

PLANNING COMMITTEE AGENDA

Tuesday, 04 December 2018 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)
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**Members of the Planning Committee are requested to attend this meeting to transact
the business set out in the Agenda.**

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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

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

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

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

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 20th November 2018 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined “en bloc” without debate.
Where it has been agreed that the applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

PART A

Planning Applications

- | | | |
|-----------|-------------------------------------------------------------------------------------------------|------------------|
| 5a | Application No. 17 02246 OUT - Land North of Colchester Road, COGGESHALL | 5 - 71 |
| 5b | Application No. 18 00774 OUT - Land West of Mount Hill, HALSTEAD | 72 - 101 |
| 5c | Application No. 18 01103 OUT - Land North West of Haverhill Road, HELIONS BUMPSTEAD | 102 - 123 |
| 5d | Application No. 18 01203 FUL - The Compasses Inn, Compasses Road, Pattiswick, BRADWELL | 124 - 139 |
| 5e | Application No. 18 01293 FUL - Land to rear of The Jack and Jenny, Hatfield Road, WITHAM | 140 - 165 |

PART B
Minor Planning Applications

5f Application No. 18 01059 FUL - Thatchetty Cottage, Waltham Road, TERLING 166 - 173

5g Application No. 18 01651 ADV - Howbridge Church of England Junior School, Dengie Close, WITHAM 174 - 181

5h Application No. 18 01703 FUL - 29 Newlands Precinct, WITHAM 182 - 190

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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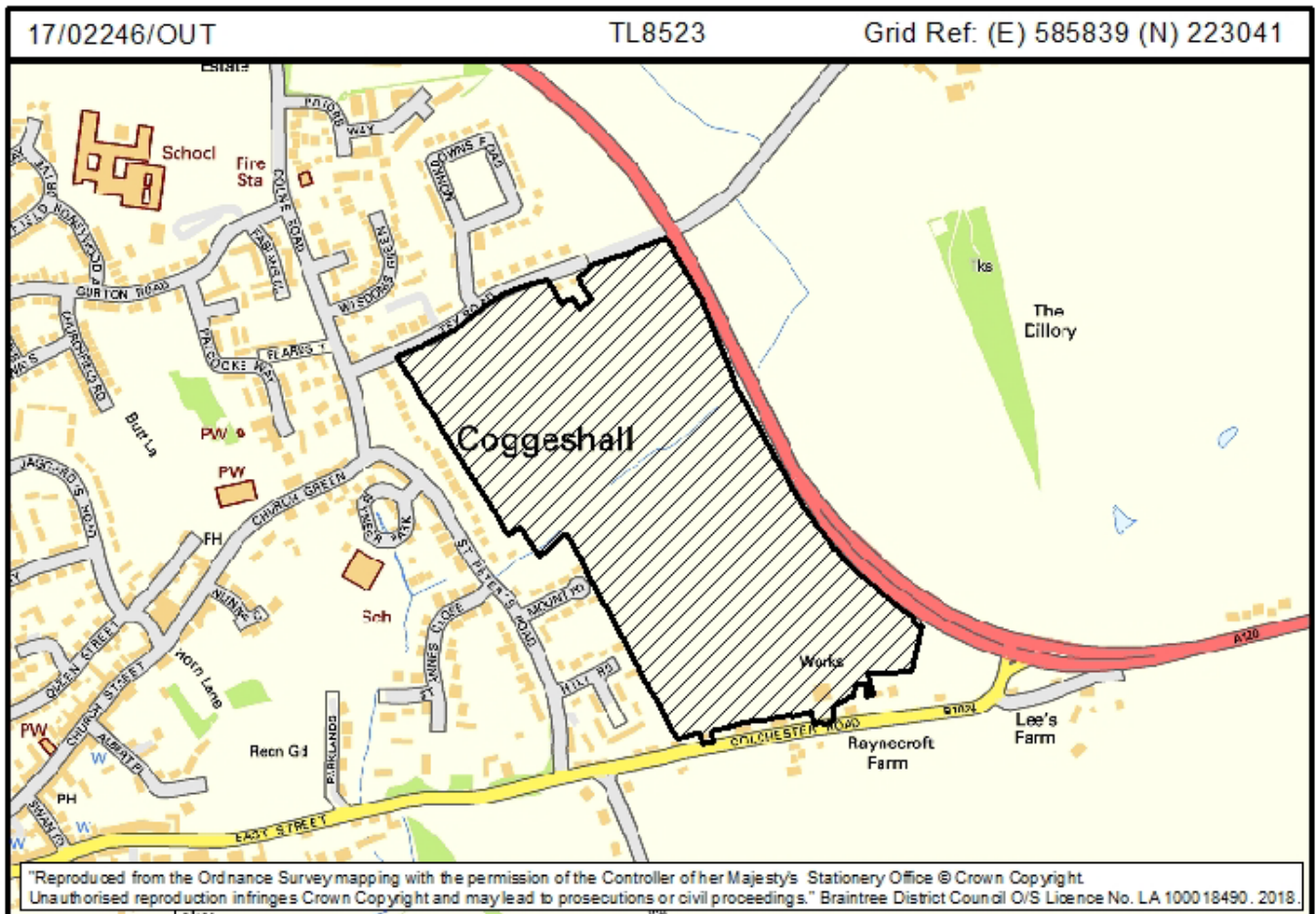
8 Urgent Business - Private Session

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

PART A

APPLICATION NO: 17/02246/OUT
 DATE: 14.12.17
 VALID:
 APPLICANT: Victoria Trotman
 Bovis Homes Limited, Cleeve Hall, Bishop's Cleeve,
 Cheltenham, GL52 8GD
 AGENT: Mr Leslie Short
 Artisan PPS Ltd, Berwick House, Baylham, Ipswich, IP6
 8RF
 DESCRIPTION: Outline application for the construction of up to 300
 dwellings (including up to 40% affordable)
 nursery/community facilities (420m2) and provision of
 access, roads, drainage infrastructure, open space and
 strategic landscaping. Demolition of existing garage/
 workshop building.
 LOCATION: Land North Of, Colchester Road, Coggeshall, Essex

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



SITE HISTORY

18/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Outline application for the construction of up to 335 dwellings (including up to 40% affordable) without a Class C2 care home or up to 318 dwellings with a Class C2 care home (up to 80 beds); nursery/community facilities (420m2) and provision of access, roads, drainage infrastructure, open space and strategic landscaping. Demolition of existing garage/ workshop building.	Screening/ Scoping Opinion Adopted	22.02.18
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not

however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
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
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
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
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
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
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
LPP78	Flooding Risk and Surface Water Drainage

LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex Parking Standards
 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

Other Guidance

Site Allocations and Development Management Plan
 Landscape Character Assessment 2006
 Braintree District Settlement Fringes – Evaluation of Landscape Analysis
 (June 2015)

Other Material Considerations

Draft Coggeshall Neighbourhood Plan
 Coggeshall Neighbourhood Plan Landscape Study (2017)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications. The Parish Council have also objected to the proposal.

NOTATION

The application site is located outside the Coggeshall Village Envelope as designated in the Braintree District Local Plan Review 2005.

The application site is not proposed for allocation for residential development in the emerging Draft Local Plan.

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

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Village Envelope of Coggeshall.

It measures approximately 17.02 hectares and consists primarily of agricultural fields and associated boundary hedging and trees. There is a commercial property (garage) located on the site's southern boundary with the B1024.

The site is bounded by existing residential development to the south; west and (primarily beyond Tey Road) to the north. The A120 sits adjacent to the site's eastern boundary beyond which lies further countryside.

In terms of the wider context, Coggeshall Village sits to the west and to the north of the application site with undeveloped countryside being located to the south and east beyond the B1024 and A120 respectively.

There is no formal vehicular access to the majority of the site with an agricultural access currently being taken from the site's boundary with the A120. The garage located on the site's southern boundary is accessed from the B1024.

In terms of gradient, the site falls from both its northern and southern end towards the lowest point at its centre with a maximum level difference of approximately 10m.

PROPOSAL

The applicant seeks outline planning permission with all matters reserved except access for the erection of up to 300 dwellings (including up to 40% affordable) with associated nursery/community facilities drainage infrastructure, open space and strategic landscaping. The existing garage would also be demolished to facilitate the proposed site access point.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The scheme proposes a detailed vehicular access from the B1024. Appearance; landscaping; layout and scale are Reserved Matters.

The applicant has, in addition to the site location plan and Parameter Plans, submitted an illustrative Masterplan to demonstrate one way in which the site might accommodate the quantum of development proposed. The illustrative Masterplan was revised during the course of the application as the applicant sought to respond to concerns raised by Officers in relation to the layout and the number of units proposed.

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

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Noise Report
- Agricultural Land Classification Report
- Air Quality Report
- Arboricultural Report
- Archaeology and Heritage Assessment
- Ecology Report
- Landscape and Visual Appraisal
- Contaminated Land Assessment

CONSULTATIONS

Two consultations were carried out, the second following the submission of an amended scheme with the proposed number of dwellings being reduced from two initial options of 335 without a Care Home or 318 with a Care Home to a single option of 300 dwellings without a Care Home.

A summary of the consultation responses received is set out below.

ECC Archaeology

No objection subject to the standard archaeology investigation conditions.

The Essex Historic Environment (HER) Record shows that the proposed development will affect a site of archaeological interest. The proposed development lies on the edge of the historic settlement of Coggeshall which originated as a medieval market town. There is evidence for a small Roman settlement at Coggeshall, the projected extent has been recorded c.160m to the west of the development site. The settlement dates from at least the mid-1st century and may have included a Mansio-type structure.

The road through Coggeshall is thought to be on the alignment of a Roman road and lies close to the southern boundary of the site. A geophysics investigation has been carried out which has identified the possible location for a post medieval windmill and further enclosures which may be prehistoric, Roman or later in origin. The nature of the features identified by the geophysics investigation and the validity of the technique on this site will need to be established through a trial trench evaluation.

Environment Agency

No objection subject to a condition. We support the request from Anglian Water to have their requested condition applied requiring a foul water strategy for the development before any construction.

However, Anglian Water make no reference to the flow capacity at Coggeshall Water Recycling Centre (WRC). Our figures show that this development will take the local receiving WRC up to and potentially over the permitted capacity. We would like any foul water strategy to cover the effect on the receiving WRC and look to improve any potential capacity issues at Coggeshall WRC. Therefore the following condition should be applied to any permission granted.

Condition: Any foul water strategy submitted to the Local Planning Authority should review and address the capacity issues at Coggeshall Water recycling Centre before the development commences.

Reason: To prevent deterioration to the water quality that could result in the Coggeshall Water Recycling Centre from going over their capacity permits.

Anglian Water (Consultation response received after the above Environment Agency response)

No objection subject to a condition.

Waste Water Treatment

The foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

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

Surface Water Disposal

The Local Planning Authority should seek the advice of the Lead Local Flood Authority (ECC SUDs).

Required Condition

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

REASON: To prevent environmental and amenity problems arising from flooding.

A further formal response was also received on 29th October 2018 specifically to address the Environment Agency's request for a planning condition set out above. In response Anglian Water stated that in cases where limited or no capacity is identified at a Water Recycling Centre it is Anglian Water's own statutory obligation to ensure that sufficient sewerage treatment capacity is made available and that water quality impacts are mitigated. They advise that Coggeshall Water Recycling Centre has been identified by them as an investment scheme in relation to additional flow capacity and that it would not be appropriate for BDC to place a condition on any permission granted as requested by the Environment Agency.

Highways England

Recommend that conditions should be attached to any planning permission granted.

Protracted negotiations have been ongoing for some time regarding this development's impact on the A120. It has not been possible for us to fully agree the model for the A120 junction, we suspect it could be significantly under predicting demand for right turns. In order to move the application forward it has been decided to ask the developer to address any potential issue and this has been agreed. It is recommended that the following conditions are imposed on any permission granted:

Prior to first occupation of the development a detailed scheme for the improvement work (off site highway works) shown in outline on WSP drawing number 26539-SK-04 PO1 dated October 2018 (or an alternative version which shall first be submitted to and approved by the Local Planning Authority in consultation with Highways England) shall be submitted to and approved by the Local Planning Authority. The detailed scheme shall include drawings and documents showing the following:

- How the improvement interfaces with the existing highways alignment and carriageway markings including lane destinations;
- Full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis;
- Full signing and lighting details where applicable;

- Confirmation of full compliance with departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
- Evidence that the scheme is fully deliverable within land in the control of either the Highway Authority or the applicant;
- An independent Stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The approved detailed scheme shall be completed prior to first occupation of the development.

Reason: To ensure that the A120 will continue to fulfil its purpose as part of the strategic road network in accordance with the Highways Act 1980; Circular 02/13 'Planning and the Strategic Road Network' to satisfy the reasonable requirements for road safety.

ECC Highways

No objection. With the National Planning Policy Framework in mind, the Highway Authority has reviewed the planning application and supporting transport assessment against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

The Highway Authority has visited the proposal site and also assessed its suitability against its own knowledge of the highway network and information it holds in this regard. Subject to the below requirements, the Highway Authority is content the proposal would not be detrimental to highway safety and capacity and would be accessible by public transport, cycling and walking.

A condition requiring a Construction Traffic Management Plan is required in addition to the following highway mitigation measures to be secured by way of s106 Agreement/planning condition:

- a) A priority junction off Coggeshall Road as shown in principle on the planning application drawings
- b) A pedestrian/cycle/emergency vehicle access with dropped kerbs and tactile paving in Tey Road as shown in principle on the planning application drawings
- c) Upgrade to current Essex County Council specification, the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- d) A footway or other measures to aid pedestrians along Tey Road between the proposal site and Colne Road (details shall be agreed with the Local Planning Authority prior to commencement of the development)

e) Improvements to the public footpath located north of Mount Road between the proposal site and St. Peter's Road (details shall be agreed with the Local Planning Authority prior to commencement of the development)

f) A travel plan in accordance with Essex County Council guidance

Natural England

No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

BDC Ecology

No objection. An Ecological Appraisal Report has been submitted (The Environmental Dimension Partnership Ltd, November 2017) and includes the results of the Extended Phase 1 Habitat and further Bat Surveys that have been completed. The report has been completed by suitably qualified ecologists, provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups.

There is no objection to the application but conditions relating to the following should be applied to ensure the ecological protection and enhancement of the site:

- Requirement for a Construction and Environmental Management Plan
- Lighting Design Strategy for light sensitive biodiversity (bats)
- Requirement for Ecological Enhancement Plan
- Requirement for a Landscape and Ecological Management Plan

Police Architectural Liaison Officer

We have looked at the Design and Access Statement and note that very little relates to RPL90. BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award.

NHS England

No objection subject to the required financial contribution being secured through a S106 Agreement. The development is likely to have an impact upon the services of 1 GP practice operating within the vicinity of the application site. Its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption

in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity, in line with Mid Essex Clinical Commissioning Group estates strategy, by way of refurbishment, reconfiguration, extension or potential relocation for the benefit of the patients at Coggeshall Surgery; a proportion of the cost of which would need to be met by the developer.

NHS England calculates the level of contribution required, in this instance to be £113,554. Payment should be made before the development commences.

ECC Education

Early Years and Childcare – the proposed development is located within the Coggeshall Ward. There are insufficient places (0 vacancies) to meet demand from this proposal and additional provision will be needed. An additional 27 places would need to be provided with a developer contribution of approximately £470,394 (£17,422 per place at April 2018 rates) being required.

Noted that the Developer has referred to the provision of a nursery facility however this would not be required by ECC for this size of development.

Primary Education – the local primary school for this development would be St Peters and this is the only primary school on Coggeshall. The school is at or close to capacity in most year groups and could not accommodate the additional demand from the proposed development. Topography, access and the design of existing buildings mean expansion of St Peters would be costly at around £31,000 per place (based on a project to add a half form of entry). The alternative solution of a new school was discussed with the applicant but would only be viable on a much larger development. A developer contribution of approximately £2,790,000 is therefore required to provide for an additional 90 pupils.

Secondary Education – there will be a future lack of capacity at the Honeywood School. An additional 60 places is required at an estimated cost of £1,392,840 (£23,214 per place) to mitigate the development's impact on secondary school provision.

BDC Waste

No comment.

Sport England

Objection.

Sport England have objected to the proposed development on the grounds that the applicant has made no assessment or provision of sports

infrastructure needs and therefore fails Sport England's objective of providing such facilities. The Council has an up to date evidence base and strategies for pitch sports and built sports facilities (Braintree Playing Pitch Strategy and Action Plan January 2017 and Built Sports and Recreational Facilities Study Needs Assessment 2016).

Football Foundation – Sport England advise that there are existing capacity issues within Coggeshall Town Football Club and no all-weather facilities to meet training and match play demand.

Rugby Football Union – there is an existing pitch capacity deficit at Braintree RFC.

Indoor Sport – the development population is estimated at just over 800 people. This will generate additional demand for sports facilities which if not adequately met may place additional pressure on existing sports facilities creating greater deficiencies in facility provision. Sport England's Sports Facilities Calculator can help provide an indication of the likely demand a development will generate for certain facility types.

Sport England cite the following requirements following consultation with the main pitch sport National Governing Bodies:

- Off-site contribution towards the creation of a football hub of facilities to include a full size 11 v 11 floodlit 3G Artificial Grass Pitch with associated support facilities to include club house and 4 team changing room.
- Off-site contribution towards pitch drainage improvements at Braintree RFC; additional floodlighting; a new tractor for pitch maintenance and social space improvements.
- £261,462 contribution towards the off-site provision of new built sports facilities (based on badminton court provision and swimming pool provision costs).

Comments were also made by Sport England in relation to the proposed design and layout of the site:

- Site has positive uses with multiple links and leisure routes across the site and open space areas.
- Question whether links with existing settlement have been explored.
- Question rational for footpath through proposed tree line on site's eastern boundary – careful consideration required regarding lighting and visibility to stop this becoming dark and enclosed when the trees mature.
- Has consideration been given to amalgamating the on-site green space to provide more usable space or re-aligning it so it is linked and not separated by housing?
- Application refers to the 2005 Essex Design Guide not the new version launched in February 2018.

Historic Buildings Consultant

No objection subject to conditions. The site falls just to the east of the north-eastern boundary of the Coggeshall Conservation Area, a designated heritage asset for the purposes of the NPPF. The site is not considered to fall within the setting of any listed buildings. A consideration of the revised plans would suggest that there is a potential for a minor negligible impact on the environment in which Brae Cottage on Colchester Road is experienced, but it is also considered that strong landscape planting and a consideration of the design of the built form at the south-western corner of the site could mitigate against this, and could be secured at reserved matters stage.

The northern entrance into the Coggeshall Conservation Area has been heavily altered and diluted by the encroaching and inappropriate modern development which characterises the late twentieth century built form to the north. This has eroded any sense of entry into the conservation area, and means that the wider environment to the north is considered to make little to no positive contribution to the character and appearance of the conservation area. The site is therefore located in an area to which the conservation area is relatively impervious to change.

The impact is also mitigated by the existing built form along the road, which would screen the development of the land behind, dependent on the proposed height and scale of the built form. I therefore do not have an objection to the proposed development of this site, but would comment that Coggeshall is an historic town of considerable character, and that the new development should look to reflect and reinforce this local distinctiveness. In particular I would highlight elements such as overall house design and material palette, the treatment of specific details such as window and door types, and the treatment of the wider public realm, such as hard and soft landscaping or boundary treatments, all of which I would want to see secured by condition.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Coggeshall Parish Council

Coggeshall Parish Council objects to the revised planning application.

The revised proposal does not remove any of the grounds for objection contained in the Councils objection to the original application dated 5th February 2018. The reduction in the number of homes of only just over 10% compared to the number in the original proposal (absent the Care Home)

does not materially alter the scale or nature of the development. The Parish Council therefore reiterates its original objection.

The removal of the proposed Care Home in the revised application is highly significant. In the original application the Care Home was central to the benefits that would allegedly arise from the development, both for the accommodation it would provide and the large numbers of jobs that it would create. Its abandonment therefore removes a central plank of the justification for the development.

There is an increase in the proportion of affordable homes in the revised application. It seems to the Parish Council that this increase may be an attempt to sweeten the proposal to compensate for the removal of the Care Home. However this is only an outline application, so the proportion of affordable homes could go back down again. Moreover affordable housing is not a panacea for all ills: it is the development as a whole that is objectionable, whatever its composition.

The Parish Council fully endorses the objections contained in the letter dated 14th August from the Chair of the Coggeshall Neighbourhood Plan Group in his letter dated 14th August.

Revised Archaeological and Heritage Assessment (AHA) - The Parish Council strongly disagrees with the applicant's contention that the Coggeshall Conservation Area, a designated heritage asset under the NPPF, will not be adversely affected by the development (paragraphs 6.3 & 6.4). The Council considers that the development will cause substantial harm to the Conservation Area. Paragraph 4.19 of the AHA states that there is currently no publicly available conservation area appraisal or similar document, which would identify the character and appearance of this designated asset. In the absence of this information, it is assumed that the designation is intended to control development within the former post-medieval extent of the village. Even if it were correct that there was no such document, the assumption that the AHA makes would be unwarranted.

The Conservation Area is far more than a collection of listed buildings, and takes in far more than the post-medieval village it extends to include the fields and the spaces in between the Cistercian Abbey, the fishponds, the Mill House, the 15th century church, 13th century bridge, Paycockes, the breweries and Maltings so that it captures the site of the early settlement on the Roman road, records the position of the religious settlement in relation to the town centre and the River Blackwater and encompasses the early focal point of development around the church and the later focal point of development to the west. Even without any conservation document, it is obvious from a cursory look at the Conservation Area on a map that it is to be viewed as a whole, as a record of the community's development over more than 900 years. In any case there is a publicly available document, namely "Historic Towns in Essex: Coggeshall Historic Towns Assessment Report 1999" published by Essex County Council.

Though not an appraisal of the Conservation Area per se, the report makes it clear that as well as the concentration of listed buildings making the centre of Coggeshall a heritage site of great significance, Coggeshall as a whole is a place of considerable archaeological and historical importance, as an example of a small market town. As the AHAs assumption about the purpose of the designation of the Conservation Area is mistaken, the conclusions it draws are likewise mistaken. Once it is recognised that the Conservation Area must be regarded as a whole to be protected (hence its designation), the substantial harm that the development will do to it becomes clear. A clear instance of this is the considerable increase in traffic through the centre of the village that would undoubtedly result, and the effect this would have on the fragile, timber-framed buildings that in many cases open directly onto the street.

A vital issue for designated heritage assets under the NPPF is their setting. The APAs approach to this is also mistaken, because it looks in minute detail at individual elements of the Conservation Area in isolation (see Section 5) instead of looking at the Conservation Area and its setting as a whole. The proposed site is part of the green buffer that surrounds Coggeshall, and its loss through such a large development would fundamentally change the rural character of the village. (It is acknowledged that there has been considerable development on the north side of Coggeshall. However most of it pre-dates the designation of the Conservation Area in 1968.) This in our view constitutes substantial harm to the designated heritage asset that is the Conservation Area.

In conclusion, the Parish Council considers that the development would do substantial and irreparable harm to the unique designated heritage asset that is the Coggeshall Conservation Area, and that on the principles contained in the NPPF planning permission should be refused.

Feering Parish Council

Objection. There is only 1 junction onto Colchester Road. The A120 is a very busy junction and has a short slip central refuge and has obscured views coming from the West. It appears there will be an increase in traffic so that the natural run will then be along Coggeshall Road to Feering and Kelvedon putting more pressure on the country lanes.

BDC Environmental Health Officer

No objection following submission of additional information in relation to Noise and Air Quality.

Noise

Condition required relating to the submission for approval of a detailed noise mitigation scheme to demonstrate that acceptable noise levels will be achieved across the site. Condition also required detailing the construction of the noise bund to ensure construction vehicle movements and dust and noise from this element of the development is managed.

Air Quality

Following the submission of further information the Environmental Health Officer advises that although there are inconsistencies in the applicant's Air Quality Report it is accepted that air quality does not present a reason not to develop the site and no objection is raised on air quality grounds as air pollutant levels at points of relevant exposure are not determined as significant.

Contaminated Land

A standard set of contaminated land conditions are required to ensure further investigation is completed following the submission of the applicant's initial Contaminated Land Report.

A condition relating to the control of dust and particle matter (Construction Method Statement) is also required.

Other Conditions

Standard conditions relating to hours of construction work; piling and dust and mud control are also required.

ECC Flood and Water Management

No objection. Require standard conditions relating to the submission of a detailed surface water drainage strategy; the submission of a scheme to minimise the risk of offsite flooding during construction; the submission of a Maintenance Plan for the proposed SUDs system and a requirement for the keeping of a maintenance log of this system.

BDC External Landscape Consultant – Nigel Cowlin Landscape, Planning and Design

In addition to the assessment made by the Council's Landscape Officer, BDC commissioned an independent report on the landscape impact of the proposed development by an external expert Landscape Consultant. The Consultant's full report was published on the Council's website and their key findings are summarised as follows:

- The applicant's Landscape Visual Assessment Document is presented largely in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd edition).
- However there are some failings in relation to baseline research references and some uncertainties relating to the nature of the proposals being assessed. Visibility modelling has not been used and view point photography is of inconsistent quality.

- The identified landscape and visual effects should be regarded as material issues and notable, but probably also as modest for a development of this scale.
- The landscape value of the land making up the site would be destroyed and this should be recognised as harm to a landscape of local value, but not the elevated value of the NPPF Paragraph 109 valued landscape.
- The largely contained nature of the site and the existence of open development edges on more than one aspect of the site must be regarded as accommodating characteristics. However the higher ground to the north-west and south-east give some vulnerabilities for development to have wider and more critical influences.
- This is a large site and landscape sensitivity is not necessarily consistent across it. However it is fair to say that overall it may be a more forgiving site with a lower sensitivity than might be found elsewhere around Coggeshall.
- Visual impact on the section of Essex Way passing through the site should be regarded as notably harmful. But this is a single issue and no other notable visual impact harm is identified.
- There is a risk of high buildings being located on the higher parts of the site interfering with the composition of Coggeshall Church as a landmark feature set in a wooded horizon above the village. These buildings would also risk as being out of scale components on this edge of the village. It is likely that with restriction to more normal scale 2 and 2.5 storey properties this would not be an issue.
- The nature of the proposed bunding alongside the A120 is of concern although probably has less direct implications for landscape visual assessment. It is unclear if the bund is 4m or 8m in height.
- The magnitude of the landscape effect has to be recorded as high in relation to the landscape area which is the site, but probably low with regard to the wider local setting.

ECC Minerals and Waste

No objection following receipt of a Minerals Resource Assessment for the site. Accept the overall conclusion of the report which is that the prior extraction of minerals is not practicable. This is based on the practicality of working and restoring the site to appropriate levels given existing topography and that the site is constrained by existing residential development on 3 sides.

For information purposes do not agree with the following contained within the report:

- Borehole logs do not go down to bedrock. Thickness of sand and gravel resource not proven. Conclusions relating to amount of material which would be sterilised by this development not therefore substantiated.
- Estimated resource of 500,000m³ is considered to be economically viable.
- Existence of other quarries in close proximity has no impact on the viability of prior extraction.

- Not accepted that prior extraction will compromise housing delivery. NPPF is clear that minerals are essential to the country's need; sterilisation of such resources should be avoided where practicable and other development proposals should not normally be permitted in Mineral Safeguarding Areas.
- National Policy section in the report is outdated and particle size distribution test have not been received by ECC.

Nonetheless, the Minerals Planning Authority (ECC) accepts that it is not practicable for prior extraction to take place at this site.

BDC Housing

Confirm that the indicative affordable mix shown would in principle be appropriate subject to addressing a couple of minor amendments. This is based on the 298 dwellings shown on the applicant's illustrative masterplan and not on the upper development quantum of 300 dwellings.

