning policy purposes the appeal site is</p>
--	--------------------------------------	---

	<p>located within the countryside.</p> <p>The appeal site not only lies outside of the Hatfield Peverel Village Envelope as designated in the LP, but it is not allocated for development in the emerging Draft Local Plan. The Council confirmed that at the current time it cannot demonstrate a five year supply of deliverable housing sites – the figure being around 3 to 3.95 years. As such, Paragraph 49 of the Framework is relevant and thus Paragraph 14, the fourth bullet point is engaged.</p> <p>The proposed scheme would see the complete redevelopment of the appeal site. Its intrinsically rural farmland character, abutting the established settlement, would therefore be altered into a purposely laid out housing development. The result would be a development that would visually jar with the existing settlement given that the field forms a distinct separation between the built-up areas of the settlement to the north and east and the countryside lying to the south and west of the appeal site. Whilst I note that various landscaping schemes could be employed to reduce this impact, given that only one side of the site is currently bounded by any significant built form, the fundamental character of this agricultural field, and its contribution to the intrinsic beauty of the countryside, would detrimentally change.</p> <p>I therefore conclude that the proposal would result in unacceptable harm in respect of the character and appearance of the area and also in terms of the minor to moderate adverse landscape impact. It would therefore be contrary to (Saved) Policy RLP2, (Saved) Policy RLP80 of the LP and Policies CS5 and CS8 the CS, which, amongst other aims, seek to confine new development to within village envelopes, that development which would not successfully integrate into the local landscape will not be permitted and that development outside of the village envelopes will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and amenity of the countryside.</p> <p>The proposal would also be contrary to the policies of the Framework in respect of the first main issue, including Paragraphs 17, 61, 112, which beyond those reasons already cited, seek to ensure that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment and that planning should take account of the different roles and character of different areas including recognising the intrinsic character</p>
--	---

	<p>and beauty of the countryside and supporting thriving rural communities within it.</p> <p>The proposal would also be contrary to elements of emerging policies HPE2 and HPE6 of the NP, which amongst other matters aims seek to ensure that development should protect the BMVAL, have regard to and respect the character of the landscape and its sensitivity to change and enhance the locally distinctive character of the landscape in accordance with the Hatfield Peverel Landscape Character Assessment (2015). The emerging policies also seek to protect the landscape setting of the village through the preservation and enhancement of views and that any proposed development must ensure key features can continue to be enjoyed including open agricultural countryside.</p> <p><u>Local Biodiversity</u></p> <p>The appeal site comprises areas of farmed land, bounded by established hedgerows and trees on most boundaries. The biodiversity concerns of this appeal centre on the loss of habitat for farmland birds and the impact on bats.</p> <p>The proposal would not have a materially harmful impact on local biodiversity. Accordingly, it would not conflict with (Saved) Policies RLP80 and RLP84 of the LP and Policy CS8 of the CS, which, amongst other aims, seek to not grant planning permission which would have an adverse impact on species protected under various UK and European legislation. However, it would still conflict with these policies in respect of the first main issue.</p> <p><u>Local Infrastructure</u></p> <p>The Inspector notes that Policy CS10 of the CS which indicates that <i>'new development to make appropriate provision...for publicly accessible green space...'</i> and Policy CS11 of the CS which sets out that <i>'The Council will...ensure that the infrastructure services and facilities required to provide for future needs of the community...are delivered...provision will be funded through legal agreements, planning obligations...'</i> are of relevance in this case. These points are also reflected in emerging NP Policies FI3 and FI5. However, as the appeal is to be dismissed on other substantive issues, and whilst an obligation has been submitted, it is not necessary to consider it in any further detail given that the proposal is unacceptable for other reasons.</p>
--	---

	<p><u>On Balance</u></p> <p>The Inspector notes on balance, that specific harm is found arising in this case in relation to the appeal site, and therefore the adverse impacts, significantly and demonstrably outweigh the benefits proposed. As such, The Framework does not indicate that planning permission should be granted. The appeal scheme would also be contrary to emerging Policies HPE2 and HPE6 or the NP insofar as they apply to the first main issue. These are also material considerations weighing against the grant of permission rather than in favour of it.</p> <p>In applying S38(6) of the PCPA, the proposal would not accord with the adopted development plan and that there are no material considerations that indicate otherwise. For the reasons given above, and having taken all matters raised into account, it is concluded that the appeal should be dismissed.</p>