Affordable Unit mix		
Type	Number	Comment
2 bed 4 person house	65	
3 bed 5 person house	13	
3 bed 6 person house	25	
4 bed 7 person house	4	Require these be 7 person
2 bed 4 person bungalow (Part M Cat 3a))	2	
3 bed 5 person bungalow (Part M Cat 3a))	2	
1 bed 2 person GF maisonette	4	Should be 2 person, not 3 person
1 bed 2 person FF maisonette	4	
Total	119	

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

- Affordable units must be deliverable without reliance on public subsidy
- 70 /30 tenure mix - rent over shared ownership
- Requirement for proportionate delivery of affordable housing
- Requirement for modest sized clustering of affordable units throughout the development (likely 4 locations)
- Requirement for all affordable homes (excluding bungalows) accessible at ground level to be compliant with Building Regulations Part M Cat 2

- Affordable dwellings should be compatible with Nationally Described Space Standards
- The wheelchair accessible bungalows should be secured in the s106 Agreement

BDC Landscape

Context: The proposed development brings the edge of settlement for this part of the village much closer to the current route/environs of the A120. The visual impact of Coggeshall as a settlement to those parties using the route is currently mitigated by the strength of the boundary planting, the local topography and wider setting of the Blackwater corridor, the embankments and grading of the road and last - but not least - the degree of spatial separation from the road. The development of this parcel of land will bring the built form close to the road and certainly in the first 5 -10 years introduce a sense of encroachment that will change the character and lend a degree of assimilation into the built form and street-scene that current colours the route around Marks Tey further to the east.

Proposal: This will be a phased development over an extended time period that in its current form will produce a stilted and disjointed outcome to the provision of a landscaped bund and the landscaping of the Essex Way; largely because the provision of these soft landscape elements will be determined by the timing of the particular phases. The long term impact of the development on the local countryside, the public footpath network including The Essex Way and the visual impact on the A120 corridor and the interface with the larger settlement will be influenced by the quality of the land modelling and the landscape scheme that is put in place on the ground; a masterplan that accommodates a unified approach to the requirements of these items as strategic infrastructure will be more successful in its delivery; completion of the roadside bund and the setting for The Essex Way at an early stage in the project will give the landscape treatment an opportunity to establish and provide a stronger level of screening within the first five years than a phased delivery will achieve, The latter approach will also increase the risk of damage to the new planting from further machinery/plant workings and hinder the efficacy of its establishment.

Conclusion: The proposed development will have an impact on three key elements in the local landscape notably:

- The Essex Way: The impact on the character and setting of the Essex Way as it approaches and passes through the development.
- Sense of Containment: The visual impact and sense of encroachment onto the immediate environs of the A120; the site is reasonably well-contained and arguably quite separate from the open countryside beyond.
- Magnitude and Scale: Zones of intrusion/visibility from the PROWs traversing open countryside to the north and east of the site and the relationship to the larger settlement of Coggeshall.

The degree to which this cumulative impact can be considered or prove to be detrimental to these features is partly a function of how the development is delivered and the quality of the land modelling and landscape treatment that supports and enhances the setting of the built form. The impact of any approved landscaping scheme will be gradual and take a significant timeframe to provide a noticeable and meaningful contribution to the screening and softening of the elevations and visual mass of the built form. The indicative section and footpath detail shown in COGG-SEC-001 provides an illustration with well-established maturing trees and canopies that would take up to 20 years to achieve, particularly if they are in challenging conditions with extended spells of dry weather exacerbated by planting on a bund structure. In essence a proposal that prioritises the implementation of a sympathetic landscape scheme with a unified approach to early delivery on the ground will improve the quality and effectiveness of the mitigation.

REPRESENTATIONS

In total of 156 objections were received to the original consultation. At the time of writing a further 31 representations were received in response to re-consultation following the revision of the scheme, primarily to remove the care home element and propose a reduced maximum of 300 dwellings rather than the original 335.

All representations received were objections. For the purposes of clarity none of the objectors stated that they withdrew their original objection following the revised scheme and therefore all objections have been treated as objections to both the original and reduced scheme.

The representations received are summarised below:

- Scale of development too large
- Existing infrastructure cannot cope and is already over capacity including:
 - Schools
 - Doctors
 - Dentists
 - Sewerage
 - Police
 - Rail Station
 - Leisure amenities
 - Broadband
 - Power supply
 - Colchester Hospital
- Parking problems
- Alternative sites available including brownfield
- Light pollution
- Care Home located next to noisy A120 and would only provide limited employment opportunities

- Potential pedestrian and cycle link to Hill Road cannot be lawfully implemented
- Site is of archaeological interest
- Highway safety
- Only a single vehicular access to development – traffic congestion; highway safety and ‘gated community’ will result
- Lack of safe pedestrian access to village centre
- Impact upon amenity and outlook of existing adjacent residents
- No public transport available for future residents
- Traffic congestion already severe
- Given recent poor publicity is there sufficient confidence in Bovis Homes to deliver the proposal
- Community bus cannot cope and will be made unsustainable
- Increased flood risk
- Crime and anti-social behaviour
- New development will form isolated community
- Loss of greenfield site accessed via public footpath with its associated community benefits
- Landscape impact
- Impact upon character of Coggeshall
- Heritage impact (listed buildings and conservation area)
- Ecology impact
- Question the accuracy of the plans scale
- Planning history and recent appeal decisions
- Financial considerations and viability (new dwellings will be unaffordable to local younger population)
- Loss of greenbelt land
- Not in Coggeshall Neighbourhood Plan
- Loss of farmland
- Noise pollution
- Contrary to Local Plan
- Contrary to planning policy and planning practice guidance
- Contrary to paragraph 7 of the NPPF
- Air pollution
- Layout and density
- Design, appearance and materials
- Will set a precedent for other greenfield development around Coggeshall
- Site should be retained as buffer to adjacent proposed garden town
- Emergency access points will not actually be accessible to emergency services except fire brigade
- Development would be located in expected plume zone identified for planned incinerator
- Loss of employment at garage on the site

- Hedgerow shown as G19 does not belong to Bovis who propose to remove it
- Site located outside village envelope
- Application is premature as the A120 upgrade decisions are still being discussed

Representations were also received from the following parties:

Coggeshall Community Bus

Objection.

The existence and continuation of Coggeshall Community Bus relies on the goodwill and generosity of our drivers and other volunteers and in turn our ability to deliver a reliable service to the community. In our view a 20% increase in the local population is likely to render our service unsustainable (both in terms of being unable to cope with a significant increase for demand for the service and in terms of additional traffic congestion caused by the development preventing the service adhering to the required timetable).

Coggeshall Community Bus cannot be used to support this application, whether implicitly or otherwise.

Coggeshall Neighbourhood Plan Group (CNP)

Objection.

- Neighbourhood Plan is at an advanced stage of preparation
- Coggeshall differs from other large villages in having a historic core which is one of the best preserved in the county which sits within a rural setting surrounded by fields which give it its historical perspective
- Village Primary school oversubscribed in recent years
- Doctor's Surgery functioning beyond capacity
- Also quite serious problems with parking and traffic management
- Coggeshall Neighbourhood Plan has strong views against this sort of speculative development backed up by a survey of the village
- A landscape can be assessed according to its value to people who are 'users' of that landscape. This enables greater value to be placed on a landscape that may otherwise be judged to be of lesser value when measured by the Landscape and Visual Impact Assessment criteria (GLVIA3)
- The 2017 appeal (Land at West Street, Coggeshall) Inspector set a precedent when assessing the value of a landscape in accordance with paragraph 109 of the NPPF having been made aware of the strength of local feeling toward the site in question
- CNP submit (supported by resident's quotations) that given the commonality of factors of this site and the West Street appeal site (that it is a valued landscape as demonstrated by submitted residents quotes) and is 'at an increasingly pressurised point near the settlement

edge' (as the Inspector stated of the West Street appeal site) that the Coggeshall Road site falls under the protection of paragraph 109 of the NPPF.

- Scale of the proposal is totally disproportionate to Coggeshall
- Existing infrastructure totally inadequate to take the 1,000 additional people from this development
- Coggeshall would lose the sense of community that Planners are seeking to engender in the proposed new garden communities
- Will be an isolated edge of settlement development with only one access endangering the existing community cohesion of Coggeshall
- Main argument for a development of this size is that BDC has not reached its 5 year land supply. This has nothing to do with making Coggeshall a good place to live or giving the residents a good experience of living in Coggeshall
- Development would cause Coggeshall Water Recycling Centre to breach its permit and pollute the River Blackwater
- Tey Road unsuitable for an emergency access
- Traffic generated from this development will be added to the current load on existing roads/junctions which is unacceptable
- Transport Assessment incorrectly states that future residents would walk or cycle to access local facilities. Footpaths going into Coggeshall are poor and cycling is too dangerous
- Cycling to Kelvedon Station is too dangerous which is why CNP have proposed a cycleway
- Foot access from adjacent cul-de-sacs would be located in current turning circles with associated pedestrian risk
- Public transport in Coggeshall is poor. Southern part of site is outside the 400m recommended walking distance to the nearest bus stop
- Community Bus has no capacity to take people from this site
- CNP submit that the development fails to comply with emerging CNP Policy (*To protect and enhance the landscape character and atmosphere of the Parish of Coggeshall*) and NPPF para 17. The harm to the landscape resource cannot be mitigated with boundary screening planting
- Development will have a significant effect on visual amenity of residents who bound the site/Tey Road
- Development would create a hard urban edge inappropriate for a rural village
- BDC must examine in detail the implication of potential coalescence of Coggeshall with West Tey Garden community should permission be granted for this site. It would reduce the extent of a green buffer and make coalescence more probable
- Note a Guardian article stating Bovis has exploited the issue of ground rents. Would not want to see a new development that led to massive hikes in ground rent leading to properties being worthless

A second objection letter covering the following points was also submitted:

- A Landscape Study was completed by the Landscape Partnership in 2017 on behalf of Coggeshall Parish Council for the Coggeshall Neighbourhood Plan which covered the application site
- The applicant has not evaluated or addressed the findings of this study in their proposal and BDC must instruct the applicant to examine it and re-submit their application accordingly
- Would like to draw BDC's attention to the Minister Rishi Sunak's reply to Priti Patel MP's statement regarding Neighbourhood Plans where he identified that the NPPF is clear that weight may be given to emerging Neighbourhood Plans with guidance setting out on when an application may be refused on the grounds that it would be premature to an emerging Neighbourhood Plan

Coggeshall Society

Objection. The Coggeshall Society submitted a written objection raising a number of points, the majority of which were also directly covered by the Neighbourhood Plan Group as summarised above. The following points were also raised:

- This speculative development on green belt land would add nothing to the character of the village
- Essex Way would be divided by the development and ramblers would experience mass urban sprawl which would be a considerable loss to Coggeshall Historic character
- Coggeshall Society is not opposed to development that enhances the unique character of the village but this does not include turning it into a dormitory town
- The existing filtered; intermittent and open views onto agricultural land (the site) are crucial to maintain the landscape setting and character of Coggeshall

CPRE Essex

Objection. Site is outside the Village Envelope on good farmland which serves as a green buffer. It also forms part of the rural hinterland for the village adding to its character and is treasured by local residents. The Essex Way crosses the site and the development is totally out of proportion to the existing settlement. The application is premature for the following reasons:

- The (new) Braintree District Local Plan documents are not yet finalised but the adopted Plan policies are still in place
- Coggeshall Neighbourhood Plan (CNP) is at an advanced stage of preparation
- CNP will include sites for 144 dwellings
- Application has huge implications for the local road network. A120 is already beyond capacity with no new route chosen. Highways England recommend the current planning application be deferred due to A120 problems

- Environmental Agency state the Water Recycling Centre is at capacity. Coggeshall already suffers from localised flooding and an antiquated sewerage system. The undeveloped site provides a natural drainage system

Kelvedon and Feering Heritage Society

Objection. Will be overbearing for Coggeshall and will place to great a demand on services, particularly in view of other proposed developments.

It will add to existing traffic problems and Highways concede that the A120 is over capacity now. These pressures will spread to adjoining areas and impact on road and rail demand.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities

should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The development is therefore contrary to the Adopted Development Plan.

5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by S.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our

'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, and exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31st December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31st March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

The Application Site and the Emerging Local Plan

The application site is not proposed for allocation in the emerging Local Plan. The site was put forward for consideration for allocation for residential development through the Local Plan consultation process along with land to the south of Colchester Road for a total of around 600 homes, however it was not allocated. Officers noted that *'This site could be considered suitable for allocation if a larger scale allocation was necessary in Coggeshall, however this would be subject to suitable highways access'*. For a development of this size (600 dwellings) it was also noted that *'it would be need to be proved that a primary school could be accommodated on the site without compromising the delivery of other community benefits such as affordable housing'*.

Officers concluded that *'Coggeshall has other sites to develop which are considered more suitable as they either utilise a derelict site, or are of a scale which is more appropriate to Coggeshall at this time'*.

The proposed development is therefore contrary to the emerging Local Plan, in particular to Draft Policy LPP1 which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The emerging Local Plan is at a relatively advanced stage having been submitted for Examination with the Examination for Part 1 of the emerging Local Plan (the strategic policies) commencing on 16th January 2018. At the time of writing the Examination for Part 2 of the emerging Local Plan is due to take place later in 2019. As such limited weight can be given to its policies.

Coggeshall Neighbourhood Plan

Coggeshall's Neighbourhood Plan Area was designated in October 2015. The draft Neighbourhood Plan is currently being prepared. Once a draft is completed, the next stage will be a Regulation 14 public consultation. No date has yet been set for this consultation. Following this the Neighbourhood Plan is submitted to the Local Planning Authority for a second public consultation known as Regulation 16 consultation; followed by the examination and finally

the referendum, after which the Neighbourhood Plan can be adopted. Under the Neighbourhood Planning Act (2017), once the examiner's report is received, more weight can be given to it prior to adoption.

Given that the Neighbourhood Plan is still at a very early stage in its process and has not yet been through any public consultation it can be given only very limited weight as a material consideration in the determination of the current planning application. The Planning Practice Guidance is also clear in its guidance that refusing planning permission on the grounds of prematurity will seldom be justified before a neighbourhood plan has reached the end of the Local Planning Authority publicity period.

Location and Access to Services and Facilities

The application site is located immediately adjacent to but outside the Village Envelope of Coggeshall as identified in the adopted Local Plan. Coggeshall is identified in the adopted Core Strategy as a key service village, one of six within the District. Key service villages sit below main towns but above other villages within the District's settlement hierarchy and are defined in the Core Strategy as

'large villages with a good level of services, including primary schools, primary healthcare facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'.

The designation of Coggeshall as a key service village has been carried forward into the draft Local Plan along with 4 other existing key service villages. The sixth, Silver End, is downgraded in the Draft local Plan and is no longer considered a key service village. The settlement hierarchy is also altered and expanded from 'towns; key service villages and other villages' to 'towns; key service villages; second tier villages and third tier villages'.

It is therefore accepted that at the strategic level the village of Coggeshall is explicitly identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding areas, in common with the other identified key service villages and that this designation is carried forwards into the Draft Local Plan.

The site itself is located immediately to the south and to the east of the existing Village envelope. A footway runs along the northern side of East Street (B1024) which provides pedestrian access into the village centre with its associated facilities and services. The footway is narrow but provides a usable pedestrian link, although Officers note that due to its width it would for example be difficult to negotiate safely with a pushchair or if walking with young children. In terms of distances, the co-op foodstore is located approximately 730m from the site entrance along this footpath and 600m from the site's proposed new pedestrian connection point on East Street. To the village centre (Market Hill) these distances are approximately 1.1km and 950m respectively. By way of comparison, the existing dwellings located on

the village's outer northern and north-eastern periphery (but within the village envelope) at Tilkey Road and Monksdown Road are located just over 1km distance from the village centre (Market Hill).

Importantly, the applicant also proposes a new pedestrian footpath link from the site to Colne Road. From the point which this link would intersect with the existing footway network on Colne Road the village centre would be approximately 750m distant via Church Street providing an alternative pedestrian route to the village centre for all pedestrians. This route features wider pavements and often with pavements on each side of the road. St Peters Primary School would be positioned approximately 280m from this proposed link and again is accessible via an established footway network.

Overall, Coggeshall as a key service village provides a comparatively wide range of facilities and services. These include for example a doctor's surgery; a number of shops; several pubs/restaurants; butchers; a dentists; takeaways; co-op foodstore; library; associated football and cricket clubs and a primary school.

The closest bus stop to the application site would be located less than 20m from where the proposed pedestrian link connecting the site to Colne Road would terminate with another stop located approximately 160m away on Church Green.

These stops are served by the no. 70 Bus which provides a regular service (30 minute intervals) between Colchester-Braintree-Chelmsford on weekdays and Saturdays and a 2 hourly service on Sundays.

The physical location of the application site is therefore considered to be relatively sustainable in terms of access to facilities and services. Future residents would have access to the wider area and main towns by public transport and there are direct pedestrian links to the village centre although walking distances are noted as being longer.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Draft Policy LPP55 of the emerging Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 56) that 'good design is a key aspect of sustainable development' and that (para 58) developments should 'function well and add to the overall character of the area...establish a strong sense of place...are visually attractive as a result of good architecture and appropriate landscaping'.

The current application is an outline application with all matters reserved except access. The applicant has submitted, in addition to a site location plan a set of Parameter Plans which would be for formal approval. An illustrative masterplan has also been submitted which would not be for formal approval

but demonstrates one way in which the application site could accommodate the proposed quantum of development.

These plans were revised following concerns identified by Officers in relation to the original proposal in relation to the proposed density of the development; dwelling mix; proposed building heights and parts of the illustrative layout. The maximum number of units was reduced from 335 to 300 and the care home option removed from the scheme (Officers did not identify a particular concern with the proposed provision of a care home, the applicant advised that its removal was a commercial decision due to lack of demand). Building heights were reduced; the dwelling mix was altered to a more balanced mix and the illustrative layout was amended so that it complied with the required Essex Design Guide standards.

The applicant seeks permission for the erection of up to 300 dwellings at a net density of approximately 30 dwellings per hectare and an overall gross density of approximately 18 dwellings per hectare. The proposed vehicular access would be taken from East Street (B1024) on the site's southern boundary. The illustrative masterplan shows this entrance leading onto a spine road which runs relatively centrally through the site towards Tey Road to the north. The eastern site boundary is formed by a substantial landscape buffer with an associated noise bund.

There are 3 main development blocks and 3 associated areas of open space which are positioned at regular intervals across the site. The proposed nursery/community building is positioned at the site entrance, adjacent to the main spine road and is specified as measuring around 4,500sqft in area.

Whilst the detailed layout would be a consideration for the Reserved Matters stage, Officers consider that in general terms this illustrative layout is compliant with the required Essex Design Guide standards and demonstrates, in principle one way in which the site could accommodate the proposed development whilst maintaining a high standard of design and layout.

The applicant has also submitted a number of parameter plans which sit alongside the illustrative masterplan and would be for formal approval at the outline planning stage. These cover the following matters:

- **Building Heights** (limited to 6m to 10m)
- **Land Use** (fixing land use locations including developable areas and landscape buffers)
- **Density** (identifying development parcel density ranges)
- **Phasing Plan** (identifying proposed phasing for the development build out)

These Parameter Plans provide a significant amount of detail and would provide certainty around the broader parameters within which any Reserved Matters application would be required to comply with.

Impact Upon Neighbour Amenity

There are existing dwellings located immediately adjacent to the site's western and southern boundaries which back onto the application site. Although design and layout are reserved matters the illustrative layout demonstrates in principle how the site could be developed whilst retaining an appropriate relationship between new and existing dwellings. Furthermore, the submitted Parameter Plans identify a landscape buffer which would be retained along the shared boundary between existing dwellings and the new development.

In terms of the internal layout, the illustrative plan demonstrates broad compliance with the Essex Design Guide in terms of garden sizes and back to back distances between new dwellings with detailed compliance being a matter for the Reserved Matters stage.

Landscape

Policy CS8 of the Adopted Core Strategy *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*'. Policy LPP71 of the Draft Local Plan also states that development must be suitable for its landscape context and should be informed by and sympathetic to the character of the landscape as identified in the Council's Landscape Character Assessment.

The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the application site, as part of a larger area of land identified as Parcel C1. Parcel C1 is identified as having a medium landscape capacity for development (parcels being rated from low; medium-low; medium; medium-high and high in category).

Coggeshall Neighbourhood Plan Group commissioned their own professional Landscape Review in July 2017 as part of the evidence base for their Neighbourhood Plan. This was completed by The Landscape Partnership and covered the application site in more detail, identifying it as Land Parcel B. Parcel B was again found to have a medium capacity for development in this finer grained study.

As part of the detailed assessment of the current planning application the Council employed an external professional landscape consultant to undertake an independent review of the potential landscape impact of the proposed development. The Council's own landscape officer also reviewed the application in detail.

External Professional Landscape Review

The external review was carried out by Nigel Cowlin Landscape, Planning and Design. Nigel Cowlin has previously acted successfully as an expert Landscape witness for the Council at a Public Inquiry for another major residential scheme at Coggeshall where planning permission was refused and is therefore considered by Officers to be a robust choice to conduct an independent landscape review of this site.

Key findings of the review are highlighted below;

- The applicant's Landscape Visual Assessment Document is presented largely in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd edition).
- However there are some failings in relation to baseline research references and some uncertainties relating to the nature of the proposals being assessed. Visibility modelling has not been used and view point photography is of inconsistent quality.
- The identified landscape and visual effects should be regarded as material issues and notable, but probably also as modest for a development of this scale.
- The landscape value of the land making up the site would be destroyed and this should be recognised as harm to a landscape of local value, but not the elevated value of the NPPF Paragraph 109 valued landscape.
- The largely contained nature of the site and the existence of open development edges on more than one aspect of the site must be regarded as accommodating characteristics. However the higher ground to the north-west and south-east give some vulnerabilities for development to have wider and more critical influences.
- This is a large site and landscape sensitivity is not necessarily consistent across it. However it is fair to say that overall it may be a more forgiving site with a lower sensitivity than might be found elsewhere around Coggeshall.
- Visual impact on the section of Essex Way passing through the site should be regarded as notably harmful. But this is a single issue and no other notable visual impact harm is identified.
- There is a risk of high buildings being located on the higher parts of the site interfering with the composition of Coggeshall Church as a landmark feature set in a wooded horizon above the village. These buildings would also risk as being out of scale components on this edge of the village. It is likely that with restriction to more normal scale 2 and 2.5 storey properties this would not be an issue.
- The nature of the proposed bunding alongside the A120 is of concern although probably has less direct implications for landscape visual assessment. It is unclear if the bund is 4m or 8m in height.
- The magnitude of the landscape effect has to be recorded as high in relation to the landscape area which is the site, but probably low with regard to the wider local setting.

The Council's own Landscape Officer also reviewed the application in detail and concludes the following:

The proposed development will have an impact on three key elements in the local landscape notably:

- *The Essex Way: The impact on the character and setting of the Essex Way as it approaches and passes through the development.*
- *Sense of Containment: The visual impact and sense of encroachment onto the immediate environs of the A120; the site is reasonably well-contained and arguably quite separate from the open countryside beyond.*
- *Magnitude and Scale: Zones of intrusion/visibility from the PROWs traversing open countryside to the north and east of the site and the relationship to the larger settlement of Coggeshall.*

The degree to which this cumulative impact can be considered or prove to be detrimental to these features is partly a function of how the development is delivered and the quality of the land modelling and landscape treatment that supports and enhances the setting of the built form. The impact of any approved landscaping scheme will be gradual and take a significant timeframe to provide a noticeable and meaningful contribution to the screening and softening of the elevations and visual mass of the built form. The indicative section and footpath detail shown in COGG-SEC-001 provides an illustration with well-established maturing trees and canopies that would take up to 20 years to achieve, particularly if they are in challenging conditions with extended spells of dry weather exacerbated by planting on a bund structure. In essence a proposal that prioritises the implementation of a sympathetic landscape scheme with a unified approach to early delivery on the ground will improve the quality and effectiveness of the mitigation.

As with all such major residential developments there would be a degree of landscape harm and this must be assessed in the overall planning balance.

The applicant has confirmed that the proposed noise bund would be 4m in height from the site's ground level (i.e. 4m total height) and building heights have been reduced to 2 and 2.5 storey and would be secured by way of the building heights parameter plan.

The applicant has also confirmed that the noise bund would be completed relatively early in the development process with the first (approximately) 354m being completed prior to occupation of the first dwelling and the final (approximately) 192m being completed prior to occupation of the 150th dwelling. This would mean that the entire noise bund with associated landscaping was completed by the time the development was only half occupied. The applicant has also confirmed that the proposed landscape planting to the Essex Way which runs through the site would be completed early in the development process with a target of prior to the occupation of the 50th dwelling.

A condition requiring the submission and approval of a landscape scheme specifically to cover these elements is recommended which would give the Council control over the above cited timescales.

Overall, and following an extensive landscape assessment of the application, Officers do not consider that there are grounds to refuse the application on landscape impact and the degree of landscape harm is considered to be relatively low with regard to the wider local setting for a development of this size.

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. Adopted Policy RLP81 and draft Policy LPP69 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. Draft Policy LPP68 also requires the impact of new development upon protected species to be considered.

The site primarily consists of several agricultural fields with associated boundary trees and hedges.

In terms of trees, the applicant's Arboricultural Report identifies 22 trees, groups and hedgerows on the site with no Category A specimens present (all being either Category B or C i.e. moderate quality and value or low quality and value). Of the 22 items, 5 would need to be removed, 7 would be affected but retained or partially retained and 10 would be unaffected and retained. The loss of a long section of Category B hedgerow located in the northern half of the site represents one of the more marked arboriculture implications of the development, however further Category B hedgerow is retained and Officers do not consider that the retention of Category B hedgerow could be justified where it would have a detrimental impact on site design and layout.

The applicant has submitted an Ecological Appraisal in support of their application which included an initial desk study; extended Phase 1 Survey and further Phase 2 surveys in relation to breeding birds and bats. The Appraisal states that the site *'is predominantly arable land bounded and delineated by residential curtilages and hedgerows with scattered trees and ditches with small margins of species poor semi improved grassland. The majority of habitats at the application site are of ecological value at the local level or lower'*.

The appraisal goes on to state that in terms of protected species *'the application site supports small numbers of a range of species; all of (or likely to be of) no more than local value. The application site supports low numbers of common and widespread breeding birds in the hedgerows and 2-3 pairs of breeding Skylark in the arable land. It also supports small numbers of foraging*

badger and hedgehog and an assemblage of seven species of foraging and commuting bat’.

The appraisal identifies ecological enhancement measures such as the creation of new wildlife habitat within the proposed on site SUDs features; native tree planting across the site; creation of native, species rich hedgerows along the site’s southern and western boundaries and addition of native species to the existing boundary hedges on the eastern side of the site.

The Council’s Ecology Officer has reviewed the application in detail and advises that the Ecology Appraisal *‘has been completed by suitably qualified Ecologists, provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups’.*

The Council’s Ecology Officer does not consider that there are any ecological grounds to refuse the application, subject to a number of planning conditions relating to the requirement for a Construction Environmental Management Plan; a lighting design strategy for light sensitive biodiversity; an Ecological Enhancement Plan and a Landscape and Ecological Management Plan.

Habitat Regulations

In terms of the wider ecological context, the application site sits within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area and Ramsar site and the Dengie Special Protection Area and Ramsar site known collectively as Natura 2000 sites. It is therefore necessary for BDC to complete an Appropriate Assessment under the Habitat Regulations to identify the required mitigation to prevent the development causing a likely significant adverse effect upon these sites. At the time of writing the Appropriate Assessment is being finalised for submission to Natural England in accordance with Natural England’s standard guidance. The mitigation package will include an off-site contribution towards visitor management measures at the protected coastal sites and is also likely to include on site mitigation measures such as the erection of noticeboards detailing walking routes in the locality.

The Officer recommendation for approval is therefore subject to the outcome of this assessment process however Officers do not consider it likely that Natural England will have any objection to the mitigation measures proposed.

Highways and Transport

The applicant seeks outline permission with all matters reserved, except access for which detailed permission is sought. A Transport Assessment and detailed access drawing have been submitted in support of the application with the new vehicular (and pedestrian) access being taken from Colchester Road (B1024). A second pedestrian link from the application site to Colchester Road is also proposed along with two further pedestrian links to Tey Road and Colne Road respectively.

The Access Parameter Plan also shows two potential links to Mount Road and Hill Road, however these would require access over third party land and Officers do not consider that they are deliverable.

As set out above, the closest bus stop to the application site would be located less than 20m from where the proposed pedestrian link connecting the site to Colne Road would terminate with another stop located approximately 160m away on Church Green. These stops are served by the no. 70 Bus which provides a regular service (30 minute intervals) between Colchester-Braintree-Chelmsford on weekdays and Saturdays and a 2 hourly service on Sundays.

Future residents of the development would therefore be well placed to access regular bus services to Colchester and the wider district.

In terms of vehicle movements, the Transport Statement states that based on an assessment of the national TRICS database it is predicted that the development would generate in the AM Peak (0800 – 0900) 214 (total two way) trips and in the PM peak (1700 – 1800) 222 (total two way) trips. This trip generation level has been scrutinised by Essex County Council to ensure it is robust and is also calculated for a development of 350 dwellings as originally proposed rather than the reduced revised proposal of 300 dwellings.

As stated above the submitted Transport Assessment was based upon the original proposal for 350 dwellings rather than the current proposal for up to 300 dwellings and the modelling assessment which was carried out on the surrounding road network's junctions was completed on this basis. The modelling was carried out both on local road network junctions and strategic network junctions following scoping discussions with Essex County Highways. The assessment found that the proposed development would not have a material effect on surrounding junctions which would continue to operate within their design capacity. The Coggeshall Road arm of the Station Road/High Street/Feering Hill/Swan Street priority crossroads in Kelvedon was found to be operating close to capacity in the AM Peak, however the modelling showed that the proposed development would not materially affect the operation of that junction.

Officers do not therefore consider that the development would be contrary to paragraph 109 of the revised NPPF (July 2018) which states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Both Essex County Highways and Highways England have assessed the highway impacts of the proposed development in detail.

Essex County Highways have no objection to the proposal stating:

'the Highway Authority has reviewed the planning application and supporting transport assessment against its own Development Management Policies to

ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

The Highway Authority has visited the proposal site and also assessed its suitability against its own knowledge of the highway network and information it holds in this regard. Subject to the below requirements, the Highway Authority is content the proposal would not be detrimental to highway safety and capacity and would be accessible by public transport, cycling and walking'.

The required planning conditions relate to the need for a Construction Traffic Management Plan; the installation of the proposed site access as shown on the detailed access drawing; the installation of a pedestrian/cycle/emergency vehicle access with dropped kerbs and tactile paving in Tey Road as shown in principle on the planning application drawings; upgrading of the two bus stops which best serves the site; a footway or other measures to aid pedestrians along Tey Road between the proposal site and Colne Road; improvements to the public footpath located north of Mount Road between the proposal site and St. Peter's Road and the provision of a travel plan in accordance with Essex County Council guidance.

Highways England, after initially requesting further modelling work be carried out also have no objection to the proposal stating the following:

Protracted negotiations have been ongoing for some time regarding this developments impact on the A120. It has not been possible for us to fully agree the model for the A120 Junction, we suspect it could be significantly under predicting demand for right turns. In order to move the application forward it has been decided to ask the developer to address any potential issue and this has been agreed.

The following condition is therefore required by Highways England:

Prior to first occupation of the development a detailed scheme for the improvement work (off site highway works) shown in outline on WSP drawing number 26539-sk-04 PO1 dated October 2018 (or an alternative version which shall first be submitted to and approved by the Local Planning Authority in consultation with Highways England) shall be submitted to and approved by the Local Planning Authority. The detailed scheme shall include drawings and documents showing the following:

- How the improvement interfaces with the existing highways alignment and carriageway markings including lane destinations;
- Full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis;
- Full signing and lighting details where applicable;
- Confirmation of full compliance with departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);

- Evidence that the scheme is fully deliverable within land in the control of either the Highway Authority or the applicant;
- An independent Stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The approved detailed scheme shall be completed prior to first occupation of the development.

Subject to the required conditions/planning obligations being secured Officers do not therefore consider that there are any highway grounds upon which to recommend the refusal of planning permission.

Heritage

In terms of listed buildings, there are a number of Grade 2 category buildings located in the vicinity. The closest is located on Colchester Road and is a Grade 2 listed dwelling (Brae Cottage) positioned approximately 26m from the site boundary. There is also a Grade 1 listed building (Church of St Peter-Ad-Vincula) located approximately 180m to the west of the site.

The Independent Landscape review carried out on behalf of the Council identified that there was a risk that the originally proposed maximum building heights for the development of 11m and 13m could result in the new development's highest rooftops punctuating the skyline which is currently punctuated in the main by the church only. This risk was elevated by the proposed location of these taller buildings on the higher parts of the site, to its north-west and south-east. The Landscape review identifies that restricting building heights in these higher parts of the application site to 2 or 2.5 storey would be likely to resolve this.

The applicant's revised proposal proposes a reduced maximum building height of 10m with the vast majority of the site being identified as 6m to 10m and some indicative locations being identified for buildings specifically of up to 10m. None of these indicative locations for the 10m buildings are positioned on the north-western part of the site. A small number are positioned on the south-eastern side of the site but given that they are marked as 'up to' 10m their detailed potential impact could be considered and controlled at the reserved matters stage. Officers therefore consider that the revised proposal is sufficient to address the above concerns, particularly given that the indicative locations for the tallest buildings are proposed as 'up to' rather than absolute heights.

The Council's Historic Buildings Consultant has reviewed the application and has no objection advising that the site does not fall within the setting of any listed buildings. It is identified that there is the potential for a minor negligible impact on the environment in which Brae Cottage is experienced but that strong landscape planting and a consideration of the design of the built form at the south-western corner of the site could mitigate against this.

The application site is located to the east of the Coggeshall Conservation Area. The Council's Historic Buildings Consultant states that:

'the northern entrance into the Coggeshall Conservation Area has been heavily altered and diluted by the encroaching and inappropriate modern development which characterises the late twentieth century built form to the north. This has eroded any sense of entry into the conservation area, and means that the wider environment to the north is considered to make little to no positive contribution to the character and appearance of the conservation area. The site is therefore located in an area to which the conservation area is relatively impervious to change.'

The impact is also mitigated by the existing built form along the road, which would screen the development of the land behind, dependent on the proposed height and scale of the built form. I therefore do not have an objection to the proposed development of this site, but would comment that Coggeshall is an historic town of considerable character, and that the new development should look to reflect and reinforce this local distinctiveness. In particular I would highlight elements such as overall house design and material palette, the treatment of specific details such as window and door types, and the treatment of the wider public realm, such as hard and soft landscaping or boundary treatments, all of which I would want to see secured by condition'.

Historic England were also consulted and advised that they did not wish to offer any comments.

Overall, the potential minor negligible impact on the environment in which Brae Cottage is experienced could be resolved by strong landscape planting and a consideration of the design of the built form at the south-western corner of the site. The revised scheme also proposes reduced building heights which the Council would have the ability to further assess and control at the Reserved Matters stage to ensure that the wider setting of the Grade 1 listed Church of St Peter-Ad-Vincula was not detrimentally affected. There is therefore no identified specific harm to existing heritage assets which would be caused by the proposed development and subject to the requested conditions which would address detailed design and layout matters Officers do not consider that the proposal would have a detrimental impact in heritage terms.

Other Matters

Coalescence

Objections have been raised on the grounds of potential coalescence between Coggeshall and the proposed West Tey Garden Settlement identified under the Council's publication Draft Local Plan. However, the detailed position of the proposed West Tey settlement is not yet fixed and the need to ensure that any such settlement did not result in direct coalescence with Coggeshall would be a matter for the detailed planning process for this settlement.

Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application. They have identified that the site is of archaeological interest and that there is evidence of a small Roman Settlement at Coggeshall the projected extent of which has been recorded as c.160m to the west of the site. The road which runs through Coggeshall is thought to be on the alignment of a Roman Road and lies close to the site's southern boundary. The applicant's geophysics investigation has also identified the possible location for a post medieval windmill and further enclosures which may be prehistoric, Roman or later in origin.

Planning conditions relating to the securing of a programme of archaeological evaluation prior to commencement of development are therefore required.

Noise

The applicant proposes a 4m high noise bund on the site adjacent to its boundary with the A120 which is the primary noise source for the development site. The Council's Environmental Health Officer has no objection to the proposal on noise grounds, subject to a condition requiring the submission of a detailed noise mitigation scheme at the detailed design and layout stage to ensure that acceptable noise mitigation from the A120 is provided for future occupiers of the development.

Sport England

Sport England have objected to the proposed development on the grounds that the applicant has made no assessment or provision of sports infrastructure needs and therefore fails Sport England's objective of providing such facilities. Sport England cite the following requirements following consultation with the main pitch sport National Governing Bodies:

- Unspecified off-site contribution towards the creation of a football hub of facilities to include a full size 11 v 11 floodlit 3G Artificial Grass Pitch with associated support facilities to include club house and 4 team changing room
- Unspecified off-site contribution towards pitch drainage improvements at Braintree RFC; additional floodlighting; a new tractor for pitch maintenance and social space improvements
- £261,462 contribution towards the off-site provision of new built sports facilities (based on badminton court provision and swimming pool provision costs)

Comments were also made by Sport England in relation to the proposed design and layout of the site.

In relation to the latter, Officers consider that site design and layout is primarily a matter for the Local Planning Authority and this has been addressed in detail in the above report.

In relation to the requested contributions set out by Sport England, these are split into two categories – outdoor sport and indoor sport. The Council has a standard procedure for securing off site outdoor sport contributions for major development schemes which is based upon adopted planning policy and detailed supporting documents. Core Strategy Policy CS10 'Provision for Open Space, Sport and Recreation' requires new development to make appropriate provision for such space. The Council's adopted Open Space SPD provides further detail about when different categories of open space are required (including outdoor sports provision).

For major developments of over 50 dwellings informal open space and equipped playgrounds should be located on site. Allotments should be located on site for developments of 250 or more dwellings and outdoor sport should be a financial contribution for developments of up to 300 dwellings and on site provision for 300 or more dwellings.

The proposed development makes sufficient on site provision for informal open space and equipped play space. Provision for allotments is not made on site, however Officers consider that a financial contribution could be made toward off site provision in accordance with the Council's standard per dwelling formula. With regard to outdoor sports, Officers again consider that an off-site contribution should be secured. In physical terms the site is not of a level topography and does not lend itself to the on-site provision of formal sports pitches. Moreover, the proposal is for up to 300 dwellings meaning that if land were provided on site for formal sports pitch provision the scheme would fall well below the 300 unit threshold and revert back to off-site contributions.

Off-site contributions are therefore required towards the provision of allotments and outdoor sports and further detail is set out in the heads of terms below in accordance with the Council's adopted open space documents. Off-site contributions are also required in accordance with Sport England's requirements for Indoor Sports provision.

The applicant has agreed to these contributions.

Construction Activity

In order to safeguard the amenity of existing residents in the locality a condition is recommended requiring the applicant to submit for approval a Construction Management Plan covering for example hours of working, the submission of a dust and mud control scheme and details of any piling to be carried out on site.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and proposes to discharge surface water run-off into the existing water course on the site as the ground conditions are not suitable for infiltration. This existing water course runs from east to west across the site before continuing under Colchester Road and into the River Blackwater.

A piped system would feed surface water run-off from the development into attenuation (holding basins) and a once in 100 years storm event and a 40% climate change allowance would be catered for as required by the lead local flood authority (LLFA).

Essex County Council as the LLFA have assessed the application in detail and have no objection subject to their standard conditions relating to the requirement for a detailed surface water drainage strategy at the reserved matters stage; the submission of a construction surface water management plan to control run off during the build phase and two conditions relating to long term SUDs maintenance and management plans.

The Environment Agency has also been consulted and has no objection to the proposed development although a condition was requested stating the following:

Any foul water strategy submitted to the Local Planning Authority should review and address the capacity issues at Coggeshall Water Recycling Centre before the development commences.

However, Anglian Water were also consulted and formally responded to the above condition request, advising that it would not be appropriate to impose it as it is Anglian Water's statutory obligation to provide sufficient capacity at water recycling centres for new developments and that Coggeshall Water Recycling Centre has already been identified as an investment scheme in relation to additional flow rates by Anglian Water.

Anglian Water also advise that development would lead to an unacceptable risk of flooding downstream in relation to the used water network, however they state that a drainage strategy has been prepared by the applicant in consultation with Anglian Water to determine mitigation measures. A foul water strategy is therefore required by condition to be submitted and approved prior to the commencement of development.

Agricultural Land

Paragraph 170 of the NPPF requires that the economic and other benefits of the best and most versatile agricultural land be taken into consideration when determining planning applications which would result in the loss of such land.

Footnote 53 to paragraph 171 states that (for Local Plan allocations) where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Although this footnote relates specifically to plan making and not the determination of planning applications it is still considered relevant insofar as it identifies the importance of the loss of agricultural land as a material planning consideration in the overall planning process.

The application site consists of 3 agricultural fields totalling approximately 17 hectares. The applicant has submitted a detailed Agricultural Land Classification Report which is based on soil samples taken on site. This report finds that the site contains approximately 14.9ha of best and most versatile agricultural land (primarily category 3a but also category 2).

The proposed development would therefore result in the loss of 14.9 hectares of best and most versatile agricultural land. Given the comparative size of the application site to the wider District which contains a high proportion of best and most versatile agricultural land the loss of this land is not considered to be significant.

Reserved Matters Timescales

The applicant has agreed at Officer's request, to reduce the time period for the submission of Reserved Matters from 3 years to 18 months. This is a significant reduction and is a material consideration when assessing the overall planning balance for the current outline planning application. It would result in the development being brought forward notably earlier than could normally be expected, which in turn would assist the Council's housing delivery rate.

Site Assessment Conclusion

There are no objections to the application from any statutory technical consultees with the exception of Sport England. However, as set out above the applicant has agreed to the required planning obligations in relation to both outdoor and indoor sports provision. Officers therefore consider that the applicant has, in accordance with the Council's standard procedures agreed to appropriate s106 mitigation measures with regard to formal sports provision.

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

Section 106

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

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in a rural area and the provision of 40% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement (contained within their Planning Statement) in support of the application confirming that 40% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 300 dwellings this would equate to 120 affordable dwellings.

The benefits of this aspect of the scheme in terms of social sustainability are clear and due weight must be given to this in the overall planning balance.

The Council's Strategic Housing Team have reviewed the application and would require the following:

- A tenure mix comprising 70% Affordable rent and 30% shared ownership
- Requirement for modest sized clustering of affordable units throughout the development (likely 4 locations)
- All affordable dwellings should be deliverable without reliance on public subsidy
- Requirement for proportionate delivery of affordable housing
- Requirement for all affordable homes (excluding bungalows) accessible at ground level to be compliant with Building Regulations Part M Cat 2
- Affordable dwellings should be compatible with Nationally Described Space Standards
- Affordable units that are accessed at ground floor level should be compliant with either Lifetime Homes standard or Part M Cat 2 of Building Regulations
- Shall include the provision of 4no. wheelchair accessible bungalows (2no. 2 bed 4 person Part M Cat 3a) and 2no. 3 bed 5 person (Part M Cat 3a)

Public 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. The proposed development makes sufficient on site provision for informal open space and equipped play space.

In terms of off-site contributions, the Open Space SPD would require a financial contribution of approximately £284,234 toward the off-site provision of, or improvements to outdoor sports facilities and £9,017 towards the provision of or improvements to allotments based on a development of 300 dwellings with the applicant's indicative dwelling mix.

These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed. In both cases priority would be given to securing these contributions against projects within Coggeshall Village. If no such projects can be identified then consideration would have to be given to projects further afield.

Education

Essex County Council has advised that the following contributions are required:

Early Years and Childcare – an additional 27 places would need to be provided with a developer contribution of approximately £470,394 (£17,422 per place at April 2018 rates) would be required.

Primary Education – a developer contribution of approximately £2,790,000 is therefore required to provide for an additional 90 pupils at St Peters.

Secondary Education – there will be a future lack of capacity at the Honywood School. An additional 60 places is required at an estimated cost of £1,392,840 (£23,214 per place) to mitigate the development's impact on secondary school provision.

NHS

NHS England advise that the development would give rise to a need for improvements to capacity, in line with Mid Essex Clinical Commissioning Group estates strategy, by way of refurbishment, reconfiguration, extension or potential relocation for the benefit of the patients at Coggeshall Surgery; a proportion of the cost of which would need to be met by the developer.

NHS England calculates the level of contribution required, in this instance to be £113,554. Payment should be made before the development commences.

Transport

The Essex County Highways Authority require the following to be secured by way of a Section 106 Agreement:

- a) Upgrade to current Essex County Council specification, the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- b) Improvements to the public footpath located north of Mount Road between the proposal site and St. Peter's Road (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- c) A travel plan in accordance with Essex County Council guidance

Habitat Regulations

A mitigation package to mitigate the development's impact upon the Natura 2000 sites. This will include a financial contribution towards off site mitigation at the Natura 2000 sites and is also likely to include on site mitigation measures. The final detail of the mitigation package will be agreed with Natural England as part of the Appropriate Assessment process.

Sport England

A developer contribution towards indoor sports provision in accordance with Sport England's standard calculator. Sport England advise that based on a development of 300 dwellings this would equate to £261,462. Sport England split this into a sports hall project category and a swimming pool project category. However, Officers consider that there should be some flexibility with this with the aim of this money being spent on indoor sports projects within Coggeshall village. If no such projects can be identified then the contributions would have to be allocated to projects further afield however it is considered that this should be the fall-back position.

Planning Balance and Conclusion

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

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31st March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan

must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

The proposed development would bring significant and demonstrable social and economic benefits with up to 120 affordable dwellings and 180 private dwellings to help meet the housing need within the District. Furthermore, the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application from 3 years to 18 months leading to earlier delivery of the site. The construction of a 4,500sqft nursery/community building would also bring associated economic benefits with limited job creation which a residential only development would not. This must however be balanced against the loss of employment on the garage which currently occupies a small part of the site.

Environmentally, the site is located in a sustainable position within the context of the District, being immediately adjacent to one of the Key Service Villages which sits toward the top of the settlement hierarchy with its associated services and facilities. The applicant proposes a new pedestrian link from the application site to Colne Road with the closest bus stop (which provides

regular services to the wider area) being located approximately 20m from this link's termination point. Distances from the far side of the site to this bus stop would however vary with the northern part of the site lying within a 400m walking distance and the outer distance to the southern part of the site being approximately 650m – 700m. The village centre is located approximately 1km from the site which is longer but is comparable to the existing dwellings located on the village's outer edge (but within its envelope) at Tilkey Road and Monksdown Road.

Future residents would therefore have access to the wider area and main towns by public transport and there are direct pedestrian links to the village centre although walking distances are noted as being longer. The proposed nursery/community building would also be located on the site with associated ease of access.

Other benefits which weigh in favour of the development include financial contributions towards the off-site provision of outdoor sports facilities and allotments; the upgrading of two existing bus stops and the provision of public open space on site which could be used by both new and existing residents in the locality.

The development would also generate a number of construction jobs during the build phase.

The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

The adverse impacts of the proposal are limited. There would be the loss of an area of best and most versatile agricultural land, however this is not significant within the wider context of the District. The site is also greenfield, however the degree of ecological harm is limited and the Council's Ecology Officer has identified a number of mitigation and enhancement measures which could be achieved by way of condition.

The proposal would be contrary to the Coggeshall Neighbourhood Plan but this Plan has not been published for its first round of public consultation and can be given only very limited weight.

The landscape impact of the proposal has been assessed both by the BDC Landscape Officer and independently on behalf of the Local Planning Authority by an external expert Landscape Consultant and the degree of landscape harm is considered to be relatively low with regard to the wider local setting. In terms of heritage, substantial harm is not identified and there is no specific less than substantial heritage harm identified which could not be mitigated by way of strong landscape planting and the control of the built form at reserved matters stage.

Many objections have been raised from local residents with a particular focus on highway impact and impact upon the village's existing infrastructure. However, neither the Local Highways Authority nor Highways England object to the proposal. The NHS and ECC Education also do not object to the proposal subject to their required s106 obligations being secured.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the moderate weight afforded to the conflict with the Development Plan. Officers therefore consider the proposed development would constitute sustainable development and recommend that planning permission is granted.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The Habitat Regulations Appropriate Assessment report being agreed with Natural England; and
 - 2) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
- **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered (likely in four areas of the site); delivered without reliance on public subsidy; delivered proportionately; all affordable homes (except bungalows) that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all affordable units to be compliant with Nationally Described Space Standards; shall include provision of 4no. wheelchair accessible bungalows (2no. 2 bed 4 person Part M Cat 3a) and 2no. 3 bed 5 person (Part M Cat 3a).
 - **Public Open Space** (financial contribution toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. (Allotments contribution to be amalgamated with outdoor sports provision contribution if no allotments projects identified). Specific projects to be identified by Officers. Open space specification, plan and management plan required for approval by the Council in relation to on-site public open space).
 - **Education** (financial contribution towards Early Years and Childcare; Primary Education and Secondary Education).
 - **Healthcare Provision** (financial contribution of £113,554. Trigger point for payment being prior to commencement of development).

- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Highway Works** (Improvements to the public footpath located north of Mount Road between the proposal site and St. Peter's Road (details shall be agreed with the Local Planning Authority prior to commencement of the development)).
- **Upgrading of bus stops** (The upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority).
- **Habitat Regulations** (A mitigation package to mitigate the development's impact upon the Natura 2000 sites. This will include a financial contribution towards off site mitigation at the Natura 2000 sites and is also likely to include on site mitigation measures. The final detail of the mitigation package will be agreed with natural England as part of the Appropriate Assessment process).
- **Sport England** (financial contribution towards Indoor Sport provision in accordance with Sport England's development calculator)

The Planning 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 Planning Development Manager may use his delegated authority to refuse the application.

APPROVED PLANS

Location Plan	Plan Ref: COGG-SL-000
Proposed Phasing Plan	Plan Ref: COGG-PP-001
Land Use Parameter Plan	Plan Ref: COGG-PAR-002 REV A
Density Parameters Plan	Plan Ref: COGG-PAR-003 REV A
Height Parameters Plan	Plan Ref: COGG-PAR-004 REV A
Access Details	Plan Ref: 26359-SK-01 REV A

1 Details of the:-

- scale;
- appearance;
- layout of the building(s); and
- 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 18 months from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 300 dwellings (including up to 40% affordable) nursery/community facilities (420m²) and provision of access, roads, drainage infrastructure, open space and strategic landscaping and the demolition of the existing garage/workshop building and shall demonstrate compliance with the approved plans listed above.

Reason

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

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

Reason

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

- 4 No occupation of the development shall take place until a priority junction off Colchester Road to provide access to the proposal site as shown in principle on the approved access Drawing 26359 - SK01 - REV A has been constructed in full.

Reason

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

- 5 No occupation of the development shall take place until a pedestrian/cycle/emergency vehicle access with dropped kerbs and tactile paving in Tey Road as shown in principle on the submitted drawings has

been constructed in full.

Reason

To ensure that the emergency access is constructed to an acceptable standard in the interests of highway safety and to ensure the development is accessible by more sustainable modes of transport.

- 6 Prior to the commencement of development details of a footway or other measures to aid pedestrians along Tey Road between the proposal site and Colne Road as shown in principle on the submitted drawings shall be submitted to and approved by the Local Planning Authority. No occupation of the development shall take place until the footway or other measures has been constructed in full in accordance with the approved details.

Reason

To ensure the development is accessible by more sustainable modes of transport. The details are required prior to the commencement of development to ensure that the scheme is built in accordance with the approved details from the outset.

- 7 Prior to first occupation of the development the improvement work shown in outline on WSP Drawing Number 26359-SK-04 P01 Colchester Road Coggeshall Off site Highways Works dated October 2018 shall be completed in accordance with a detailed scheme submitted for approval by the Local Planning Authority in consultation with Highways England. The detailed scheme shall include drawings and documents showing the following:

How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations;

- Full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis;
- Full signing and lighting details where applicable;
- Confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
- Evidence that the scheme is fully deliverable within land in the control of either the Highways Agency or the applicant;
- An independent Stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

Reason

To ensure that the A120 will continue to fulfill its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 'Planning and the Strategic Road Network' to satisfy the reasonable requirements for road safety.

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

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust; particle matter and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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

Reason

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

- 9 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

- 10 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by 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

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing of the Local Planning Authority in accordance with condition 11.

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

- 13 a) No development or preliminary groundworks shall commence until a programme of archaeological evaluation 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.
- b) Where further work has been identified from the archaeological evaluation required under a) above a mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority for approval prior to the completion of this work.
- c) 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 required by b) above, and which has been signed off by the local planning authority through its historic environment advisors.

d) Within 6 months of the completion of fieldwork required under a) and/or c) the applicant shall submit to the Local Planning Authority a final report or detailed publication proposal for the dissemination of the results of the project.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological evaluation is required prior to the commencement of development to ensure that the evaluation is carried out before construction works start which could damage archaeology on the site.

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

The scheme shall include but not be limited to:

- Limiting discharge rates from the site to the 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient surface water storage so that runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood, no part of the site floods in a 1 in 30 year event, and 1 in 100 year event in any part of a building or utility plant susceptible to water within the development.
- 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 climate change event.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SUDs Manual C753.
- Final modelling and calculations of all areas of the drainage system.
- 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 summarizing the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the development.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SUDS features over the lifetime of the development and to provide mitigation of

any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that a system is not installed which is insufficient to deal with surface water during rainfall events which could lead to increased flood risk and pollution from the site.

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

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site and methods for preventing or mitigating this should also be proposed. These details need to be agreed prior to the commencement of development to ensure that measures to minimize the risk of offsite flooding and/or pollution are in place when works commence on the site.

- 16 No development shall commence until the submitted SUDs Maintenance and Management Plan is updated with details of long term funding arrangements, including accounting for any amendments to the drainage strategy at detailed design stage, has been submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that a system is installed which is properly maintained.

- 17 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.

- 18 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site as identified in the submitted Arboricultural Assessment completed by EDP dated July 2018 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. The tree protection details are required prior to the commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

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

Reason

To prevent environmental and amenity problems arising from flooding. The strategy is required prior to the commencement of development to ensure that the development is carried out in accordance with the approved strategy from the outset.

- 20 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage and signs. The Landscape scheme shall also set out how the landscaping will be completed in relation to each phase of the development and in particular the timescales for the completion of the

noise bund and its associated planting and for the proposed planting adjacent to the Essex Way.

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

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

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

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

Reason

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

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

Reason

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

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

Reason

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

- 23 Any Reserved Matters application relating to layout shall be accompanied by a strategy for the following:

- details of a strategy for fibre broadband provision to the new dwellings
- details of a strategy for the provision of electric car charging points

The Development shall be carried out in accordance with the approved strategy.

Reason

To ensure that an acceptable level of broadband provision is made to each of the new dwellings.

- 24 Prior to the installation of any external lighting a lighting design strategy for bats shall be submitted to and approved in writing by the LPA. The Strategy shall;

i. Identify areas/features on the site that are sensitive for all bat species on the site and in particular Barbastelles and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging; and

ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats or otters using their territory or having access to their breeding sites or resting places

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be permanently maintained thereafter in accordance with the strategy. No additional external lighting shall be installed.

Reason

To ensure there is no harm or disturbance to a protected/priority species.

- 25 All garden sizes across the development shall comply with the minimum standards set out in the Essex Design guide 2005 which requires the following:

- A minimum of 100sqm for 3 or more bed houses;
- A minimum of 50sqm for 1 or 2 bed houses;
- A minimum of 25 sqm of private amenity space for all flats. Balconies or terraces over 5 sqm in extent may count towards the total garden provision for flats provided that the Local Planning Authority considers that they are acceptable in terms of design and amenity.

Reason

To ensure an acceptable level of amenity for future occupiers of the development and to ensure the detailed design and layout is of a high quality.

- 26 No development, preparatory ground works or vegetation clearance shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority (LPA). The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities
 - b) Identification of biodiversity protection zones
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and must include pollution prevention/ control)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - h) Use of protective fences, exclusion barriers and warning signs.

The CEMP should refer to the recommendations arising from the Ecological Appraisal and Protected Species Surveys and give particular regard to:

- Badger and Otter (and other small mammals. i.e. hedgehogs) during construction and vegetation removal.
- Nesting birds (including ground nesting)
- Protection of the stream/wet ditches from pollution run off
- Lighting of areas/features used by bats for feeding, roosting and foraging
- Protection of retained trees and hedgerows

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

The information is needed prior to commencement of the development to ensure the long term survival of protected species.

- 27 No development shall take place until details of the proposed ecological enhancement of the site are submitted to and provided in writing by the LPA. It should include new habitat creation, particularly the proposed SUDs scheme which should be enhanced for biodiversity, wildflower planting/seeding of attenuation basins and detail the proposed habitat improvement/retention including buffer zones and green

infrastructure/wildlife corridors (including treatment of gaps in hedging to allow continuous foraging commuting routes for bats and provision of dark areas), refugia sites and hibernaculum creation and creation of basking sites for reptiles, and connectivity to wider habitats. The provision of bird nesting and bat roosting boxes which where appropriate should be integrated into the building design and must include integrated swift bricks/boxes. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

Reason

In the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures. This information is needed prior to commencement of the development to ensure that the development is carried out in accordance with the approved details from the outset.

- 28 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. The agreed details shall be adhered to throughout the piling process.

Reason

To protect the amenity of existing residents in the locality.

- 29 Prior to the commencement of development the applicant shall submit for approval by the Local Planning Authority a landscape strategy setting out the timescales for the delivery of the proposed noise bund and its associated planting and for the proposed planting alongside the Essex Way.

The strategy shall set out how each of these elements will be delivered alongside each phase of the development. The strategy will specifically detail how the first section of the Noise Bund which is defined as the length of the Noise Bund defined by the extent of the yellow (P1) and orange (P2) areas on approved Phasing Plan COGG PP 001 shall be completed prior to occupation of the first dwelling and how the second section of the Noise Bund which is defined as the length of the Noise Bund defined by the extent of the purple area (P3a) on approved Phasing Plan COGG PP 001 shall be completed prior to the occupation of the 150th dwelling. The strategy will also specifically detail how the proposed Landscaping to the Essex Way corridor through the site will be implemented at an early stage in the development with a target of prior to the occupation of the 50th dwelling.

The development shall be implemented in accordance with the approved details and timescales.

Reason

To ensure that the identified landscape components are implemented at the earliest possible stage in the development to give them the maximum

time to establish as landscape mitigation. The strategy is required prior to the commencement of development to ensure that the development is carried out in accordance with the agreed details from the outset.

- 30 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

Reason

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

- 31 The applicant shall provide details of how internal ambient noise level criteria in BS8233 (Guidance on Sound insulation and Noise Reduction for Buildings) Table 4 and external noise upper guideline value of 55dB(A) and LAfmax in bedrooms of 45dB(A) (WHO guideline level) between 2300 and 0700 hours will be achieved. A scheme of noise mitigation (to include a scheme of maintenance where appropriate) shall be provided to the Planning Authority for approval. The approved scheme shall be implemented prior to occupation of the residential premises.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

- 32 Prior to its construction details of the proposed construction of the noise bund shall be submitted to and approved by the Local Planning Authority. These details shall include predicted construction traffic vehicle movements in relation to the construction of the bund and measures both to control these vehicle movements and to control dust and noise from the bund construction process. The construction of the bund shall be carried out in accordance with the approved details.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

INFORMATION TO APPLICANT

- 1 All residential developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and will ensure that the new street is constructed in

accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

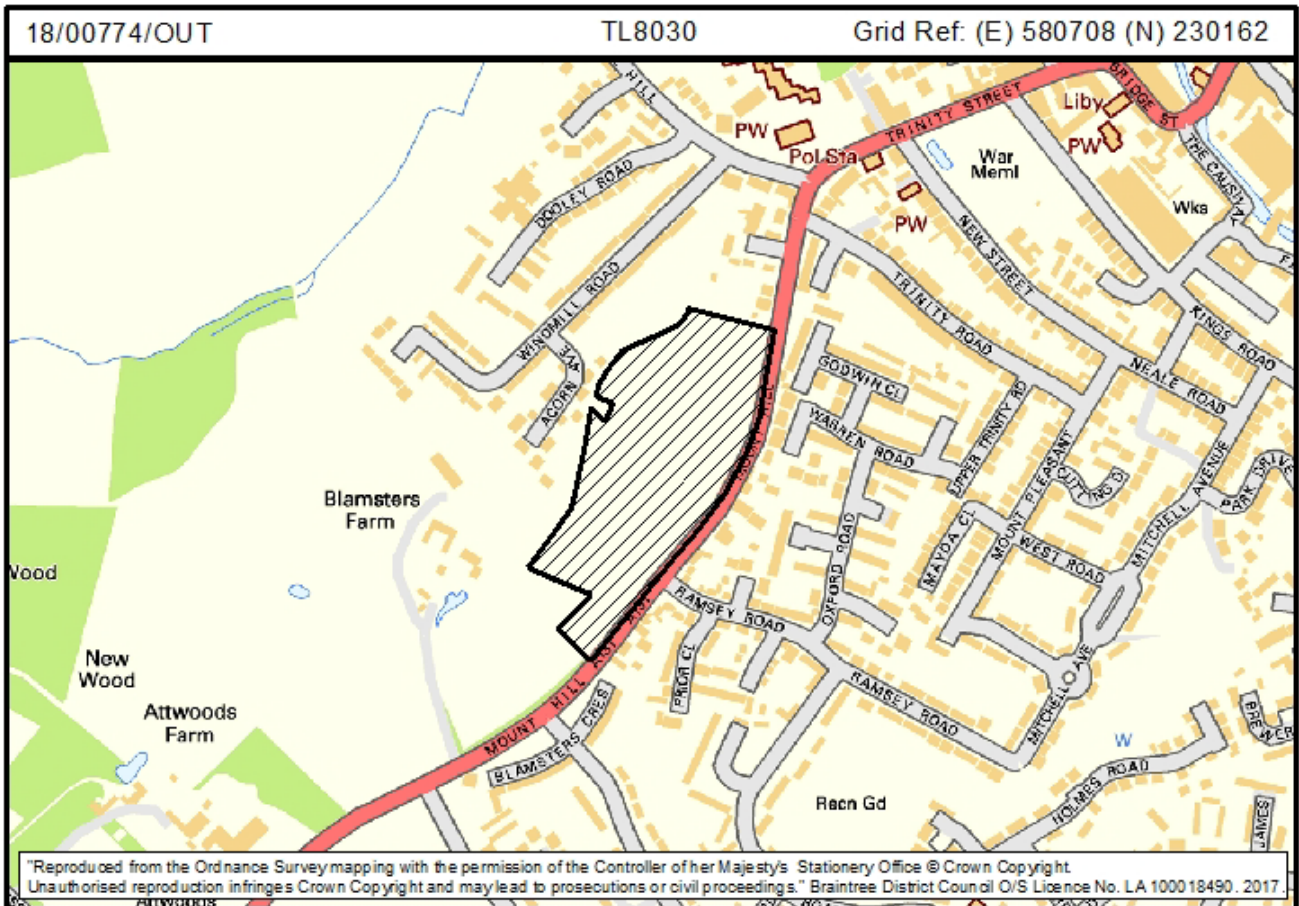
- 2 Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- 3 All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
- 4 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority with details to be agreed before the commencement of work. You are advised to contact the Development Management team at development.management@essexhighways.org or SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester C049Y.
- 5 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 6 You are reminded that under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Vegetation clearance should therefore take place outside of the nesting bird season or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified Ecologist. Any active nesting sites must be cordoned off and remain undisturbed until young birds have fledged.
- 7 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.
- 8 Your attention is drawn to the Essex County Council SUDs consultation response dated 20th August 2018 which includes a number of SUDs informatives to which you should have regard.
- 9 Your attention is drawn to the Highways England Consultation response of 24th October 2018 and in particular to the Informative contained therein in relation to Section 278 Agreements.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00774/OUT DATE: 10.05.18
 VALID:
 APPLICANT: Tesni Properties Ltd & Messrs SH Cooke, JS Cooke & AN Cooke
 Tesni Properties Ltd, Linden House, Mold Business Park, Wrexham Road, Mold, CH7 1XP
 AGENT: Roman Summer Associates Ltd
 Richard Gee, Lime Leach Studio, 363 Rochdale Road, Turn Village, Ramsbottom, Bury, Lancashire, BL0 0RL
 DESCRIPTION: Application for Outline Planning Permission with Some Matters Reserved except Access, Layout and Scale -
 Erection of 71 dwellings with associated garages, garden curtilages, a Sustainable Urban Drainage system (SUDS), public open space, hard and soft landscaping.
 LOCATION: Land West Of, Mount Hill, Halstead, Essex

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



SITE HISTORY

18/00076/NONDET	Application for Outline Planning Permission with Some Matters Reserved except Access, Layout and Scale - Erection of 71 dwellings with associated garages, garden curtilages, a Sustainable Urban Drainage system (SUDS), public open space, hard and soft landscaping.		
18/00001/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Proposed outline planning application to promote housing development with associated access and associated works at the above site	Screening/ Scoping Opinion Adopted	18.01.18

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing

LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP71	Landscape Character and Features
LPP72	Green Buffers
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

Open Space SPD

Parking Standards – Design and Good Practice (September 2009)

Other Guidance

Landscape Character Assessment (2006)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation, as the development represents a departure from the adopted Development Plan and is therefore an application which has significant policy implications. Members should be aware however, that the applicant has submitted an appeal on this application on the grounds of non-determination. This application is therefore being reported to the Planning Committee to enable the Council to advise how the application would have been determined.

SITE DESCRIPTION

The application site comprises an agricultural field with an area of 3.9 hectares. The site lies adjacent to the town boundary of Halstead and is enclosed on all side by mature trees and hedging. There is a significant change in levels across the site, with the land being higher in the southern corner of the site and over 18m lower in the northern corner of the site.

The site has an existing vehicular access onto Mount Hill.

Mount Hill runs along the eastern boundary of the site and to the north are the residential dwellings in Greenbanks. Part of the western boundary abuts residential dwellings in Windmill Road and Acorn Avenue. The remainder of the boundary adjoins countryside which includes the Grade 2 listed Blamsters Farmhouse and an allocated site for specialist housing.

The site is located in close proximity to the Halstead Conservation Area and Grade II* listed Holy Trinity Church.

PROPOSAL

This application seeks Outline Planning Permission for the development of 71 dwellings with associated garages with public open space, hard and soft landscaping and sustainable drainage system (SuDS).

As part of this outline planning application, the applicant seeks approval for access, scale and layout are submitted for consideration at this stage, and details regarding landscaping and appearance are reserved for future consideration.

The submitted plans indicate that the main vehicular site access would be off Mount Hill utilising an existing access and would include a footway to connect to the existing footway that runs along Mount Hill from Greenbanks.

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. In the case of this application, approval is being sought for access, layout and scale.

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

- Planning Statement;
- Badger Survey Report;
- Heritage Assessment;
- Design & Access Statement;
- Extended Phase 1 Habitat Report;
- Flood Risk Assessment and Drainage Strategy;
- Landscape and Visual Impact Appraisal;
- Desk Top Study
- Transport Assessment;
- Arboricultural Impact Assessment

The density of the development would be approximately 18 dwellings per hectare over an area of 3.9ha. The site layout plan also indicates public open space, play space, a pond and landscaping.

CONSULTATIONS

BDC Environmental Health - No objections, conditions suggested.

BDC Waste Services - At this stage (Outline) I have no comments on the application as there are no details regarding the waste collection plan/strategy. Once this information is available, I will be able to provide appropriate comments on the adequacy of provisions for the waste collection service.

BDC Landscape Services - The levels change across the site could have a significant impact on existing properties to the north, as well as any new properties to the west, being significantly lower than the new dwellings they would back on to.

There appear to be inconsistencies within the Tree Survey regarding tree categories. There are a number of individuals and groups that are listed as having good condition and form, with 40+ life span that are categorised as C. Even if these trees do not have that special quality necessary to be Cat A I do not see why they are not at least Cat B.

BDC Ecology - No objection- Further information has been submitted as requested (Reptile Presence/Absence Survey, October 2018 and Addendum Report October 2018, Atmos Consulting). The additional documents are satisfactory and the original holding objection can be removed.

ECC Highways - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority and conditions are suggested including footway connections, bus stop upgrades and provision of visibility splays.

Essex Police Architectural Liaison - Comments regarding promoting safe and secure design.

Anglian Water - No objection, conditions suggested.

ECC Suds - Holding objection due to an inadequate Surface Water Drainage Strategy. The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore, the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

BDC Housing Research and Development - In accordance with policy CS2 of adopted Core Strategy, the outline proposal for up to 71 residential dwellings requires 30% to be provided as affordable housing which would equate to 22 affordable dwellings. The application indeed recognises this in the submitted Planning Statement.

ECC Independent Living / Extra Care - No comments received.

NHS - In its capacity as the primary healthcare commissioner, NHS England has identified that the development will give rise to a need for additional

primary healthcare provision to mitigate impacts arising from the development. NHS England calculates the level of contribution set required, in this instance to be £26,818. Payment should be made before the development commences.

Natural England - Natural England has no comments to make on this application.

ECC Historic Buildings Consultant - Objections- full text is referred to later in the report.

ECC Education - Request a contribution of £316,317 towards local primary provision.

ECC Archaeology - No objection, conditions recommended.

REPRESENTATIONS

Halstead Town Council - Cllr Mrs Pell proposed objection to this application for the following reasons: 1) there is an issue regarding Highways with congestion on the A131. 2) the area is not identified for development in the Local Development Plan. 3) Disturbance of historic buildings and landscape. 4) disturbance to wild life and in particular the large badger sett. 5) concerns regarding conditions raised by Police and Anglian Water Authority. 6) inadequate money set aside for provision of NHS cover. 7) the site would overlook properties in Greenbanks and also Acorn Avenue. Proposal was seconded by Cllr Mrs Sutton and carried unanimously.

15 representations received making the following comments:

- No provision for this land in the Local Plan
- Concern about surface drainage water and the impact on the neighbouring property
- Vehicular access onto Mount Hill dangerous and will increase traffic on Mount Hill
- Loss of privacy to properties in Greenbanks, Monklands, Warren Road and Acorn Avenue
- Concern about subsidence to nearby properties by water
- Concerns about flooding
- Concern about harm to the nearby listed buildings
- This application should be resisted due to the environmental issues surrounding the site
- Increased burden on the existing doctor's surgery
- Insufficient school places
- Greenfield and an abundance for wildlife
- Loss of hedge
- Oppressive and overbearing
- Brownfield sites should be developed instead of greenfield
- Social housing needs to be equally distributed through the site

- Concern about mix of affordable housing
- Low water pressure
- Halstead already has significant new developments
- Plans do not show existing foul sewer pipe and that this will not be able to cope with the new dwellings
- Too many new homes already in Halstead
- Can BDC make an impartial decision on this application, as previous applications with many objections have been granted permission?
- Loss in value to nearby properties
- Properties would not be priced for local residents

North East Essex Badger Group - We note the ecology report showed a disused badger sett close to the site. We would like to draw attention to the presence of an active sett badger sett and this was checked on 18th May 2018 and at least 3 active entrances were found. This is historically an area of badger persecution and we have found that the badgers tend to move quite a lot so the disused sett may well become active again. There is also a further currently disused sett not far away. There are regular badger casualties from this group of setts.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

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

5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in

accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31st December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31st March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Town Designation and Location

The site was put forward as a residential allocation (HATR304) during the 'Call for Sites' but was not chosen for inclusion as set out in the following extract of the Officer report to the Local plan Sub-Committee on 26th May 2016:

"4.158 Officer comments - The site is in a site classed as Medium sensitivity to change and on the approach to Halstead and close to a Listed Building. This is a large site whose development would be clearly apparent from this busy and important approach into Halstead. This site is still considered to make a positive contribution to the approach into Halstead.

4.159 This is a sizable site which would have some negative impacts on landscape quality. Sufficient housing has been allocated elsewhere within the district to meet the housing requirements and a site of this scale is not required to meet the housing targets".

A representation was received supporting the site's allocation for residential use. This was considered at the Local plan Sub-Committee on 15th February 2017 where the following opinions were made by officers:

5.60 Notwithstanding the arguments put forward to the contrary, officer's opinion is that this site makes a positive contribution to the character of the town and its openness gives a sense of the countryside extending into the settlement and in doing so retaining something of its character as a market town and relationship with the countryside. It is a sizable site whose development which would be apparent from the main route to Braintree and would have negative impacts on the approach into Halstead.

The Town Council in their comments had referred to the site as a green lung.

No representation was received in relation to the Publication Draft Local Plan.

The Local Plan Committee have had the opportunity to approve this site as a residential allocation on a number of occasions and have not done so. Value was placed on the importance of the site to the approach to Halstead.

Sustainable Development

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. The site is located within 15m of the town boundary for Halstead and is within reasonable walking distance to the services and facilities provided within Halstead.

Overall it is considered that the site is located in a sustainable location on the edge of Halstead. Given the location of the site, it is considered that the site is not isolated and would not conflict with the requirements of Policy CS7 and this weighs in favour the proposal in the overall planning balance.

Impact on Heritage Assets

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

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

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

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

Policies RLP90 and RLP100 of the Adopted Local Plan and Policies LPP50 and LLP60 of the Draft Local Plan seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building.

As recognised by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to

the asset's conservation – the more important the asset, the greater the weight should be given. Accordingly, the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting.

The setting of a building, whilst not an asset in itself, can contribute to the significance of the asset. The Planning Practice Guidance identifies setting as *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*

The site of the proposed development is adjacent to two Grade II designated heritage assets, Blamsters farmhouse to the south-west and the Three Pigeons Public House to the south. It is also in close proximity to the Halstead Conservation Area, within which are numerous designated and non-designated heritage assets including the Grade II* Holy Trinity Church.

Blamsters Farm has historically been distinctly separate from the settlement of Halstead with the Conservation Area boundary demarcating the nineteenth century extent of the town. The application site performs an important role in preserving this separation despite later twentieth century outward sprawl with the detached relationship between the two still evident. Breaks in the hedgerow offer intermittent glimpsed views across the application site towards Blamsters from Mount Hill which allow for the former farm still to be experienced within an open agricultural setting. The site is considered to make a positive contribution to the significance of Blamsters Farm and the Halstead Conservation Area and allow their significance to be appreciated. Any harm to elements of a setting which make a positive contribution to the significance of an asset and assists in our appreciation of a heritage asset should require clear and convincing justification.

The present application seeks permission to erect 71 dwellings across the site with associated garages and hard / soft landscaping. The development of this site in the manner proposed would have a profound effect upon the character of the local street scene by introducing a new urban edge upon the southern approach to Halstead, in effect detaching the Conservation Area by approximately a further 300m from its historic open agricultural landscape setting. Whilst the open agricultural setting of the Conservation Area has already been compromised by twentieth century development, the local planning authority should consider the implication of cumulative change, in this instance removing an important remaining 'green wedge'. Plots 1-6 are considered to be particularly prominent and overbearing upon the streetscene.

It is considered that the proposed scheme would result in the loss of intermittent views of Blamsters which allow the heritage asset to be experienced within an agricultural setting. The proximity of the development to the former farm would also alter outward views from the Blamsters site, bringing the urban sprawl of Halstead into much closer proximity than existing

and thus reducing further its sense of detachment and isolation from Halstead town.

As a result the proposed development would have an adverse impact upon Blamsters and the Halstead Conservation Area. Officers have concluded that the scheme fails to make a positive contribution to local character and distinctiveness (NPPF Paragraph 192). For the purposes of this assessment this harm is considered to represent less than substantial harm to the listed building and Conservation Area. The local planning authority are therefore required to weigh this harm against the public benefits of the proposal (NPPF Paragraph 196) and consider whether there is clear and convincing justification for the harm (NPPF Paragraph 194).

The proposal would result in a number of benefits which would clearly weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would deliver public benefits including 49 market homes and 22 affordable homes, making a notable contribution towards the Council's housing land supply. It is acknowledged that the application site is located in a sustainable location, adjacent to the Town Boundary of Halstead.

It is also recognised that there would be economic benefits during the construction process and after the occupation of the dwellings through residents using local facilities. These benefits are application to housing development generally and given the scale of the development these benefits should only be given moderate weight.

Against these benefits, the proposed development would have an adverse impact upon Blamsters and the Halstead Conservation Area. Although it is considered that the level of harm would be less than substantial harm in this case. However the cumulative harm to the above heritage assets must be considered holistically as widespread harm upon the historic environment further to that upon the Conservation Area.

In these terms, the harm to designated heritage assets is considered to outweigh the public benefits of the development.

Design, Appearance and Layout

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

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as

increased densities), and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

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

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

The Council has adopted the Essex Design Guide (2005) as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Braintree District Local Plan Review requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Whilst being an outline application details of access, layout and scale have been submitted for consideration.

The proposal includes private rear gardens for all of the dwellings that comply with the minimum standards from the Essex Design Guide.

The application site contains a significant change in levels which results in a site with considerable constraints and it is considered that the proposed development fails to provide scheme of good design.

In particular Plots 5 and 6 do not address Mount Hill and present a poorly elevated side elevation to the principal street, from which the proposal should take its character. This will be the first building on this side of the street when approaching Halstead from the south. The rear garden and side elevation provides a poor sense of arrival for the town which is less than positive, and not appropriate.

The layout features a poor entrance to the development with alien shaped houses that are not of the local vernacular (Plots 23, 24, 69 and 70). These 45 degree shapes are detached and feature an unsightly narrow gap between them on to which the eye will focus. This is considered to be poor townscape design and alien to the character of local built form.

The entrance to the development is also dominated by poorly accommodated car parking that is forward of the building line and visually unattractive. Parking is generally poorly arranged across the site with much of its prominence unnecessary given the relative inefficiency of the layout.

The proposal creates an inappropriate relationship between Plot 61 and Plot 60. The termination of the cul-de-sac against the garden of Plot 60 is poor design. It is also considered that other poorly accommodated turning heads should be removed from the private space between plots. The turning head between Plots 7 and 8 could be more suitably accommodated at the end of the street in lieu of the private drive. This turning head has visitor parking between private gardens which is considered to be particularly poor design.

Plot 55 has a rear garden overlooked by existing apartments in Acorn Avenue. The sitting out area of the this new dwelling is protected by the privacy standards in the Essex Design Guide which state that there should be 35 metres of separation from habitable rooms of upper floor flats and private sitting out areas and 35 metres from the back of the flats extends to the garage of Plot 54.

Plots 51 and 52 have a public open space next to their gardens and car parking. The primary elevations are not addressing the open space which makes gardens and parking more vulnerable in publically accessible locations. Only Plot 52 faces onto the central public open space in a way and at a height that provides surveillance of the space. Plot 53 is not a corner turning design and is orientated to face away from the play space. The isolated car parking of Plot 71 is also poor design in the setting of the open space.

The layout appears to retain a number of tree belts but these are placed in multiple private gardens, which does not secure the future of a feature the application is seeking to have retained.

In summary, it is considered that the proposed development by virtue of its layout would be out of keeping with the existing pattern of development in the area. The proposal would have an urbanising effect in this rural entrance into Halstead and would have a detrimental impact upon the character and appearance of the area.

Landscape and Visual Impact

Policy CS8 of the Adopted Core Strategy requires development to have regard to the character of the landscape and its sensitivity to change. Where

permitted it would need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

The 2007 Landscape Capacity Study referred to this area as H5 wherein the topography map shows it as lying on high ground near the higher area of plateau. In this assessment, the hedge is shown as a key Woodland Blocks and Tree Belts. The site itself is shown as a pre 18th century enclosure. Summary for area H5 is below.

Landscape Character Sensitivity

High sensitivity overall due to its patterns of semi-natural vegetation, hedgerow structure in good condition, its strong structure of pre-18th century field enclosures, its strong and generally unified rural character, which provides the setting to southern Halstead.

Visual Sensitivity

Medium to high visual sensitivity overall as the valley side slopes are visually prominent in the wider landscape.

Landscape Value

Medium to high value due to Special Landscape Area, good access to the area by public footpaths; listed buildings within scattered farms; and sense of remoteness and tranquillity.

The 2008 Landscape Character Assessment shows the site as being within F1 Gosfield Wooded Farmland. The “Visual Characteristics” mentions that the extent of the views are determined by the topography and distribution of woodland. Proposed Landscape Strategy Objectives include seeking “to protect and enhance positive features that are essential in contributing to local distinctiveness and sense of place through effective planning and positive land management measures” and “to improve the integrity of the landscape, and reinforce its character, by introducing new and/or enhanced elements where distinctive features or characteristics are absent.”

Suggested Planning Guidelines are as follows

- Consider the visual impact of new residential development and farm buildings within the wooded farmland.
- Ensure any new development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

The Halstead Settlement Fringe Study 2015 shows the site as countryside (area H5) which is an area having a generally Low Landscape Capacity. The parcel itself - 6g, is classed as being of Medium Landscape Capacity.

“4.4 Parcels 1e and 6g are framed by the road corridors that extend away from the town, follow the existing angular residential development edge,

respond to locally steep stream valley landforms, and extending to boundary hedgerows and groups of trees around Blamster's Farm".

The landform is a strong component of the landscape character.

This study mentions possibilities of mitigation for development including enhancing the tributary valley vegetation and creating a wildlife corridor. Another mitigation is linking footpaths to existing housing development to development on the east side of the A131 and to Tidings Hill as well as the rural farmland area to the west and around Whiteash Farm.

Paragraph 4.36 mentions

".... development would need to safeguard, and be potentially framed around, views along the falling valley slopes towards landmark features in Halstead to the northeast."

Notwithstanding the Landscape Character Assessment categorisation of the site as having a medium capacity, the Local Plan Committee placed value on its contribution to the approach to Halstead as outlined above and in spite of a number of opportunities to allocate the land has not done so.

The site and surrounding area has been considered in the Landscape Character Assessments undertaken as part of the Local Plan evidence base. The site is within Landscape Setting Area H6 and 6g which identifies that this area has a medium capacity for change. It is considered that the proposal would create a significant amount of development along the western side of Mount Hill that would be visually intrusive and harmful in the countryside and detract from the surrounding landscape, and particularly as the site forms a rural entrance in to the town of Halstead. As the site levels change across the site and appear to be higher than Mount Hill, this may result in the dwellings being at a noticeably higher level than the adjacent road and existing development which may further increase the impact of the proposal.

Impact on Neighbour Amenities

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

Given the significant change in levels across the site, it is considered that a number of the relationships between the potential new dwellings within the site would be compromised, and would result in unacceptable level of overlooking between dwellings. The proposed layout plan indicates four dwellings at the north of the site would back onto existing properties in Greenbanks. These new dwellings would sit on higher ground and are likely to lead to a loss of privacy to the neighbouring occupiers in Greenbanks. It is therefore considered that the proposal would be contrary to the above policies and would have a detrimental impact on the neighbouring properties.

Highway Issues

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

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

Having reviewed the Transport Assessment, the Highway Authority is content with its conclusions.

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

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

Car Parking

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street parking in accordance with the Council's Adopted Parking Standards. Given the mix of properties, 140 off-street car parking spaces and 18 visitor spaces would be required. Details of the layout have been supplied and this number of parking spaces has been shown to be accommodated within the site. Notwithstanding this, the proposed layout of the site results in a very 'car' dominant design that would not be acceptable.

Trees and Ecology

Policy RLP80 of the Adopted Local Plan and Policies LPP 68 and LPP71 of the Draft Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping

including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft Local plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

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

An Extended Phase 1 Habitat Survey (April 2018) has been submitted with this application. The report has been prepared by a suitably qualified ecologist, provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups.

Further information has been submitted as requested by the Council's Ecologist (Reptile Presence/Absence Survey, October 2018 and Addendum Report October 2018, Atmos Consulting). The additional documents are satisfactory and the original holding objection has been removed. A number of conditions are requested regarding an Ecological Enhancement Plan, Landscaping and Ecological Management plan, pre-commencement badger survey and protection for badgers during construction, lighting scheme and Reptile Mitigation method Statement.

Trees

There are inconsistencies within the Tree Survey regarding tree categories. There are a number of individuals and groups that are listed as having good condition and form, with 40 year plus life span that are categorised as C. Even if these trees do not have that special quality necessary to be Category A it has not been sufficient demonstrated why these trees have not be assessed as category B specimens. Given this it is considered that an increased number of trees are indicated to be removed from the site than are necessary. The unnecessary removal of a number of trees would result in development that would harm the character of both the site and wider area along this important rural entrance in to Halstead.

Drainage and Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not

increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

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

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

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development.

The Lead Local Flood Authority (LLFA) at Essex County Council have reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, and raise an objection to the granting of planning permission based on the following:

Inadequate Surface Water Drainage Strategy

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore, the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted strategy fails to satisfy the following:

- Infiltration Testing

It is understood that the BGS Mapping has been used to determine the geology of the site. Section 3.2 of the ECC SuDS Design Guide states that infiltration testing to BRE Digest 365 standards is required for sites where discharging via infiltration may be possible. Furthermore, groundwater monitoring should be undertaken to determine groundwater levels on-site.

- Overland Flow Route

The Flood Risk Assessment and Drainage Strategy states that the surface water flow route which bisects the site will be contained within the access road. Additional information is required, including a plan demonstrating the depths of flooding expected and exceedance flow routes (as a minimum), particularly as it is noted that there is a property at the downstream end of the access road.

- Half Drain Time

It is noted that in order to achieve a half drain time sufficient enough to provide attenuation for a 1 in 10 year storm within 24 hours of the 1 in 100 year + climate change event, it has been necessary to increase the discharge volume into the Anglian Water surface water sewer from 2.7l/s to 5.5l/s. Subsequently, the discharge rate exceeds the 1 in 1 year Greenfield runoff rate. Whilst Anglian Water may have capacity to accept discharge rates up to 13.3l/s, Section 3.2 of the Essex SuDS Design Guide states that the discharge rate from Greenfield sites should not exceed the 1 in 1 year runoff rate. Therefore, the onsite drainage should be designed so as not to exceed this discharge rate.

- Anglian Water Pre-Development Enquiry

It is understood that Anglian Water have not objected to the Flood Risk Assessment and Drainage Strategy. However, the number of properties on-site has increased from 50 to 71 since the Pre-Development Enquiry. Therefore, it is necessary that approval is provided in writing in order to satisfy the requirements set out in Section 3.2 of the ECC SuDS Design Guide.

- Traffic Movements in relation to Flood Risk

It is acknowledged that the Flood Risk Assessment presents the use of SuDS to manage water quality. The SuDS Manual considers low traffic roads to have less than 300 movements a day and so requires one level of treatment. Evidence is to show that the development will have less than 300 movements per day – as required under Section 3.2 of the ECC SuDS Design Guide.

- Construction Management Plan

A Construction Management Plan should be provided which contains details of how surface water will be managed during construction - as required under Section 3.1 of the ECC SuDS Design Guide.

In the absence of this information and the objection raised by Essex County Council it is therefore considered that the application conflicts with Policy CS8 of the Core Strategy and Policies RLP67 and RLP69 of the Adopted Local Plan.

Section 106

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

secure through a planning obligation, if it were proposing to grant it permission.

Affordable Housing – Policy CS2 of the Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 30% affordable housing provision on sites in rural areas. Subject to confirmation from the Council's Housing Enabling Officer on the mix, this could be secured through a S106 Agreement if the application were acceptable in all other respects.

Education – Essex County Council has requested a contribution of £316,317 towards local primary provision.

Health – NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice do not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £26,818 to mitigate the impacts of the proposal and would be directed towards the Elizabeth Courtauld Surgery.

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

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

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

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

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects. No such agreement is in place at the present time and therefore the development therefore fails to satisfactory mitigate the impacts of the development on local infrastructure and is contrary to Adopted Core Strategy

Policies CS2, CS10 and CS11, Policy RLP138 of the Adopted Local Plan and Policy LLP 82 of the Emerging Draft Local Plan.

Habitats Regulations Assessment /The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natural 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

Other Matters

Loss of Agricultural Land – Paragraph 170 of the Framework states that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.” BMVL encompasses land within grades 1, 2 and 3a. The application identifies the grade of the agricultural land is grade 3a and 3b. The Natural England Agricultural Land Classification Maps indicate that the whole site falls within grade 3. The vast majority of agricultural land within this part of Essex falls within grade 2 agricultural land and this site would not fall within the classification of Best and Most Versatile Agricultural Land (BMVL). Notwithstanding this, it is inevitable that some development of such land will be necessary in order to meet the significant housing requirements.

Contaminated Land – The Phase 1 Desk Top Study Report submitted to support the application confirms that further work is required to be undertaken to ensure the land is suitable for residential development. This can reasonably be controlled by condition on any grant of consent.

CONCLUSION AND PLANNING BALANCE

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

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31st March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future

generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of the social objective, it is acknowledged that the provision of market and affordable housing would bring social benefits and would contribute towards the Council's Housing Land supply. It is also recognised that the building of houses generates economic benefits during the construction process and post occupation of the development where residents would contribute towards maintaining local shops and services. These benefits are applicable to housing development generally and the benefit should be given moderate weight. It is also acknowledged that the application site is located on the edge of Halstead and would therefore be in a sustainable location with good access to a range of services and facilities.

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

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

Furthermore, the proposed development by virtue of its layout would be out of keeping with the existing pattern of development in the area and would represent poor design. The proposal would have an urbanising effect in this rural entrance into Halstead and would have a detrimental impact upon the character and appearance of the area. The proposal would also have a detrimental impact upon neighbouring residential amenity.

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

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan.

Officers therefore consider the proposed development does not constitute sustainable development and recommend that planning permission is refused.

It is therefore recommended that, had the local planning authority been able to determine the application, outline planning permission would have been REFUSED for the following reasons:

RECOMMENDATION

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

- 1 By virtue of the topography and prominence of the site the proposal would result in a significant amount of development along the western side of Mount Hill that would be visually intrusive and harmful to the character and appearance of the countryside and detract from the surrounding landscape, particularly as the site forms a rural entrance into the town of Halstead. Development on the site would result in an unacceptable detrimental impact upon the surrounding landscape which would not be outweighed by the benefits of the development. It is considered that the development would be contrary to the NPPF, Policy RLP80 of the Adopted Local Plan, Policies CS5 and CS8 of the Core Strategy and Policy LLP71 of the Draft Local Plan.
- 2 The proposed development would result in the loss of intermittent views of Blamsters (Grade II Listed) which allow the heritage asset to be experienced within an agricultural setting. The proximity of the development to the former farm would also alter outward views from the Blamsters site, bringing the urban sprawl of Halstead into much closer proximity than existing and thus reducing further its sense of detachment and isolation from Halstead town. As such it is considered that the proposed development would result in less than substantial harm to the setting of Blamsters.

Furthermore the development would introduce a new urban edge to the southern approach to the Halstead Conservation Area, detaching the Conservation Area further from its historic open agricultural landscape setting, resulting in less than substantial harm to the character of the Conservation Area.

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

- 3 The proposed development by virtue of its layout would be out of keeping with the existing pattern of development in the area and would represent poor design. The proposal would have an urbanising effect in this rural entrance into Halstead and would have a detrimental impact upon the character and appearance of the area, contrary to the NPPF, Policies RLP9 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP1, LLP50 and LPP55 of the Draft Local Plan.
- 4 By virtue of the proposed layout of the site and having regard to the relationship to existing residential development adjacent to the site, it is considered that the proposed development would have a detrimental impact upon neighbouring residential amenity in terms of privacy and outlook. The proposed development is therefore considered to be contrary to the NPPF, Policy RLP90 of the Adopted Local Plan and Policy LLP55 of the Draft Local Plan.
- 5 The proposed development would trigger the requirement for:
- The delivery of 30% affordable housing on site;
 - A financial contribution towards primary school places;
 - A financial contribution towards primary health services;
 - The provision, maintenance and delivery of public open space, outdoor sports and allotments.
- These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS10 and CS11 of the Core Strategy and the Open Space Supplementary Planning Document (SPD).
- 6 Insufficient information has been submitted with regards a sustainable urban drainage system, resulting in a holding objection from the Local Lead Flood Authority (Essex County Council). The proposal is therefore considered contrary to the NPPF, Policies RLP78 and RLP80 of the Adopted Local Plan and Policy CS8 of the Adopted Core Strategy.

SUBMITTED PLANS

Location Plan	Plan Ref: 001
Planning Layout	Plan Ref: 10
Section	Plan Ref: 20

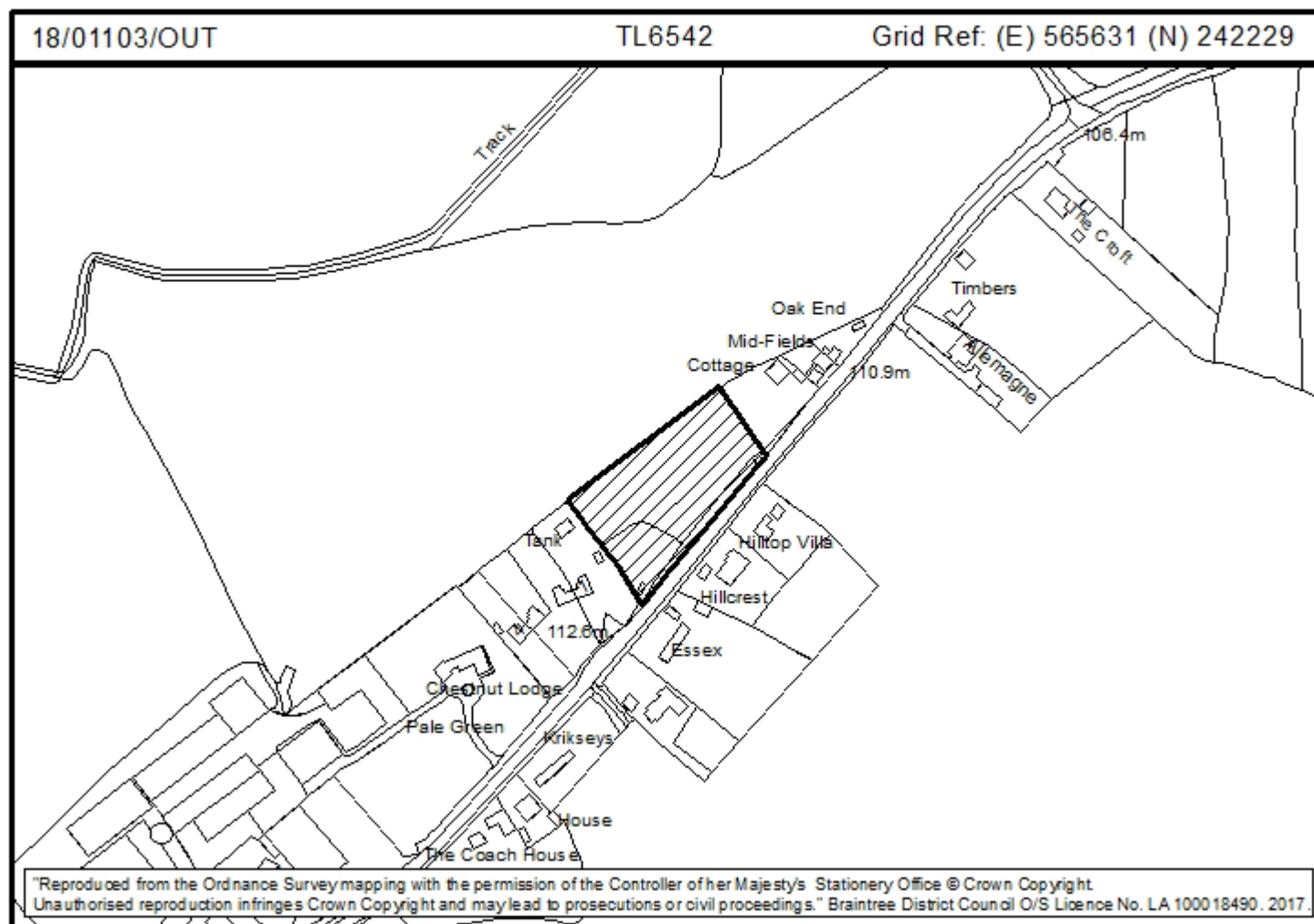
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART A

APPLICATION NO: 18/01103/OUT DATE: 18.06.18
 VALID:
 APPLICANT: Mr & Mrs J Ramsey
 C/O Agent
 AGENT: Mr Jon Jennings
 Clifton House, 1 - 2 Clifton Road, Cambridge, CB1 7EA,
 United Kingdom
 DESCRIPTION: Outline application with all matters reserved except for
 access for the erection of five dwellings on land to the east
 of no.1 Haverhill Road, Helions Bumpstead.
 LOCATION: Land North West Of, Haverhill Road, Helions Bumpstead,
 Essex

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



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 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is

its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats

RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP3 Meeting Housing Needs
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation because the Parish Council have objected to the proposal, contrary to Officer recommendation.

SITE DESCRIPTION

The application site comprises a parcel of land located to the north east of a cluster of dwellings along Haverhill Road, Helions Bumpstead, known as Pale Green. The site is located to the north east of the current village envelope of Helions Bumpstead.

A public footpath is located along the north east boundary of the site and a Grade II listed building is located more than 50m to the south west of the site. There is an existing hedgerow that runs along the front of the site.

PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of 5 dwellings. The proposed vehicular access point would be from Haverhill Road.

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. Apart from access all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters.

The application is also supported by the following documents:

- Planning Statement;
- Tree Survey;
- Ecology Report;
- Topographical Survey.

CONSULTATIONS

BDC Environmental Health – No objections. Conditions are a suggested regarding hours of works and no burning on the site.

BDC Waste Services – The new households will have to present their refuse either at the boundary on the public highway or no more than 20m from the public highway.

ECC Highways – A site visit has been undertaken and the documents accompanying the planning application have been duly considered. Given the scale of the proposed housing development and the area to be available for parking within the site, which complies with Braintree District Council's adopted parking standards, the proposal is acceptable to the Highway Authority, subject to conditions regarding the new access's visibility, position of new access and the surface material of the first 6m of the new access.

Helions Bumpstead Parish Council – "The Parish Council feels it cannot support the application. HBPC recognises that the site is within the proposed extension to the village envelope, and also recognises that the village requires additional housing, but not of this type nor in this location. Objections were raised about increased traffic generated by the development and ribbon development in an otherwise very open situation. So the Parish Council does not support the application."

BDC Ecology – No objection. Conditions suggested.

BDC Landscape Services – No objection subject to the provision of a suitable tree protection conditions.

UK Power Networks – No comments received.

REPRESENTATIONS

11 representations have been received from 7 nearby properties making the following comments:

- Detrimental impact on neighbouring property, Haven Cottage
- Adverse impact on the character of the locality
- Plans are misleading as they appear to show that part of the site extends over land owned by Haven Cottage
- The site is not within a realistic walking distance of a school or other facilities
- Site is located a mile away from limited facilities in the village
- Concern about flooding from the site
- Concern about the safety of a new access onto Haverhill Road
- Increased traffic along Haverhill Road
- Concern about proposed layout of the site and the position of the wheelie bins
- Location of dwellings is wholly inappropriate
- Affordable housing is required, not this type of housing
- Loss of privacy to neighbouring properties
- Existing and increased levels of on street parking would be dangerous
- Impact on existing utility services in the village
- Poor road conditions will get worse
- Water pressure would be compromised by more dwellings
- The new dwellings would have to use heating oil and would add more journeys on the road network
- Harm to ecology (water vole)
- More suitable development sites nearby
- Unacceptable increase in noise in this locality
- The proposal would obscure popular view, footpaths and popular walks.
- Concern about impact on vehicles exiting the site opposite
- Decrease in value of nearby properties
- The proposal is not sustainable development and conflicts with Policy RLP2, CS5 and CS7.
- The proposal also conflicts with RLP16, RLP90, LPP55, LPP50, LPP1 and LPP74.
- Site was considered, along with others in Helions Bumpstead, in 2014 and all were rejected and was rejected again during the Call for Sites.
- Reference is made the Publication Draft Local Plan that shows the site contained within a new village envelope for Helions Bumpstead.
- Helions Bumpstead is a third tier village.
- Site is located within a Conservation Area
- Application nearby was refused this year.
- No housing shortfall in the area due to the expansion in Haverhill
- Housing should be provided elsewhere, not in the most northern village in Essex
- Harm to character of the countryside
- Harm to grade II* listed building, Parsonage House
- Site is close to a proposed extension of an AONB
- Noise, disturbance and fumes from the site
- Concern about foul drainage for the site

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site would be located within the proposed new Development Boundary for Helions Bumpstead in the emerging Publication Draft Local Plan (June 2017). Policy LPP1 of the Draft Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and therefore development is acceptable in principle.

However, as application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account

and the target recalculated. The 2016 based household projections were published on 20 September 2018;

- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31st December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31st March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy

RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Village Designation and Location

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

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

The majority of the site excluding a section at the southern corner, was submitted as part of the 'Call for Sites' for the draft New Local Plan, references HELI328 and HEL 4.

The site was not allocated for development due to its size as it could not accommodate 10 or more dwellings, but it has been included within the proposed new Development Boundary for Helions Bumpstead in the Publication Draft Local Plan (June 2017). The officer recommendation to the Local Plan Sub-committee on 5th October 2016 was as follows:

Officer Comments – "The change for Pale Green boundary reflects the built form of Pale Green and that the methodology was implemented correctly. Whilst the village does have a limited number of services, there is a likely to be a relatively small scale of growth which would need to be in character with the neighbouring properties and landscape. It is noted that the Parish Council was supportive of the farm buildings at site 324 being allocated for employment uses but the evidence base suggested this was not viable. By including them within the development boundary this allows a range of suitable future uses to be explored. It is therefore recommended that the Inset Map remain unchanged from the draft Local Plan."

The recommendation was adopted as follows:

Recommendation 13: That the Inset Map for Helions Bumpstead to remain unchanged from the draft Local Plan shown in the Appendix.

Accordingly the application site is therefore located within the proposed Development Boundary for Helions Bumpstead with the emerging Publication Draft Local Plan (2017).

Design, Appearance and Layout

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

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

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage. The layout provided is indicative only and would need to be carefully considered at the reserved matters stage.

Notwithstanding this, an indicative layout has been provided which shows one way which the site could be developed. The indicative plan demonstrates, that the site would be able to accommodate 5 houses, and that a layout could be achieved that would be in keeping with the prevailing pattern of existing development within the locality.

Landscaping is reserved for future consideration. However, it is clear from the outline planning application that a section of hedge would need to be removed to facilitate the provision of the vehicular access onto Haverhill Road into the site with the required highway visibility splays. None of the trees along the

road frontage are however considered to be of such a high amenity value to warrant a tree protection order. It is considered that the loss of these existing landscape features would not harm the overall character of the area and can be mitigated by additional planting secured by condition.

The Local Planning Authority would expect the reserved matters to provide details of a robust planting scheme to bolster the remainder of the hedgerow to incorporate the proposal into the existing street scene. A tree protection plan has been requested by the Council's Landscaping Team, which is reasonable and will ensure that, where appropriate, existing vegetation is retained.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Pages 70-73 of the Essex Design Guide also refer to set back-to-back and back-to-side distances to ensure that neighbouring amenity is protected as far as possible. This includes a 25m overall back-to-back separation, while a dwelling should be 15m from a common boundary with the rear property. At an angle of 30 degrees or more, these distances may be able to be reduced.

The layout of the development is a matter for consideration at the reserved matters stage, however an illustrative layout plan has been submitted for information. It is indicated that the dwellings would be two storey and given the indicative positioning & separation with neighbouring properties Officers are satisfied that the site is capable of accommodating 5 dwellings without giving rise to detrimental impacts upon neighbouring residential amenity.

Ecology

A Preliminary Ecological Appraisal (Green Environmental Consultants, June 2018) has been submitted in support of the application.

The site has been assessed as having low ecological value with the most important features being the trees, which should be retained where possible. Some trees/hedgerow along the road frontage to accommodate the new access are scheduled for removal but have been assessed as having low potential to support roosting bats but precautionary felling is recommended. The boundary vegetation may support commuting/foraging bats and therefore any lighting of the site must give consideration for this. The proposed scrub removal should be undertaken with due care and consideration to nesting birds. There is opportunity to provide ecological enhancement of the site and therefore a number of conditions are recommended to ensure the ecological protection and enhancement of the site. Given the above it is considered necessary to impose a condition regarding future lighting on the site.

Highway Issues

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

A visibility splay drawing has been submitted in support of the application that demonstrates that splays of 70m in each direction can be achieved from the new access onto Haverhill Road.

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

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

A number of letters have raised concerns regarding the safety of Haverhill Road and the impact the additional vehicular movements would have on it. Although there are objections from third parties regarding the safety of Haverhill Road, the Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective.

Part of footpath 70 Helions Bumpstead is located inside the site and runs along the north eastern boundary. The indicative layout shows that the footpath would remain intact and that there is no need for a diversion, which is acceptable.

Other Matters

A number of the neighbour representations raised concerns on a number of matters which are dealt with below:

Impact on listed building – There is a grade II listed building located to the south west of the application site. There is a gap of over 70m between the two, and it is considered that the proposal would not harm the setting of the listed building.

Impact on Conservation Area – The site is not located within a Conservation Area.

Land Ownership Issue – Matters regarding land ownership and boundary disputes are a private matter and not a material planning consideration.

Flooding – The site is located in Flood Zone 1 which is the lowest level flooding and is not considered to be an issue for this site.

Affordable Housing – The number of dwellings proposed for the site falls below the threshold required by Policy CS2 of the Adopted Core Strategy. (The threshold is a minimum of 10 dwellings)

Foul Drainage – This is not a planning consideration and would be dealt with under the Building Regulations.

PLANNING BALANCE AND CONCLUSION

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

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31st March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so

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

In terms of the economic and social objectives, the development of the site for 5 dwellings would make a contribution towards the District's housing supply, however this is considered to be limited given the scale of the development proposed. It is also recognised that there would be some economic benefits during the construction process and after the occupation of the dwellings through residents using local facilities. These benefits are applicable to housing development generally and given the scale of the development these benefits should only be given limited to moderate weight. In addition to the above and as set out in this report, the application site has been included within a new Development Boundary for Helions Bumpstead as per the emerging Draft Local Plan (2017), as indicated on inset map 37, where the principle of development is identified as being acceptable.

In terms of the environmental objective, it is considered that the scale of development in this case could be accommodated on the site in a satisfactory way without detriment to the character and appearance of the locality. Satisfactory vehicle access can be achieved and whilst this would necessitate the removal of part of the hedgerow, this could be mitigated by additional planting.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the moderate weight afforded to the conflict with the Development Plan. The proposed development would constitute sustainable development and 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

Tree Plan

Site Masterplan

Topographical Survey

Visibility Splays

Plan Ref: oAS/17-204-TS01

Plan Ref: 5635-50

Plan Ref: 22775/001

Plan Ref: SK01 REV C

Version: A

1 Details of the:-

- (a) scale,
- (b) appearance and;
- (c) layout of the building(s);
- (d) and the 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 [3] years from the date of this permission.

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

Reason

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

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

Reason

In the interest of protecting residential amenity.

- 4 No above ground development shall be commenced unless and until a schedule and samples of the types and colour of the materials to be used in the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 5 Any reserved matters submission seeking approval for scale, appearance and layout, as required by Condition 1 of this permission, shall incorporate full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

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

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

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

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

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

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

Reason

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

- 7 No development shall be commenced unless and 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 existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 8 No retained tree identified on the plans approved by condition 7 above shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.

If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with details which shall be agreed in writing by the local planning authority.

Reason

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

- 9 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

- 10 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4

metres by 74 metres to the west and 2.4 metres by 70 metres to the east, a minimum of 1 metre off the kerb edge, as shown on drawing no.SK01 Rev C. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 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 hours:

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 13 No burning of refuse, waste materials or vegetation shall be undertaken on the application site 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.

- 14 No development shall be commenced, including vegetation clearance and ground works, until a method statement for badger/small mammal protection during construction has been submitted to an approved in writing by the Local Planning Authority.

The measures may include:

- a) Creation of sloping escape ramps, which may be achieved by edge

profiling of trenches /excavations or by using planks placed into them at the end of each working day; and
b) Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason

To protect badgers and other mammals from becoming trapped or harmed on site.

- 15 No development shall be commenced unless and until a lighting design strategy for bats has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall;
- i. Identify areas/features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging: and
 - ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the Local Planning Authority.

Reason

To ensure there is no harm or disturbance to a protected species.

- 16 No development shall be commenced unless and until details of the proposed ecological enhancement of the site are submitted to and approved in writing by the local planning authority. The details shall include the proposed habitat improvement and retention on the site particularly of the trees and hedgerows for wildlife corridors. Specification of the design, type and location of bird nesting and bat roosting boxes, which where appropriate should be integrated into the building design, must be provided. As swifts have been recorded in the local area integrated swift bricks/boxes should be included also. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats. The development shall only be implemented in accordance with the approved details.

Reason

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

INFORMATION TO APPLICANT

- 1 In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways Colchester Highways Depot, 653 The Crescent, ColchesterCO4 9YQ

- 2 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath 70 Helions Bumpstead shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

3 FELLING OF A TREE WITH LOW BAT ROOST POTENTIAL

The applicant is reminded that all bat species are protected under the Wildlife and Countryside Act 1981, (as amended), and the Conservation of Habitats and Species Regulations 2010. It is illegal to kill or injure bats, cause disturbance at their resting places or to block access to, damage or destroy their roost sites.

The trees being removed due to facilitate access has low potential bat roosting features. This is predominantly due to lack of suitable roosting features. However, as operations will directly disturb, remove or destroy timber with bat potential, it is recommend conducting works in a sensitive manner.

Therefore, where possible, work should be carried out between late August and early October or between March and April. Workers should undertake a visual inspection prior to felling to examine for any signs of bats. During felling, where reasonably practicable, timber with bat roosting potential should not be directly sawn through. If timber is removed with bat roosting features then it should be left at the base of the tree for at least 48 hours. If bats are discovered then an individual holding a Natural England bat licence should be contacted and informed of the situation as soon as possible to advise on any further mitigation.

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

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built.

- 5 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)

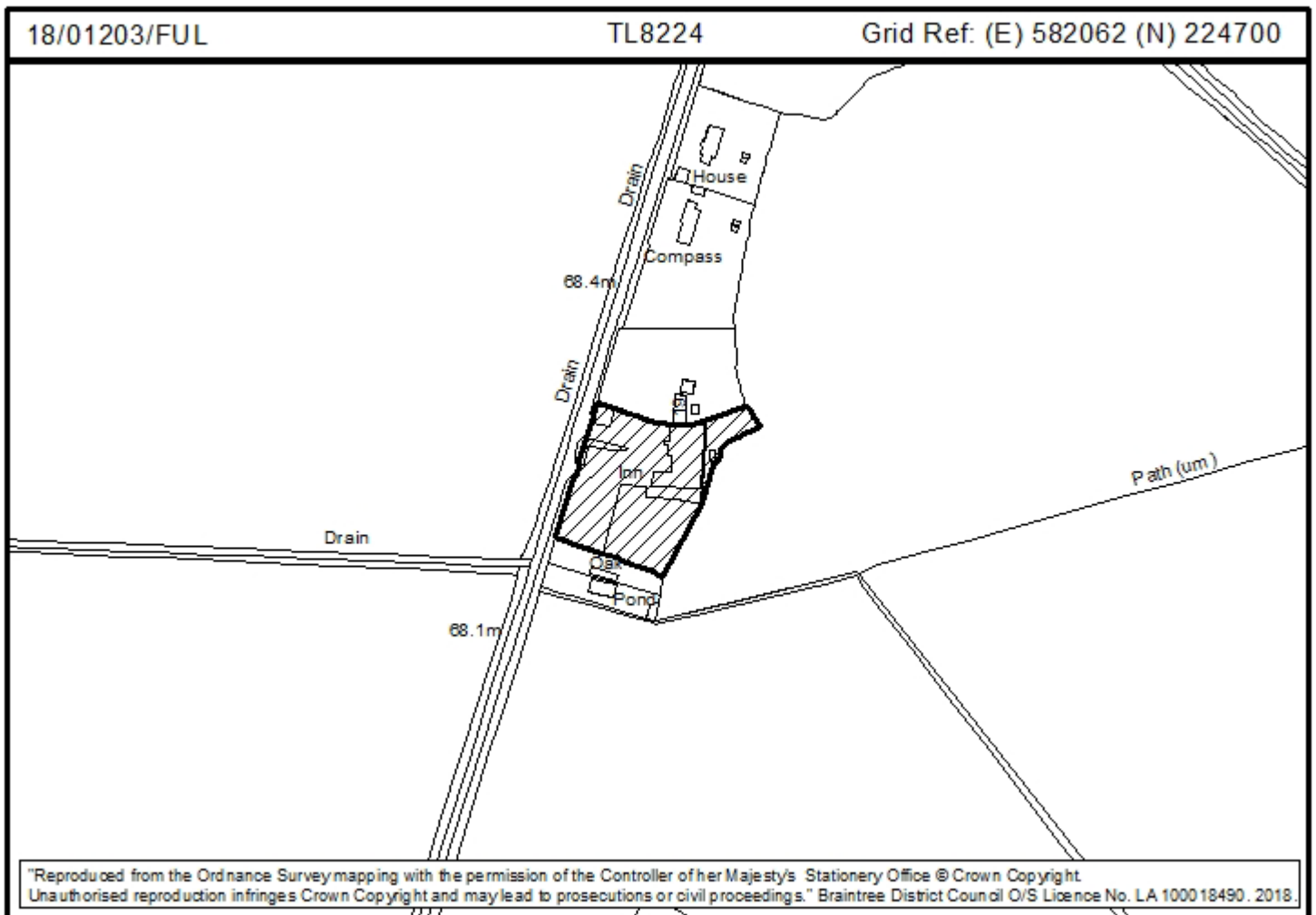
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART A

APPLICATION NO: 18/01203/FUL DATE: 04.07.18
 VALID:
 APPLICANT: Mr & Mrs Clark
 c/o Agent
 AGENT: Kember Loudon Williams
 Canan Clatworthy, Ridgers Barn, Bunny Lane, Eridge,
 Tunbridge Wells, Kent, TN3 9HA
 DESCRIPTION: Retrospective change of use of The Compasses Inn from
 public house (Use Class A4) to a venue for weddings and
 events (Use Class D1 and D2)
 LOCATION: The Compasses Inn, Compasses Road, Pattiswick,
 Bradwell, Essex, CM77 8BG

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to: mathew.wilde@braintree.gov.uk



SITE HISTORY

03/00010/REF	Erection of permanent marquee	Appeal Dismissed	23.07.03
00/00386/FUL	Erection of extension	Granted	13.04.00
02/01942/FUL	Erection of permanent marquee	Refused then dismissed on appeal	23.01.03
74/00850/P	Saloon bar extension, internal toilets and double garage/.	Granted	09.12.74
78/00173/P	Alterations including conversion of garage to dining room and extensions including kitchen, dining room, bathroom, toilets, staff bed sitting room, boiler room, garage and bottle/crate store.	Granted	10.05.78
74/00850/P	Saloon bar extension, internal toilets and double garage.	Granted	09.12.74
78/00173/P	Alterations including conversion of garage to dining room and extensions including kitchen, dining room, bathroom, toilets staff bed sitting room, boiler room, garage and bottle/crate store.	Granted	10.05.78
88/00833/P	Erection Of Garage	Granted	31.05.88
90/01772/PFBS	Erection Of Kitchen/Store Extension	Granted	15.01.91
96/00165/FUL	Proposed bulk LPG storage tanks	Granted	15.04.96
97/00308/FUL	Extension to existing restaurant with a traditional cart shed style building. Conversion of beer garden into extra car parking	Granted	10.06.97
05/01324/FUL	Erection of single storey rear extension and removal of existing outbuildings and the extension to car park	Granted	05.09.05

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP128	Maintenance of Rural Services and Facilities
RLP151	Protection of Community Services

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP8	Rural Enterprise
LPP65	Local Community Services and Facilities
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Emerging Neighbourhood Plan

Bradwell with Pattiswick (BPNP) have undertaken a regulation 14 consultation stage and are working on the submission version of the Plan. The neighbourhood plan can be given some weight in accordance with paragraph 48 of the NPPF.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the application has been called into Committee by a Ward Councillor due to possible noise concerns related to the change of use.

SITE DESCRIPTION & HISTORY

The site comprises the Compasses Inn located on Compasses Road in Pattiswick. The site is located outside of any village boundary. It comprises neighbouring properties to the north and south but is primarily surrounded by arable land. The main garden area for the public house is on the southern aspect of the site, and its car park extends all across the site frontage, with two entrances/exits onto Compasses Road.

The Compasses Inn has operated as a pub for a substantial period of time. The current owners purchased the site in 2007 and continued to run it as a public house for approx. 9 years. It is understood that a few weddings took place at the site in its time as a public house, however these activities were always ancillary to the use of the building as a public house. The Compasses Inn has since retrospectively changed use, closing as a Public House (Use Class A4) in 2016 and instead operating as a wedding venue (Use D2).

The Compasses Inn and a church are the remaining community facilities in the vicinity, further services are available from Bradwell village which is 2km to the south west. Pattiswick is in Bradwell Parish but not an identified settlement

(with a boundary) in the hierarchy; hamlets and groups of houses are considered to be within the countryside.

PROPOSAL

The application seeks retrospective planning permission to change the Public House (Use Class A4) into a full time Wedding Venue (Use Class D2).

As set out in the planning statement, the venue has a capacity to seat 120 guests; the average figure is 60-70 people in the day with 50-70 arriving in the evening. The maximum number of guests in total is reported to be 200. Events and weddings have taken place at the premises between 2-5 times a week, and less so during winter months.

The site comprises a large area of parking (45 spaces) to be used for guests of the wedding venue. The change of use did not include any notable external alterations, it did however result in an internal change of one of the lounge areas to become a bridal suite.

CONSULTATIONS

Highways England

No objection.

ECC Highways

No response received.

BDC Environmental Health

The application was submitted with a noise survey. The Environmental Health Officer (EHO) initially raised no objection to the application taking into account the former use of the building as a Public House (and associated noise and activities etc). However, following discussions between the Planning Officer and the EHO, it was determined that further noise information should be submitted in terms of an assessment of music noise from the wedding venue to determine the likely impact upon neighbouring residents.

A noise assessment was subsequently provided. The EHO considered the content of the report and had no objection to its content, subject to conditions restricting the opening of doors and windows in the evenings. The EHO also sets out the licence conditions and other legislation that can be utilised to control disturbance at the property if necessary subject to receiving formal complaints.

Bradwell Parish Council

Objects to the application for the following summarised reasons:

- Historical management issues
- Loss of valued community asset
- Pizza van (in car park) serious impact
- No on site accommodation available to guests – all leave causing disturbance to quiet hamlet
- No assessment of viability of building as public house
- Building not suitable as a wedding venue
- If granting, want to see:
 - Conditions in relation to noise
 - Conditions to restrict outside food vehicles
 - No parking on road outside premises

REPRESENTATIONS

6 objections were received from 4 properties including:

- Compasses Cottage
- Compasses House
- Spinney House
- The Old Rectory

Setting out the following summarised objections:

- Very close to property (Compasses Cottage) – marquee refused historically at appeal due to noise and disturbance that could occur during summer months
- Loss of privacy – overlooking & wedding films and drones – invasion of privacy
- Building not suitable for use - no sound proofing on public house – events held have caused unacceptable noise and disturbance
- Public House forecourt has become reception area and outdoor food sales such as pizza van
- Guests all arrive and leave at same time – cause traffic problems and unsavoury activities/behaviour– not same as public house use
- Parking issues – people parking on the road and turning in private drives – unclear if 45 spaces can really be accommodated at the site
- Rural village
- Recycling facility out of bounds when wedding is on – often gates locked
- Possible intensification of use- significant impacts
- No community benefit
- Weddings not that frequent - sporadic
- Complaints never formerly sent in but list of correspondence with owners setting out issues
- Hours of operation – proposed to be 9:00-midnight every day of the week
- Imperative that trees are retained
- Viable public house at the site

REPORT

Principle of Development

The NPPF (National Planning Policy Framework) emphasises building a strong, competitive economy and supporting a prosperous rural economy through the retention and development of accessible local services and facilities such as local public houses (Paragraph 83). Furthermore, the NPPF states that planning decisions should inter alia: plan positively for the provision and use of shared spaces, community facilities such as public houses to enhance the sustainability of communities and residential environments; and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (Paragraph 92).

The site is located outside of a development boundary. Policy CS5 of the Adopted Core Strategy stipulates 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 CS11 of the Adopted Core Strategy states that the loss or significant reduction of existing rural services and facilities will be resisted unless there is sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available.

Policy RLP151 of the Adopted Local Plan states that “proposals that would result in the loss of key community facilities, or services, outside the urban areas, will be resisted, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for the continuance have been fully explored, or they are replaced in an equally good, or more sustainable location.” The preamble to this policy states that ‘rural facilities include shops, public houses, general stores, post offices, banks, petrol stations and doctors surgeries.’ Similarly, Policy RLP128 of the Adopted Local Plan states that “Proposals that would lead to the loss of village facilities will not be permitted unless sufficient evidence is provided to demonstrate that they are not viable and that all options for their continuance have been fully explored.”

Rural enterprise is supported through Policy LPP8 of the Draft Local Plan. However Policy LPP65 of the Draft Local Plan reiterates the above Adopted Local Plan Policies and sets out the following criteria to be met where the change of use of community facilities and services would be allowed inter alia:

1. An independently verified and robust marketing exercise has been carried out and submitted with the application demonstrating that the facility is unviable and there is little or no prospect of being viable in the future,

The pre-amble to Policy LPP65 sets out that the marketing appraisal will be expected to cover at least a 12 month period.

In accordance with the above policies, evidence is necessary to demonstrate that the public house is no longer viable and that other options had been fully explored for the continuance of the community facility. As set out in emerging Policy LPP65, this evidence is required to consist of a marketing exercise demonstrating that there would no longer be interest continuing to use the public house or for any other possible community re-use to be justified.

Policy 3 of the Bradwell with Pattiswick Neighbourhood Plan states that development proposals which would result in the net loss of existing community facilities will not be supported unless the development proposal provides demonstrable benefits which outweigh the harm created by the loss. However the supporting text states that the Parish Council will seek new leisure facilities as part of new development proposals.

Typically, a wedding venue is a private hire destination that would be utilised by people from across the County and beyond. It is not therefore accessible to be utilised by residents in the local community in the same way that a public house, shop, community hall etc would be able to be utilised (unrestricted, open most days etc). Taking this into account, it is considered that the retrospective change of use from a Public House to a Wedding Venue has resulted in the loss of a community facility. In accordance with the above policies, sufficient evidence is necessary to demonstrate that the Public House is no longer viable and that other community re-use opportunities have been explored. In accordance with Policy RLP151 of the Adopted Local Plan, the onus is on the appellant to demonstrate this.

In this case, the application is supported by some evidence in an attempt to justify that the Public House use is no longer viable (and therefore allow retrospective planning permission for the change of use). This evidence is as follows:

1. A specialist consultant's assessment from Christie & Co (included as text the planning statement) which states that the business had become unviable and could not continue operating as it was, and thus a change in operation was needed. The assessment also highlighted factors negatively affecting the pub/restaurant industry across the country
2. Truncated profit/loss accounts from 2010-2016
3. Several pieces of incidental information/articles on the pub sector including chef shortages, tax changes, pub closures and the numbers of punters falling using these facilities

The evidence is set out below and then summarised.

1. Specialist Statement

The specialist statement was included from Christie & Co who are reported to be specialist advisors for buying and selling business in various sectors which include public houses. The statement from the company was not however provided in its original format which raises possible questions about its legitimacy or selective interpretation. Notwithstanding this, while the statement sets out that the existing business could not continue in its current format and a change in direction was needed, the statement does not specifically say that a public house use at this site would be unviable. It does highlight the difficulties of continuing to operate as a public house / restaurant, however this in itself is not stating that a public house use at that site would be unviable. A change in direction could be a different approach to managing the public house, possibly by different owners, or exploring another community re-use, rather than changing to a wedding venue.

Taking into account the above, it is considered that this statement from Christie and Co can only be attributed limited weight to justify the loss of the community asset.

2. Truncated Figures

This evidence could be further supported by the submission of the audited annual account year (statement of accounts). In any case, the Local Planning Authority do not dispute the figures which do show a loss from operating the site. However, although the figures show loss, this does not necessarily in itself demonstrate that a use is not viable. The way that the applicants used their business is set out in the planning statement; high end 'gastro pub.' Should a change in management occur, or a change of approach, then the Public House could again become profitable.

Taking into account the above, while it is not disputed that the way the public house was operating was making a loss, it is considered that this is not sufficient to justify that the public house or any other community use would be unviable.

3. Supporting Articles

The supporting articles seek to highlight difficulties of restaurants/public houses propositioned by the applicant. While the content of these articles are noted, each application must be determined on its own merits. Possible national difficulties is not justification in itself to demonstrate that a public house is now no longer viable as a use in this particular area.

Summary

Taking the above into account, it is considered that insufficient evidence has been provided to justify the loss of the community use. In addition to the above, no marketing has been submitted to explore whether any other

person(s) were interested in taking on the unit as a Public House or any other community use as appropriate.

Taking all of the above into account, the unjustified permanent loss of a community use would significantly and demonstrably harm the ability for Pattiswick residents (and beyond) to utilise a valued community facility, instead being required to travel further afield using the private car to access services elsewhere. The proposals cannot therefore be considered sustainable development for which the Framework presumes in favour and would conflict with National and Local Policy.

Notwithstanding all of the above, it should be noted that a standard marketing campaign would not be sufficient for this site. Any marketing strategy should be wholly appropriate for this site; using a standard estate agent to market the property for a limited time would not advertise to the relevant market and would therefore not demonstrate that there was not sufficient interest. If marketing is sought following the determination of this application, it is recommended that the applicants engage with the Local Planning Authority in advance to agree particulars. This is set out in a recommended informative attached to the decision.

Noise & Impact upon Neighbouring Amenity

The NPPF in Paragraph 127 states inter alia that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The NPPF in Paragraph 180 also states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should inter alia; mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

A number of concerns have been raised by residents in respect to the use of the site as a wedding venue from a noise and disturbance perspective. These concerns are separated out below.

Noise

The proposed hours of operation of the venue for weddings and events would be between 10:00hrs and 00:00hrs (Midnight) Monday to Sunday. Background music will be played using an in-house entertainment system

between 10:00hrs and 18:00hrs, with a DJ providing music between 18:00hrs and 23:45hrs.

Two noise assessments were submitted with the application; one titled 'Noise Assessment' (originally submitted) and one titled 'Assessment of Music Noise' (submitted upon request). The first noise assessment focused specifically on general noise from the premises. The second noise assessment focused specifically on the noise/vibration impact of the music system. A review by these surveys of the construction of the venue concluded that the only significant building elements, in terms of noise break-out, were the windows and doors (where music would escape from). The music system (and dance floor) is located in the side of the building furthest away from the neighbouring property 'Compasses Cottages'.

In the first 'Noise Assessment,' it is reported that it was not possible to generate music noise within the venue at a high enough level to quantify the music noise break-out. This meant that a robust assessment of music noise was not possible at the time. This resulted in why a further noise survey was being requested to obtain noise level readings with the disco equipment in place. It is reported that the music system was played at a 'very high' level to enable breakout noise measurements to be undertaken, which ultimately would be used to establish the general music noise level at the adjacent property (and determine whether this would be acceptable or not). The detailed methodology and results of the noise survey can be found within the 'Assessment of Music Noise' report.

The Environmental Health Officer stipulated that the 'Assessment of Music Noise' report demonstrates that noise levels arising from the event are 10 dB(A) below the existing background level and the noise survey should include recommendations on structural works and management strategies to achieve this. This is an attempt to ensure that the amenity of neighbouring residents are protected both inside and outside of their dwellings.

The 'background noise level' is the noise level that is exceeded for 90% of the measurement period and gives an indication of the noise level during quieter periods. It is often referred to as the background noise level and is used in the assessment of disturbance from industrial noise. The disturbance in this case would be from music noise as discussed above.

The Noise Assessment found that at the nearest sensitive receptor (neighbouring property Compasses Cottage), the noise level would be at least 10dB(A) below the background noise level. This noise level is achievable with the windows and doors closed within the room that houses the music system. The survey highlighted that the music noise could actually be played much higher than the standard wedding volume and still be below the 10dB(A) threshold at the nearest sensitive receptor. A volume limiter is not therefore required at the site.

Taking into account all of the above reports and findings, the Environmental Health Officer has considered that the proposed wedding venue would be acceptable from a noise perspective.

From Officers site visits, it was evident that the doors in the music/dancefloor area could be locked with ease in the evening without causing issues with the functionality of the venue. A condition could be imposed to control/ensure that doors and windows in that particular section of the building are shut and locked in the evening to protect neighbouring amenity. As such, taking all of the above into account, it is considered that the venue would be capable of adequately mitigating music noise inside the building, and thus neighbouring amenity would not be detrimentally affected in this regard.

Disturbance

However, concerns have also been raised in respect of revellers utilising the forecourt of the building at the front as it is understood a pizza van / ice cream van is often a feature of weddings at this site. It is reported that this leads to a larger number of people staying outside to eat and converse (and in closer proximity to neighbouring properties).

Using the site in this way would not be acceptable in planning terms due to the level of disturbance that would be caused to neighbouring residents. However, mitigation measures in the form of planning conditions could be introduced at the site to restrict any outside vendor of food/drink etc at the site to avoid this issue in future.

Furthermore, in terms of areas used for the public house, it is only the garden lawn to the South of the building which is utilised. The garden area at the rear of the building (in closest proximity to neighbouring property 'Compasses Cottage') is not open to guests and is closed off. It is more unkempt and cannot be easily accessed. A planning condition could be imposed to ensure this area is not used for purposes of the wedding events. There would be more of an impact on the southern neighbouring property 'Oak' as the area to the south would be used during the day, with the area not utilised in the evening. However, the Public House would have had its own associated noises and activities with customers, possibly 7 days a week. These activities would not be wholly dissimilar to the use of the site as a wedding venue including hosting events, parties etc. The former impacts of the public house in relation to noise cannot therefore be ignored in decision making and is a highly material fall-back position.

In addition, in terms of general disturbance and anti-social behaviour, the Environmental Health Officer considers that all disturbance/anti-social behaviour issues can be dealt with by separate legislation and licencing if formal complaints are received, such as an Abatement Notice for statutory nuisance or Community Protection Notice in relation to anti-social behaviour.

Taking all of the above into account, it is considered that the Local Planning Authority cannot reasonably object to the application on the grounds of noise disturbance to neighbouring residents.

Design, Appearance and Layout

In terms of general design & layout, the NPPF also states that new development should seek to improve streetscapes and buildings to create attractive and comfortable places by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping.

This is echoed by Policy RLP90 of the Adopted Local Plan which requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The application does not propose any external changes, and the only internal changes related to the creation of a bridal suite. Taking this into account, it is considered the proposal would be acceptable from a design and appearance perspective.

Highway Issues

Policy RLP56 of the Adopted Local Plan states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards. Under the current parking standards. For an A4 (pub) use, this is 1 parking space per 5 sq.m of floor area. For a D1 (leisure) use, the standard would be 1 space per 20sq.m. As such, in accordance with the above standards, a wedding venue would have a much lower parking requirement than the existing public house use.

The site can provide 45 spaces off street as set out on the submitted block plan. The total footprint of the building would be approx. 440sq.m – with the wedding events happening on the ground floor only. In accordance with the above standards, the spaces required for this event would be 22. The site would therefore be able to provide parking spaces much in excess of the parking standards.

Concerns have been raised in respect of parking overspill onto Compasses Road during events. This is likely to have also been an issue when the building was utilised as a Public House at peak times. Taking into account all of the above, the use of the site as a wedding venue would be acceptable

from a highways perspective. Moreover, Essex Highways have no objection to the development.

Landscape

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Landscape particulars are not proposed to change with the application and the proposal is acceptable in this regard.

CONCLUSION AND PLANNING BALANCE

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

In this case, the use of the site would bring about economic and social benefits for utilising the site in a commercial capacity, employing staff and bringing people to the area. However, these benefits would not be dissimilar to the use of the site as a Public House. As such, it is considered that these benefits due to the fall-back position would be limited.

In terms of social and environmental harms, the evidence submitted does not satisfy the Local Planning Authority that the public house is unviable. The evidence instead has significant deficiencies; the property has not been marketed and no evidence has been provided to demonstrate that all options for the continuance of the business have been fully explored. As such, the unjustified permanent loss of a community use would significantly and demonstrably harm the ability for Pattiswick residents (and beyond) to utilise a valued community facility, instead being required to travel further afield using the private car to access services elsewhere. The proposals cannot therefore be considered sustainable development for which the Framework presumes in

favour and would conflict with Paragraphs 83 and 92 of the NPPF, Policies RLP128 and RLP151 of the Local Plan Review, Policy CS11 of the Core Strategy and Policy LPP65 of the Draft Local Plan.

RECOMMENDATION

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

- 1 In this case, the evidence submitted does not satisfy the Local Planning Authority that the public house is unviable. The evidence instead has significant deficiencies; the unit has not been marketed and no evidence has been provided to demonstrate that all options for the continuance of the business have been fully explored. As such, it is considered that the unjustified permanent loss of a community use would significantly and demonstrably harm the ability for Pattiswick residents (and beyond) to utilise a valued community facility, instead being required to travel further afield using the private car to access services elsewhere. The proposals cannot therefore be considered sustainable development and would therefore be contrary to Paragraphs 83 and 92 of the NPPF, Policy CS11 of the Core Strategy, Policies RLP128 and RLP151 of the Local Plan Review and Policy LPP65 of the Draft Local Plan.

SUBMITTED PLANS

Location Plan	
Existing Plans	Plan Ref: 001
Proposed Plans	Plan Ref: 004
Block Plan	Plan Ref: 005

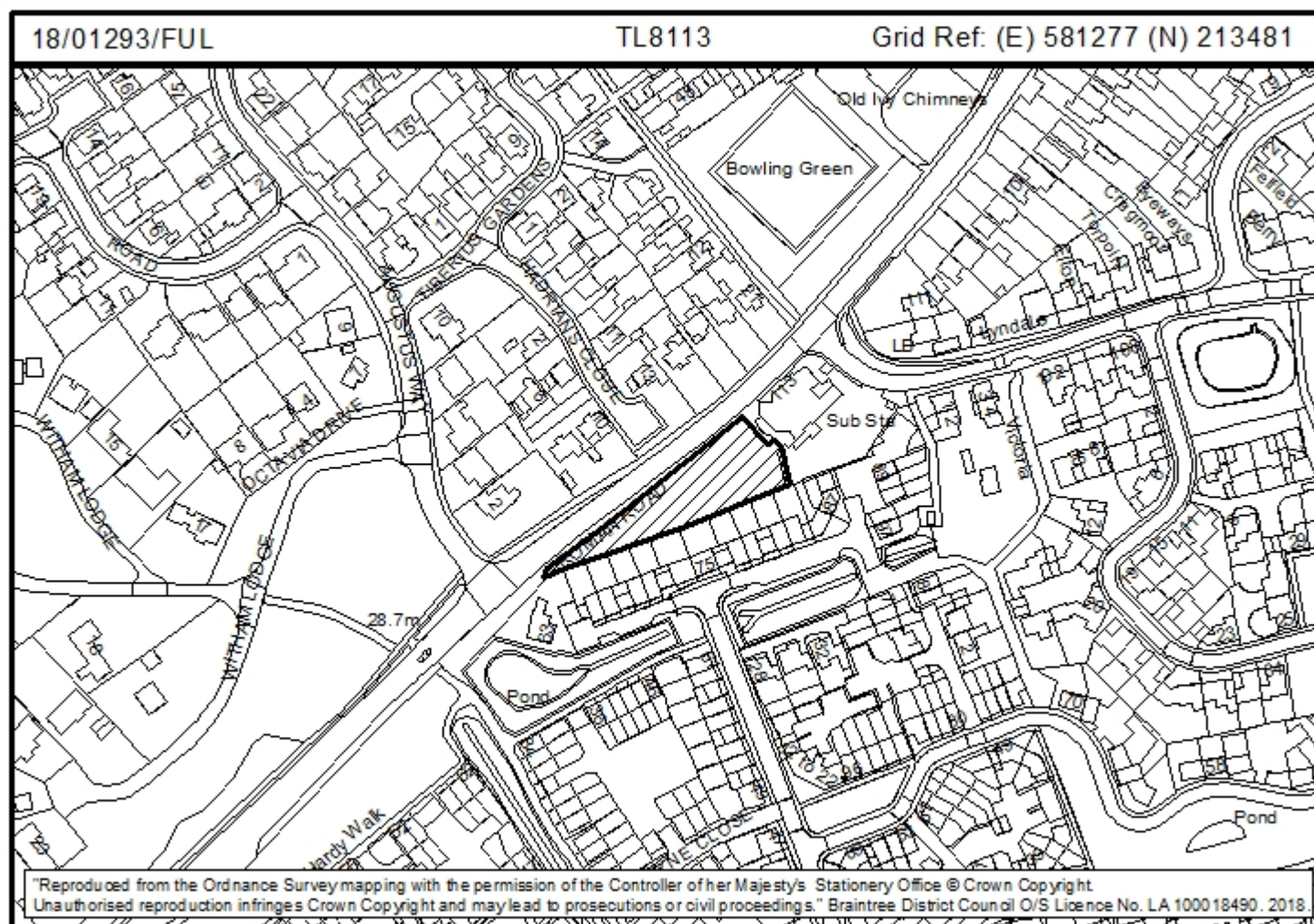
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART A

APPLICATION NO: 18/01293/FUL DATE: 16.07.18
 VALID:
 APPLICANT: Wellington Pub Company
 Mr J T Davies & Sons, c/o Caldecotte Group, 15 London House, Milton Keynes, MK11 1SY
 AGENT: Caldecotte Group
 Mr Abel Bunu, 15 London House, Swinfens Yard, Stony Stratford, MK11 1SY
 DESCRIPTION: Residential development comprising one detached 3 bedroom dwelling and creation of a new access
 LOCATION: Land To Rear Of, The Jack And Jenny, Hatfield Road, Witham, Essex, CM8 1EE

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to: mathew.wilde@braintree.gov.uk



SITE HISTORY

17/00100/REF	Erection one detached 3 bedroom dwelling and creation of a new access.	Appeal Dismissed	20.04.18
17/00126/FUL	Erection of two dwellings and creation of new access	Refused	28.03.17
17/01674/FUL	Erection one detached 3 bedroom dwelling and creation of a new access.	Refused	06.11.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP65	Local Community Services and Facilities
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee, in accordance with the Council's scheme of delegation, as Witham Town Council have objected to the application contrary to Officer's recommendation.

SITE DESCRIPTION

The site comprises land measuring 0.15 hectares that was formerly associated with The Jack and Jenny Public House. The public house was converted to an A1 use (convenience store) around 2014 through Permitted Development Rights and it is understood the application site has been segregated from the rest of the site ever since.

The land is oddly shaped projecting in a North East - South West direction. It spans approx. 30m at the widest point and progressively narrows down substantially the further South West that is travelled to a smallest distance of approx. 2m. This is because the land runs parallel to Hatfield Road to the North and Parallel to modern housing development to the South (Haygreen Road).

The boundary treatments on the North side (front) comprise a dense hedgerow/tree belt. The site also contains one or more trees subject to a protection order. The southern boundary is more open just comprising an existing 1.8m close boarded fence. The existing access to the land is through the car park area at the rear of the convenience store. This access would be blocked up as part of the proposal and a new access created onto Hatfield Road through the hedging at the front.

HISTORY

This site has been subject to two previous applications. The first application (17/00126/FUL) sought permission for the erection of two detached houses. This application was refused in March 2017 for the following reason:

“In this case, it is considered that the proposed dwellings by virtue of their design, siting and resultant loss of hedgerow due to ECC Highway Authority requirements to provide an adequate visibility splay to secure a safe access to the site, would result in an uncharacteristic pattern of development that would be out of keeping with the established character and appearance of the area, and would fail to create suitable and secure amenity space for future occupiers of these dwellings. As such, it is considered that the proposal would be contrary to the NPPF, Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review.”

The Council's decision to refuse planning permission was not subject to an appeal. Instead, a revised application was submitted for the erection of 1 dwelling at the site (application 17/01674/FUL). This was also refused in November 2017. This application was however appealed to the Planning Inspectorate. The Planning Inspector dismissed the appeal and concluded the following:

“Whilst I have not found harm to the living conditions of the occupiers of Nos 75 and 77 in respect of outlook, I have found harm to the character

and appearance of the area and that the proposal would provide inadequate living conditions for any future occupiers with regard to privacy. In my judgment, such adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.”

The Planning Inspector therefore shared the Council's view that the proposed development would be inadequate from a character and living conditions for future occupiers' perspective, however did not share the Council's concerns in relation to impacts on neighbouring properties or the subsequent loss of hedgerow at the front of the site. The rationale underpinning the Inspector's decision will be explored further in the report.

PROPOSAL

The application proposes to erect 1 dwelling measuring 10.2m in length, 6.7m in span width and 7.9m to ridge height. A new access would be created onto Hatfield Road with a gravel drive turning area and parking spaces for two cars. The hedge at the front of the site would be replaced to allow for a 2m footpath to run along the entirety of the front of the site. The hedge would subsequently be replaced further into the site.

The proposed dwelling submitted with this current application is not the same as the previously refused application which was dismissed at appeal. The orientation of this previous proposal was to front the road, and be in a closer position to a tree subject to a preservation order at the site. What is now proposed by comparison is a dwelling that has been re-orientated 90 degrees to side onto Hatfield Road, while being located further away from the tree subject of a preservation order. This revised proposal also includes a single storey rear extension.

In making all of the above changes, the applicant is attempting to address the concerns raised by the Planning Inspector. These particulars will be considered in detail within the report.

CONSULTATIONS

Environmental Health Officer

No objections subject to conditions relating to noise and contamination.

Ecology Officer

No objection subject to conditions and informative relating to wildlife disturbance and ecological enhancement.

Essex Highways

No objection: consider that the proposed access is acceptable subject to providing visibility splay requirements shown on plans.

Initially sought an uncontrolled pedestrian crossing by way of condition, however this request was amended and ECC highways have now required an extension to the existing footpath from the front of the co-op building across the site with 2m width.

Landscape Services

No objection to tree protection plan – it should be in place before development commences.

Witham Town Council

Recommend refusal for the following summarised reasons:

- Loss of hedge would detrimentally harm character of area and street scene
- Concerns about the viability of the new access
- Any new hedge/planting would lack security for new occupiers of the dwellings

REPRESENTATIONS

20 objections have been received from 9 properties including:

17 Hadrian's Close
63, 65, 69, 73, 75, 77, 81, 83, Haygreen Road

Setting out the following summarised concerns:

- Third application to build on inadequate land
- Lack of visibility of access on dangerous road
- Disproportionate carbon footprint for one house by virtue of new access
- Negative impact on delicate infrastructure
- Lack of manoeuvrability on site for turning of large vehicles
- Gates create problems pulling off of highway
- Damage to protected trees
- Loss of wildlife and vegetation – bats and lizards in area
 - Hedge provides noise mitigation from road for existing residents- would be lost
- Overlooking / loss of privacy
- Overcrowding and out of character with area – design not in keeping with Maltings Lane
- Negligible contribution to districts 5 year housing land supply
- Transport assessment does not include 750 houses at Redrow site
- Devaluation of property
- Inadequate living conditions for future occupiers
- Plan inaccuracies – no consistencies in reports
- Proposed footpath should be wide enough for two wheelchair users to pass
- Record of accidents at the site

- Lamppost at front requires removal

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011). The application site is located within a designated town development boundary. The general principle of development is therefore supported by Policy RLP2 of the Adopted Local Plan.

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The proposal in this case seeks to erect 1 dwelling within a development boundary which in principle would accord with the Adopted Development Plan.

5 Year Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;

- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31st December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31st March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning

balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Site History

In considering development at this site, significant weight must be attributed to comments made by the Planning Inspector in respect of previous application 17/01674/FUL. This is because the current application now proposed is similar to that of application 17/01674/FUL but attempts to address the concerns raised by the Planning Inspector. The comments made by the Inspector in respect to the issues raised by the Council are therefore material to the determination of this application. The comments made by the Inspector will be separated out under the Council's previous issues below and with a summary paragraph towards the end of the report. It should be noted that at the time of the previous appeal decision, the Council were unable to demonstrate a 5 year land supply.

Cramped Development

The NPPF also states that new development should seek to improve streetscapes and buildings to create attractive and comfortable place by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping. In addition, the NPPF states that planning applications should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 91).

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

Due to the siting of the previous dwelling and the close relationship with plot boundaries, the Council considered that the development was cramped and contrived even though it could meet parking and garden space requirements. The Planning Inspector dismissed these concerns, stating in paragraph 7:

“...Given the shape of the appeal site and the position of the proposed dwelling on it, the main garden area would be to the side of the dwelling rather than to its rear. Though this garden arrangement would differ somewhat from that of other dwellings in the area, this does not inevitably indicate that the proposal would appear cramped. Rather, the proposed dwelling would occupy only a small part of the appeal site and would, to a large degree, maintain its overall spatial qualities.”

Although the Inspector dismissed the Council's view that the development was cramped, the developer now proposes to change the orientation of the building 90 degrees to enable a more traditional front to back relationship with the largest areas of the plot. The result is a development which would no longer be unacceptably tight to its boundaries, with a large area of front and rear garden in excess of the standards. Taking this re-orientation into account, and the Planning Inspectors comments, the development could no longer be considered to be cramped and contrived and instead be acceptable in this regard.

Loss of Hedge at Front of Site, Boundary Treatments and Security

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

The Council considered that the existing hedgerow fronting the site was important, as it provides a sylvan character to the street scene from Hatfield Road. The Council therefore concluded that its proposed loss would be detrimental to the character of the area. Furthermore, the Council considered any replacement planting on the boundary would not be the same quality and take time to be established, and likely require hard boundary treatments to provide security for future occupiers of the development that would harm the character of the area. The Planning Inspector dismissed these concerns, stating in paragraph 8:

“The new access would result in the loss of part of the hedgerow that fronts Hatfield Road. However, this would be only a small part of its overall length. A more extensive part of the hedgerow is shown to be removed to provide the required visibility splays. This would have a greater effect on the verdant qualities of the appeal site and area. However, the hedgerow currently appears scrappy, fragmented and not particularly well maintained. Thus, its removal would be acceptable in this instance.”

“Moreover, a replacement hedge set back slightly further into the appeal site, along with its future maintenance, could be secured by way of a suitably worded planning condition to adequately mitigate any loss of greenery. In addition, there are other instances along the road, including directly opposite the appeal site, where timber fencing is combined with hedgerows to form boundary treatment. Should this be the case here, it would not look out of place in this context and in the context of the wider urban surroundings.

The planning Inspector therefore considered that the removal of the hedge would not cause an unacceptable impact in the character and appearance of the area. The Inspector also considered that new boundary fencing would also not look out of place in the locality.

This application also proposes to remove the hedge at the front of the site to facilitate sufficient access and visibility splays for the development. A replacement hedge is still proposed to be incorporated at the site, although details of boundary treatments are yet to be specified. Taking into account the weight that must be attached to the Inspectors comments, while Officers disagree with the Planning Inspectors assessment relating to the hedge, it is considered that the Council can no longer reasonably maintain their objection to the loss of the hedgerow. The loss of the hedgerow fronting the site is therefore acceptable. A condition however has been recommended to ensure the exact particulars of the replacement hedge would be appropriate for the area and a further condition to secure details of any boundary treatments.

Impact upon Tree subject to Preservation Order

The site contains three trees subject to a preservation order and these are clustered towards the western tip of the site. On previous application 17/01674/FUL, one of these trees would have been sited in the middle of the hard standing for the proposed dwelling with its canopy spreading across much of the hard standing. Due to this proximity, the Council considered that there would be a high likelihood the tree would drop its foliage onto the parking areas of the cars which would lead to pressures of tree cutting back/removal in future. The Planning Inspector shared the Council's concerns in paragraph 9:

“Nevertheless, it is proposed to incorporate an area of hard standing for the parking of vehicles within the majority of the root protection area (RPA) of a protected willow tree. This tree is an attractive landscape feature of the appeal site and area. I share the Council's concern that leaves and other debris falling from the tree onto parked vehicles would be likely to lead to considerable pressure to prune substantially or to remove this tree in the future. In addition, the evidence provided is insufficient to demonstrate that the installation of hard surfacing, within such an extensive area of the tree's RPA, would not have a detrimental impact on the roots of this tree and therefore the health of the tree overall. The substantial pruning or loss of the tree would give rise to considerable harm to the character and appearance of the area.”

It should be noted that the Planning Inspector did not object to the principle of siting of a dwelling in this location, but derived the harm to the character of the area through the impact on the tree subject to a preservation order.

The application in this case proposes to relocate the dwelling back further into the site, so that the proposed gravel drive would be located some distance from the trunk of the protected willow tree, and much of its canopy would remain within green space. Only a very small segment of the tree canopy would now overhang the gravel driveway. In addition, measures to protect the hedge have been submitted up front with tree protection fencing along the line of the proposed gravel drive to protect its roots during construction.

Taking the above change in circumstances into account, the issue with the proximity of the tree subject to a preservation order has now been resolved as the pressure to cut it back would be significantly less. The Council can no longer substantiate a reason for refusal on these grounds.

Living Conditions for Future Occupiers

On planning application 17/01674/FUL, the Council considered that future occupiers of the previously proposed dwelling would have severely compromised amenity. This concern related to the possibility of overlooking from existing residents on Haygreen Road into the most sensitive areas of the garden of the proposed dwelling. The inspector agreed with the Council in this respect setting out the following comments in paragraphs 11-12:

“A number of upper floor rear windows of dwellings along Haygreen Road face the appeal site, and from a modest distance. This includes the part of the appeal site that would form the main garden and patio area of the proposed dwelling. This would provide the considerable opportunity for the overlooking of the main garden and patio area from dwellings along Haygreen Road which would substantially limit the privacy of these external amenity spaces for any future occupiers of the proposal.”

“Though some planting could be incorporated along the shared boundary, it would be likely to take a considerable length of time to grow to a height and density to provide any effective screening to mitigate the effects of overlooking. In addition, whilst there would be an area of garden to the front of the proposed dwelling which would provide a greater degree of privacy, it would be considerably smaller in size than the main garden area and, unlike the main garden and patio area, would have no direct access from any ground floor living areas. This would limit its utility and would thus not overcome my concern in respect of privacy.”

The Inspector concluded in Paragraph 13 that the proposal would provide inadequate living conditions for any future occupiers, as residents on Haygreen Road could look into the most sensitive areas of garden amenity.

This planning application attempts to address the overlooking issue by the re-orientation of the building and the addition of a single storey rear extension. The re-orientation of the building facilitates direct access onto the larger area of garden at the rear for the proposed dwelling, while the proposed extension would shield the most sensitive garden amenity area (immediately behind the dwelling) from any direct overlooking from properties on Haygreen Road. A plan has been submitted demonstrating how this shielding would work. The extension would not however shield the remainder of the rear garden from the possibility of overlooking from existing residents on Haygreen Road.

The NPPF states that everyone is entitled to good amenity. In this case, taking into account the above, while a large proportion of the wider rear garden could still be overlooked, critically the most sensitive rear patio area for future occupiers of the proposed dwelling (as referred to by the Planning Inspector) would be protected from overlooking by virtue of the single storey rear extension. It is not uncommon in modern development for other parts of the garden to have a degree of overlooking, providing that the most sensitive area is protected.

Taking into account the above change in circumstances, the previous concerns raised by the Council and Planning Inspector in relation to quality of amenity to future occupiers have been overcome, and the Council can no longer reasonably maintain an objection on this basis.

Living Conditions – Existing Residents

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

On planning application 17/01674/FUL, the Council considered that the proposed dwelling due to its proximity, bulk and height would be an imposing mass that would create an unneighbourly sense of enclosure to No.75 and No.77 Haygreen Road to the detriment of their amenity. The Planning Inspector in paragraphs 14 and 15 disagreed with the Council's assessment, stating that:

“The rear gardens of 75 and 77 Haygreen Road have a modest depth of approximately 12 metres (m). The lack of any built form on the appeal site affords these rear gardens a sense of space and openness and provides an open aspect beyond their rear boundaries for the occupiers of these properties. The proposed dwelling would be sited beyond the rear gardens of Nos 75 and 77. It would therefore provide some level of enclosure to these rear gardens and would give rise to a change in the view for the occupiers of these properties.”

“However, the rear elevation of the proposed dwelling would not extend across the full widths of the rear gardens of Nos 75 and 77. In addition, at an approximate distance of between 3-4m, the degree of setback from

the rear boundaries of Nos 75 and 77 would be generous. Moreover, I am not persuaded by the Council's argument that the rear elevation of a new dwelling that backed onto another property would be inherently more dominant than if it were a side elevation of a similar scale. On this basis, I consider that any enclosure to the rear gardens of Nos 75 and 77 would not be oppressive and as such, the proposed dwelling would not appear overbearing for the occupiers of these properties. It would not, therefore, result in any material harm to their outlook."

In paragraph 16, the Planning Inspector concludes that the proposed dwelling would not have a detrimental impact on neighbouring properties for the above reasons.

As previously set out, the proposed dwelling has been re-orientated and re-sited so it now sides onto Haygreen Road, and would be located in the middle of the rear boundary line between 75 Haygreen Road and 73 Haygreen Road. Taking this re-siting into account, any neighbouring impacts have been reduced comparatively to the previous application.

As such, taking into account the above change in circumstances, and the comments set out by the Planning Inspector, it is considered that neighbouring amenity in this case would not be detrimentally affected by the proposal in relation to overlooking, overshadowing or overbearing.

Other Issues

The revised plans also raise other considerations that require addressing which are not covered in the Inspectors decision.

Character and Appearance

Hatfield Road is a primary street within the town hierarchy and has a varied architectural character but has some consistent features of plot form. The function of the street may have defined its long established character and this is an important aspect of local distinctiveness. Dwellings from many different decades and centuries line the street. All are given generous front gardens and the majority have strong facades to the street. The NPPF requires local planning authorities to promote and enforce local distinctiveness and as such there is a strong character to Hatfield Road.

The orientation and appearance of the proposed dwelling has changed to address other issues raised by the Planning Inspector. The re-orientation of the proposed dwelling in this case would place it more at odds with the prevailing settlement pattern described above, as it would side onto Hatfield Road rather than front onto it. However, in order to have some positive frontage with Hatfield Road, the proposed dwelling would introduce a two storey bay window feature on the side elevation. This was changed from a single storey bay window feature during the course of the application following discussions with the applicant.

As such, although the proposed dwelling would not have a direct front on relationship with Hatfield Road, it would not introduce a blank side elevation and would now have some visual interest. This form of development is usually found in corner turning plots in new developments, and is an acceptable design approach in this case.

Taking into account the change in circumstances discussed above, whilst the orientation of the building would be more at odds with the settlement pattern (than the previously refused application) this would not in itself be a sufficient reason to refuse the application due to the positive relationship the side elevation would have with Hatfield Road. Furthermore, the overall proposed appearance of the dwelling would not be out of keeping with other development in the locality. As such, the proposed dwelling would be acceptable from a character and appearance perspective.

Highways

Numerous concerns from Witham Town Council and neighbouring residents have been raised about the safety and suitability of the access onto Hatfield Road, in addition to accuracy of the plans. These concerns were also set out in previous application 17/01674/FUL. However, taking into account the supporting highways technical information submitted with the application, the Highways Authority raised no objection to the proposed access arrangements and visibility splays. As such, while concerns of residents continue to be noted, the Local Planning Authority would be unable to refuse the application on this basis. Moreover, the proposed access is almost unchanged from the original refusal, which was also found to be acceptable by the Council and Planning Inspector. As such, taking into account all of the above, the proposed access is acceptable.

In addition, concerns have been raised in respect of manoeuvrability at the site for large vehicle(s). The site would only however consist of a private drive in front of the house with a small turning area. As it is to be a private drive, the hardstanding would not need to be designed to an adoptable standard that would consist of an appropriate a turning head etc. Essex Highways, in any case, would not seek to adopt a private road in this way due to its close proximity to Hatfield Road. As such, while residents' concerns again are noted, the position and amount of proposed hardstanding at the front of the site is acceptable.

The application, similar to the previously refused application, also proposed to introduce a new pedestrian crossing including a refuge island and a small extension to an existing footpath to benefit future users of the site. However, during the course of the application, Essex Highways sought a change to this; instead requesting the provision of an uncontrolled pedestrian crossing, they asked for a 2m footpath to go along the entirety of the site frontage. This 2m footpath would be achievable taking into account the removal of the hedge at the front of the site. The plans were subsequently updated to show this, and Essex Highways have no objection in this regard. This improvement would be secured by way of a Grampian Planning condition.

Ecology

The site contains two/three trees subject to a TPO and these are clustered towards the western tip of the site. In this case, an arboricultural assessment and tree protection plan have been submitted with the application. The Landscapes Officer has considered this plan and is satisfied subject to a condition requiring that the protection measures were put in place before development commences. No ecological concerns were also raised with the application by the Councils Ecologist, subject to appropriate mitigation strategies would be put on condition in event of any approval.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

Summary

Taking into account all of the above, while the Local Planning Authority (LPA) still have reservations about the siting of a dwelling in this location, it is considered that all of the issues raised by the Planning Inspector dismissing application 17/01674/FUL have now been addressed. If the LPA were to continue to object to the application in light of the Planning Inspectors decision, the LPA would lose an appeal and be liable for costs to be awarded against the LPA. As such, in this case it is considered the LPA have no grounds to refuse the application. In any case, the changes introduced to overcome these issues would also be acceptable from a character, highways and ecology perspective. These considerations feed into the overall planning balance as set out below.

PLANNING BALANCE & CONCLUSION

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

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31st March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any specific detailed policies with the Adopted Development Plan. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Notwithstanding this, the site in this case is located within development limits and does not conflict with the Adopted Development Plan in principle.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the

different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In considering the planning balance on the previous application, the planning Inspector concluded the following in paragraphs 17, 18 and 19:

“The proposal would occupy a location with a good level of access to local services and facilities for any future occupiers. It would create some short term construction jobs and would generate some additional Council Tax revenue. In addition, a new dwelling would make a contribution, albeit a limited one, to housing supply within the District and would assist, to a slight degree, in reducing the Council's five year housing land supply shortfall. These matters weigh modestly in favour of the proposal.”

“Whilst I have not found harm to the living conditions of the occupiers of Nos 75 and 77 in respect of outlook, I have found harm to the character and appearance of the area and that the proposal would provide inadequate living conditions for any future occupiers with regard to privacy. In my judgment, such adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.”

“For the reasons set out above and having regard to all other matters, including property devaluation, pressure on infrastructure, highway safety, noise and disturbance, neighbour privacy, drainage and ecology, I conclude that the appeal should be dismissed.”

The planning Inspector considered the application under the previous NPPF where paragraph 14 (now 11 with new NPPF) was triggered due to a lack of 5 year housing land supply at the time, which meant that the application had to be considered in the 'titled balance' in favour of development. As stated above, the Council are now able to demonstrate a 5 year housing land supply, therefore paragraph 11 (formerly 14) is not engaged and the titled balance is not triggered. However, for reasons set out in the supporting text above, the Council are not able to give this full weight in decision making at this time.

In terms of the economic and social objectives, the development would bring about the same benefits set out by the Planning Inspector; accessible

location, short term construction, additional council tax revenue and a contribution, albeit a limited one, towards housing supply. It would also lead to the creation of a footpath along the entire site frontage to benefit existing residents and future occupiers.

In terms of the environmental objective, the proposal would now overcome all previous objections identified by the Planning Inspector; the amenity of future occupiers would be safeguarded, the trees subject to a preservation order at the site would also be retained and safeguarded. The proposal would also be acceptable from a character, highways and ecology perspective.

As such, allocating significant weight to the Planning Inspectors comments, when considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh any harms identified in the report. The proposed development would constitute sustainable development and officers recommend 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	Plan Ref: 00	
Proposed Sections	Plan Ref: 18	Version: A
Proposed Elevations	Plan Ref: 17	Version: A
Proposed Floor Plan	Plan Ref: 16	Version: A
Proposed Block Plan	Plan Ref: 15	Version: E
Proposed Site Plan	Plan Ref: 14	Version: E

- 1 The development hereby permitted shall commence 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 No occupation of the development shall take place until the following has been provided or completed:

An access off Hatfield Road to the site as shown on Site Plan drawing number 14 E. Access to be provided with a minimum 70 x 2.4 x 70 metre visibility splay as measured to the nearside edge of the Hatfield Road carriageway.

Reason

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

- 4 No occupation of the development shall take place until the following has been provided or completed:

An extension of the south eastern side Hatfield Road footway from where it currently terminates adjacent The Jack and Jenny building across the entirety of the site frontage with a 2m width.

Reason

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

- 5 No occupation of the development shall take place until the following has been provided or completed:

The gates provided at the vehicular access shall be inward opening only and shall not move further forward than their position shown on Site Plan drawing number 14 E.

Reason

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

- 6 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

Reason

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

- 7 No development shall commence until 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 the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

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

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

- 8 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the site clearance and construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interest of highway safety. The management scheme is required prior to the commencement of development to ensure that control measures are in place before work

starts on the site.

- 9 The development shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement dated July 2018 by B. J. UNWIN FORESTRY CONSULTANCY, and be in accordance with Tree Protection Plan JKJNTRP- JUL18 received 18th July 2018. 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.

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

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

Reason

To ensure the protection and retention of the existing hedge. The hedge protection measure are required prior to the commencement of development on the site to ensure that's such measures are in place before work starts on the site which could otherwise damage the hedge.

- 10 Notwithstanding the submitted details and prior to the first occupation of the development hereby approved details of all gates/fences walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as such thereafter.

Reason

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

- 11 No above ground development shall commence unless and until, a schedule and samples of the materials to be used in the external finishes of the new dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason

To ensure an appropriate choice of materials having regard to the location of this site in a rural area and to ensure that the choice of materials will

harmonise with the character of the surrounding area.

- 12 No above ground works shall take place until details of the proposed ecological enhancement of the site have been submitted to and approved in writing by the Local Planning Authority. It should include new habitat creation, including bird boxes, bat box, and native planting. The number of nest boxes and their location should be identified on a site plan.

Reason

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

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

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

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

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

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

Reason

In the interests of visual amenity.

- 14 The residential units shall not be occupied until a noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include secondary glazing to the existing single glazed windows. The development shall only be carried out in accordance with these approved details. Once completed, the applicant shall submit a verification report to the Local Planning Authority to satisfy that the noise insulation works have been completed to the required specification as set out in the noise insulation scheme and that the internal noise levels for dwellings in BS 8233:2014 have been met.

Reason

To protect the amenities of the future occupiers of the development.

INFORMATION TO APPLICANT

- 1 The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Trees, hedges and shrubs are likely to contain nesting birds between 1st March to 31st August inclusive.
- 2 Nest boxes ideally should be an integrated feature of new building but in this instance the boxes are approved as being suitable for the intended garden species. To further enhance the site for biodiversity a bat roost box should be installed on a nearby mature tree and its location must be identified on a site plan. A suggested suitable box should be similar in design to the following:
<http://www.nhbs.com/title/177076/1fd-schwegler-bat-box>. It is recommended that at least one sparrow terrace box (as specified in the ecology report) should be installed on the property and 4 of the Schwegler Avianex 1MR Bird Boxes (as specified in the ecology report) within the garden environment.
- 3 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

All highway related details should be agreed with the Highway Authority.

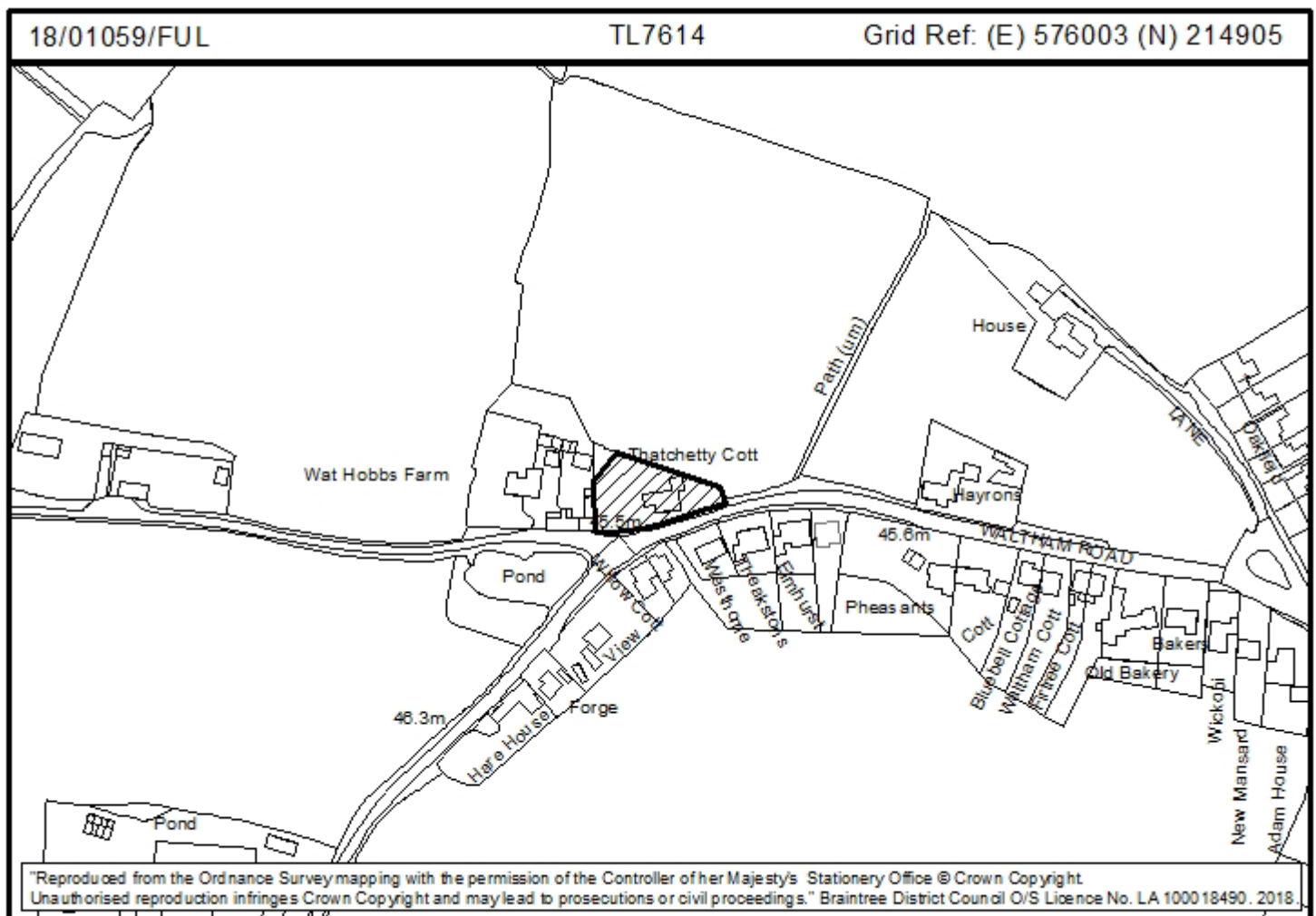
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 18/01059/FUL DATE: 12.06.18
 VALID:
 APPLICANT: Mr & Mrs K Dowsing
 Thatchetty Cottage, Waltham Road, Terling, CM3 2QR
 AGENT: Mr Paul Dodds
 Burrowdown, Church St, Gestingthorpe, Halstead, CO9 3AZ
 DESCRIPTION: New two storey extension with glazed link to existing dwelling
 LOCATION: Thatchetty Cottage, Waltham Road, Terling, Essex, CM3 2QR

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506 or by e-mail to:
 liz.williamson@braintree.gov.uk



SITE HISTORY

77/01254/P	Erection of conservatory	Granted	10.01.78
87/00072/P	Erection of extension.	Granted	27.03.87
75/00426/P	Insertion of 2 no. dormer windows in existing thatched roof.	Granted	16.05.75
96/01248/FUL	Erection of stable	Granted	30.12.96
08/00056/FUL	Demolition of conservatory and erection of rear single storey extension to create ensuite and study	Granted	14.02.08
08/00180/FUL	Erection of single storey extension to kitchen	Granted	11.03.08
16/00188/FUL	Erection of first floor side extension over existing kitchen.	Withdrawn	23.03.16
16/00501/FUL	Erection of first floor side extension over existing kitchen	Granted	02.03.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.

- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP38 Residential Alterations, Extensions and Outbuildings
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

Other Material Considerations

None

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee in accordance with the Council's scheme of delegation, as the Parish Council have objected to the application, contrary to officer recommendation.

SITE DESCRIPTION

The property is a detached two storey dwelling within the village envelope of Terling. The property is a thatched cottage situated in close proximity to a listed property. The property also benefits from a detached garage with generous amenity area to the side and rear which looks out onto open countryside.

A large single storey side extension was granted planning permission in 2008 under application reference 08/00180/FUL which facilitated the provision of a

new kitchen. The extension was approximately 5.5 metres in width and was approximately 6 metres in depth. A further application was granted planning permission in 2018 under application reference 16/00501/FUL which facilitated the provision of first floor side extension over the existing kitchen. This permission has not been implemented.

PROPOSAL

The application seeks permission to erect a two storey extension on the south elevation linked to the host property via a glazed link.

CONSULTATIONS

Terling and Fairstead Parish Council

Two responses have been received from the Parish Council which can be summarised as follows:

Response Dated 28.07.2018

The Parish Council commend refusal of the application. Commented that the drawings submitted with the application are inaccurate and do not accurately depict the existing site arrangements regarding access to the site. Raised concern that the proposal does not make reference to Braintree District Council Policy relating to design and appearance, in particular, relevance to street scene, massing and identity to local surroundings. Concern was also raised relating to the boundary treatment or reference to the Terling Village Design Statement. The Parish Council states that the proposal results in an elevation treatment that is not in sympathy with the host dwelling and dominates the street scene. Concerns was raised regarding whether the proposal is an extension or an annex as the Parish Council consider that the proposal is an annexe. The Parish Council acknowledges that pre-application advice has been sought and that Officers support an extension, but would not be supportive of a separate dwelling or stand-alone annexe which the Parish Council re-iterates.

Response dated 02.11.2018

Following the submission of a supporting statement by the agent, in response to the comments raised by the Parish Council, the Parish Council's position remains as stated in their representation dated 28.07.2018 and they do not support the application. The Parish Council have expressed the view that the application should be withdrawn and re-submitted and this suggestion was made at a Parish Council meeting that the applicant attended.

REPRESENTATIONS

A site notice was displayed at the front of the property and neighbouring properties were notified in writing. No representations have been received in connection with this application.

REPORT

Principle of Development

The proposal is for an extension to an existing dwelling within the development boundary and is therefore supported in principle, in accordance with Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to criteria on design, amenity and other material considerations.

Furthermore, the principle of a first floor extension has been established through the grant of planning permission for the previous application at the site (application reference 16/00501/FUL refers).

Design, Appearance and Layout

The property is a detached, two storey property, with a traditional thatched roof and is located in close proximity to the highway. Directly opposite the site are a combination of single storey and two storey detached properties. Adjacent to the site is a farm complex consisting of both black timber boarded and brick buildings.

It is proposed to erect a glazed link to the south elevation which would connect a two storey barn style extension to the host dwelling. The two storey element of the proposal has been designed to be in keeping with the barns adjacent the site and surrounding area. The two storey extension would be clad in black timber boarding which includes a false window on the front elevation, a feature that would often be found within a traditional barn. The roof would be tiled which would provide a contrast to the roof material used in the host dwelling. The design of the rear elevation of the extension includes a glazed window at first floor level and bi-fold doors at ground floor level. It is proposed that the height of the extension would be lower than the height of Thatchetty Cottage to enable the extension to be subordinate in terms of bulk and height and therefore does not appear dominant in relation to the host dwelling.

There is no uniformity within the existing street scene as the immediate vicinity contains a combination of single storey and two storey dwellings. The proposed extension would be adjacent to an existing farm complex where there are established black timber boarded and brick built farm buildings located.

It is considered that the design of the proposal is sympathetic and would appear subordinate to the host dwelling. The design and external appearance of the proposed extension is considered to be in keeping with the character and appearance of the existing property and the street scene. As such, and while the responses from the Parish Council are noted, the proposal is considered to be acceptable in terms of design and the external appearance and would comply with the abovementioned policies.

Impact on the setting of the Listed Building

The neighbouring property known as Wat Hobbs Farm is listed Grade II for its architectural and historic importance. Taking into account the location of the proposed extension and proximity to the nearby listed building, it is not considered that the proposed two storey side extension would have a detrimental impact upon the setting of the listed building.

Impact on Neighbour Amenities

In this case, and having regard to the proximity of neighbouring residential properties it is not considered that the proposals would have a detrimental impact on neighbouring residential amenities in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore, no letters of representation have been received from neighbouring properties.

Highway Issues

There is existing parking at the front of the property. The proposed extension would not affect the existing parking arrangements at the property. Therefore, it is considered that there would be no highway implications associated with this application and moreover, sufficient parking provision would be retained at the property. While the concerns of the Parish Council are noted in relation to vehicle access, the agent has confirmed that no changes are proposed to the existing access or parking arrangements. The submitted block plan shows an additional access adjacent to the proposed extension. This does not form part of the application and therefore, a revised plan has been sought from the agent which removes any reference to an additional access.

Other Issues

It is noted from the response received from the Parish Council that although they acknowledge that the planning application does not require a Design and Access Statement to be submitted with the application, it would have proven helpful for this application. In this regard it should be noted, as correctly stated by the Parish Council, that a Design and Access statement is not a validation requirement for this type of application and this document is not required to be submitted.

In respect of the Parish Council's original concerns relating to the proposal being utilised as a separate annexe/dwelling, the proposal is for a two storey linked extension and from the plans submitted the extension would be used in

connection to the main dwelling and not as an annexe or stand-alone dwelling.

RECOMMENDATION

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

APPROVED PLANS

Proposed Plans Plan Ref: WPS/7C/1

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

Reason

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

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

Reason

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

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

Reason

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

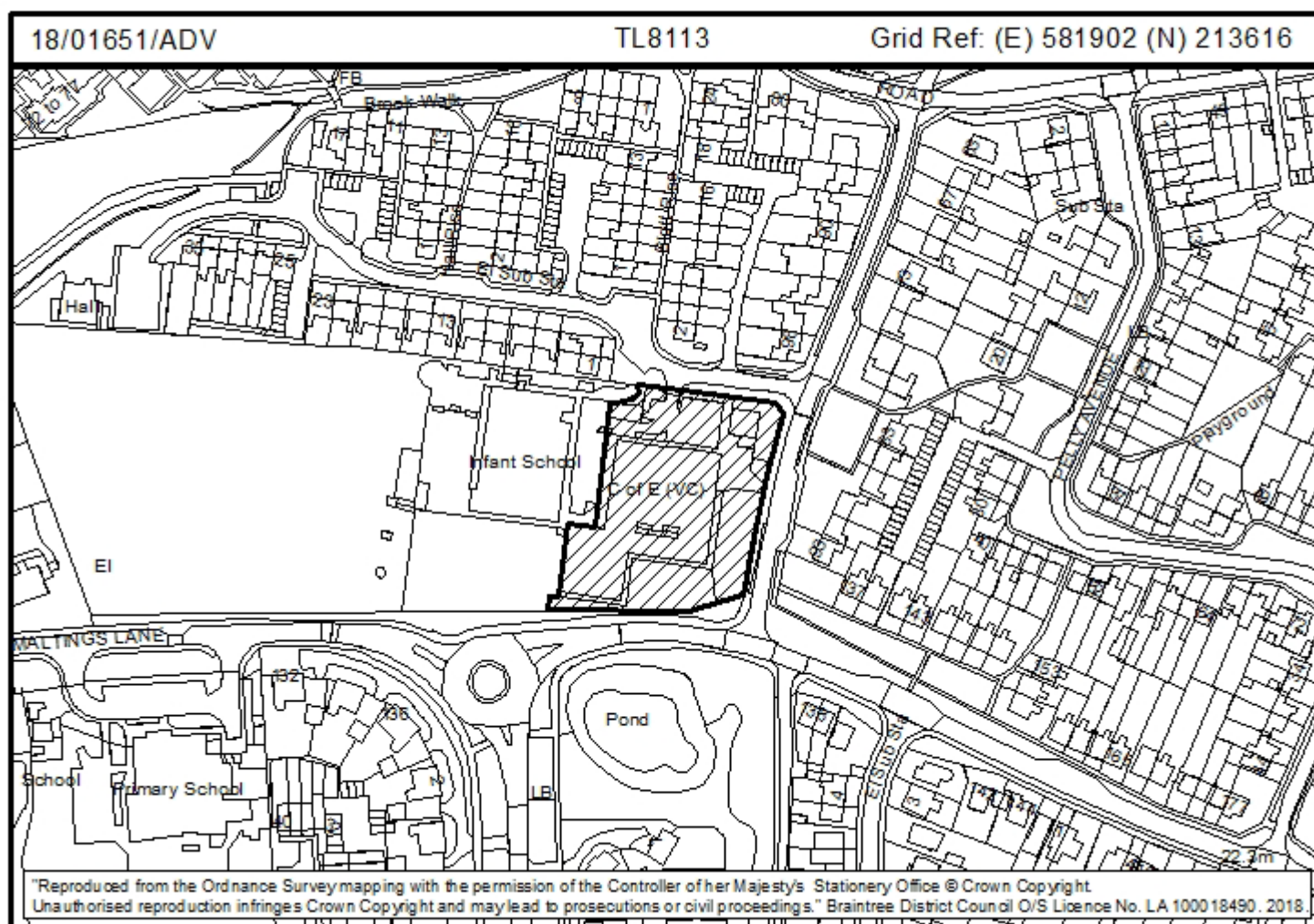
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 18/01651/ADV DATE: 03.10.18
 VALID:
 APPLICANT: Mr William Abbott
 Parish Office, Chipping Hill, Witham, Essex, CM8 2JS
 DESCRIPTION: 1 no banner with details of church service.
 LOCATION: Howbridge C Of E Junior School, Dengie Close, Witham,
 Essex, CM8 1DJ

For more information about this Application please contact:
 Ellen Cooney on:- 01376 551414 Ext. 2501
 or by e-mail to: Ellen.cooney@braintree.gov.uk



SITE HISTORY

00/01943/ECC	Proposed repositioning of entrance gate off Howbridge Road and new fencing to form parent waiting area	Deemed Permitted	02.02.01
03/00162/FUL	Erection of extension to office facilities	Granted	26.03.03
75/00113/P	Relocatable classrooms	Deemed Permitted	17.07.75
75/00268/	Proposed provision of one relocatable classroom.	Deemed Permitted	17.07.75
76/00493/P	Proposed provision of one single relocatable classroom with toilets	Deemed Permitted	09.07.76
80/00790/P	Retention and continued use of relocatable classroom	Deemed Permitted	15.01.80
81/00949/P	Retention of one relocatable classroom with toilets	Deemed Permitted	08.09.81
88/01878/P	Stationing Of Relocatable Classroom With Toilets	Deemed Permitted	09.12.88
90/01318/PFWS	Conversion Of Caretakers Dwelling For Use By Playgroup	Deemed Permitted	28.09.90
94/00320/ECC	Proposed Relocatable classroom	Deemed Permitted	06.04.94
95/00615/ECC	Erection of single storey flat roof extension	Deemed Permitted	13.07.95
95/01181/ECC	Proposed extension to car park, relocation of sheds and bin stores and hard landscaping of exiting play area	Deemed Permitted	13.11.95
98/00400/ECC	Proposed additional car parking spaces and raise part boundary fence to Maltings Lane	Deemed Permitted	11.05.98
98/01065/FUL	Erection of open sided octagonal pavilion	Granted	18.09.98
05/00931/FUL	Remodelling to existing car park and pedestrian paths, along with provision of new fencing to boundary and within site	Granted	05.07.05
06/01539/ECC	Replacement of existing chain link fencing with 2.2m metal palisade fencing and gates	Deemed Permitted	14.08.06
10/00125/ECC	Erection of two storey	Deemed	23.02.10

	extension to provide a ground floor dining room and improved kitchen facilities, new administration accommodation on the first floor and internal and external remodelling works to the main entrance of the school	Permitted	
10/00884/ECC	Two storey extension to provide a ground floor dining room and improved kitchen facilities, new administration accommodation on the first floor and internal and external remodelling works to the main entrance of the school	Withdrawn	06.07.10

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.

- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development
LPP58 Shop Fronts, Fascias and Signs in Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation, because the applicant is related to a Councillor at Braintree District Council.

SITE DESCRIPTION

The application site comprises a Junior School which is located on Howbridge Road, within the town development boundary of Witham.

PROPOSAL

The proposal is for a banner style sign to be erected and displayed indefinitely on the School's grounds. The sign is proposed to measure 1 metre in height, 2 metres in width and 5mm in depth. It would be a plastic 2-dimensional banner style advertisement. The sign would be located on the boundary of Howbridge Junior School, looking out onto Howbridge Road and Dengie Close.

CONSULTATIONS

ECC Highways: The proposal is acceptable to the Highway Authority.

REPRESENTATIONS

Witham Town Council: No objection

No neighbour consultation responses have been received.

REPORT

Principle of Development

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air. The proposal is located on the boundary of Howbridge Junior School, looking out onto Howbridge Road and Dengie Close. The proposal of a sign in this location is acceptable in principle provided it meets public amenity and highway safety criteria.

Amenity

In terms of impact on amenity, Paragraph 132 of the NPPF states “the quality and character of places can suffer when advertisements are poorly sited and designed”. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In terms of impact on amenity Regulation 3 of Advertising Regulations 2007 under Sub section 3.-(2) (a) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policy RLP107 of the Adopted Local Plan and Policy LPP58 of the Draft Local Plan permits outdoor advertisements providing that the advertisement is displayed in close proximity to the activities they are advertising, the area of display of an advertisement should be visually subordinate to the feature of the building on which it is located, there is not a proliferation of advertisements on the building/site, issues of public safety, including traffic safety have been taken into account. Policy RLP90 of the Adopted Local Plan and Policy

LPP55 of the Draft Local Plan require a high standard of design and layout in all new development.

In this case, the sign proposed would be located on the on the corner of Dengie Close and Howbridge Road. The sign is proposed to measure 1 metre in height, 2 metres in width and 5mm in depth. It would be a plastic 2-dimensional banner style advertisement. It is considered that the signs would be in keeping with the area and comply with the abovementioned policies and is therefore deemed to be acceptable.

Public Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by Policy RLP107 of the Adopted Local Plan which outlines that public safety, including traffic safety, will be accorded a high priority in decision making. ECC Highways have raised no objections to the application and therefore it is concluded that the proposal would not have a detrimental impact on public safety.

Conclusion

In this case the proposed advertisement would not have a detrimental impact upon amenity or public safety and is therefore would comply with the abovementioned policies.

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
Signage Details

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

- 2 The consent 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.

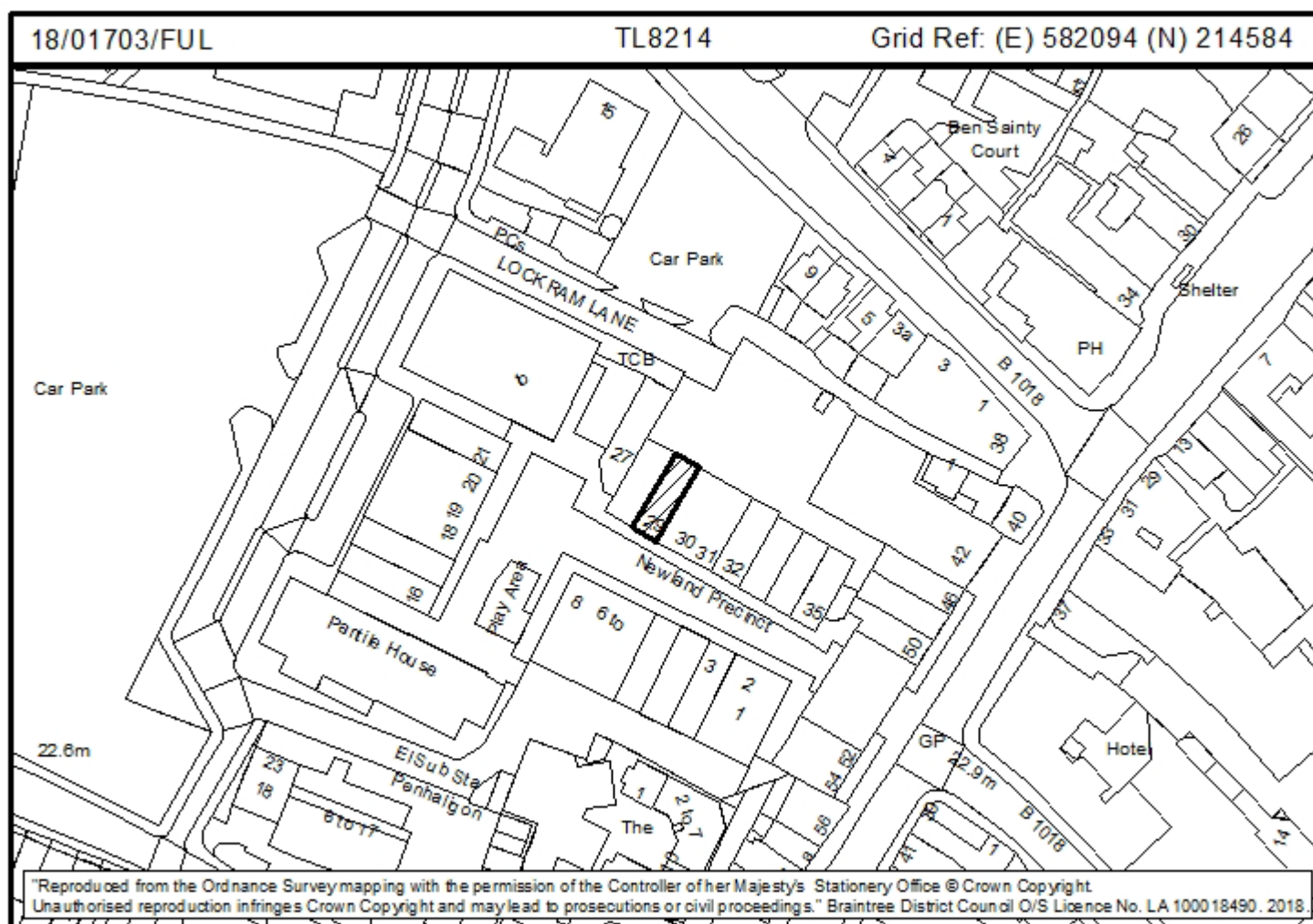
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5h

PART B

APPLICATION NO: 18/01703/FUL
 DATE: 19.09.18
 VALID:
 APPLICANT: Mr Robert Russen
 Co-operative Funeralcare, 29 Newlands Precinct, Witham, CM8 2AP
 AGENT: W D Harley
 W D Harley Architects Ltd, Ancaster Business Centre, Callander, FK17 8EA
 DESCRIPTION: Fit out of retail unit to funeral home. Works to include installation of external condensing unit.
 LOCATION: 29 Newlands Precinct, Witham, Essex, CM8 2AP

For more information about this Application please contact:
 Ellie Scott on:- 01376 551414 Ext.
 or by e-mail to: ellie.scott@braintree.gov.uk



SITE HISTORY

03/00913/ADV	Display of shopping centre signage	Granted	07.08.03
04/01132/COU	Change of use from A1 Retail to A2 Bookmakers and installation of new shop front	Granted	24.08.04
96/00148/ADV	Erection of sign and banners	Granted	23.09.96
99/00421/ADV	Display of illuminated shopping centre signage to front and rear and directory boards for complete centre	Granted	23.06.99
06/00995/COU	Proposed change of use of No.30 The Newlands Precinct from A1 (retail) to A2 (Betting Office) creating a betting office at 29-30 The Newland Precinct and variation to approved opening hours for No. 29 The Newland Precinct to 09:00 to 22:00 hours seven days a week	Refused	18.07.06
16/02141/FUL	Minor aesthetic alterations to the centre including the removal of existing metal canopies, painting of all instances of exposed concrete to existing buildings and repainting of railings around the playground and new shop frontages with "bus stop" signage between shopfronts. Public realm works will include the implementation of 2no. trees and the replacement of existing benches, lamp posts and litter bins.	Granted	09.02.17
17/01271/ADV	Proposed new signage to replace existing.	Granted	06.11.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP95	Preservation and Enhancement of Conservation Areas
RLP117	Shopfronts in Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP58	Shop Fronts, Fascias and Signs in Conservation Areas
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation, because Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located within the modern Newlands Shopping Precinct and is located within the Newland Street Conservation Area.

PROPOSAL

The proposal is for the refit of the retail unit at 29 Newlands Precinct and is proposed to be a funeral home. As part of this refit, internally there is proposed to be an arrangement room, viewing room and a refrigerator to store the deceased. Externally, a new shopfront and a refrigeration condensing unit to the rear of the property are proposed. The shopfront would include changes to sub-divisions of the display windows and new swing door. 29 Newlands Street is currently a vacant property and is considered to fall within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Funeral Parlours also fall within Class A1 and therefore the proposal does not require planning permission for change of use.

CONSULTATIONS

Historic Building Consultant: No objections to the proposal.

Environmental Health: No objections to the proposal subject to noise and hours of construction/conversion conditions.

Economic Development: Have no comments on the proposal.

Witham Town Council: No objection to the proposal subject to a twelve month temporary permission.

Subsequent e-mail correspondence with Witham Town Council has confirmed that if the proposal is not subject to a 12 month permission, they object to the proposal.

REPRESENTATIONS

No neighbour representations received.

REPORT

Principle of Development

The proposal is for a shop refit including a new shopfront and the installation of an external condensing unit to an existing property located within the development boundary.

In terms of the shopfront, Policy RLP117 of the Adopted Local Plan and Policy LPP58 of the Draft Local Plan provide relevant guidance on the type of shopfronts which would be considered acceptable in a Conservation Area. Criteria as part of Policy RLP117 includes having display windows which are sub-divided into areas which create proportional harmony and have traditional materials wherever possible.

In terms of the external condensing unit, Policy RLP62 of the Adopted Local Plan and Policy LPP73 provide relevant guidance on noise pollution. Policy RLP62 states that planning permission should not be granted if the proposal would cause harm to nearby residents in relation to a number of criteria including noise.

Therefore the proposal is supported in principle, subject to criteria on design, amenity and other material considerations outlined below.

Design & Appearance

The proposal is for external changes to the shopfront which would include changes to sub-divisions of the display windows and swing door. Materials such as aluminium are proposed.

In terms of the display windows and door, it is considered that these would be sub-divided into areas which are equally proportionate and in keeping with the character of the building and the surrounding modern precinct. In terms of materials, it is considered that the proposed use of aluminium is in keeping with the surrounding precinct where many other properties also have aluminium.

In terms of the external condensing unit, this is proposed to measure approximately 0.94 metres in width, 0.837 metres in height and 0.654 metres in depth and would be located to the rear of the property. It is considered that such paraphernalia may be expected at the rear of the property and therefore the external condensing unit would not be to the detriment of the appearance of the property.

Heritage

It is acknowledged that the site is located within the Newland Street Conservation Area where proposals that include materials such as aluminium are normally not considered acceptable and in keeping with the Conservation Area. The Historic Building Consultant has raised no objection to the proposal however, and the location of the application site is set back from Newland Street, part of an inward facing precinct, and therefore would not be detrimentally harmful to the character and appearance of the Conservation Area.

In terms of the external condensing unit, given the relatively small size of the unit, it is not considered that this would be highly visible in the Conservation Area and would be associated with the modern shopping precinct. Furthermore the Historic Building Consultant has not objected to the application and therefore it is considered that the external condensing unit is acceptable from a heritage perspective.

Therefore on balance, the proposals would be considered acceptable from a design and heritage perspective as the design would be in keeping with the immediate Newland Precinct area and would not result in detrimental harm to the Newland Street Conservation Area.

Impact on Neighbouring Residential Amenities

Environmental Health have raised no objections to the proposal and therefore the external condensing unit would not lead to unacceptable noise pollution. Conditions are however recommended.

Highway Considerations

The application site is located within the defined town centre and as such the site is accessible by a range of transportation modes. The existing premises was previously in retail use and therefore the proposal would not give rise to any issues in terms of parking, deliveries or servicing, or any other wider highway impacts.

Comments on Witham Town Council's Objection

Due to the nature of this application where work includes complete refit of the shop and external condensing unit, it is considered unreasonable to time limit the permission to a 12 month permission as suggested by Witham Town Council. The proposal is purely for changes to the shopfront and external

condensing unit and not a change of use. Therefore it is considered that there is no justifiable planning reason for a temporary 12 month permission.

Conclusion

It is concluded on balance, that the proposal is acceptable. Whilst the use of materials such as aluminium on a shopfront are normally discouraged in Conservation Areas, the application site is set back from Newland Street and the proposals submitted are considered to be in keeping with surrounding properties in the modern Newlands Precinct. In terms of the external condensing unit, this would not be to the detriment of the appearance of the property and would not lead to unacceptable noise levels. The proposal therefore complies with the abovementioned policies.

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: CFNH-30-101
Block Plan	Plan Ref: CFNH-30-102
Proposed Floor Plan	Plan Ref: CFNH-30-104
Elevations	Plan Ref: CFNH-30-105
Noise Details	Plan Ref: 87972/NIA
Proposed Plans	Plan Ref: E3070-003

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

Reason

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

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

Reason

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

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

Reason

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

- 4 LAeq (15min) shall not exceed 10dB below the night time background noise level (LA90 (15min) measured as 35dB(A) at the boundary of noise sensitive premises at all times.

Reason

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

- 5 No construction/conversion works shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-
Monday to Saturday - 0800 hours - 1800 hours
Bank Holidays & Sundays - no work

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER