

PLANNING COMMITTEE AGENDA

Tuesday, 19 March 2019 at 7:15pm

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

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

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

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

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

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

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

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

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

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

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 12th March 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

5a	Application No. 18 02010 FUL - Gimsoms, Kings Chase, WITHAM	6 - 56
5b	Application No. 15 00565 OUT - Stafford Park, Liston Road, LISTON	57 - 251
5c	Application No. 18 01550 FUL - Bartholomew House, Colchester Road, HALSTEAD	252 - 266
5d	Application No. 18 01751 REM - Land off Western Road, SILVER END	267 - 302
5e	Application No. 18 02048 FUL - Freeport Village, Charter Way, BRAINTREE	303 - 329
5f	Application No. 18 02184 FUL - Land adjacent to 67 Little Yeldham Road, LITTLE YELDHAM	330 - 345

PART B
Minor Planning Applications

5g **Application No. 18 02224 FUL - Morelands Farm, Bures Road, WHITE COLNE** **346 - 354**

5h **Application No. 18 02291 FUL - Bradwell Service Station, Coggeshall Road, BRADWELL** **355 - 367**

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**

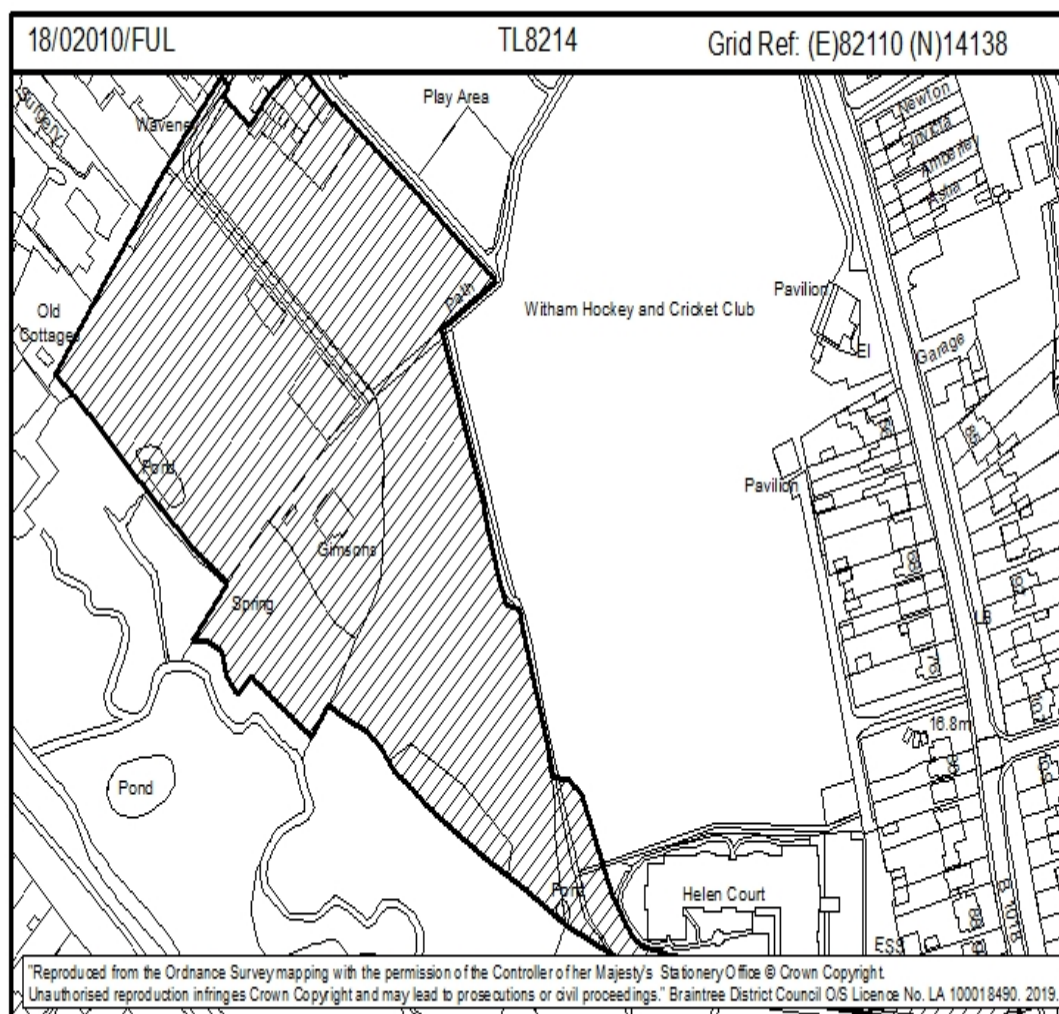
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/02010/FUL
DATE VALID: 08.11.18
APPLICANT: Mr Steve Read
1 Cunard Square, Townfield Street, Chelmsford, Essex,
CM1 1AQ
AGENT: Mr Michael Calder
250 Avenue West, Great Notley, CM77 7AA
DESCRIPTION: Demolition of existing dwelling and construction of 78
dwellings including access, landscaping, parking and
associated works
LOCATION: Gimsons, Kings Chase, Witham, Essex, CM8 1AX

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PEN4J1BF07F00>

SITE HISTORY

91/00574/PFWS	Erection Of Building For Scout Meetings	Granted	10.09.91
96/00301/TPO	Notice of intent to carry out work to protected trees - pollard 1 sycamore	Refused	22.04.96
05/00036/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 8/86 - G1 - Carry out works to 10 sycamores	Pending Consideration	

POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
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
RLP52	Public Transport
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
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
RLP140	River Walks/Linear Parks and Disused Railway Lines

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

CS10 Provision for Open Space, Sport and Recreation

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
LPP32	Residential Allocation Area - Gimsons, Witham
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
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
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

Village Design Statement

Open Space SPD

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 is considered to be of significant public interest.

SITE DESCRIPTION

The site measures approximately 3.48 Hectares and relates to a dwelling called 'Gimsons' and its associated private land. 'Gimsons' is a large 1930's dwelling and comprises some timber stable buildings in the northwest corner of the site. 'Gimsons' is currently accessed from Kings Chase. Other than the existing dwelling and its outbuildings, the site has not been developed and is an irregularly shaped greenfield site. It contains numerous scrub and vegetation including trees subject to a Preservation Order, but has generally been left unmanaged as the former use of paddocks have long since ceased. The site slopes some 5m from the north-east to the south-west, towards the River Brain, where there is a steep bank. The very southern aspect of the site would be in close proximity to the flood plain associated with the River Brain.

The site is situated in the heart of Witham, between the River Brain (and the River Walk further south), Maldon Road Park to the North, Witham Hockey and Cricket Club & the Sauls Bridge Sports Ground to the East, Helen Court to the South East, and properties that back onto the site from Newland Street and Kings Chase. The site also borders the Newland Street Conservation Area on its north-eastern and north-western boundaries and the 'backlands' plots on the north-western boundary along Newland Street, which are historically associated with four listed buildings.

There is currently no public access through the site, however there is a footpath which runs parallel with the site boundary on the eastern side which is also adjoining the sports grounds and leads to the Maldon Road Park. The footpath is unlit and narrow in places. The River Walk (PROW 121_90) runs parallel with the site but on the opposite side of the River Brain. The River Walk is not therefore included within the site boundary and is instead approx. 95m away at the closest point, and an average distance of approx. 120m from the site. There is also an informal right of way along the north-west boundary with access from a rear car park off of Newland Street.

NOTATION

The site (excluding Gimsons house) is identified as 'Visually Important Space' in the Adopted Local Plan. However, this designation has been removed as part of the emerging Draft local Plan as the site (excluding Gimsons house and immediate land) is now proposed to be allocated for Residential Development.

PROPOSAL

The application in this case seeks full planning permission to demolish 'Gimsons' and erect 78 dwellings. The site would be accessed from River View which is a subsidiary road from Maldon Road. It is proposed that River View is retained in its current position but be brought up to adoptable highway standards. Vehicular access for Plots 1-77 will be taken from River View, with Plot 78 being accessed from Kings Chase.

The development would therefore create an internal spine road from Riverview which runs through the eastern edge of the site, before splitting off into subsidiary shared surface roads. The development has been designed to retain the most valuable trees subject to a Preservation Order and also retain other mature boundary planting adjacent to the River. The development would provide parking, public and private amenity space for future occupiers.

The development proposes 55 market dwellings with 23 affordable dwellings at a ratio of 30% in accordance with the Councils Adopted Policies. The site would comprise a mix of housing comprising a range of two, three and four bedroom houses and one and two bedroom flats.

In terms of scale, the proposed houses would be two storey with only one apartment block at three storeys on the western edge of the site. The houses are designed to respond to the local vernacular. In terms of appearance, the development would provide 11 core house types and two apartment blocks.

CONSULTATIONS

Sport England

Due to the proximity of the sports pitches, require provision of demountable nattering system to protect road users. Sport England have issued a holding objection to the application pending submission of these details. Discussions between the applicants, the Local Planning Authority and Sport England are ongoing and an update will be provided for members at Committee.

Highways England

No objection to the development.

Historic England

Do not wish to offer any comments and state that local Conservation and Archaeological advice is followed.

Natural England

No objection but recommend financial contribution towards securing funding for the Blackwater Estuary.

Environment Agency

No objection on land contamination, surface water management or flood risk. Recommend conditions in respect of contamination and drainage systems.

BDC Ecology

Raises no objections and recommends conditions including the submission of a construction environmental management plan, badger survey, habitat sites mitigation, landscape and ecological management plan, biodiversity enhancement strategy and a wildlife sensitive lighting design scheme.

ECC Sustainable Urban Drainage Systems (SUDS)

Raised no objection to the development, subject to a number of conditions including Surface water drainage scheme, minimising surface water during construction, maintenance plan for SUDS features and yearly logs of maintenance for the SUDS features.

ECC Archaeology

No objection to the development, however in view of possible archaeological remains at the site, recommend conditions in relation to no groundworks, mitigation/excavation strategy, archaeological deposits and a post excavation assessment.

ECC Education

No objection. Require financial contributions to the provision of additional Early Years and Child Care places (3), and Primary Education places (20.2). These figures would be for 78 houses:

- Early years and child care: £52,266
- Primary education - £ 304,856

No secondary school provision is sought in this case.

ECC Highways

No objection to the development, subject to conditions in respect of Construction Management Plan, Upgrading of Footpath to the north of the site to provide Cycle Way, works to improve bus stops on Newland Street and travel information packs.

ECC Historic Buildings Consultant

Heritage harm of the development has been identified as the proposal would remove one of the last remaining plots of undeveloped land, detracting from the landscape context and setting of the Conservation Area. The development

would have less than substantial harm on the Conservation Area and setting of Listed Buildings, and the highest possible harm related to the loss of a non-designated heritage asset (Gimsons house).

NHS England

No objection subject to a financial contribution to Fern House Surgery of £29,187.

Anglian Water

The developer should contact Anglian Water to discuss particulars of surface water as the development could lead to an unacceptable risk of flooding downstream if not appropriately mitigated. Anglian Water however do not explicitly object to the application. Instead they suggest conditions should the application be approved in relation to foul and surface water.

Essex Police

Have some concerns with the development in respect of its permeability and potential for crime; however set out that they will reserve final judgement when finer detail such as lighting and security measures are submitted. Recommend that the applicant seeks to achieve a Secure by Design 'Gold Award.'

BDC Council Waste Services

Private roads require maximum of 20m bin pull distance from adopted highway. Adopted Roads can be collected from directly.

BDC Council Environmental Health

Raise no objection to the application subject to standard conditions. Also responded to concerns raised by residents in respect to Air quality. The Environmental Health Officer (EHO) considered that that air quality is not a material consideration for this planning application as there will not be an exceedance of the air quality objective created at the facades of proposed or existing residential properties.

BDC Council Landscape Services

No objection to the development from a landscape setting, arboriculture and boundary treatment perspective. Suggest conditions relating to Tree Protection Plan, Woodland Management Plan and appropriate landscape scheme. A blanket TPO at the site would not be appropriate.

BDC Housing Enabling Officer

No objection to the development subject to the provision of 30% affordable housing and the following tenure mix:

River View, Witham Unit Type	No	Affordable Rented Tenure	Other Affordable Routes e.g Shared Ownership
1 bed 2 person flat	7	7	0
2 bed 4 person flat	7	3	4
2 bed 4 person house	7	4	3
3 bed 5 person house	2	1	1
Total	23	15	8

Essex Wildlife Trust

Object as proposals would not conserve priority habitats, reptile habitat, light pollution, no demonstration of net gain in biodiversity and loss of overall net biodiversity.

PARISH/TOWN COUNCIL

Witham Town Council

Objects to the application with the following summarised concerns:

- Contrary to emerging policy LPP32 and Policy RLP4 of the Adopted Plan
- 78 Dwellings an overdevelopment of the site
- Harmful landscape impact
- Habitat and tree surveys not comprehensive enough to identify species on site – Japanese knotweed survey required
- Access from River View is inadequate
- Proposal does not provide suitable footpath or cycling links
- Detrimental impact to the amenity of Helen Court residents
- Chimneys and bollards would have adverse impact on the street scene and result in reduced security (bollards)

REPRESENTATIONS

A total of 582 representations have been received in connection with this application. This comprises a total of 473 objection comments received from 389 individual properties following the initial period of consultation on the site. A further re-consultation took place in February which brought about a further 109 objections, and a further 26 individual properties setting out the following summarised concerns:

- The site is allocated as visually important space in the Adopted Local Plan
- Site only allocated for 40 dwellings in Emerging Local Plan (which is not yet adopted)
- Contrary to Witham's Town Plan

- Braintree have 5 year housing land supply - too much new housing in Witham
- The site is part of a historic landscape and is the last undeveloped area of its kind – loss of tranquil green space – set precedent
- Harm to the linear pattern of development along Newland Street
- Impact of noise and pollution on existing and future residents
- Impact upon heritage assets – Conservation Area drawn incorrectly
- Scale of development too large – layout inadequate for use and not good mix of houses - waste collection issues
- Historic refusal on the site for residential development
- No justification for removal of historic ‘Gimsons House’ or other local features on land– should be non-designated heritage asset – land could be brought and used for community benefit (lottery fund, grants etc).
- Loss of and unnecessary works to protected and high quality trees and hedges, light pollution from development
- Ecology & Archaeological report inaccurate / not robust – proposal would have detrimental effect on wildlife – No EIA submitted
- Existing infrastructure (services, facilities and roads) not adequate to cope with increased demand/traffic from development and other developments
- Possible Flooding Issues- development on flood plain
- Highways issues including inaccurate transport statement, access design, vehicle movements (including emergency vehicles), existing congestion, pedestaling safety and parking along River View
- Disruption & harm to neighbouring properties including Helen Court and likewise to new residents from existing activities leading to complaints/injuries
- Overlooking of scouts hut, play park and other areas
- Negatively affect existing footpath around site, existing sports pitches, mental health of residents and those with special educational needs
- Negative impact during construction - construction vehicles would not be able to use weak bridge on Maldon Road- no construction management plan
- A cycle network should be included at the site – cycle Action Plan requires this
- Money from sale of land should be invested locally
- Land and house could have other uses
- No S106 agreement in place to secure improvements
- Clearance / reptile fence works have started on site
- Meeting should be held in Witham
- Amendments made do not address issues raised above – numerous national and local policy deficiencies/conflicts

(The above figures are up to date as of the 7th March).

Four objections have also been received withholding or denying permission to publish the address. These objections would not normally be taken into account however they all raise the same issues as those set out above.

Responses have also been received from the Witham Countryside society, Witham Chamber of Trade, Witham Chamber of Commerce, RSPB Chelmsford, Witham Tree Group, Campaign for Rural England, Witham Scout Club and Heart of Witham group all raising concerns with the development. It is considered these concerns are encompassed in the residents' concerns above.

One letter of support and one general comment was received setting out the following comments:

- High streets are struggling - businesses need new housing to continue to grow and attract more commercial premises to the area
- Disingenuous - all housing was once built on undeveloped land – no reason why this cannot continue here
- Site has no public access
- Benefit of street lighting
- Good use of piece of wasteland

A letter of support was also sent to the Chair of the Planning Committee from residents of Helen Court. The letter sets out that the majority of Helen Court residents (63 out of 70) do not object to the application:

- The development would provide a large number of affordable homes.
- Parking restrictions would be put in place on River View to stop vehicles parking, blocking the road and access with Maldon Road.
- New development a big advantage for connectivity with the Town due to the new footways through the development.
 - Existing routes on Maldon Road or through the 'dog leg path' around the cricket ground are dangerous on a mobility scooter.

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011). The application site is located within 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.

In the Adopted Local Plan, the majority of the site (approx. 3.23Ha) is designated as Visually Important Space. The parts that are not allocated as

Visually Important Space is the proposed road access and land currently occupied by Gimsons house. The site has however been allocated for residential development (WITC421) in the Draft Local Plan (excluding Gimsons house and immediate land) As such, the development of the site in this case would be contrary to the Adopted Development Plan, but would comply, in part, with the Draft Local Plan (as both the draft allocation and Gimsons house are proposed for development).

5 Year Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

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

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

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

The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a

new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

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

History

There is no relevant planning application history relating to this site. It does however have call for sites history as part of emerging local planning policy spanning over a decade. The allocation history refers to the land at Gimsons but did not include the house, or the immediate land around the house. It was identified in the 2008 Core Strategy as having potential for approximately 90 dwellings in the long term, but this was revised down to 35 in the 2010 Strategic Housing Land Availability Assessment (SHLAA) and then back to 70 in the 2016 SHLAA.

The site was subsequently accepted as a draft allocation at the Local Plan sub-committee of the 13th April 2016 for the Draft Local Plan; with the Officers report considering the following:

“The site is a large green area located to the rear of Newland Street the main street in Witham. It is centrally located and would be within walking distance of retail and other community facilities. The land sits adjacent to the town park and sports and cricket grounds creating a green lung to this area, however is within private ownership with no public access. The site is adjacent but outside the Conservation Area and is also bordered by recreational land to the south side along the river which is also a local wildlife site. On balance it is considered that the site should be allocated for new homes, providing that appropriate access can be gained to the site. The site would suit a lower density development and must provide appropriate green walking and cycling links between the town, town park and the river walk area, linking these areas and providing a network of recreation spaces within the heart of the town. There are several group and single Tree Preservation Orders on the site which must be retained and designed to be incorporated into the scheme as appropriate.

Appropriate management of the site in relation to the neighbouring local wildlife site would need to be accommodated and design would need to be appropriate to its position adjacent to the conservation area. Vehicular access will need to be provided from River View with pedestrian and cycle links from Kings Chase, which is considered too narrow to accommodate a vehicle access.”

The allocation was put forward for 70 dwellings, however Planning Policy Officers considered 40-50 dwellings may be more appropriate for the site to help preserve the green setting. The recommended 40-50 dwellings (as

indicated in Appendix 3 of the Draft Local Plan) was not however based on any submitted layout and was purely an indicative figure. Gimsons house and the immediate land around the house was not proposed for allocation for residential development as the existing house was to be retained.

As the Draft Local Plan went through various stages of public consultation, the site retained its draft allocation for residential development and included its own draft policy in Section 2 of the Draft Local Plan, specifically Policy LPP32 states that:

Development at land identified at Gimsons will be supported subject to all of the following requirements;

- 40 new homes
- Provision of vehicular access from River View
- Provision of safe, direct pedestrian and cycle access from Kings Chase through to River Walk
- Contributions towards public realm improvements at Kings Chase
- Provision of formal and informal public open space
- Retention of the visual integrity of the character and setting of Gimsons, and its access
- Adequate protection and enhancement of protected trees, local wildlife sites and ecological integrity if the river view corridor
- Enhancement of the parkland setting of Gimsons

This policy assumed that Gimsons house would remain. As this development proposes to demolish Gimsons house, the above relating to its retention as above are not relevant to the development as the overall number of new dwellings would increase. There is no policy requirement to enhance or retain Gimsons house, and therefore its loss cannot be resisted and is acceptable in principle.

Following publication of Policy LPP32 of the Draft Local Plan for a Residential Allocation at Gimsons, the Section 2 Publication Draft Local Plan was subject to one further round of public consultation before submission to the Secretary of State. In summary, only four comments were received, raising concerns that the access from river view would be unsuitable, possible overlooking onto an existing playground, overdevelopment of the site, preference for a care home onsite and lack of specific reference to affordable housing.

While the Draft Local Plan has yet to be fully adopted, it can still be attributed weight in decision making as explained in relevant sections in the report above. For the purposes of this application, the site has a draft allocation for residential development. This therefore weighs heavily in favour of residential development at the site in principle. The significance of this will be explored within later sections of the report.

Location and Access to Services and Facilities

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

Witham is identified as a 'Main Town' which is the most accessible location in the Settlement Hierarchy in the Adopted Core Strategy for accessing services and facilities. This designation also carries through as part of the Draft Local Plan. The site in this case is centrally located within the Witham development boundary; it is within walking distance of the town centre containing shops, services and facilities meeting day-to-day needs and the railway station, it is therefore highly accessible. The sites accessible location can be given substantial weight in considering the planning balance at the end of the report.

Landscape Character, Layout, Scale & Appearance

The NPPF states that new development should seek to improve streetscapes and buildings to create attractive and comfortable places by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping. In addition, 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 ensure development affecting the public realm to 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.

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 Character

The site is identified as visually important space in the Adopted Local Plan (although this designation is not carried forward in the Draft Local Plan). The

site is also located within the A9 Blackwater River Valley Landscape Character Area (LCA), as defined by The Landscape Character of Braintree District (September 2006). The application is therefore supported by a Landscape and Visual Appraisal report (LVA). The report aims to predict and review the potential effects of the development on landscape character and visual amenities by assessing views around the entirety of the site from public vantage points, including Witham Town Park, Kings Chase, the sports grounds, River View, The River Walk, Newland Street, Maldon Road, and some of the surrounding estates. The LVA report also identifies wider mitigation measures as appropriate for the development.

Upon completing this assessment, overall the LVA considers that the development would have moderate-low visual prominence with limited public views due the mature trees which surround the site, either on the site boundaries or within the immediate context of land adjoining the site (that would be retained). The report does however acknowledge that some viewpoints would have more visual prominence and thus a higher sensitivity to change than others, including those from the Witham Park, Helen Court and the footpath to the east of the site. The report however concludes that any impact would be largely mitigated by replacement boundary treatments or boundary planting.

Numerous concerns have been raised by residents in respect of the impact that the development would have on the river walk. However, the report sets out that the site is generally well screened from viewpoints along the River Walk by boundary vegetation but also by existing trees along the river banks and within the intervening land. It does acknowledge though that there are currently three relatively narrow gaps along the site's southern boundary where there would be a degree of visibility, although these are proposed to be planted up to ensure the proposed new residential development is adequately screened from the River Walk.

From reviewing the LVA and Officer site visits, residents' concerns are understood and acknowledged as the immediate area around the River Walk (PROW) is generally open and spacious in character. However, what is important to note is that this development would not directly affect the River Walk. The development site is on average some 120m away from the river walk footpath to the red line site boundary, with the closest proposed dwelling 130m away from the footpath. Furthermore, in between the river walk and the site there are numerous trees and vegetation which fall outside of the application site that are not proposed to be altered. As such, while concerns have been raised about the impact upon the river walk, taking into account the above, the overall visual impact would be limited. Moreover, boundary planning is proposed to strengthen any gaps that do exist and this is reflected in the soft landscaping plan. The LVA provides a fair account of the likely impacts of the development from the River Walk.

In terms of other public vantage points explored in the LVA, the development would have more of an impact, especially from Witham Park, the easterly footway by the cricket fields and Helen Court, as the development would be

visible through existing trees and vegetation that are to remain. As such, in the short term there would be a more substantive impact from the aforementioned public vantage points. However, the development would considerably tidy up the site, from vandalised boundary treatments and overgrown vegetation, to a development that would be well managed and maintained. In addition, with appropriate new boundary treatments and new planting, the short term harm of the development would be reduced considerably in the medium and long term from these vantage points.

In order to reduce the impact of the development, the LVA sets out 12 recommendations for a landscape strategy, including removing scrappy vegetation and new tree planting on various boundaries, removal and replacement of existing boundary treatments, removal of overly mature trees subject to a preservation order, Poplars which pose health risk, protection of all other trees subject to a preservation order, bee and butterfly friendly planting, simple pallet of hard landscaping materials and a landscape management plan. These recommendations are broadly reflected within the various submitted plans.

Overall, taking into account all of the above, the development would have some short term harm from several more sensitive public vantage points. However, the development would tidy up the site and in the medium to long term any impact of the development would be substantially reduced with the recommendations from the LVA set out above. Furthermore, the Councils Landscape Officer raises no objections in respect of the above. The above factors will be assessed in the overall planning balance at the end of the report.

Impact on Vegetation

As set out above, there are a number of mature and protected trees around the edge of the site and which significantly contribute to the site's character. The application has subsequently been supported by an Arboricultural Impact Assessment (AIA), Tree Survey and Method Statement in order to determine which trees are worthy of retention and those trees/vegetation which are low quality and can be removed. Two further addendum reports were provided to better highlight which protected trees are to remain and identify more trees that are proposed to be managed/removed at the site. In any case, many of the significant trees on the site are already protected by a Tree Preservation Order (TPO).

The layout of the development has undergone numerous alterations at pre-application stage as documented within the submitted Planning Statement. These changes were not only to gain a more appropriate form of development by reducing quantum of units, but also to respond directly to the existing trees subject to a Preservation Order at the site by including them within the layout and allowing sufficient space for retention. The most notable retained trees would be the mature sycamores that punctuate the main drive to the Gimsons residence which would be retained in an open space corridor within the layout. The later report addendum continues the retention of these sycamores but

proposes some remedial works to manage them effectively. Other protected trees on the site would also be retained and incorporated within the layout.

There are however one group of Lombardy poplars subject to a Preservation Order at the site which are proposed to be removed. This grouping is located fairly central to the site near Gimsons house and is labelled G60 within the AIA. The poplars are tall trees and a collective feature in local vistas; however they are a short-lived tree rarely exceeding 60 years, prone to canker and branch drop and as such are not appropriate to be retained in a future residential development where they will inevitably cause anxiety and requests for reduction or removal. Furthermore, the AIA identifies a number of defects within these trees. As such, while the Lombardy poplars have a group TPO, the Councils Landscape Officer considers that their loss would be acceptable and necessary for any residential development at the site. There is also a mixed species woodland labelled W66 that is to be removed which is positioned to the south west of the site. This grouping forms part of the TPO listing but is only of moderate value and its removal is required to facilitate the development. It is proposed however to be replanted as part of the landscape scheme elsewhere to offset the loss. Taking this into account it is considered the proposal is acceptable in this regard.

All other trees and vegetation proposed to be removed would either be moderate or low quality and value across the site and would not be protected. The Addendum report sets out some further works to the group of trees on the southern aspect of the site. As such, it is considered the development would not involve the felling of any high quality trees or woodland and the Landscape Officer has no objections to all of the tree works proposed. A comment was received during the planning application process stating that the entirety of the site should be covered by a TPO to avoid any loss of trees. The Landscape Officer considered this and determined that the remaining areas of tree cover (outside of existing TPO groups on the site) are not of sufficient merit or collective amenity to warrant any further protection.

Layout & Scale

The site measures approximately 3.38Ha. In respect of the layout particulars itself, the application proposes 78 dwellings, although there would only be a net of 77 dwellings because Gimsons house is proposed to be demolished. The overall density of the site would therefore be in the region of 23 dwellings per hectare. However, the net density at the site (excluding open space and the long entrance road past Helen Court) would be closer to 33 dwellings per hectare. The density of development at this site would therefore be higher than the density of the older roads, but more commensurate with modern developments to the south of the river walk and beyond. This is because there is an onus on Local Government to secure the most efficient use of land in accordance with the NPPF. In this case, the site would utilise just over two thirds of the site as developable area, and leave just under one third as open space or strategic landscaping to be sensitive to its surroundings. The proposed 78 dwellings would therefore be concentrated in the middle to top end of the site, with only the access road going past Helen Court. The site

would also form an illuminated link from Maldon Road to Witham Town Park (and Newland Street beyond) which is a positive improvement to the current unlit footpath/river walk to link Maldon Road and Newland Street. The layout has been designed to be permeable to pedestrians in this way, with an open frontage to the Maldon Road park.

Plot 1, along with all plots other than Plot 78, would be accessed from River View via an internal spine road. Plot 78 would take its vehicular access from Kings Chase but would very much form part of the proposed development. River View is currently an un-adopted road however as part of these proposals the road would be upgraded and adopted as necessary. It should be noted that there is only a footpath on one side where the access road runs past Helen Court, however raised tables have been included as denoted on the site plan so that those with mobility impairment in particular can easily cross the road to utilise the footpath. These raised tables would also act as traffic calming measures. The existing footpath which runs along the eastern boundary of the site with the sports pitches would be altered slightly to facilitate the development (only the area just north of Helen Court), but would primarily remain open and usable to the public. The remainder of the existing public footpath around the site would remain unaltered. A public right of way also exists behind 129 Newland Street and the site. In the revised layout, this right of way is shown on the plan with a brick wall alongside Plot 33. Vehicle access would still be able to be taken for properties Wynngate and Waveney but only from Kings Chase; bollards would be included to restrict any vehicles using this as an access point. It would however be usable for pedestrians.

The internal spine road would measure 5.5m with 2m footpaths and comprises one sided development on the west side to enable a landscape buffer on the east side with the playing fields. There would also be a landscape buffer on the southern tip of the site adjacent to the river. River View would therefore retain its existing route in front of Helen Court, but extend into the site, curving upwards to run parallel with the sport pitches to the east. The curvature of the road in this way enables a strong area of existing landscaping to be retained parallel to Helens Court. It also encourages a strong vista towards existing vegetation and green space to help define a soft edge to the start of the development.

Those dwellings closest to the eastern and northern boundary would all front onto the playing fields/park so that the development is not completely inward facing and instead attempts to respond positively to its context. It would also enable public surveillance over the existing play equipment. The development also proposes a large corridor of open space to protect the row of protected trees which currently form part of the access to Gimsons house. This green corridor effectively splits the development into parcels; the larger parcel concentrated at the start and the middle of the site with back-to-back, back-to-side development and private drives, while the smaller parcel would be adjacent to the existing park but still comprise back-to-back development. The majority of the development would comply with the Essex Design Guide standards for back-to-back distances in order to provide suitable privacy for

future occupiers. Permitted Development Rights for those that do not fully comply have been removed by virtue of Condition 25.

In addition, the majority of the development would also provide garden sizes either in accordance or in excess of the standards set out in the Essex Design Guide to provide a good standard of amenity for future occupiers. Those plots that do not comply are considered to be close to the required figure, and would in any case be able to utilise the large areas of open space that would be retained as part of the development. Parking provision would also be included to the standards set out in the Essex Parking Standards and would include 168 parking spaces in totality with 19 of those as visitor spaces dispersed at various points around the site.

In terms of the mix of units, the site in totality would comprise a mixture of scale of housing including 7 one bedroom flats, 19 two bedroom flats/houses, 32 three bedroom houses and 20 four bedroom houses. In terms of story heights, all units excluding the flat block on the northwest tip of the site would be two storey to reflect the sites sensitive location and development further afield. The flat block on the northwest corner would be three storey. This is to reflect the three plus storey Moorfield Court which would be in close proximity to the site (and is much larger in overall size and scale). It is considered that this approach to scale would be suitable in the context of the site and its context, and thus is considered to be acceptable in this regard.

Taking into account all of the above, the site would be able to accommodate 78 dwellings while securing a high quality layout, creating a good sense of place for future occupiers and respecting its context in a sensitive location adjacent to many areas of open space or river corridors. The development would provide sufficient parking and garden space, while providing ample open space for future residents to enjoy. It is therefore considered that the development would be acceptable from a layout perspective.

Housing Mix/Tenure & Quality of Accommodation

The development would also provide 23 affordable units at 30% of the 78 total dwellings. This percentage of affordable housing would be compliant with the Councils Core Strategy Policy for Witham. The affordable units would be concentrated within two areas of the site; the northwest tip which includes 5 houses and 8 flats, and the northeast side which would have 5 flats and 5 houses. The split of units would be 70:30 affordable rent to shared ownership (or other forms of affordable home ownership) respectively in accordance with the Councils standards. The affordable units have been designed to some extent to be tenure blind with tandem parking and comprise the same if not similar house types to the market units.

In terms of the affordable split, the required mix of housing has been explored and revised with the Council's Housing Enabling Officer which has determined that a higher portion of the smaller units in this case should be affordable, and that some of the affordable units are larger to accommodate more double bedrooms. The affordable units therefore comprise 7 one bed two person

flats, 7 two bed four person flats, 7 two bed four person houses and 2 three bedroom 5 person houses. The units would comprise a mixture of shared ownership and affordable rented tenure other than the one bedroom flats.

In terms of internal amenity, the affordable housing and the market housing would comply with the Nationally Described Space Standards (NDSS), with the exception of house types Dahlia (3 bed) and Fitzgerald (4 bed) which would have a second/third bedroom which would be slightly below the required size. These units are however the larger of the market units which overall provide more internal amenity space comparatively to the smaller units which are more sensitive, and in this case do comply with the NDSS. As such, even though some bedrooms would be slightly deficient comparatively to NDSS guidance, in this case it is considered that all occupiers of the development would benefit from a good quality of internal amenity and standard of residential accommodation

Appearance

The overall design and appearance of the development is that of a simple but traditional style responding to local vernacular; comprising a mixture of terraced (link semi-detached), semi-detached and detached. The development proposes two flat blocks, ten core market housing types and three core affordable housing types. There would also be subtle variations within the base house types to provide visual interest in the development, such as the inclusion of weatherboard or a certain window detailing. One of the changes secured through the application stage was to add chimneys which would have prominence from the playing fields or Witham Park in order to enhance the overall quality of the development. There would also be a mixed palette of materials; a predominance of brick and render with some weatherboarding, with a mixture of a darker/plain tile.

Taking into account all of above, the development would provide a good mixture of houses and flats which would create its own sense of place and respond to local context. It is considered the detailed design for both the market and affordable units is acceptable.

Soft & Hard Landscaping

Details of hard and soft landscaping treatments have been included as part of the application. These particulars were revised during the course of the application to include boundary treatment details.

The main access roads and footpaths in the site would be constructed in concrete asphalt. The two subsidiary shared surface roads (and private drives accessed from these roads) would comprise charcoal block paving, however the style of block paving would change between the northern and southern elements. The south side of the site would be 45 degree herringbone pattern and the north side would be 90 degree herringbone pattern. Parking spaces and individual drives would be light grey 45 degree herringbone pattern block paving to distinguish between the public and private space. Buff paving slabs

would be used for footpaths to individual dwellings and for footpaths through open space as necessary.

In terms of boundary treatments, starting at the edge of the site with the Witham Town Park and the playing fields, the perimeter would generally be open but the site enclosed by a 0.75m timber knee rail fence. A section of this fence would be left open with 16 twelve inch square posts installed to allow permeability for pedestrians and cyclists through the site but restrict vehicular access. This knee rail fencing and bollards would also be present around some of the open space areas of the site that are to be retained. At the bottom of the site adjacent to Helen Court, it is proposed that a high quality 1.6m woven wattle fence is installed on the site side of the existing railings to provide a soft edge and some screening for residents of Helen Court. On boundary edges in the public realm, these would be 1.8m high brick walls, with 1.8m high close boarded fencing acting as the border between gardens. Finally, to the southern tip of the site, there would be a 1.5m high green mesh fence. This will provide a means of securing the site and ensuring any deer and otters are less likely to find their way out of the river corridor and the adjacent wildlife site

Soft landscaping particulars have been confirmed to be appropriate by the Landscapes Officer with tree retention and additional planting of boundary hedges, ornamental planting to frontages and tree planting of species including Acer Campestre 'Elegant.'

Overall the hard and soft landscaping proposed would be appropriate for the site and would complement the high quality layout as explored in earlier sections of the report.

Ecology

Policy RLP84 of the Adopted 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. This is echoed by Policy LPP68 of the Draft Local Plan.

The application is supported by the submission of an Extended Phase 1 Habitat Survey and a Phase 2 Ecological Survey(s) and Assessment by a qualified ecologist. These documents include assessing the biodiversity value of the site in general, as well as its potential to support ecological receptors. It also includes surveys for protected and other species including badgers, bats, breeding birds, great crested newts, invertebrates, notable mammals: European hedgehog, otters, water voles and reptiles. The aim of these documents is to provide a thorough assessment of the likely ecological impact of the development, and also identify any mitigation measure that would be appropriate to offset any impact.

The Ecological Officer has reviewed the submitted Phase 1 and Phase 2 surveys. The Ecological Officer considered that sufficient ecological information has been provided with the application to make an appropriate assessment of the likely ecological impact of the development. In considering the likely impact, the Ecological Officer determined that with appropriate mitigation measures to conserve and enhance Protected and Priority species, the proposed development would not have a detrimental ecology impact. As such, conditions 14-19 inclusive have been attached to the report, including the submission of a construction environmental management plan, phase 2 badger survey, habitat sites mitigation, landscape and ecological management plan, biodiversity enhancement strategy and a wildlife sensitive lighting design scheme.

A large number of representations stated that deer, kingfishers and other important species are present at the site. However, with the conditions set out above, it is considered any impact on these species could reasonably be mitigated against during construction and in the longer term. Moreover, the development would not build over the entirety of the site, and the richest habitat for wildlife along the river would be retained and enhanced. While The Essex Wildlife Trust object to the application, the Council's Ecology Officer has reviewed the application and has no objection. Officers are satisfied with the assessment that has been undertaken and agree with the conclusions of the Ecology Officer. As such, taking into account all of the above, it is considered that the development would be acceptable from an ecological perspective.

Habitat Regulations Assessment (HRA / RAMS)

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

In this regard, 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.

Heritage

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 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy RLP95 of the Adopted Local Plan and Policy LLP56 of the Draft Local Plan states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within/adjoining Conservation Areas will be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The application site abuts the Witham Town Centre, Newland Street Conservation Area. The settlement of Witham grew around the main arterial road to London which is similar to many of the settlement cores in this area, including adjacent Kelvedon. This is reflected in the existing settlement where the historic building stock fronting the B1389 makes the historic layout very much discernible. The proposed development site is one of the last locations where land to the rear of these historic buildings remains undeveloped. In its undeveloped form, the proposed development site makes a positive contribution to the setting and significance of the Conservation Area and is one of the best means by which to understand and appreciate the historic linear form of the settlement core and understand its origin.

The development if approved would remove one of the last remaining plots of underdeveloped land, detracting from the landscape context and setting of the Conservation Area. Due to the above, the Historic Buildings Consultant considered that the development of this site would remove the site's contribution to the significance of the Conservation Area, and attributes this harm as 'less than substantial' in accordance with Paragraph 196 of the NPPF. Furthermore, the development would alter the existing undeveloped area to the rear of a number of listed buildings that front onto Newland Street including No's 117 and 119, 121 and 123, 125 and 127, and 129. The heritage statement submitted with the application identifies that the development would have 'negligible harm' to the setting of listed buildings. The Historic Buildings Consultant however considers that the harm identified to the listed buildings by the development would also be 'less than substantial harm' under the NPPF. As such paragraph 196 is also relevant in this regard.

Gimsons house is due to be demolished as part of the development. It has been identified as a non-designated heritage asset. However, the building is not formally designated heritage asset and has no formal means of protection with it not being located in a Conservation Area or within the setting of a Listed Building. Furthermore, the Applicants Heritage Consultant considers the heritage significance of the building to be low, but did acknowledge on site that the building was a non-designated heritage asset.

As per paragraph 196 of the NPPF, development resulting in 'less than substantial harm' to heritage assets should be weighed against the public benefits that would arise from a proposal. In this respect, the less than substantial harm to the Conservation Area, listed buildings and loss of a non-designated heritage asset identified, would not automatically dictate that the development is unacceptable. Instead, it means that the identified heritage harm must be weighed against the public benefits of the proposal. Furthermore, should planning permission be granted, a condition would be attached to enable full building recording before demolition takes place (Condition 22).

In this case, there are considerable public benefits which would arise from the development; these include but are not limited to the site's highly assessable location, contribution to the housing supply, contribution to the vitality of the

Town through increased revenue and S106 contributions for services and footway improvements. It is considered that the weight to be attached to these benefits would outweigh the less than substantial harm that would arise to the setting of the Listed Buildings, Conservation Area and the loss of a non-designated heritage asset. As such, in the heritage balance, it is considered that the heritage harms would not outweigh the public benefits. The wider planning balance exercise is carried out at the end of the report which considers all harms and benefits of the development.

Archaeology

Policy RLP105 of the Adopted Local Plan states that where important archaeological deposits are thought to be at risk from a proposed development the developer will be required to arrange for an archaeological evaluation to be undertaken prior to the planning decision being made. The evaluation will assess the character, importance and extent of the archaeological deposits and will allow an informed and reasonable decision to be made on the planning application.

The application in this case was supported by a Desk Based Archaeological Assessment. This assessment found that possible urns from a cemetery could exist at the site, however there is some dispute as to the exact location of the urns. Accordingly, the imposition of a condition covering groundworks, mitigation strategy for excavating/preservation, mitigation for fieldwork and a post excavation assessment is recommended (Condition 20).

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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. In addition, the Essex Design Guide states that new development which backs onto existing development should have gardens of 15m depth to rear boundaries, with a minimum of 25m separation distance between the rear elevations of each property, to be acceptable from neighbouring impact perspective.

The site in this case directly backs onto those properties accessed from Kings Chase and Newland Street. All other neighbouring properties (with the exception of Helens Court) are separated from the site by way of open space or playing fields. As such, due to separation distances and the scale of development, there would no detriment by reason of overlooking, overbearing, overshadowing or loss of light to properties on other roads in the vicinity of the site.

Properties in close proximity include 'The Cottage' which is accessed from Kings Chase. The Cottage faces onto Kings Chase and is directly adjacent to

the top part of the site, and the existing entrance to Gimsons house. The closest proposed plots to The Cottage would be plots No.78 and No.70. Plot No.78 would mirror the siting and orientation of The Cottage while being located 10m away. On this basis that Plot No.78 would not cause a detrimental impact on The Cottage. Similarly, Plot No.70 is located directly behind Plot No.78, as such would not have direct overlooking capabilities into the garden area of The Cottage. Some indirect overlooking could occur, however given separation distances of approx. 22m between the properties and existing outbuildings in the garden of The Cottage, any indirect overlooking would not be detrimental.

Those properties known as 'Waveney' and 'Wynngate' currently share the existing access road to Gimsons House. This access road would not be changed as part of the development. The layout of the development has been designed so that neighbouring properties Waveney and Wynngate would overlook existing trees and landscaping to be retained as part of the development. As such, the amenity of neighbouring properties Waveney and Wynngate would not be detrimentally affected by the proposal.

In terms of other properties accessed from Newland Street, most are located on the road frontage with car parking or garden at the rear and have a mixture of commercial and residential uses. In the west corner of the site the Witham Scouts ground is located approx. 32m from the edge of the site, while Moorfield Court is located approx. 9m from the edge of the site. The proposed three storey flat block on the development would be located in this area and is located 44m away from the Scout hut and 25m away from Moorfield Court at the closest point. The proposed three storey flat block would therefore be some distance away from the Witham Scout hut and thus would not cause a detrimental impact on the use of the Scout hut or grounds. Similarly, Moorfield Court is also some distance away and is much larger than the proposed flat block on the development. The siting of the proposed flat block is also forward that of Moorfield Court. Taking the separation distance and siting into account, it is considered the development would not have a detrimental impact on the amenity of residents of Moorfield Court.

Helen Court is a care home located off of River View. The proposed development would extend River View in front of Helen Court to gain access to the wider site. The proposed development would therefore have an impact upon the amenity of residents at Helen Court by virtue of cars traversing into and out of the development. In order to mitigate this impact, the hard/soft landscaping plan indicates a 1.6m Woven Wattle Fence that was explored in consultation with residents of Helen Court. This fence would block out views of car drivers around the corner of the building to prevent any direct overlooking on the western wing of the building. Similarly, the proposed raised tables between the two points of Helens Court would reduce traffic speeds and noise associated with passing vehicles. However, a development of this size is not expected to generate excessive vehicular movements. Finally, there would be no footpath on the side of Helen Court going past the front or side of the building, as such there would at the shortest distance be a gap of

approx. 6m to the access road. Taking all of the above into account, the amenity of residents of Helen Court would be protected.

A number of concerns were raised in respect of construction activities at the site. Construction activity however is a temporary disturbance that is associated with any development. The Local Planning Authority cannot reasonably refuse an application because construction works may temporarily disturb neighbouring properties/commercial premises. A condition would be imposed to ensure construction works would not occur outside of unreasonable hours (Condition 5). Furthermore, should any infrastructure works requiring the closure or partial closure of Maldon Road, the works and vehicle movements could be effectively managed by way of the Construction Method Statement (Condition 10). Any necessary road closures will be dealt with in an appropriate way by the Highways Authority. The Construction Method Statement is not required up front as these details are not likely to be finalised until later in the process. Any damage caused by construction vehicles would be a civil matter and not something that the Local Planning Authority can control.

Highway Issues

Access to the Site

The site would be accessed from Maldon Road and River View. River View is currently a private road which services Helen Court and also provides some vehicular access to the rear of properties 56-90A Maldon Road and the pavilion on the Sauls Bridge sports ground. River View currently terminates opposite the middle core of Helen Court, and then comprises green strip leading to the existing footpath which runs alongside the perimeter of the application site. River View also provides an access to the footpath towards the river and bridge which is at a lower level than the site.

The access from Maldon Road to River View would remain unchanged as part of the development. Numerous concerns have been raised by objectors in respect of the suitability of the access and vehicles entering and exiting the site onto Maldon Road in either direction. Concerns have also been raised in respect to the overall intensification of the access, the busyness of Maldon Road and the congestion that arises in Witham more generally at peak periods.

The application is however supported by a Transport Statement which aims to assess the likely highway impact of the development. The Transport statement sets out that the proposed development would generate 43 movements in the AM peak period, and 49 movements in the PM peak period based on the trip generation figures set out by Essex County Council. The Transport Assessment also considered the impact of the development on a number of junctions in close proximity to the site. The conclusion was that the development could be accommodated safely within the highway network without need for mitigation measures. In addition, the existing access is compliant with the Highway standards for a 30mph road, measuring 2.4m by

43m in both directions. Essex Highways have completed their own assessment of the junction and the likely impact of the development, taking into account all of the above. Essex Highways are satisfied that the development would be able to provide a safe access onto Maldon Road and would not require any mitigation measures to off-set any impact of the development on junctions in the area. As such, while concerns with the existing access are noted, it is considered that the existing access would be suitable to accommodate the proposed development.

The development in this case also proposes to upgrade part of River View to adoptable standards and extend it over the green strip that runs parallel with Helen Court into the site itself. The road's adoption will enable future management by Essex Highways rather than be part of a management company for future residents of the site. The road upgrade would be completed in accordance with Highway specifications in consultation with the Highways Authority. There is sufficient space available for this upgrade without requiring additional land in excess of the existing hedge boundaries of the site to the north or south. It is considered that the proposed adoption of the access and shared surface roads would be appropriate in line with comments from Essex Highways.

The proposed access road into the site would also use a small triangular section of the sports ground measuring approximately 243sq.m to avoid felling numerous trees on the southern tip of the site. The access road would therefore partially encompasses the existing footpath around the site; the footpath walking north from the river would join up with the proposed 2m footpath, provide a raised table crossing point, and then access to the 2m footpath on the other side of the proposed access road, to then join up with the existing path that runs parallel to the site. The way that the layout is configured is such that pedestrians also have the option to walk through the site to access the existing park and Kings Chase as well as utilising the existing footpath.

The final consideration is that some of the proposed conditions attached to the Committee Report comprise different triggers related to phases of development; those for the access itself, and those for the remaining development. If approved, this enables the access road to be upgraded before having to discharge other conditions relating to the wider site itself.

In summary, the Highway Authority do not object to the application and instead recommend conditions in respect of a construction management plan (Condition 9), footpath link widening, upgrading of bus stops and residential travel information packs (Condition 23).

River Walk Improvements

The site in this case is directly adjacent the river walk and river Brain (which is formally identified on the proposals map. Policy RLP140 of the Adopted Local Plan Review states inter alia that *"...In considering proposals for the development of adjacent land, the District Council will seek opportunities to*

extend and improve river walks/linear parks and links to them. Cycleways and improved footpaths and bridleways will be provided where appropriate at river walks and disused railway lines.” Policy CS7 of the Adopted Core Strategy also states that The Council will work to improve accessibility, to reduce congestion, and promote sustainable travel. Sustainable transport links will be improved, including provision of and contributions for, cycling and walking. Furthermore, Draft Policy LPP32 requires inter the “*provision of safe, direct pedestrian and cycle access from Kings Chase through to River Walk.*”

The river walk (more specifically, the section from the edge of the footbridge over the river through to Newland Street) is 495m long. The whole section is currently too narrow for pedestrians and cyclists to pass safely and with ease. Works are therefore required to widen the path and provide a suitable surface along this length of path, as future users of the site would likely use the River Walk. The works to widen and resurface the river walk (to 3.5m) for this stretch of 495m would cost in the region of £48,500. The Applicant has agreed to pay for these works subject to an agreed specification. This is therefore a material benefit which weighs in favour of the application.

It was also considered whether the Applicant should contribute towards the cost of improving the bridge that connects the site to the River walk, but on this occasion it is considered that the cost of that improvement to be disproportionate to the scale of development proposed.

Witham Town Park Footpath Improvements

A financial contribution of £7500 would also be secured to widen a 65m stretch of footpath adjacent to the front of the site leading from Plot 68 to the adopted highway at Kings Chase. The footpath would be widened to 3m to allow for pedestrians and cyclists to use it. It is considered that this will be secured through the suggested conditions attached to this report and through S106.

SUDS, Sewerage and Drainage

Policy RLP69 of the Adopted Local Plan and Policy LPP78 of the Draft Local Plan states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

Government Policy as set out in Para.163 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.

The application was supported by a flood risk and surface water drainage strategy document. The site is located in Flood Zone 1 which is an area with the lowest risk of flooding. The site is however close to the River Brain which is in Flood Zone 3, but the submitted strategy document concludes that the

site is at low risk from fluvial sources and no risk from tidal sources. The Environment Agency concur with the findings of the strategy document and consider that there would be no issues with flood risk at the site.

In terms of surface water, it is proposed that private roads and driveways would consist of permeable paving that would discharge into the river terrace deposits. For impermeable roads and roofs these areas would be drained by a conventional piped network laid beneath the road. Attenuation would be provided by an attenuation tank and detention basin located on the outfall from the network and a shallow SUDS area due to levels at the site. Essex SUDS, the Environment Agency and Anglian Water raised no objection to the development, subject to the imposition of conditions (Conditions 11, 12 and 13).

Anglian Water provided comments that that the developer should contact them to discuss particulars of surface water as the development could lead to an unacceptable risk of flooding downstream if not appropriately mitigated, recommending that the applicant contact them directly, but do not explicitly object to the application. Instead they suggest conditions should the application be approved. Taking into account the above information, and the SUDS no objection to the development, it is considered that the proposed means of surface water drainage would be acceptable.

Lighting

Policy RLP65 of the Adopted Local Plan states that proposals for external lighting which require planning permission will only be permitted if the lighting is designed as an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; and there is no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users and there is no unacceptable harm to natural ecosystems.

Subject to an appropriate lighting scheme being secured via Conditions 18 and 19, there would not be a detrimental impact on the area by any future proposed lighting on the scheme. Lighting controls would also extend to protecting biodiversity in the area.

Contamination

Policy RLP64 of the Adopted Local Plan states that a development on or near a site where contamination may exist, should provide a thorough investigation, so as to establish the nature and extent of the contamination, and then identify works to mitigate any contamination found where appropriate.

The application was supported by a Contaminated Land Assessment which sampled soil across the site. The report highlights that some contaminants were only found in one area of the site in close proximity to the playing field.

The Environment Agency and the Council's Environmental Health Officer considered the report and had no objection subject to Condition 8 and Condition 9 for further sampling works and what to do if contamination is found.

Air Quality

Concerns have been raised by residents in respect of air quality and the lack of an air quality assessment submitted with this application. The concern is that the development would create air pollution for existing residents of Helen Court and wider traffic jams on Maldon Road. Residents consider that by not asking the developer to provide an Air Quality Assessment that the Council would be in breach of Article 8 of the Human Rights Act 1998. However, the Environmental Health Officer (EHO) set out that the site is not in an Air Quality Management Area, and would not lead to more than 500 light duty vehicles on the local roads. As such, the EHO considers that air quality is not a material consideration for this planning application as there will not be an exceedance of the air quality objective created at the facades of proposed or existing residential properties. Any pollutants during construction can be adequately controlled via conditions which the EHO has set out and have been included in the condition list as appropriate.

PLANNING OBLIGATIONS

Paragraph 96 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 and CS11 of the Adopted Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

The S106 in this case would not include the site access. The reason for this split is so that the developer can deliver the access first without having to discharge conditions in relation to the wider site. The recommended conditions attached to this report are therefore categorised based on a phasing plan relating to the access and the development itself.

Notwithstanding the above, open space in Braintree District is calculated in accordance with the standards set out in the Open Spaces SPD and the Core Strategy. Open space will be provided on site in numerous areas. Due to the scale of this development, there would not be a requirement for provision for formal sports or allotments on the site, but instead these aspects could be

secured via financial contribution to identified schemes in Witham. No play equipment is proposed due to the location of the Witham Town Park play area immediately opposite the site. It is considered a financial contribution towards this park would be sufficient to satisfy the Open Spaces SPD. The payment of the contributions will be secured through the S106 legal agreement.

The open space contributions should also take into account the loss of one existing 4 bedroom dwelling at the site, so an overall net of 77 dwellings.

In terms of the required contributions:

- **Sport:** £72,499.52

This contribution would be secured for projects relating to Outdoor sport provision. In consultation with Witham Town Council, it has been agreed that this contribution would be used for provision / improvements of Outdoor Sports facilities at Sauls Bridge Sports ground for signage markers, and other schemes at Sauls Bridge Sports Ground which are still being explored.

- **Provision for Children & Young People:** £48,693.65

This contribution would be secured for upgrading and refurbishing Witham Town Park Play Area in agreement with the Town Council.

- **Allotments:** £2,300.63

This contribution would be secured for Cut Throat Lane Allotments (Site 1), Cut Throat Lane, Witham for the provision of raised gardening beds for less physically able people and improvements to parking area.

Furthermore, it is proposed that the maintenance of the amenity greenspace areas in the site along with other areas of the public realm would be maintained by a management company. This would also be secured through a Section 106 Agreement.

In addition to all of the above, a contribution of £48,500 will be secured towards widening and resurfacing the river walk for a stretch of approximately 495m. A financial contribution would also been secured of £7500 to widen part of the footpath in Witham Town park to 3m to allow cyclists to use the route.

Finally, the S106 Agreement would require financial contributions to the provision of additional Early Years and Child Care places (3), and Primary Education places (20.2). These figures for 77 units would be:

- Early years and child care: £52,266
- Primary education - £ 304,856

The NHS have also requested a financial contribution of £29,187 to improve Fern House Surgery.

30% Affordable Housing would also be secured in accordance with the following specification:

River View, Witham Unit Type	No	Affordable Rented Tenure	Other Affordable Routes e.g Shared Ownership
1 bed 2 person flat	7	7	0
2 bed 4 person flat	7	3	4
2 bed 4 person house	7	4	3
3 bed 5 person house	2	1	1
Total	23	15	8

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 town development boundary where the principle of development is acceptable. However, as identified above, the application site is identified as Visually Important Space in the Adopted Local Plan, the proposed residential development of the site is contrary to the Development Plan.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration. Furthermore, and as identified above, the application site has a draft allocation (in part) within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

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 need 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 78 units (net of 77 units) would contribute towards the Districts 5 year housing supply, while also providing 23 affordable units in accordance with the Councils adopted Policies. Developing the site would also accord (in part) with the Draft Local Plan site allocation for residential development which is a highly material factor. Furthermore, all details have been put forward for agreement up front which will lead to an earlier delivery of the site, with only conditions remaining to be discharged/agreed. There would also be jobs provided during the construction stage and once occupied, future occupiers would contribute to the vitality of Witham. The development of the site would also secure financial contributions to mitigate the impact upon services and open space within the area and would be secured through a Section 106 agreement. A financial contribution would also be secured for works to widen and resurface the river walk for a stretch of approximately 495m. As such, it is considered there are significant economic and social benefits that would arise from the development.

In terms of the environmental objective, the site is located in a highly accessible location with access to numerous services and facilities. Developing the site however would remove a green area formerly identified as visually important space in the Adopted Local Plan, but proposed planting and soft landscaping would mitigate any initial impact of the development from public vantage points. As such, while there would be some initial landscape harm of developing the site, these impacts would be mitigated in the medium and long term. There would be harm through the loss of some trees and vegetation at the site, however it is considered these losses would not result in the removal of high value trees and thus the overall harm is considered to be low and can be adequately mitigated.

Furthermore, the site is private land with no formal public access and as such the development would not result in the loss of a publicly accessible area of open space. The development of the site would also result in the loss of a

non-designated heritage asset (Gimsons house), and also would result in less than substantial harm to the setting of Listed Buildings and the Witham Conservation Area. The identified heritage harm weighs against the proposal.

In terms of other aspects, the development would provide 78 dwellings in a high quality layout that would create a good sense of place, create an appropriate character and include finer elevational detailing, comply with the standards for internal and external amenity, and comply with the parking standards. The site could also reasonably be developed without detriment to neighbouring properties, highways, ecology and existing important vegetation at the site.

Taking into account all of the above, there are a number of economic and social factors weighing heavily in favour of the proposed development, while there are also environmental factors weighing against the proposed development primarily related to heritage impacts and short term landscape impacts. 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, and the draft allocation (in part) of the site, Officers have concluded that the aforementioned significant economic and social benefits including the sites highly accessible location, would outweigh the less than substantial heritage harm and initial landscape harm that would arise from the development. The proposed development would constitute sustainable development and it is therefore recommended that planning permission is granted.

Section 106 Heads of Terms

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

- **Affordable Housing:** 23 units comprising tenure of 15 x Affordable Rent & 8 Shared Ownership.
- **Public Open Space:** On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space and tree buffer zone. Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:
 - Equipped play - £48,693.65 -- Upgrading and refurbishing Witham Town Park Play Area
 - Allotments -£2,300.63 -- Allotments (Site 1), Cut Throat Lane, Witham for the Instillation of raised gardening beds for less physically able people and improvements to parking area.
 - Sports - £72,499.52 -- Provision / improvements of Outdoor Sports facilities at Sauls Bridge Sports ground for signage markers, and other schemes at Sauls Bridge Sports Ground which are still being explored.
 - Above contributions to be paid prior to fist occupation of the development

- **River Walk:** £48,500 – Financial contribution to widen river walk to 3.5m and resurface for a stretch of 495m from Newland Street to the proposed road into the site.
- **Education:** Financial contributions for Early years and child care: £52,266, Primary education - £ 304,856
- **NHS:** Financial contribution of £29,187 to improve Fern House Surgery.

The Planning Development Manager be authorised to GRANT 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

Specification	Plan Ref: PR135-01	Version: C
House Types	Plan Ref: 857-HA83-01	Version: A
House Types	Plan Ref: 857-HA83-02-2B	Version: A
House Types	Plan Ref: 857-FIT-02	Version: B
Levels	Plan Ref: 180857-CON-X-00-DR-C-2000_P4	
Levels	Plan Ref: 180857-CON-X-00-DR-C-2001_P4	
Levels	Plan Ref: 180857-CON-X-00-DR-C-2002_P5	
Levels	Plan Ref: 180857-CON-X-00-DR-C-2003_P5	
Levels	Plan Ref: 180857-CON-X-00-DR-C-2004_P4	
Levels	Plan Ref: 180857-CON-X-00-DR-C-2005_P5	
House Types	Plan Ref: 857-APP2-01	Version: A
Proposed Roof Plan	Plan Ref: 857-APP2-02	Version: A
Proposed Elevations	Plan Ref: 857-APP2-03	Version: A
Proposed Floor Plan	Plan Ref: 857-APPI-01	Version: A
Proposed Floor Plan	Plan Ref: 857-APPI-02	Version: A
Proposed Elevations	Plan Ref: 857-APPI-03	
Proposed Elevations	Plan Ref: 857-APPI-04	
House Types	Plan Ref: 857-CA-01	
House Types	Plan Ref: 857-CA-02	
House Types	Plan Ref: 857-CA-03	
House Types	Plan Ref: 857-CH-02	
House Types	Plan Ref: 857-CH-04	
House Types	Plan Ref: 857-DAH-01	Version: A
House Types	Plan Ref: 857-DAH-02	Version: A
House Types	Plan Ref: 857-GO-01	
House Types	Plan Ref: 857-GO-02	
House Types	Plan Ref: 857-HA71-01 2B	

House Types	Plan Ref: 857-HA71-02 2B	
House Types	Plan Ref: 857-HA71-03 2B	
House Types	Plan Ref: 857-MAI-01	Version: A
Proposed Phasing Plan	Plan Ref: 857-PI-19	
House Types	Plan Ref: 857-PO-01	
House Types	Plan Ref: 857-QU-01	
House Types	Plan Ref: 857-TH-01	
House Types	Plan Ref: 857-TH-02	
House Types	Plan Ref: 857-CO-01	
House Types	Plan Ref: 857-CH-03	
Site Plan	Plan Ref: 857-PI-03Z	Version: J
House Types	Plan Ref: 857-CH-01-A	
House Types	Plan Ref: 857-CO-02-B	Version: A
Street elevation	Plan Ref: 857-ELE-01	Version: C
Elevations	Plan Ref: 857-ELE-02	Version: C
Street elevation	Plan Ref: 857-ELE-03	Version: C
Street elevation	Plan Ref: 857-ELE-04	Version: B
House Types	Plan Ref: 857-FIT-01-A	
House Types	Plan Ref: 857-HA855-01-2B HA855-A	
House Types	Plan Ref: 857-HA855-02-2B HA855 -B	
House Types	Plan Ref: 857-Mi-01	Version: A
Highway Plan	Plan Ref: 180857-CON-X-00-DR-C-3330	
Highway Plan	Plan Ref: 180857-CON-X-00-DR-C-3331	

- 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 Prior to first occupation of the development hereby approved, the development shall be carried out in accordance with the approved hard and soft landscape plan reference PR135-01 and thereafter retained as such.

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.

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.

- 4 No above ground development in phase 2 (Approved Plan ref: 857-PL-19) shall commence unless and until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 5 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.

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

Reason

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

- 7 The principal access to serve the development hereby permitted shall be constructed and available for use in accordance with the details as shown on the approved plan 180857-CON-X-00-DR-C-3105 P2 prior to the first occupation of any dwelling.

Reason

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

- 8 Prior to the commencement of development on phase 1 (Approved plan ref: 857-PL-19 with the exception of site clearance and demolition), 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

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.

- 9 Prior to the commencement of development on phase 2 (Approved plan ref: 857-PL-19 with the exception of site clearance and demolition), 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

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 No development shall commence unless and 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 and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.
- A method statement for badger/small mammal protection during construction
- No HGV vehicles shall access the site if Maldon Road is closed or partially closed to facilitate connection to the main sewer network.

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.

- 11 No development (with the exception of site clearance and demolition) shall commence unless and 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 should include but not be limited to:
 - Demonstrate that storage features such as the attenuation basin have suitable half drain times. Storage should half empty within 24 hours wherever possible.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme, this includes cross sections of each component.
 - A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

- 12 No development shall commence unless and until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

- 13 No development (with the exception of site clearance and demolition) shall commence unless and until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

Reason

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. 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.

- 14 No development shall take place unless and until a badger survey is undertaken to assess the possible changes of badger activity which may affect works to the proposed development.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 15 No development shall take place unless and until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. 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).
- 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.
- i) Containment, control and removal of any Invasive non-native species present on site (If required).

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

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 16 Prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) woodland management plan

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

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 The development shall not be occupied unless and until a Biodiversity Enhancement Strategy for Protected and Priority species is submitted to and approved in writing by the local planning authority, following the recommendations provided within the Phase 2 Ecological Surveys and Assessment (Southern Ecological Solutions Ltd, November 2018).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures

- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The development shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 18 No above ground development shall commence in phase 1 (Approved plan ref: 857-PL-19) unless and until the following (including an implementation timetable) has been submitted to and approved in writing by the Local Planning Authority:

- (a) details of any proposed external lighting to phase 1 including a strategy to protect bats

The development shall be constructed in accordance with the approved details/specification and thereafter so retained.

Reason

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

- 19 No above ground development shall commence in phase 2 (Approved plan ref: 857-PL-19)) unless and until the following (including an implementation timetable) has been submitted to and approved in writing by the Local Planning Authority:

- (a) details of any proposed external lighting to phase 2 including a strategy to protect bats
- (b) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

The development shall be constructed in accordance with the approved details/specification and thereafter so retained.

Reason

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

- 20 No development or preliminary groundworks shall commence unless and 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 in writing by the Local Planning Authority.

Following completion of this work, a mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority.

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

Reason

The site may be of archaeological interest and as such to start these works without further planning could compromise archaeological findings.

- 21 No development shall commence (with the exception of site clearance and demolition) 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 the protection and retention of existing/remaining trees, shrubs and hedges.

- 22 Gimsoms House shall not be demolished unless and until the applicant has secured and undertaken a programme of archaeological work in

accordance with a written scheme of investigation to be submitted to, and approved in writing by the local planning authority.

Reason

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

- 23 No occupation of the development shall take place unless and until the following have been provided or completed:

- a) The two bus stops which would best serve the proposal site upgraded to current Essex County Council specification (details shall be agreed with the Local Planning Authority prior to commencement of the development).
- b) The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

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, in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management.

- 24 The approved hard standing areas detailed in Hard Landscaping Plan PR135-01 REV C shall be completed in full prior to the occupation of the final dwelling to be constructed on the development.

Reason

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

- 25 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-houses/alteration of the dwelling-houses or erection of outbuildings, as permitted by Classes B and C of Part 1 of Schedule 2 of that Order shall be carried out to Plots 64-69 inclusive without first obtaining planning permission from the Local Planning Authority.

Reason

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

INFORMATION TO APPLICANT

- 1 A professional archaeological contractor should undertake any archaeological investigation. An archaeological brief detailing the requirements can be produced from this office.

2 The woodland management plan required by condition 16 will need to address the phased rotational coppice of willows/poplars along the woodland edge to ensure the canopy maintains screening at low level and minimises risk of tall stems near to residential dwellings.

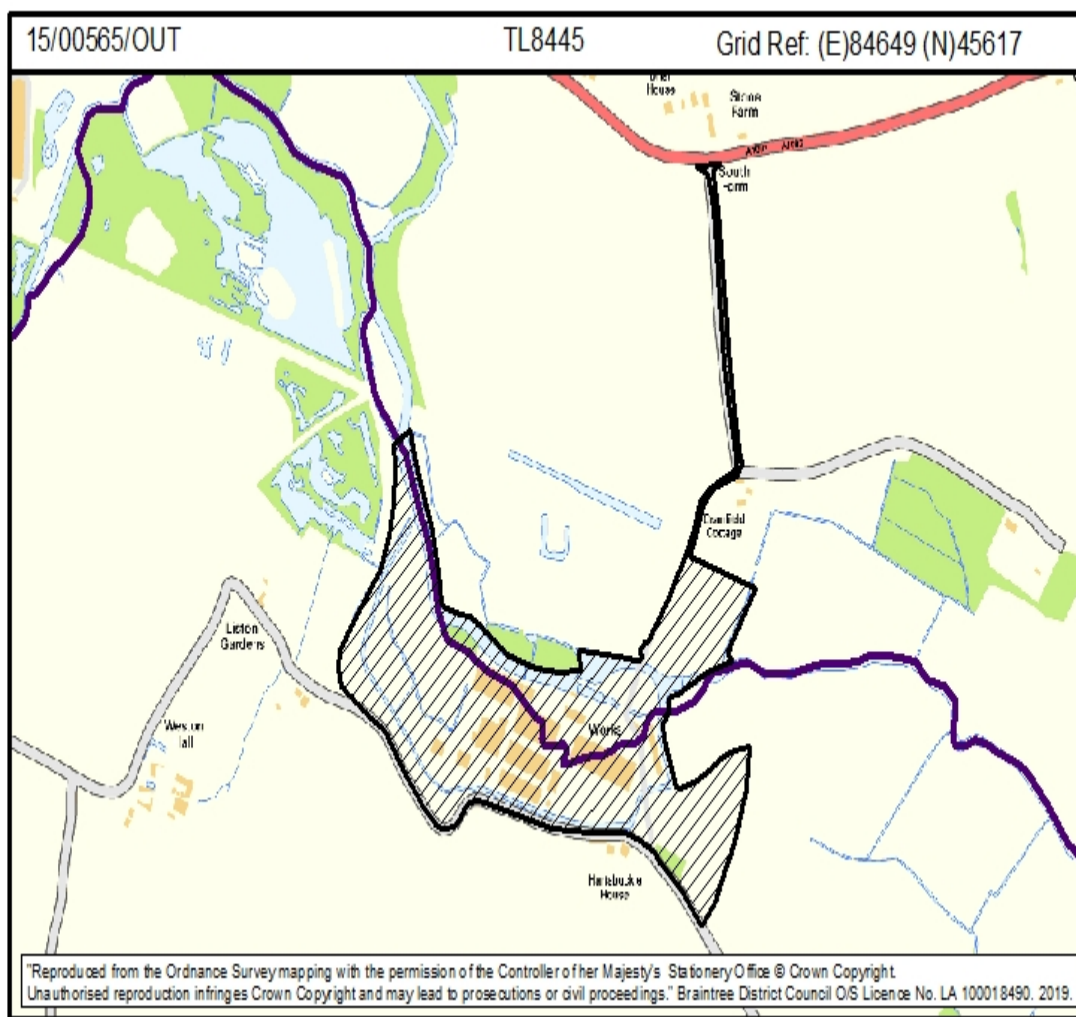
3 It is suggested that the developer seeks to obtain a Secured by Design "Gold" award in relation to this development.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO:	15/00565/OUT	DATE VALID:	29.07.15
APPLICANT:	Bonnington Investments Ltd Mr Gordon Macpherson, C/o Savills		
AGENT:	Savills(UK) Ltd Rosanna Metcalfe, Unex House, 132-134 Hills Road, Cambridge, CB2 8PA		
DESCRIPTION:	Outline planning application (with all matters reserved except for access) for the proposed development of up to 100 dwellings and the change of use of existing buildings to create up to 22 apartments and a community centre, to enable the remediation of the adjoining licensed landfill site to the north. Proposals to also include the demolition of the other existing buildings, associated works to remediate the land on the application site, flood attenuation measures, reinstatement of the River Stour to include the removal of the sluice gate and the creation of a series of rock riffle weirs and associated infrastructure improvements, landscaping and provision of public open space.		
LOCATION:	Stafford Park, Liston Road, Liston, Essex, CO10 7HU		

For more information about this Application please contact:
Mr Neil Jones on:- 01376 551414 Ext. 2523
or by e-mail to: neil.jones@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NNXP97BF0CY00>

SITE HISTORY

91/00251/PFHN	9100251pfhn	Granted	23.04.91
93/01047/FUL	Proposed raising part of roof of existing building x to accommodate new stills	Granted	29.09.93
14/00007/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Request for the Screening Opinion of Braintree DC & Babergh DC	Screening/ Scoping Opinion Adopted	03.07.14

	for the proposed development of Outline Planning Application for approximately 100 residential units, change of use of existing buildings to community centre and retirement apartments (22 units), with associated remedial works to decontaminate land, upgrade to the River Stour, and associated infrastructure.		
14/00017/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Request for the Scoping Opinion of Braintree DC for the proposed development at Stafford Park of up to 100 residential units, change of use of existing buildings to community centre, employment starter units and retirement apartments (22 units), with associated remedial works to decontaminate land, upgrade to the River Stour, and associated infrastructure.	Screening/ Scoping Opinion Adopted	31.10.14
14/00072/SOL	History search		
15/00007/ODC	Out of District Consultation - Remediation works to licensed landfill site north of the River Stour (to enable the surrender of the landfill license), conjunction with the residential development of land to the south of the River Stour (Stafford Works)	Pending Considerati on	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP38	Conversion of Rural Buildings
RLP49	Pedestrian Networks
RLP50	Cycleways

RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP82	Sites of Special Scientific Interest
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP86	River Corridors
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP141	Informal Recreation Areas
RLP153	Community and Village Halls
RLP164	Environmental Impact Assessment

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
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP42	Residential Conversion of Buildings in the Countryside
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
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

Babergh Local Plan Core Strategy and Policies (2014)

CS1	Applying the Presumption in Favour of Sustainable Development in Babergh
CS2	Settlement Pattern Policy
CS3	Strategy for Growth and Development
CS12	Sustainable Design and Construction Standards
CS13	Renewable/Low Carbon Energy

CS14 Green Infrastructure
CS15 Implementing Sustainable Development in Babergh
CS17 The Rural Economy
CS19 Affordable Homes
CS21 Infrastructure Provision

Babergh Local Plan Alteration No.2 (2006)

EN22 Light Pollution – Outdoor Lighting
EM24 Retention of Existing Employment Sites
CR04 Special Landscape Areas
CR07 Landscaping Schemes
CN01 Design Standards
HS31 Public Open Space (Sites of 1.5ha and above)
TP15 Parking Standards

Supplementary Planning Guidance

Babergh District Council

Affordable Housing SPD (2014)
Rural Development and Policy CS11 SPD (2014)
Safeguarding Employment Land SPD (2008)
Suffolk Adopted Parking Standards (2015)

Braintree District Council

Affordable Housing Supplementary Planning Document (2006)
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
External Lighting Supplementary Document
Open Space Supplementary Planning Document
Open Spaces Action Plan
Parking Standards – Design and Good Practice (September 2009)

Other Guidance

Babergh District Council

Supplementary Planning Guidance on Provision of Outdoor Recreation
Facilities & Open Space (2010)
Suffolk Landscape Character Assessment (2010)
Joint Babergh and Mid Suffolk District Council Landscape Guidance (2015)

Braintree District Council

Landscape Character Assessment (2006)
Braintree District Settlement Fringes – Evaluation of Landscape Analysis
(June 2015)
Viability Review of Employment Sites in Braintree District (2012)

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 as the application is considered to be of significant public interest. In addition, the application has been accompanied by an Environmental Statement which is an indication that the proposed development could have a significant impact on the environment; and due to a combination of other factors including the complexity of the issues that it raises; the fact that the application represents a departure from the adopted Development Plan and because the application site crosses the County / District boundary.

The application site sits within the administrative boundaries of both Braintree District Council (BDC) and Babergh District Council (BaDC), the planning application was submitted to both Councils for consideration. The relevant BaDC reference is B/15/00649/OUT. However, as the largest portion of the site, and the area which contains all of the proposed residential development, falls within Braintree District, BaDC have devolved decision making to this Local Planning Authority (LPA) under S101 (1) of the Local Government Act 1972. This delegation was accepted by Braintree District Council at the Full Council meeting on 22 February 2017. The decision making powers were passed to the Council's Planning Committee.

SITE DESCRIPTION

As set out below, the application site has a long history which has seen a number of different commercial uses undertaken by a number of different companies. The site is currently widely known as Stafford Park but its history means that some people also know it by other names including Bush Boake Allen, IFF and Stafford Works. For consistency in this report the site will be referred to as Stafford Park.

The Stafford Park site can effectively be subdivided into two areas as follows:

1. The former factory site which has an established lawful industrial use which encompasses use classes B1 (Business); B2 (General industrial) and B8 (Storage or distribution). The former factory site retains a wide range of buildings; as well a disused effluent treatment plant (the latter being within Babergh District); and
2. A licensed landfill site and composting area; also within Babergh District. Whilst outside the red line for this planning application this land is within the ownership and control of the applicant.

The planning application the subject of this report concerns the redevelopment and remediation of the former factory site which extends to approximately 19 hectares (47 acres).

The Former Manufacturing Area

According to the Archaeological and Cultural Heritage chapter of the submitted ES, prior to the Stafford Mill opening in the late 19th century, the development site is known to have been in use as a parchment and then paper mill dating back to the post-medieval period. There was also a short-lived flax mill on the site which appeared to have opened during the 1870s before its conversion for the extraction of essential oils.

Stafford Allen & Sons opened its manufacturing plant and distillery as well as a farm at the site in 1899. Whilst operational, locally grown herbs and plants were used to make pharmaceutical, fragrance and food flavourings. It is also known that from around 1940 DDT (a synthetic organic compound which used to be used as an insecticide) was also manufactured at the site. Known as Bush Boake Allen Ltd. from the 1960s, and then being bought out by International Flavourings and Fragrances (IFF (Great Britain) Ltd) in 2002, the factory closed in 2004 ending over 100 years as a major local employer.

The site currently contains a complex of 20th century purpose-built industrial buildings, mostly dating from a period of development in the 1950s-1960s, about the time Stafford Allen & Sons Ltd. merged with two other companies to form Bush Boake Allen Ltd. A few existing buildings appear to date from a period of inter-war expansion by Stafford Allen & Sons Ltd, when most of the earlier mill buildings were removed and the first purpose-built buildings were constructed. No buildings now survive from the earlier mill period. There are also some more recent buildings on the site dating from the last few decades of the 20th century.

Most of the larger buildings from the later Stafford Allen & Sons Ltd / early Bush Boake Allen expansion periods have a fairly uniform appearance and are simple, red brick and concrete framed industrial buildings with limited decoration. Stylistically, many of the buildings appear older than they are, appearing pre-Second World War but, in some cases, of proven post-war date. Some are named providing evidence of their original use, but all have been largely stripped of interior fixtures and fittings, and many are now in poor condition. Fifteen buildings remain on site ranging in size from 41m²/448sq.ft. – 3866m²/41644sq.ft and comprising a total of 19,588m² / 210,843sq.ft.

Some former factory buildings, to the east of the remaining factory area, have been demolished and the area cleared and returned to grassland.

The majority of buildings that remain currently in use on site are being used for the storage of PIR insulation boards. There are substantial areas of hardstanding on the site. The application site can be considered to be previously developed (brownfield) land. The NPPF defines previously developed land as *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure ...”* (NPPF Annex 2: Glossary). None of the buildings on the site are listed.

Landfill Site

A separate planning application has been submitted to BaDC (ref. B/15/00671/FUL) for the remediation of the landfill site. The description of that development is as follows: “*Remediation works to licensed landfill site north of the River Stour (to enable the surrender of the landfill license), conjunction with the residential development of land to the south of the River Stour (Stafford Works)*”. This application remains undetermined at the time of writing this report. Babergh Officers have not determined the application as the remediation works are linked to obtaining planning permission for the redevelopment of the factory site.

Both areas of Stafford Park are known to contain contaminated land, but it is the landfill site that has been classified by the Environment Agency (EA) as a High Risk site (Controlled Water).

It is understood that there were gravel workings on the site in the early twentieth century and the excavated areas were then used to deposit waste material from the industrial manufacturing processes. Biodegradable wastes were permitted to be deposited in the landfill, but recent site monitoring and investigation works have revealed that the landfill site also has ‘non-compliant’ wastes deposited. The landfill site has been characterised as having shallow waste deposits, with elevated contaminants detected in them. The landfill has no basal, side wall or capping lining systems present and it also has poor surface restoration cover.

The EA set the landfill site’s current status thus:

Complex geology & hydrogeology:

- Multi layered aquifer system;
- Glacial channel cutting through the site;
- Groundwater and surface water interactions;

Site located in a highly sensitive water environment:

- Principal (chalk) & Secondary A aquifer (sands & gravels) units;
- Within in a Source Protection Zone (SPZ3) public water supply;
- EU Water Framework Directive Drinking Water Protected Area
- Adjacent to River Stour;
- Adjacent to SSSI water meadow (Glemsford Pits).

With the landfill site having the potential to impact on local groundwater, and with the detection of hazardous and non-hazardous substances within it the EA would want to see the permit holder to undertake necessary remedial works, these include:

- Reducing current pollution impact on local groundwater systems;
- Reducing impact on surface waters;
- Reducing possible impact from landfill gas emissions;
- Improving current monitoring schemes; and

- Restoring the surface of the landfill.

The EA's ultimate aim is to move the site to being of low risk with this leading to the surrender of the site permit.

Location

The majority of the site is situated within the Parish of Foxearth and Liston within the Braintree District, and is situated approximately 1.6km (1 mile) west of the village of Long Melford and 3.5km (2.2 miles) north of the market town of Sudbury, both in Suffolk. It is accessed via a relatively narrow road, known as Borley Road and School Lane, some 2.9km (1.8 miles) in length and with limited passing opportunities leading from Rodbridge Corner on the B1064 to the site. There is also access from Liston Lane, and an unnamed road (protected lane) leads via Liston Gardens to the A1092 approximately 2.7km (1.7 miles) to the north east.

Included within the application site (red line) area is a track which runs north from the factory site to join the A1092, being within Babergh District and which connects Long Melford to the east with Clare to the west. It is understood that the applicant has limited rights to use this track and whilst it is proposed that the track is used for construction traffic it is not intended or permitted to upgrade this to an adoptable vehicular highway, or to provide vehicular access to the proposed dwellings.

Long Melford itself is served by a number of bus services. Week day daily bus services run to nearby settlements including Sudbury, Bury St Edmunds, and Colchester. The nearest railway station to the site is in Sudbury (6.76km / 4.2 miles) which operates services to Marks Tey on the outskirts of Colchester. Marks Tey in turn has direct services to Ipswich and London Liverpool Street amongst others.

In addition, Long Melford is defined as a 'Core Village' in the Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) (CSP). Local services and facilities include a primary school, public library, post office, numerous shops, public houses and restaurants, and bus services connecting the village with surrounding settlements. Higher level shops and services can be found in Sudbury including a secondary school and variety of supermarkets. No such facilities can be found within Liston however.

With the exception of the small village of Liston (approximately 1km/0.6 miles from the site) to the south east, the predominant land use in the immediate locality is agricultural and grazing, with interspersed isolated residential dwellings and hamlets bordering their respective roads. One exception to this is the Philips Avent factory which is located approximately 1.5km to the north west of the site on the A1092 within Glemsford and employs around 650 people locally.

As denoted on the Proposals Map of the Braintree District Local Plan Review 2005 (BDLPR), the site is located in an area of countryside with the River

Stour passing through it. The majority of the site is currently within the Flood Zones 2 and 3 as designated by the Environment Agency's flood mapping. The elements of the site that fall within the jurisdiction of BaDC are also covered by a Special Landscape Area (SLA) designation, as highlighted within the Babergh Local Plan Alteration No.2 (2006) (BLP). The site is also located within the Stour Valley Project area and as such is covered by the Dedham Vale AONB & Stour Valley Management Plan. The aim of the plan, amongst others, is to ensure that the landscape and special qualities of the Stour Valley are protected and enhanced. As Members will be aware there is an aspiration to extend the area formally designated as the Dedham Vale Area of Outstanding Natural Beauty (AONB) upstream towards Sudbury but the application site is not within this area.

Upstream of the site is the Glemsford Pits Site of Special Scientific Interest (SSSI) which comprises a series of water filled disused gravel pits to the south of the River Stour and is noted for its dragonfly population.

Protected species are present on the site (see below), and four local ecologically sensitive sites are within 2km of the site: Glebe Meadow, Liston Hall Meadow, Valley Walk and Weston Hall Meadow District Local Wildlife Sites.

In terms of heritage assets the closest listed building is Lapwing Cottage, located to the south of the application site, close to the current vehicular entrance to the site. It is a Grade II listed house built circa 1550 or earlier. The associated stables, barn and adjacent Hartsbuckle House are within the curtilage of the cottage and are therefore listed in association. Approximately 200 metres west of the site are the Grade II listed Liston Garden and Liston Barn. Liston Garden is a house built circa 1500 whilst the barn was built in the 1700s.

Slightly further afield, Park Farm Cottage and Barn comprise a 19th century cottage to the northeast of The Walled Garden and Liston Hall; and a late 15th or early 16th century barn located immediately northwest of Park Farm Cottage and forming group.

The site is also visible from The Walled Garden which is located to the north of Liston Hall and forms a loose group with these heritage assets comprising a late 18th or early 19th century wall enclosing a modern house. The site is also just visible from the Long Melford Conservation Area.

With respect to landscape context and topography the submitted Design and Access Statement (DAS) states the following:

“The existing topography of the site is fairly flat with the level of the built up area varying from approximately +31.5m to approximately +33.0m. Over a distance of more than 450m east to west this works out at a gradient of around 1 in 300. To the north of the built up area of the factory site the ground level rises slightly towards the A1092. The topography rises from +31.5m in the south along the Stour Valley corridor to +47.0m in the north along the

road. Over a distance of over 700m this works out at a gradient of 1 in 45. The elevated position in the north provides a view over the site with only the roofs of the existing factory buildings visible above the trees.”

The issue of views into and out of the site are considered in more detail in the Landscape and Visual Impact Assessment within the Environmental Statement (ES) submitted as part of this application.

PROPOSAL

This application seeks outline planning permission for the construction of up to 100 dwellings and the change of use of two of the existing buildings to create up to 22 apartments, in one building referred to as Building ‘X’, and a community centre within Building ‘T’. All the proposed dwellings would be located within the Braintree District, with only Building ‘T’ standing within the Babergh District. The proposals include the demolition of the other existing buildings; works to remediate the land on the application site; flood attenuation measures; the reinstatement of the River Stour which would include the removal of sluice gates and the creation of a rock riffle weir; associated infrastructure improvements; as well as landscaping and the provision of public open space.

Ground investigations and monitoring have been ongoing on the landfill site since 1990 and if further remediation works are not undertaken, it is stated that there is a risk to groundwater and soils, which over time could affect the local potable water supply (groundwater aquifer) in the area, as well as polluting the river.

The proposal is being promoted by the applicant as an enabling form of development, with the proposed housing development allowing the remediation of the landfill site to a standard that would allow the Environment Agency (EA) to surrender the existing permit. It is proposed that a legal agreement between the applicant and both Braintree and Babergh District Councils could ensure remediation takes place in conjunction with the redevelopment of the factory site. The applicant has proposed that the landfill area would be provided to the community as public open space and nature reserve following remediation, if planning permission were granted.

The planning application is submitted in outline with all matters reserved with the exception of access for which approval is sought. If outline planning permission is granted then layout, scale, appearance and landscaping would need to be approved through reserved matters applications. Notwithstanding this, a detailed suite of documentation was submitted with the planning application, in addition to additional and revised technical evidence during the processing period, including the following:

- Planning Application Forms;
- Planning Statement;
- Application Plans comprising:
 - Location Plan

- Indicative Master Plan
- Parameter Plan
- Block Plan
- Residential Phasing Plan
- Remediation Phasing Plan
- Passing Places Plan
- Topographical Survey

- Design & Access Statement;
- Statement of Community Involvement;
- Sustainable Urban Drainage (SUDS) strategy;
- Viability Assessment;
- Sustainability Assessment ;
- Transport Assessment ;
- Travel Plan;
- Environmental Statement.

The Environmental Statement contained further technical reports and surveys covering a range of environmental issues. The ES contains the following chapters:

- Chapter 1: Introduction
- Chapter 2: Site Description
- Chapter 3: Proposed Development
- Chapter 4: Policy Context
- Chapter 5: Scoping and Consultation
- Chapter 6: Archaeology and Cultural Heritage
- Chapter 7: Landscape and Visual Impact
- Chapter 8: Ecology and Nature Conservation
- Chapter 9: Flooding and Hydrology
- Chapter 10: Contaminated Land and Remediation
- Chapter 11: Traffic and Transportation
- Chapter 12: Noise and Vibration
- Chapter 13: Air Quality
- Chapter 14: Socio-Economics
- Chapter 15: Summary of Effects and Conclusions.

The Environmental Statement has been updated following the request by Braintree District Council under Regulation 22 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to provide further information. The following sections have been updated:

Volume 1 - Non Technical Summary

Volume 2 - Chapter 1: Introduction; Chapter 4: Policy Context; Chapter 5: Scoping and Consultation; Chapter 7: Landscape and Visual Impact; Chapter 8: Ecology and Nature Conservation; Chapter 9: Flood Risk and Hydrology; Chapter 10: Contaminated Land and Remediation; Chapter 11: Traffic and Highways; Chapter 12: Noise; Chapter 13: Air Quality; Chapter 14: Socio-Economics; Chapter 15: Conclusions

Volume 3 - Chapter 5: Scoping and Consultation (Technical Appendix 5.3); Chapter 7: Landscape and Visual Impact (Appendices 7.1-7.5); Chapter 8: Ecology and Nature Conservation (Appendices 8.1 and 8.2); Chapter 9: Flood

Risk and Ecology (Appendices 9.1, 9.4 and 9.5); Chapter 10: Contaminated Land and Remediation (Appendix 10.1); Chapter 11: Traffic and Transport (Appendix 11.1)

The applicant states that the proposals seek to create an attractive residential community which would significantly improve the current character and appearance of the site and its surrounding environment.

Key benefits of the scheme cited by the applicant include:

- The delivery of a mixed housing scheme providing for varied local housing needs;
- Remediation of the factory site and landfill area;
- Reinstatement of the River Stour to reduce flood risk on site through flood attenuation measures;
- Ecological benefits on the site and the adjacent SSSI; and
- Investment in community facilities.

Whilst an outline planning application, the Design and Access Statement sets out the applicant's vision of how the site could be developed, going so far as to provide illustrations of what buildings could look like and how the development could be designed so as to provide different character areas. This information is illustrative and as previously stated matters of layout, scale, appearance and landscape would need to be approved through Reserved Matters applications.

CONSULTATIONS

Internal Responses

BDC Consultant Ecologist (James Blake Associates Ltd) – No objection – following the receipt of additional information including further protected species surveys. Their position is subject to conditions including a requirement to produce updated protected species reports as part of the Reserved Matters submissions and a Construction and Environmental Management Plan.

BDC Environmental Protection – No objection raised, subject to the imposition of planning conditions controlling site clearance, demolition and construction work, along with matters of controlling the remediation of contaminated land.

BDC Housing Enabling Officer – Policy CS2 of Adopted Core Strategy seeks a target of 40% for affordable housing on schemes 5 or more units in the rural areas of the District. On a development of up to 122 dwellings this could equate to a requirement to provide up to 48.8 of the homes as affordable housing.

However whilst Braintree has a generally high level of housing need, evidence from the housing register in this part of the District does not justify seeking 48 affordable homes on site.

As the site is located at the northern most boundary of Braintree and neighbours Babergh District, the Council's Housing Enabling Officer has liaised with Babergh District Council over whether there is scope for a cross-boundary approach to meeting need for affordable homes in both Districts. Geographically, the nearest large settlement is Long Melford where it is understood that there are more than 60 applicants registered seeking affordable homes. However, BaDC have advised caution over numbers of units that are sought on site because the remoteness of the location would not be attractive for many seeking Affordable Housing.

It is acknowledged that details set out in the application are indicative, but they recommend that 10 affordable homes be provided on site, along with a commuted payment in lieu of 38.8 units, subject to viability. It is considered that 6 x 1 bedroom flats and 4 x 2 bedroom houses would be an appropriate mix to match housing need.

As regards a commuted payment, applying the commonly used approach illustrated below, this would amount to £970,000. This sum is higher than that advised in pre-application advice owing to the figure per unit being revised to reflect higher levels of grant needed to procure units from the open market for affordable housing.

122 units x 40% = 48.8 units
48.8 units – 10 units (provided on site) = 38.8
38.8 units x £25,000 = £970,000

Payments would be used to assist in funding registered housing providers to provide new affordable homes at other locations in the District.

BDC Waste Services – No objection, subject to the design of the access road needs to accommodate turning movements for waste collection vehicles up to 26T and will need to be offered up for adoption to ECC as public highway. If the access road is to remain private then each household will need to present their waste bins at a suitable location near (no more than 20m) or on the public highway.

External Responses

Anglian Water – No objection. The Long Melford waste water treatment plant and the foul sewerage network both have capacity to accommodate the flows from the site.

Babergh & Mid Suffolk Economic Development – No objection, but state it is disappointing to see the loss of an employment site, and would have liked to have seen an employment use maintained. It is suggested that part of the

Community building could provide some internal office/work space for future residents' use.

Babergh & Mid Suffolk Environmental Management (Contaminated Land)

– No objection, but this response is only in respect of the area of the site within their District and they have not reviewed the application relating to the former landfill area, as the Environment Agency are regulators for this part of the site owing to the existence of an Environmental Permit, or the area outside Babergh District.

The area within the application site that is within the Babergh District and outside the area of the environmental permit, includes just those areas surrounding the proposed community centre and the sludge lagoons to the east of the landfill area. They advise that the remediation of these areas will need to be carried out as part of a comprehensive programme to remediate the whole site. Remediation to be completed to an agreed standard that is suitable for the intended use of the areas. The conditions proposed by the Environment Agency should suffice in achieving this goal.

Babergh & Mid Suffolk Environmental Protection Team – Expressed concerns regarding the potential for occupants of Cranfield Cottage to suffer disturbance from construction traffic during the construction period. Recommended that construction management plan control hours of HGV deliveries to protect occupants at times when they are most likely to be disturbed.

Additionally recommend conditions in respect of external lighting and the potential noise disturbance arising from the Community Building.

Babergh & Mid Suffolk Housing Development Officer – No objection subject to 35% of the proposed dwellings being provided as Affordable Housing. Whilst the development would be located within the Braintree District, it is likely that residents of the development would use services in Glemsford and Long Melford; and therefore the affordable housing should be offered to residents of these villages.

Babergh & Mid Suffolk Development Management – No objection. The Officer reports the Babergh Planning Committee approved a motion stating;

- That had Babergh District Council determined this application, the Council would have been minded to approve the application subject to appropriate conditions and a Section 106 agreement.
- That should Braintree District Council approve the proposal, that Babergh District Council wish to be party to the wording of conditions and the terms of the Section 106.
- That all mitigation identified as necessary in this report to mitigate the impacts of development on the Babergh district, including those relative to

education, highways, affordable housing and rights of way improvements, be secured through the section 106 agreement.

- That the Section 106 include obligations that ensure the delivery of the decontamination of the landfill site within the Babergh District area.

Dedham Vale AONB and Stour Valley Project – Comments - The site rests within the Stour Valley Project area and as such is covered by the Dedham Vale AONB & Stour Valley Management Plan of which both Braintree and Babergh Councils are signatories. The plan is relevant to this application as it seeks to ensure that the landscape and special qualities of the Stour Valley are protected and enhanced. Comments include:

Principle of development - While the concept of redevelopment of the brownfield site is welcome in principle, but the isolated location does appear likely to cause considerable difficulties given that access to public transport, schools and community facilities are poor and risk social isolation. Whilst various measures have been proposed to overcome these issues, they do not consider that the isolation of the site can be fully mitigated and there would be a strong reliance on the private car making the site unsuitable for major housing development.

Landscape and ecology - Proposed development within the Stour Valley should be of an appropriate scale and take into account the landscape quality of the area. The proposal is considered to be major development and whilst in landscape terms, suitable planting could mitigate the visual impact of the development over time, the landscape impacts are wider reaching.

The River Stour passes through the site and forms an important feature in the local landscape character of the area. Development within close proximity of the river presents a concern in relation to flood risk, both at the site and further afield as a result of the development. Measures for ecological enhancements as part of the proposal are welcomed as an improvement to the current situation, for example, the proposed fish pass would have a beneficial impact on the river ecology in this location.

Transport and access - Major residential development will result in increased road traffic through the lanes of Liston and surrounds. Measures to improve cycling/walking will most probably involve third party land and cannot be guaranteed. An increase in road traffic on single track lanes will result in them becoming much less attractive for non-motorised road users, reduced tranquillity, impacts on the special quality of the landscape. One of the access routes is via a protected lane and increased volumes of traffic using the lane is likely to have a negative impact on its qualities.

They question whether enough consideration has been given to using the access track to the north as a permanent means of access to the site, although note that this too presents concerns about road safety and connectivity to nearby settlements.

Remediation of former landfill site - Although the proposed remediation of the former landfill site may be desirable in environmental terms, it is not clear that the benefits of this outweigh the loss of habitats, and the ecological risks associated with soil stripping and vegetation removal. It appears that the LPA will need to seek detailed ecological advice in respect of these matters. It is noted that the former landfill site is outside the 'red line' boundary. They suggest, if the overall outline application involves the former landfill site, this too should be within the 'red line' boundary to facilitate appropriate conditions being placed on this part of the proposal.

Enabling development - The concept of the development as enabling development to allow the remediation of the site seems disproportionate. They state that the enabling element should only apply to the minimum requirement for remediation of the site.

Environment Agency – No objection subject to conditions

Flood Risk - Advise the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is classified as a 'more vulnerable' use, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

They have no objection to this planning application, but highlight that the proposal requires the raising of land to allow development that will be situated in Flood Zone 1. As a result, compensatory storage is required which is intended to be provided on the opposite bank of the river to the area being raised. The Flood Risk Assessment (FRA), prepared by Millard Consulting, reference 12760/AB/237 Rev C and dated February 2017, includes details of the flood mitigation proposals and associated river engineering works. The proposals will ensure that floor levels of any buildings are raised above the 1% (1 in 100 year) and 0.1% (1 in 1000) year annual probability flood levels, inclusive of climate change and that dry access can be maintained to and from the development.

The conclusion of the FRA is that the development and associated works would not result in an increase in flood risk to the site, neighbouring land, or downstream. Having carefully reviewed the FRA the EA raise no objection and go on to state that work they had recently undertaken to update their modelling of the River Stour and that this gave them additional confidence in the applicants FRA that the proposed development would not have an effect on third party interests.

Land Contamination

In principle the EA state that they support the carrying out of the development as a means of environmental improvement for both the former manufacturing area, and enabling remediation of the former landfill area. They have reviewed the Remediation Strategy and Summary of Site Investigations report of

February 2017 (ref: 12.062, second edition, version 5) and the revised version of Chapter 10 of the Environmental Statement. They confirm that the broad concept of groundwater treatment and soil treatment as a method of remediation is acceptable and that they are content that the finer details can be agreed at a later stage following further site investigation and risk assessment.

The EA state that not all the points raised in their letter of 7 August 2015 (ref: AE/2015/119311/01-L01) were addressed in the revised information but they maintain that these are all matters that can be addressed through planning conditions. They conclude that planning permission could be granted to the proposed development as submitted subject to the imposition of planning conditions, without which, the scheme on the site poses an unacceptable risk to the environment and they would object to the application.

Ecology

Initial response identified a number of concerns with the ecological information submitted initially with the applications. They state that not all biodiversity and protected species issues have been completely resolved to all parties' satisfaction and suggest that a way forward would be to condition further protected species and Phase One ecological surveys for delivery before the detailed planning stage to ensure that the presence or otherwise of protected species as some of these are very mobile and their presence and the way they use the site could vary with time and could affect the way that the site might be developed.

The EA recognise that the planning application seeks to resolve the dereliction at the former factory site and remediate its industrial legacy. In order to secure a viable and enhanced landscape setting and biodiversity outcome, they wish to see conditions imposed to any outline planning permission granted, to ensure that dereliction and negative manmade impacts on habitats are resolved positively.

The EA makes specific comments in respect of the proposed fish pass at the lower weir and recommend a full options appraisal in respect of the lower weir to consider ecological, financial and Water Framework Directive issues.

Water Framework Directive

In their response dated 19 May 2016 they withdrew their previous objection on the need for a Water Framework Directive (WFD) assessment following the receipt and review of the WFD Technical Note prepared by Peter Brett Associates (PBA) dated March 16. This Technical Note was sufficiently detailed for an outline application, but they state that further assessment will be required to inform any detailed reserved matters application.

While there are potential enhancements proposed to the River Stour at this location, they consider that there remains the potential, depending on the detailed planning designs, for the deterioration in WFD quality measures. This

would need to be further considered at the detailed stage, and the Technical Note states that additional surveys and studies will be undertaken which can inform any further WFD assessment. They therefore wish to see a suitable condition attached to any outline permission granted.

The scheme presents an opportunity for river restoration to a more natural river corridor, free of unnatural impediments to fish passage and designed to deliver long term sustainable habitats. The EA agrees to the principle of replacing the redundant moving sluice gate with a series of riffles and recommend the imposition of an appropriate condition.

As noted above the EA indicate that further improvements to the river corridor could be secured through the removal of the downstream concrete weir (downstream of the aforementioned sluice) and replacement of this redundant structure with a further series of riffles and this would further contribute to achieving the objectives of the Water Framework Directive.

They are concerned that the proposed fish pass would appear as an anomaly - an extra concrete structure being constructed in order to bypass an old redundant concrete weir – and recommend that a full options appraisal is undertaken to assess alternatives.

Essex County Council (ECC) Education – Whilst the appropriate authority for the provision of primary and secondary education for the site they support Suffolk County Council's conclusion that schools in Suffolk are better placed to provide for pupils who would live within the proposed development. They would however remain responsible for transporting children to/from school and a financial contribution would be sought from the developer to meet travel costs for the first 5-years - £356,664 for primary pupils and £99,588 for secondary school children.

Essex Education Officers note that the applicant proposes provision on-site of Early Years & Childcare provision through the proposed Community Building. At this stage though they remain concerned that they do not have sufficient detail to confirm that the applicants offer would meet the additional demand. It is projected that there would be demand for an additional 9.9 places. They question whether this will create new places or re-provide existing places; Are they offering free entitlement, full day care etc. They would need to see the full details of what will be provided to understand if this removed the need to increase capacity elsewhere.

They conclude that currently they would continue to request the S106 funding for additional places. An additional 9.9 places would be provided at an estimated total cost of £174,046 at April 2018 prices (£17,422 per place).

ECC Flood and Water Management – Initially registered a holding objection requesting additional information, as the submitted drainage strategy contained insufficient information in respect of storage and run-off rates from the site; information on flow routes and outfalls; and information to show that the site is safe from groundwater flooding.

Following assessment of the further information submitted by the applicants they have stated that they no longer object to the application, subject to a number of planning conditions.

ECC Highways – No objection, subject to conditions / obligations.

Initially the Highway Authority recommended refusal as insufficient evidence had been provided to assess the potential impact on the highway network; safety concerns as roads near the site are too narrow to allow vehicles to pass; and insufficient information about measures to reduce reliance on the private car given the remote location of the site and access to services.

The applicant submitted further information to address these issues and after further discussion the Highway Authority revised their position and now state they have no objection subject to conditions and planning obligations.

ECC Historic Buildings & Conservation – The development would not directly affect individual heritage assets or their settings, including Lapwing Cottages near the site. Such a development would however affect the character of the area and lead to cumulative impacts which would erode the quality of the rural landscape which is characterised by old buildings, mostly listed, and historic settlements.

ECC Minerals & Waste Planning – No comment on this application.

ECC Place Services Historic Environment Officer (HEO) – No objection, subject to conditions. It is recommended that there is a comprehensive industrial heritage report and as the site has the potential to contain archaeological remains detailed archaeological investigation and recording of the site prior to the commencement of the development; mitigation strategy (as required) and post excavation recording.

ECC Place Services Landscape Consultant (LC) – No objection, subject to conditions – the consultant notes that the proposed development is mostly contained within the same footprint of the existing buildings and the site is generally well contained by existing vegetation and the surrounding valley slopes. They set out a number of recommendations that should be considered as part of the detailed Reserved Matters stage.

ECC Public Rights of Way – No objection, subject to the Public Right of Way which crosses part of the site not being obstructed as a result of development, or during construction. If any construction works are likely to encroach on the existing route of this footpath, arrangements must be made for a temporary diversion order to accommodate the route by way of an application submitted to the Highway Authority.

Essex Police - No objection. If planning permission were granted then the developer should liaise with Police Crime Prevention Design Advisors as part of the design process in the early stages of the planning and throughout the

development, and that the properties achieve Secured by Design accreditation.

Foxearth and Liston Parish Council (FLPC) – Object to the applicatuion for the following reasons:

1. The application contains many anomalies and incorrect statements;
2. The application does not fulfil the requirements necessary for a Sustainable Development;
3. The application does not accurately reflect traffic movements and the location is not suitable for development being served by narrow roads and public transport in the area is very limited and there is no service in easy walking distance of the site. Proposals would a) Erode existing verges; b) The peak traffic estimate is some 2.5 times higher than the peak when it was a factory; and for much of its economic life the factory was served by a railway line. c) Will affect a protected lane; d) Will add to the bottlenecks for traffic using the (temporary) bailey bridge at Rodbridge;
4. The application does not take account of BRLP 78 Countryside and BRLP 79 Special Landscape Areas policies. The proposed site is not an urban brownfield site and does not have the appropriate infrastructure for such a proposed new neighbourhood. The site was not included in the BDC Site Allocation Plan and is currently on a recognised Flood Plain area;
5. The new housing will be a satellite for Suffolk and will offer no benefits for Essex villages. Following extensive consultations with parishioners in Foxearth & Liston, the overwhelming view is that the majority of residents are opposed to the development;
6. The hydrology report is very equivocal with unquantified risks downstream on the Stour;
7. There is concern how the local schools will cope with such an influx of families;
8. The contamination that requires remedial action was there when the developer purchased the site. Indeed there was significant concern that BDC and the Environment Agency had not enforced action before now. Some residents had heard suggestions that IFF had provided a bond to cover the costs of decontamination and felt that BDC should investigate this;
9. Residents fully accept that more houses are needed and that brownfield sites should form a significant share of sites. However brownfield usually implies an urban site and much policy, including the latest White Paper from the Government, caveats brownfield sites with the word 'suitable'. The residents consider the site wholly unsuitable for residential development and suggest that the developer look again at a proposal within the existing B8 and B2 planning permission;
10. The application site falls outside the spirit and the perceived definition of a brownfield site;
11. The development is in a sensitive natural environment with protected species and of high environment value;
12. The NPPF on brownfield site states not to permit development on sites of high environmental value.

Glemsford Parish Council (GPC) – Object to application, on the grounds that they consider the proposal to amount to unsustainable development.

Historic England (HE) – No objection. The proposed development would not cause harm to the significance of the nearby designated heritage assets – the grade II listed Lapwing Cottages and grade I listed Liston Parish Church.

Long Melford Parish Council (LMPC) – Object to application. Although the proposal is a good use of brownfield land, and they acknowledged the requirement to redevelop the site they recommend refusal on the following grounds:

The rural isolated location means that the proposed development is unsustainable due mostly to the access/highways issues (including lack of passing places) and a lack of infrastructure. They further state that there have been a high number of fatal and non-fatal accidents which have occurred on the roads in the area in previous years. They are in complete support of the objections submitted by Suffolk Preservation Society and all the issues that they raised. In addition, and in response to the latest revisions made to the scheme they highlight the following:

1. The area has constantly flooded over the years and sits on a flood plain;
2. The road system is totally inadequate and in no way should the main access be through Liston Lane Long Melford. Severe consequences would be felt by the parishes of Liston, Long Melford and Foxearth - A new access from the Clare Road must be created;
3. The site should have been remediated before it was sold by the previous owner IFF Ltd;
4. There are weight restrictions on the two bridges in Liston Lane; and
5. Liston Lane is part of the Suffolk Cycle route and speeding cars would ruin this.

Marine Management Organisation – No comments on application. The applicant is advised that a marine licence would be required for activities involving the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water spring marks or in any tidal river to the extent of the tidal influence.

Natural England – No objection – NE state that they have sought to ensure that the proposal would not have damaging indirect impacts on Glemsford Pits - the Site of Special Scientific Interest (SSSI) adjoining the site - through changes in the river levels and river behaviour upstream of the application site. Throughout this process, they have liaised closely with the Environment Agency, working with their flood risk team on the river level models, to understand the risks arising to the SSSI.

Notwithstanding the nature and scale of the proposal, they are now satisfied that there is not likely to be an adverse effect on this site provided that the proposal is carried out in strict accordance with the details of the application as submitted.

Consequently they no longer object to the proposed development, subject to suitably worded planning conditions which seek to achieve a river level

monitoring programme (before and after development), and a riffle weir monitoring and maintenance programme securing the condition of the structures (and consequently, upstream river levels) in perpetuity.

In respect of the additional information submitted in May 2017 NE state that they have no further comments to make, but advise that BDC take full account of representations made by the Environment Agency.

NHS England Midlands and East (East) – No objection subject to a planning obligation to mitigate the impact of development. The local GP surgery in Long Melford has insufficient capacity to accommodate the additional demand arising from the proposed development. However they have no objection to the application, subject to a financial contribution of £40,180 towards increasing capacity at the Long Melford Practice being made (equivalent to £378.77 per dwelling).

It is noted that in 2015, in their initial response, the NHS initially identified the development as impacting the Bridge Street Surgery, Great Yeldham and sought a financial contribution to mitigate. Subsequent responses in 2016 and 2018 identify that the development will impact upon the Long Melford practice.

Pentlow Parish Council (PPC) – Object for the following reasons; Whilst they support the redevelopment of brownfield sites in principle the impact on the local rural community should be minimal, with appropriate transport infrastructure and access to all users to ensure highway safety and not be detrimental to the locality.

Access to the site is not appropriate for development of this scale being a single lane access road with few passing places, no pavements, no other pedestrian considerations and no cycle paths.

The site has not run at full capacity for many decades and the local road infrastructure has been down-graded during that time. They state that the current approved uses for the site may, in theory, generate a significantly higher level of “shift worker” and “HGV” traffic than is normally seen today, and the current roads would have to deal with that, but in reality it has not had to support that level of traffic for many years. If “full” capacity was to occur then an upgrade back to the standard previously provided by Essex Highways would be the minimum requirement.

The Transportation Assessment is inaccurate in at least one area; it states that the Essex side, Sudbury to Foxearth, has three buses daily. This counts the community bus return trip as two buses and mis-states ‘weekly’ as ‘daily’. During July/August 2015 the road closure in Clare, Suffolk provided an actual assessment of the impact of additional commuter traffic on the road infrastructure under review.

The lanes and passing places are insufficient for these additional vehicles. The verges are now littered with wing mirrors and other broken pieces of cars,

pedestrians have been forced into ditches, hedges and fields and the warning bollards have been knocked down repeatedly.

Suffolk County Council (Historic Environment / Archaeology) – No objection subject to conditions. They state that whilst there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Suffolk County Council (Education) – **Suffolk County Council** – No objection, subject to planning obligations to mitigate the impact of development on the Education service. SCC report that there is insufficient capacity in Pre-school provision and Primary Education. There is sufficient capacity at Ormiston Sudbury Academy so no financial contribution is sought for secondary education.

Regarding the Early Years contribution, Suffolk Education Officers find it acceptable to remove the financial contribution previously requested, due to the inclusion of on-site provision at the community facility.

Suffolk County Council (Highways) – No objection, subject to conditions and planning obligations.

The initial response identified a number of concerns regarding the Transport Assessment (including the trip generation rates for such a rural site); concern about vehicular access via an unclassified road - Liston Lane - which is part of the South Suffolk Cycle Route A1; there have been a number of recorded RTA's on the A1092 and B1064 where Pentlow Road and Borley Road join the main roads and it is undesirable to introduce additional traffic onto the minor roads in the surrounding area; it would appear that a safer option to access the site is a private access (Cranbrook Lane) from the A1092; the Travel Plan (dated April 2015) is not sufficient to mitigate the highway impact of the development; the site is isolated from the nearest schools, shops, employment and other amenities in Long Melford due to distance and lack of footways; cycling may also be difficult to promote due to the existing narrow roads which is subject to the national speed limit; and bus services are limited and more than 400 metres from the site. All these factors would leave the private car as the only viable mode of transport. SCC Highways initial view was that the proposed development does not comply with NPPF in respect of sustainability and access arrangements and therefore recommend refusal on poor sustainability and road safety grounds. Their response did however state that they understand that as well as Highways issues there are other considerations that the Planning Authority may need to take into account in determining this application.

If planning permission were to be granted SCC recommend the following conditions / planning obligations – Visibility Splays at the site access; Construction Management Plan; Highway Works to create passing places along Liston Lane; Bust Stop improvements; Provision of a bus service to

serve the development; Improved pedestrian route from the site to A1062; Improvements to Public Rights of Way to connect the site to Long Melford; and a Travel Plan.

Following discussions with the ECC Highways and Planning Officers, as the road network mainly affected the highway network in Essex County, SCC Highways advise that they will align their position with ECC. If permission were to be granted then there will be a need to mitigate the impact on the Suffolk highway network – specifically in Long Melford where a financial contribution is sought towards surveys and potential TRO's to address our concerns regarding highway capacity and safety.

Suffolk County Council (Public Rights of Way) – The proposed development would affect existing public rights of way and require temporary closure/diversions. The construction of a fish by-pass to the north of the existing weir could affect an existing PROW. Details regarding the proposals to upgrade an existing PROW to Long Melford to provide cycle links to/from the site to be agreed with SCC.

Suffolk Fire and Rescue Service – Development will need to comply with Building Regulations in respect of access and firefighting facilities.

Suffolk Wildlife Trust – Object to the application.

The first response from SWT objected to the application but this was in 2015 and was based on the ecological information provided at that time.

Highlight concerns about the potential works to the river channel affecting the adjoining SSSI but state that Natural England and Environment Agency should advise on this matter. The ecological assessment is deficient as it does not consider the potential impact on protected species, including reptiles that may be present on the site.

Recommend that the river is surveyed for Water Vole as present elsewhere on the river and that consideration is given to constructing an artificial otter Holt. They raise concerns as they consider that the application fails to consider the potential presence of UK Priority species, including hedgehogs. SWT say that consideration should also be given to the level and type of disturbance that a residential development of the site would have compared to the current lawful industrial use. If planning permission is granted then the ecological recommendations in the ES should be secured by planning conditions.

Their second response in December 2015 states that they remain concerned that the site has reptile potential which has not been adequately assessed. They also advise that consideration should be given to potential impacts on otter and water vole and other UK priority species such as hedgehogs.

REPRESENTATIONS

Letters of Objection

87 letters of representation have been received which object to the proposal, a number of which have been made by individuals more than once. A petition with 381 signatories has also been submitted against the proposal, primarily with regard to increased traffic on the local road network.

A summary of the main issues raised in the objections is listed below:

Principle of Development

- Liston is a small Parish of 28 houses. The scale of the proposed development would overwhelm the village and have an unacceptable impact;
- The proposal development would be isolated Liston village and any other existing community;
- The dwellings would be unsupported by any nearby services or facilities, making the proposals unsustainable;
- The applicant justifies the proposal for two key reasons, neither of which should carry significant weight:
 - Five Year Housing Land Supply – the proposals do not comply with Local Plan allocations, or emerging allocations and the site is in an unsustainable location (as confirmed by two Local Plan Inspectors). Planning permission should be refused in accordance with the NPPF Paragraphs 49 and 14; and
 - Site Remediation / ‘Enabling Development’ – It is inequitable that the applicant expects the planning system to effectively fund site remediation costs where current legislation seeks the polluter, or failing this the current landowner to fund site clean-up. A legal opinion from Andrew Parkinson of Landmark Chambers has been provided by the Liston Residents’ Association (LRA) which sets out the legal issues relating to the ‘polluter pays principle’;
- The applicant refers to the Council’s inability to demonstrate the required 5-year housing land supply, but the draft Local Plan has a strategy for developing existing towns, new sustainable garden towns and key service villages. This proposal is contrary to that strategy. Such a development cannot even be considered to be part of Braintree District in any meaningful sense as in reality it will be part of Long Melford in respect of the provision of services.
- Objectors refer to the comments of Planning Inspectors who have considered the allocation of the site for housing as part of the examination of

the Braintree District Local Plan Review (2004) and Core Strategy (2010), with both Inspectors concluding that allocation for residential development was not appropriate.

- The Residents Association would like to see the site being developed on a scale and of a nature appropriate to the village of Liston and its rural surroundings. Development for commercial use may not be as profitable as residential use, but there is no justification for a large-scale housing estate in a remote rural location.

Land Contamination

- The applicant would have been aware of the contamination issues and sensitivities of the site when they purchased it. The price paid should have reflected the value of the site, including liabilities in respect of remediation and/or the vendor would have indemnified the applicant against some or all of the costs of any remediation carried out.

- It is not clear how severe the contamination at the site is, or specify what the minimum required level of remediation is to ensure safety. It is not stated what level of decontamination is absolutely necessary, regardless of whether residential development is brought forward. It seems likely that the cost of decontamination is higher to achieve standards required for residential use.

- If the contamination is not causing significant harm then it is possible and acceptable in regulatory terms to allow contamination to remain in-situ. In certain cases, it is also acceptable to allow contaminants to leach out of the ground provided that, by the time they reach surface or ground waters, they would be sufficiently dispersed/diluted so as not to cause any significant harm.

- Whether the polluter pays principle applies to this particular planning application depends largely on (a) whether the Site falls within the contaminated land regime in Part IIA of the Environmental Protection Act 1990 ("the 1990 Act") and (b) whether, if planning permission is not granted, the cost of remediation is likely to be borne by the public purse. Applying those criteria, it is highly likely that (a) the site is a '*contaminated site*' as defined in the 1990 Act and (b) absent the grant of planning permission for enabling development, the cost of remediation is unlikely to be borne by the public purse. Therefore, the polluter pays principle is a material consideration to be taken into account by the Council in determining the planning application. The weight to be attached to the principle is a matter for the Council but it is argued that the Council should give limited weight to the benefits of remediation when deciding whether the development should be justified as enabling development;

- Little recent tangible evidence is provided about the contamination requiring remediation of land within Braintree District;

- The assertion that a large unsustainable development is necessary to pay for the remediation of contamination caused by the previous owners is flawed.

The previous owners International Flavours and Fragrances Inc. are responsible and that firm has a current market capitalisation of US\$10.8 billion and in the year ended 01/01/2016 in the UK alone IFF made a profit after tax of £17.7 million and had net assets of £108 million;

- Mr Clayton, of Liston Mill, has submitted a Statutory Declaration that states in 2012 he engaged spoke with Philip Gardiner, the Finance Director of International Flavours and Fragrances (GB) Ltd (IFF) about the terms of purchase of the Liston site by Reading Park Development Company Ltd (RPD) and that Mr Gardiner stated that the cost of outstanding remediation works at the site had been underwritten by IFF in the form of a bond issued by them to RPD covering the cost of the additional clean up;

- The purpose of the planning application is to make a substantial profit for the developer not to fund remediation of the factory site and landfill site. The granting of planning permission would result in a substantial increase in the value of the site enabling the applicant to sell the site to another developer who would may have different ideas on the redevelopment of the site;

- The answer to whether the remediation costs should be excluded from the viability appraisal turns on the question of whether the polluter pays principle applies at all, and how much weight should be attached to it. If the polluter pays principle does apply, and is given significant weight, then it follows that those costs should be excluded;

- Concerning viability, assumptions regarding existing use value are flawed and of such significance that even if the principle of 'enabling development' is accepted, more development is proposed than necessary. Also potential tax relief benefits on remediation works do not appear to have been taken into account. To confirm whether enabling development is needed to secure site remediation it must be clarified what the cost of site remediation to bring contamination down to an acceptable level is. This can be then considered against the existing land use value to see if remediation would cost more than the existing land value, and whether it is viable without '*enabling development*';

- As the applicant claims site remediation is needed and seems to suggest that without redevelopment it would be financially prohibitive, how is a positive valuation of the existing use justified? If the contamination is such that enabling development is necessary, shouldn't a nil existing use value be adopted? It is important that the actual cost of remediation is separated from all other costs in the Viability Appraisal. Also the cost of necessary decontamination to make the site for continued operation should be identified to allow proper assessment;

- Water quality in the River Stour both upstream and downstream of the site is classified by the Environment Agency as B-"Good". The ES (10.4.31) states that available data suggests very little change in water quality between samples obtained up and downstream of the site which indicates that remediation works will not improve water quality in the Stour;

- Babergh District Council's Dr Nathan Pittam has explained that the high-risk known classification of the site is related to the potential risk to ground water. 'Risk' does not imply that harm is currently being caused. The Environmental Protection Act does not permit regulatory action because contamination is present, but requires evidence that contamination poses a "*significant possibility of significant harm*" before action is taken, which in his view has not been demonstrated at Stafford Park;

- Following closure of IFF, certain land remediation works were carried out on the site to address the immediate risks. Both Babergh and Braintree District Councils and the EA were made aware of these works and have continued to liaise with each other regarding the status of the site. No further remediation works have been required so both Councils and the EA must consider that there are currently no significant risks to nearby residents/people, property or the environment from any residual contamination present on the site;

- According to the Viability Assessment the proposed development will require an investment of about £28 million. There is nothing to suggest that the owner has ever had any interest as an investment for commercial reuse and the purchase of Stafford Park was from the outset a speculative gamble and a change of use to residential. The planning authorities have no duty to enable a site owner to make a profit.

Highway Matters

- The proposals do not meet highway standards and are unacceptable in highway planning terms;

- With regard to transport comparison of existing traffic with what may be is wholly inappropriate particularly as the applicant highlights that the existing buildings are not up to modern construction and insulation standards and therefore would require a very large investment which would be subject to planning permission;

- The applicant uses the theoretical potential volume of traffic that might be generated if the existing buildings were fully used for commercial /industrial purposes - a total of 785 daily movements. Their own traffic count from 7am to 7pm census on the 20/06/2017 recorded 114 movements. This was higher than they recorded on counts in 2016 but the increase is probably accounted for by a new tenant, an MOT station. The chances of the site ever becoming fully utilised are extremely remote and should be dismissed. It is claimed that traffic flows could increase up to 10 times the current level during a morning peak hour;

- Increases in home shopping and resulting deliveries could increase the number of vehicle movements further;

- The number of HGV movements is nowhere near as significant as is being presented. Whilst a residential redevelopment may result in reducing HGV

movements the assessment fails to recognise that the residential use will result in traffic movements changing with car users taking shorter smaller roads through residential areas into Long Melford. Liston Road will be the primary route to Long Melford. It is unsuitable to accommodate large volumes of traffic being narrow and tight with blind corners. There is also a greater danger from speeding cars than from HGVs;

- Liston has a vehicle population of 31 cars/small vans, lower than the national average, probably due to eight properties being occupied by retired couples and the number of dwellings occupied by a single person. The 122 properties in a remote rural location is likely to have in the region of 244 vehicles. The increase in traffic on the Protected Lane would be very material;

- Disagree with the claim that residents are more likely to combine trip making to multiple destinations and potentially even car share. The vast majority will travel by car and believe that there would be at least two trips per day on average per household;

- Residents would be likely to access Long Melford by Liston Lane / New Road / St. Catherine's Road with access to Long Melford High Street via the blind and narrow St. Catherine's Road junction;

- If access to and from the site during construction will be via Cranbrook Lane to the A1092 why is it not proposed to use this route as the main and only access to the site when development is completed?

- There have been fatalities including one at the junction of the proposed construction service road with other accidents/fatalities within the area;

- The A1092 is subject to the national speed limit at the point where the temporary construction traffic would enter the road. Visibility at the junction is limited with a sharp blind bend 60m only from the junction towards the village of Clare and the road also declines downhill;

- Under the Common Land Act 1969 the Estate of Sir Richard Hyde-Parker claim the grass verges in the Long Melford area and this includes the verges that lie at the entrance to the construction access as well as the area for the proposed possible bus stops. No evidence has been provided that the applicant has the permission of the Estate should they own those other verges, or that the farm track is a public right of way;

- Access to the site from the south is via narrow unclassified roads, popular with walkers and cyclists. From the Foxearth Road through Liston the road is narrow, it is used by walkers and is part of the National Cycle Network (Suffolk A1). "Improvements" will be undertaken with passing places constructed which could detract from their character and the increase in traffic could endanger recreational users;

- From Hall Street, Long Melford access through Liston Lane is very narrow between medieval cottages where some front doors open directly on to the

carriageway. Any increase in traffic would result in greater risk of injury/accidents to pedestrians, and affect the resident's quality of life;

- The route into Long Melford from Liston is via St. Catherine's Road. The street contains some 100 properties and only those on the southern side have off-street parking in rear gardens so on-street parking means the carriageway is effectively single due to parked vehicles on the northern side;

- Both the highway authorities (Essex & Suffolk) have expressed a wide range of serious concern about the redevelopment of this site for residential use;

- The trip rates in the original Transport Assessment were flawed and even after further sensitivity testing was undertaken concerns persist that the trip rates generated by the TRICS database are not accurate. The database does not contain suitable comparable sites on which to base assessments. For example 'village' locations are included but because there are a limited number of these surveys, the surveys date back almost 30 years so their validity in assessing current trip rates must be questioned; The data includes surveys undertaken on a Sunday which should never be used to establish typical weekday peak hour and daily trip rates; None of the sites referred to are isolated in the same way as Stafford Park;

- The location of the site is clearly a significant factor in the lack of interest in businesses occupying the site and as a result it is inappropriate for any assessment of highways impact to refer to levels arising from the permitted use of the site;

- The applicant has prepared a scheme which includes passing bays at various intervals but the value of this scheme is questioned as it does not meet highway design standards.

- The passing bays tend to be located in places where traffic has formed existing passing places, however, there are several significant failings as the scheme uses many field entrances and unofficial passing places which are regularly blocked by walkers and residents parked cars.
- The scheme shows lane widths which are inaccurate and could lead the Highway Authority to believe that access is safer than it actually is.
- It does not conform with current ECC highway design advice which requires a minimum carriageway width of 6.75m for a bus route or a constant 5.5m width for a carriageway serving 122 houses;
- ECC design guidance states carriageways must include footways either side of the carriageway but the scheme makes no allowance for pedestrian or cycle activity. A CPRE survey found 65% of people felt threatened all or some of the time by speeding traffic on country lanes;
- Increased traffic flows on country lanes result in grass verges which will be over-run as vehicles meet and there is not sufficient carriageway width;
- There is no guidance as to the volume of traffic acceptable on country lanes or the frequency of passing places and so, as a solution, this is purely based on conjecture;

- The passing place scheme if approved will create a precedent for use on other rural sites / country lanes;
- The site is in a very isolated location and will have no local facilities within walking distance;
- The site currently has no public transport facilities and is situated 2.5km from the nearest bus route in Long Melford. Even if a new bus stop is located on the A1092 the 800m walk is twice the distance normally required for access to a bus, this walking route has no lighting so use of the bus service in winter-times would be limited;
- People much prefer the flexibility of travelling by car, especially for shopping, travelling to work or visiting community facilities such as GP surgeries;
- Unless a new access on to the A1092 is proposed, as expressed in the NPPF, the residual cumulative impacts of the development are severe and the development should be prevented or refused on transport grounds;
- The Developer is estimated to return a net profit of £6,454,177 which casts doubts on the claim that there are insufficient funds available to create a proper access to the A1092;
- No new Public Rights of Way are to be created. The application provides an ideal opportunity to improve the Public Rights of Way network by creating new bridleways within the development;
- The current Dart 3 service does not serve Long Melford and there is no evidence that the service is used by those who already have their own transport.

Community Facilities

- Other development planned in Long Melford will mean that residents will not be able to access GP Services. It is also noted there is one GP surgery not two as stated in the Planning Statement;
- There are already 121 dwellings being built in Long Melford and 71 more in the pipeline. Moreover, Sudbury 3 miles away has planning permission for 2,000 homes. This increase will overwhelm the already strained services;
- The only Dentist in Long Melford is a private practice and the NHS dentist will be in Sudbury;
- The nearest primary school in Essex is in Bulmer, some 6km away;
- The proposal is tantamount to a new settlement but the only community facility / service that it would have is a community building and therefore, residents would rely on those services provided by Long Melford – which is 1.6km or further afield.

Landscape

- The site is in a primarily undeveloped rural location of natural beauty with the Stour Valley. The proposed dwellings, together with lighting and domestic paraphernalia would be detrimental to the character of the landscape which is characterised by its open and rural nature;
- Over the years the site has slowly returned to nature and is partly shielded by trees and vegetation in the summer and wildlife has returned to the river including protected species;
- The site does not fit the normal definition of a Brownfield Site as the site is of high environmental value and has blended into the environment;
- Concerns over the landscape impact with sections of the existing buildings being quite visible especially in winter and when illuminated at night.

Ecology

- The application provides wholly inadequate information available for consultation and on which the planning authorities can make a decision about the biodiversity value of the application land and impacts of the proposed development. The planning authority has a responsibility to ensure that any application provides adequate information and proposals for compensation and / or mitigation before determination of the planning application, to make sure that it is compliant with the Wildlife and Countryside Act, Section 42 of the NERC Act, and the National Planning Policy Framework;
- The area around the site is very diverse ecologically with the River Stour, the Glemsford Pits, woodland, boggy wetland, flood meadows, typical Stour Valley farmland and the factory site itself. 122 houses will generate far more noise, light, traffic and disturbance to the environment and wildlife than existing activities and the effect will be substantially negative including upon the SSSI;
- The SSSI is known not only for its Damsel Flies and Dragon Flies, but also breeding Nightingales, Water Voles and Otters and a variety of birds such as Osprey and Red Kites have been sighted close by as has a Bittern, Owls, Hobbys etc.;
- It is scarcely credible to suggest that the proposed development would not have a significant adverse effect on the SSSI particularly bearing in mind the likely number of domestic pets owned located on a site just a few hundred metres from the SSSI.

Flooding

- The site is situated in an area of high flood risk and no improvements will alter that fact. In past years flood water flowing across the road into the site

with water lapping up against the buildings has been witnessed, three times in the past 15 years Liston has been completely cut off by flood water;

- The potential for flooding does not just apply to the Stafford Park site, concerns raised that the flood measures proposed, including reinstatement of the River Stour, removal of the sluice gates etc. could have a knock-on effect and cause flooding problems elsewhere along the river.

Affordable Housing

- The proposal would not meet the Council's policy requirements for providing affordable housing provision as the applicant asserts to do so would make the development financially unviable.

Historic Environment

- The development could have an adverse impact upon Long Melford – a historic town which has a high concentration of Listed Buildings and is designated as a Conservation Area.

Other Matters

- Claims that the applicant has sought to engage with local communities are disputed - the Liston Residents Association has not been approached to meet the developer to discuss proposals. Liston residents were not notified about public exhibitions.

- Babergh District Council has previously advised that they would not support the loss of an important employment site to residential development.

- Short term economic benefits arising from construction activity should be discounted as the benefits would have been better if the applicant invested in the site to encourage employment.

- It should be noted that early plans to bypass Long Melford to the west were successfully objected to on the grounds that the vibrations from the increase in traffic were likely to cause lasting damage to the Grade I listed Church in the centre of Liston, and the plan was dropped in favour of a bypass to the east. A significant increase in traffic (permitted as things stand to travel at 60mph through the village) has the potential to create lasting damage to the fabric of this ancient and long standing place of worship.

- Surprised and concerned to learn that the Councils have communicated broad support for the proposed development and that Braintree DC has entered into discussions as to the level of affordable housing to be provided or financed before it has been considered by Councillors or the various parties that have the right to be consulted.

Letters of Support

One local resident has submitted three extensive letters of support. A summary of the main issues raised are listed below:

- The proposal is considered to be the only realistic and economically viable means of correcting the serious and long standing environmental contamination of the Stafford Park site, composed as it is of a series of deteriorating industrial units and a closed licensed landfill.
- From the very detailed assessment provided within the application and the accompanying Environmental Statement it is clear that this proposal's many benefits easily outweigh any harm that might arise.
- The Council's failure in meeting its required housing delivery objectives (5-year supply) over several consecutive years, together with a substantial further decline in housing delivery in the past year has become a material consideration of major significance in the determination of this application.
- The Council's much higher house building trajectory, which forms part of the Draft Local Plan, and lack of housing land supply means that the countryside protection policies are out of date.
- Applications for housing development must be considered under the provisions of Paragraph 14 of the NPPF - namely that, when relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (the so-called 'tilted balance'). It is noted that Officers have been advising the Planning Committee of the pressing and urgent need to boost housing land supply.
- Although previously developed land (aka brownfield land) the subject application site is nevertheless designated as 'countryside' according to the definition given in the Core Strategy, but is not designated under any of the special designations or categories listed in footnote 9 of the Framework (flood risk having been addressed within the subject application to the documented satisfaction of the lead local flood authority). The site is therefore not subject to any specific policies within the Framework indicating that development should be restricted.
- The subject application site was submitted for consideration by the Council under its 2014 Call-for-Sites programme (LIST339). However, in line with the Officers' recommendation, the Council's Local Plan Sub-committee, at its 25 May 2016 meeting, decided "*that the site LIST339 continues to be determined through the planning application process*" i.e. rather than through the local plan making process. The Sub-committee therefore intentionally (and exceptionally) made no determination in respect of the subject application site's candidacy for the emerging Local Plan's site allocations list and, in the

absence of any public comments following public consultation, it reaffirmed this position at its 15 December 2016 meeting. The fact that the site is not included in the Draft Local Plan should not constitute a material consideration when determining this application.

- This application would constitute a significant contribution to increasing housing land supply and potentially housing delivery performance.
- The subject development scheme will involve the remediation and recovery of a large contaminated brownfield site, reducing the risk it poses to the environment. This is a high priority for the Government as well as being a preference repeatedly and enthusiastically expressed by both Councils and the general public alike. Other benefits include returning several hectares of greenfield land back to the countryside in the form of parkland.
- Stafford Park is well within the required 30 minute walking and cycling range of Long Melford and accordingly, the site meets the Council's own definition of an accessible location (CS paragraph 7.1) and as such the geographic position of Stafford Park cannot be considered as having an adverse impact when assessing the project's sustainability.
- Redevelopment of the site will provide much needed new houses and by using a brownfield site will provide some relief from pressure greenfield sites.

REPORT

ENVIRONMENTAL IMPACT ASSESSMENT

As highlighted by the Planning Practice Guidance, the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an EIA, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

The process of EIA in the context of Town and Country Planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2018 (the '2018 Regulations'). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

These regulations apply the amended EU directive "*on the assessment of the effects of certain public and private projects on the environment*" (usually referred to as the 'Environmental Impact Assessment Directive') to the planning system in England. Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (referred to as 'the 2011 Regulations').

However, the 2017 Regulations include transitional provisions for procedures which were initiated before they came into force. Where, before 16 May 2017 an applicant has submitted an ES, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 continue to apply (regulation 76(2) of the 2017 Regulations).

In this case, it was concluded by BDC in its screening opinion on 3 July 2014 that due to its scale, nature and location, the proposed development would require an EIA and an ES would be required to be submitted as part of a planning application for this development. Similarly, BaDC issued a letter to the same effect on the same date.

A request by the applicant to both Councils followed as to the scope of the EIA required, the scoping opinions for which were issued by BDC and BaDC on 31 October 2014 and 4 November 2014 respectively.

As a result the application includes an Environmental Statement (ES) and the Council has sought specialist advice from specialist external consultants – Land Use Consultants (LUC) - to assess the adequacy of the ES and to ensure compliance with the relevant regulations and guidance.

In respect of decision making the ES together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

In advising the Council, LUC have stated that have taken a criteria-based approach, developed by the Institute of Environmental Management and Assessment (IEMA) hereafter referred to as 'the IEMA criteria'. The IEMA criteria were used to undertake the review. The criteria include general criteria looking at the information contained in the ES, including the presentation of the results and the non-technical summary. Issue-specific criteria address:

- the baseline conditions;
- assessment of impacts; and
- mitigation measures and management.

The ES comprises a number of technical chapters listed within the introduction to this report. As well as the chapters containing the main text of the Environmental Statement the applicant also submitted a Non-Technical Summary and Technical Appendices.

Addendum to the Environmental Statement

Following LUC's assessment of the original ES a number of areas were identified where either clarification was required, or where the applicant was required to provide further information. In July 2016 the Council issued a request under Regulation 22 (1) of the Town and Country Planning

(Environmental Impact Assessment) Regulations 2011 to provide additional information.

The Environmental Statement has been updated following the request by Braintree District Council under Regulation 22 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to provide further information (Reg.22 requests).

This revised Environmental Statement was submitted to the Council in April 2017. Two versions were provided – one which showed ‘tracked changes’ to clearly identify new or revised sections, and the second version was a ‘clean’ version. Both versions were reproduced on the Council’s website and the submission of this revised information was publicised to allow consultees and other interested parties the opportunity to review and comment. The following chapters were those which were updated:

Volume 1 - Non Technical Summary

Volume 2 - Chapter 1: Introduction; Chapter 4: Policy Context; Chapter 5: Scoping and Consultation; Chapter 7: Landscape and Visual Impact; Chapter 8: Ecology and Nature Conservation; Chapter 9: Flood Risk and Hydrology; Chapter 10: Contaminated Land and Remediation; Chapter 11: Traffic and Highways; Chapter 12: Noise; Chapter 13: Air Quality; Chapter 14: Socio-Economics; Chapter 15: Conclusions

Volume 3 - Chapter 5: Scoping and Consultation (Technical Appendix 5.3); Chapter 7: Landscape and Visual Impact (Appendices 7.1-7.5); Chapter 8: Ecology and Nature Conservation (Appendices 8.1 and 8.2); Chapter 9: Flood Risk and Ecology (Appendices 9.1, 9.4 and 9.5); Chapter 10: Contaminated Land and Remediation (Appendix 10.1); Chapter 11: Traffic and Transport (Appendix 11.1)

The Council’s specialist advisers reviewed the revised version of the ES and a full copy of LUC’s Final Report on the ES is appended to this report. The report includes a table which sets out all the Reg.22 requests for information and the areas where clarification was sought; a summary of the applicant’s response; and LUC’s advice as to whether the response is acceptable. As Members will see LUC report are satisfied the ES can be considered adequate. There are a small number of chapters where issues remain in the ES submission but LUC are satisfied that these conditions can be overcome by the use of planning conditions (Chapter 13, Air Quality – updated air quality monitoring reports are recommended to reflect the fact that regulations have changed during the course of the application); and finally some of the areas where clarification was sought and although this has not been provided by the applicant LUC consider that this would not change the assessment outcomes (Chapter 6, Archaeology & Cultural Heritage).

The ES is considered to be acceptable in providing the Council with sufficient information to allow the Council to comply with its duty under the regulations to fully assess the potential significant impacts of the development and to

determine whether the impacts would be significant and or whether or not there can be adequate mitigation and in turn allow the Council to make a robust decision on the proposed development. Officers have confirmed with LUC that despite the time that has elapsed since their Final Report was prepared the ES can still be relied upon for the purposes of assessing the planning application.

Officers have carefully considered the potential significant environmental impacts identified within the ES and where appropriate the need for planning conditions and obligations to mitigate those potential impacts. The following sections of this report will cover some of these matters in further detail but Officers have considered all the potential significant impacts as part of their consideration of the case.

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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 any designated 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 Development Plan and the emerging Draft Local Plan.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply

using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

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

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

Call for Sites Process

As noted above, the application site is located on a site not allocated in the Adopted Development Plan.

As a number of objectors have referred the site has previously been considered by the District Council to be allocated for development through the Local Plan process. Through the call for sites process the site was put forward

for development of a new settlement, with a suggestion of approximately 150 dwellings. The land put forward for allocation included the development of previously undeveloped land. As the Local Plan Review was prepared the Council identified other sites that it considered were preferable for allocation to meet the housing need at that time.

The landowner objected to the fact that their site was not allocated and the Inspector examining the Local Plan considered this matter at the Public Examination of the Plan in 2004. The landowner argued that its location meant that it was unlikely that there would be alternative industrial demand following the closure of IFF given its location and poor access for HGV's and it would be beneficial to put this brownfield land back to a beneficial use.

- The Council's response to the Local Plan Inquiry highlighted a number of concerns, including:
- The Council accepted that the existing buildings were well screened but considered that a redeveloped site might provide more attractive buildings but considered there would be visual harm arising from development of previously undeveloped land, a greater degree of urbanisation, and the likelihood of a new access road being required cutting across the valley from the A1092 and possible need to improve Liston Road;
- An objection from Natural England due to the impact on the Glemsford Pits SSSI that development of previously undeveloped land would have on the Odanta (dragonflies and damselflies) that have contributed to the SSSI designation;
- The hope that the site could be bought back in to employment use, reusing existing buildings, preferably for B1 and B8 uses;
- The Council considered that the considerable costs of mitigation of contamination would only be necessary if the site were redeveloped;
- The provision of a Neighbourhood Centre (village shop, community hall, public house) and small employment area was considered unsustainable.

The Inspector agreed with the Council that the site should not be allocated in that Local Plan as sufficient land had been allocated to meet the housing needs of the District for the Plan period. In considering the site the Inspector noted that whilst the site was brownfield, and therefore had some support as the Government were committed to the re-use of previously developed land, the location of the site weighed against it as it was not within or adjacent to an urban area. An extract from the Inspectors letter concerning the examination of the Local Plan has been appended to this report. The Inspector concluded that none of the other matters mentioned by the Objector, either individually or collectively, warranted the site being allocated.

The Inspector reached that conclusion 15 years ago and circumstances have changed in a number of respects since then and these factors are discussed within the body of the report and within the conclusion.

SITE ASSESSMENT

The Application Site and the Draft Local Plan

The spatial strategy set out in the Draft Local Plan (DLP) is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means:

‘That the broad spatial strategy for the District should concentrate development on Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead’.

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the north west of Braintree - off Panfield Lane;
- Land to the west of the A131 at Great Notley (entirely employment);
- Land to the south west of Witham - off Hatfield Road;
- Land to the north east of Witham (Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in line with government policy as set out in the NPPF.

The application site is not proposed for allocation in the Draft Local Plan. The site was put forward for consideration for allocation for residential development through the Local Plan consultation process.

The application site was considered by the Local Plan Sub-Committee at their meeting of 25th May 2016. The Officer report to the Committee was as follows:

- ‘17.5 Officer comments - In principle the further development of Liston is unsustainable due to the significant reliance on private transport that would be required for access to the key facilities needed for day to day living. The site is also located in the Stour River Valley landscape character assessment area which is visually sensitive to change.*
- 17.6 Site LIST339 is a large site which is situated across the boundary between Essex and Suffolk. It sits in a relatively isolated rural position with poor quality roads and virtually no access to facilities or public transport. The site had been the home of chemical and fragrance works for at least 100 years. A number of buildings associated with that use remain on the site and there is some low level occupation of some of the better preserved buildings. The site is contaminated due to its previous uses and a large landfill site is located to the Suffolk side of the boundary. The River Stour runs through the site and therefore*

much of the site is also at risk of flooding. A triple SSSI is also present in close proximity to the site and would be sensitive to changes in the water course and development here.

- 17.7 *The site is currently pending consideration of a planning application and due to the complex nature of issues related to the site including contamination, it is recommended that the site continues to be dealt with in that way; taking advantage of more detailed consultations with statutory and non-statutory consultees.'*

This was the only site where Officers recommended that Members did not make a decision on allocating a site, recognising the complexity of issues affecting the site and the proposals. It was also in recognition that the planning application contained a large amount of technical detail – far greater than the level of information that the Local Plan Sub-Committee would usually consider as part of the allocation process. The application documentation would also be in excess of that which a Planning Inspector would have available to the as part of their consideration of this size of allocation in a Local Plan examination.

The minutes of the Local Plan Sub-Committee meeting states *'That Liston remains as a village within the countryside and that site LIST339 - Land at Stafford Park, Liston continues to be determined through the planning application process.'*

The proposed development would be 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. The Examination hearings were closed in May 2018 and the Inspector subsequently sent the three North Essex Authorities (NEAs) a post-hearing letter. In the letter the Planning Inspector set out a number of options for the Local Plan. The Inspector stated that if the Local Plan were to proceed he required more evidence to make the “innovative and ambitious” plans for three garden communities in the region sound. The NEAs have agreed that they will undertake further work to address the Inspectors concerns.

In his letter to the NEAs in December 2018, the Inspector announced a pause in the examination while the NEAs carry out further work on the evidence base and Sustainability Appraisal. It is currently anticipated that the examination can recommence to consider the further work in autumn 2019.

Therefore, as a matter of principle the development is contrary to the emerging Local Plan, in particular with reference to Policy LPP1 of the Draft Local Plan which states that development outside development boundaries will be strictly controlled to uses appropriate to the countryside. However, as

the Local Plan Sub-Committee effectively decided to exclude the site from the Local Plan process officers do not consider that the fact that the site does not have a draft allocation in the Publication Draft Local Plan does not mean that the lack of allocated status should be given any significant weight in determining the application.

At the time of writing the Examination for Part 2 of the emerging Local Plan is anticipated to take place early in 2020. As such Officers consider that only limited weight can be given to its policies.

The application must be assessed on its own merits, having regard to the development plan and all material considerations, including the NPPF's presumption in favour of sustainable development, as considered in the following sections of this report.

Long Melford Neighbourhood Plan

Long Melford Parish Council are in the process of preparing the Long Melford Neighbourhood Development Plan (NDP). In February 2017 Babergh District Council confirmed the designated NDP Area as covering the whole of the Parish of Long Melford. The majority of the application site and the whole of the area where residential development is proposed is not within the designated plan area.

This is potentially of relevance to this application as a small part of the application site is situated within the Parish of Long Melford. When complete it may set out the views of the community about:

- Establishing planning policies for the development and use of land
- Locations within the parish where new homes, employment and community facilities should be located
- The appearance and design of any new buildings

The Parish Council have established a Working Group to take their plan forward and a draft Neighbourhood Plan is currently being prepared. Once a draft is completed, the next stage will be a Regulation 14 public consultation but at the time of writing this report 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 time the Neighbourhood Plan can be adopted.

The Planning Practice Guidance (PPG) states that when determining planning applications it is for the decision maker in each case to determine what a material consideration is and what weight to give to attach to it. The Guidance states that an emerging neighbourhood plan may be a material consideration but explains that Para.48 of the NPPF sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.

Given that the Neighbourhood Plan is still at a very early stage in the process of being adopted 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.

Officers understand that the plan is under development, with regular meetings held by the Long Melford Neighbourhood Plan Sub Committee but to date a Plan has not been published, or been subject to consultation, or examination. As such the NDP has not reached a stage where Officers consider it would become a material consideration in the determination of this application.

Location and Access to Services and Facilities

As previously noted the application site is located in a rural location, well beyond any defined settlement boundary in the Development Plan. Local and national planning policies seek to promote sustainable development and the location of development is an important consideration in this respect. The planning system looks to reduce the need to travel by locating development in sustainable locations where it will enable people to access employment, housing, retail provision, public transport and key services; such as education, healthcare, recreational facilities and open space.

The NPPF discusses the provision of housing in rural areas. Para.78 which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. The NPPF continues at Para.79 that local planning authorities should avoid new isolated homes in the countryside unless one or more of a list of special circumstances apply. The list includes *'the development would re-use redundant or disused buildings and enhance its immediate setting'*.

NPPF Para.117 states that planning decisions should *'promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*. The paragraph concludes by stating that policies should set out a strategy for meeting housing needs *'in a way that makes as much use as possible of previously-developed or 'brownfield' land'*.

Para.118 of the NPPF also lends some support to the redevelopment of brownfield sites by saying that planning decisions should, amongst other things *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'* and *'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively'*. Whilst it is acknowledged that this site is

not within an existing settlement the principle remains that the NPPF is seeking to promote the re-use of brownfield sites.

The closest settlement to the site with facilities to support day to day living is Long Melford. The village provides a range of services, including primary school, primary healthcare, two stores providing convenience shopping facilities as well as other shops, post office, public house, hot food takeaway, and public transport services. By car the site is approximately 2.25km from Little St. Marys, which is the main road running through the Long Melford. The Suffolk Public Right of Way network also provides a connection between the site and Long Melford for pedestrians which is not used by motor vehicles.

The accessibility of the site is discussed further in the Highways and Transportation section below. The applicant has agreed a financial contribution to allow Suffolk County Council to improve the PROW route and this will provide a more useable surface for walkers and cyclists. Typical walk / cycle times using this route would be approximately 28 minutes (walk) and 9 minutes (cycle). It is acknowledged by Officers that the route would not be a sealed hard surface and would not be lit but nonetheless it does provide an alternative route for pedestrians / cyclists to the village.

As has been noted previously in this report the Council has previously considered the allocation of the site for housing and has considered that the site is remote and has poor accessibility and this has been the main reason, in the context of sustainable planning policies, that the site has been considered inappropriate for residential development. The physical location of the application site remains remote and cannot be considered to be highly sustainable in terms of access to facilities and services. The location of the site and poor access to services and facilities are factors that weigh against the application and the extent to which future residents would have access to day to day living services, without reliance on the private car, is a matter that will need to be considered as part of the planning balance.

Contaminated Land & Remediation

Para.118 of the NPPF states that planning decisions should, amongst other things *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'*

In promoting the protection and enhancement of the natural environment Para.170 of the NPPF states the planning system can help achieve these objectives by ensuring that new development is not put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and *'wherever possible, help to improve local environmental conditions such as air and water quality'* and *'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'*.

Para. 180 of the NPPF states that planning decisions must ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or the wider area to impacts that could arise from the development.

The NPPF also states planning decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and risks arising from land instability and contamination. This includes risks from natural hazards or former activities ... and any proposals for mitigation including land remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented (NPPF para. 178).

It is noted that Para.179 states '*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*', however the issue of where responsibility for any contaminated land rests is discussed later in this section of the report.

On this subject, the PPG stipulates that failing to deal adequately with contamination could cause harm to human health, property and the wider environment. It could also limit or preclude new development; and undermine compliance with European Directives such as the Water Framework Directive.

It goes on to state that when dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including:

- The system for identifying and remediating statutorily defined contaminated land under Part 2A of the Environmental Protection Act 1990. The government has published statutory guidance on Part 2A which concentrates on addressing contaminated land that meets the legal definition and cannot be dealt with through any other means, including through planning;
- Building Regulations, which require reasonable precautions to be taken to avoid danger to health and safety caused by contaminants in ground to be covered by buildings and associated ground; and
- Environmental Permitting Regulations under which an Environmental Permit from the Environment Agency is normally required to cover the treatment and/or redeposit of contaminated soils if the soils are 'waste'.

The contaminated land regime under Part 2A of the Environmental Protection Act 1990 (EPA) provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. The regime does not take into account future uses which could need a specific grant of planning permission. To

ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development need to be considered by the local planning authority to the extent that it is not addressed by other regimes.

Policy CS8 of the Adopted Core Strategy states that all development proposals will ensure the protection and enhancement of the natural environment, this will include where appropriate protection from air and other types of pollution, and excessive use of water and other resources. The policy also requires that opportunities to improve water quality in all watercourses and water bodies will be taken where possible in order to prevent the deterioration in current water quality standards and meet the objectives of the Water Framework Directive. This is supported by Policies RLP62, RLP63 and RLP64 of the Adopted Local Plan, as well as Policy LPP73 of the Draft Local Plan.

As is detailed within the ES, and within documentation produced by the EA, the site has a long history of being used for various industrial processes which can be traced back to the late 1800's when flax milling was undertaken for the production of textile fibres. Other processes that have been undertaken at the site include the distilling of essential oil and fragrances; pharmaceutical manufacturing; DDT manufacturing (a now banned synthetic organic compound used as an insecticide); and from the 1980's through to 2004 organic food extraction for food flavouring and colourings.

Starting in the 1920's sand and gravel was extracted from land to the north of the river and subsequently the voids created were used for historic landfilling of site waste. The waste disposal activities historically included the composting of the organic material after extraction. To the east of the Waste Disposal Area there is an Effluent Treatment Area which includes aeration lagoons as well as a treatment plant.

The site is regulated by the EA for the landfilling, composting and storage of restricted waste types. The site is authorised to accept inert wastes for landfilling, degradable wastes for composting and effluent sludge for storage.

The site has been described as being complex in terms of geology and hydrogeology. The EA state that the site is underlain by a Secondary A aquifer (sands and gravels) followed by a principal aquifer (chalk). It is also within a Source Protection Zone 3 (SPZ3) public water supply, and groundwater abstraction is located on site. The application site is also in an EU Water Framework Directive Drinking Water Protected Area and is adjacent to the River Stour. The EA conclude that the underlying sands and gravels aquifer, chalk aquifer, the River Stour and the proximity of the SSSI combine to mean that the site should be considered highly environmentally sensitive.

The EA have classified the licenced Landfill Site as being a High Risk site (Controlled Waters). Whilst the depositing of biodegradable waste was permitted, site investigations have shown that non-compliant waste was also deposited and the EA report elevated contaminants have been identified

within the waste. The deposits are described as being shallow but the landfill area was not subject to any basal, side wall or capping lining system which would be designed to contain the waste deposits.

It should be noted that, for the purposes of the EPA, the Stafford Park industrial complex has not to date been designated as contaminated land by either District Council, however the use of the site has undoubtedly resulted in contaminants being deposited in the ground. The pattern of infiltration and the levels of contaminants varies considerably across the site. There have been some decontamination work undertaken as well as monitoring. It is important to note that it is not only the licenced landfill site that poses a risk of releasing contaminants which could find their way to receptors. In respect of the former Manufacturing Area the EA have commented that they disagree with the applicant's assessment of the likelihood of pollutant linkages. The '*Remediation Strategy and Summary of Site Investigations Report*' table 5.1 (pages 17-18) sets out what the applicant considers are the principal pollutant linkages from the Former Manufacturing Area. In respect of the Groundwater (Chalk Measures – Major Aquifer) the applicants ES considers the risk of groundwater contamination as a result of permeation through soil profile to be 'unlikely', however the EA state in their consultation response that they consider that this is actually 'likely'. This likelihood of there being pathways between source (contamination) and receptors is therefore a significant concern.

The buildings on the site are predominantly brick or steel clad portal frames but a number of buildings are known to have corrugated asbestos cement cladding, or asbestos pipework. Asbestos is one of the unauthorised waste deposits found during ground investigations on the licenced landfill site. The presence of asbestos will require special measures in respect of demolition and will need to be disposed of at an appropriate site. However because the site has not been cleared the precise extent of contamination of soils and groundwater within the proposed developable area of the site is not as well-known as for the licensed landfill site to the north of the river. The ES has assumed that Groundwater Treatment is required across 75% of the Former Manufacturing and remediation of soils containing contaminants will occur across over 80% of the Manufacturing Area. As explained elsewhere within this report there are viability issues with the development that is proposed and this has resulted in the applicant being asked to produce a Viability Assessment. Officers were concerned how robust this assessment could be when the precise nature of the remediation of the former Manufacturing Area was not known. The applicant has sought fixed price quotations from a number of specialist contractors. The applicant has advised that the contractors have submitted tenders to remediate the entire site for a fixed cost. Clearly there will be an element of risk for the contractors when tendering for work on this basis but this has allowed the Viability Assessment to be carried out with a degree of certainty.

The Applicants Environmental Statement Chapter 10 paragraph 10.9.8 states: *"In general terms it is concluded that if the site is not remediated contamination in the soils and groundwater have the potential to impact*

adversely upon the River Stour (particularly during flood events) and potentially upon potable water supplies in the vicinity. Remedial works will be required at the site in order to mitigate the potential effects of contaminants on the health of current and future site users and upon the water environment.”

The application contains details about the proposed Remediation Strategy and in very broad terms this would see the factory buildings / hardstanding's / vegetation removed as applicable, followed by excavation to allow the removal unsuitable waste materials which are likely to require disposal of at an appropriate facility (e.g. asbestos and oil drums) whilst organic materials will be retained on the site and undergo treatment through bioremediation (the use of either naturally occurring or deliberately introduced microorganisms to consume and break down environmental pollutants, in order to clean a polluted land). Groundwater will also be pumped into treatment lagoons to allow for organics and solids removal. Slightly different processes will be required in respect of the Effluent Treatment Area which is also proposed to be remediated. Materials which are clean and fit for purpose will then be placed into the voids and covered with the composted soils and treated materials from the bioremediation. The remediation plans for the north site Former Waste Disposal Area will provide low lying areas which will laid out so that flood waters can be held in this area during flood events, replacing lost capacity within the flood plain that will result from the raising of ground levels to the south of the river.

In respect of contamination, the EA in principle support the carrying out of the development as a means of environmental improvement for both the former manufacturing area, and enabling remediation of the former landfill area. They have commented that additional delineation works will be required to confirm the extent of any soil and groundwater contamination, as well as setting of remedial targets for remediation, however they confirm that the broad concept of groundwater treatment and soil treatment as a method of remediation is acceptable, with the finer details to be determined at a later stage following further site investigation and risk assessment to refine the conceptual site model and a number of conditions are recommended in this respect. The District Council's Environmental Health Officers do not object to the proposed approach either.

Planning conditions can be used to control the remediation of land within the red line of this planning application. The applicant / landowner will be required to be party to a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 to ensure that phased remediation of the licenced landfill site also takes place, in accordance with an agreed Remediation Phases plan.

Enabling Development / 'Polluter Pays Principle'

As set out within the Planning Statement submitted by the applicant it is contended that the proposed residential development is an enabling development. *'The purpose of this planning application for a residential development is therefore to fund the remediation of both the factory site and adjacent landfill site and is hence deemed an Enabling Development.'* Clearly

the applicant considers that the remediation of the licenced landfill site and the Manufacturing Area are material considerations in the determination of this application.

The applicant's argument and whether it is appropriate to effectively use the planning system to resolve the risk of contaminated land is disputed by many objectors. It is argued that it is wrong that the applicant expects the planning system to effectively fund site remediation costs where current legislation seeks the polluter, or failing this the current landowner to fund site clean-up. One objector has submitted a legal opinion from Andrew Parkinson of Landmark Chambers on what is termed the 'polluter pays principal'.

The statutory framework for the management of contamination in land is primarily contained in Part IIA of the Environmental Protection Act 1990, although as will become relevant in this case it should be noted that this is not the exclusive regime.

The licenced landfill site is subject to an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2007/3538 and as a result the Part IIA EPA90 framework does not apply and the permit scheme should take precedence. The EA permit obliges the management and containment of the contaminants and this is an ongoing liability for the landowner which they have accepted through the transfer of the site.

The Former Manufacturing Area is also known to contain contaminants, however none of the application site has been designated as contaminated land by either District Council, and accordingly is not currently subject to the statutory framework under Part IIA EPA90.

The Environment Agency and local authorities are the authorities that can designate Contaminated Land. S78A of EPA90 defines 'Contaminated Land' as where '*significant harm is being caused or there is a significant possibility of such harm being caused*'. The harm could be to people, property or protected species; or where there is significant pollution of surface waters (for Example Rivers) or groundwater. There are controlled waters on site (particularly the River Stour and the groundwater), as well as a number of operational uses by humans. The site is also used by wildlife but to date there has been no indication that there is a link between any of the known contaminants and the various receptors, however it is generally acknowledged that the contamination on the site represents a risk for the future. It is important to understand that at this stage we are not considering formally designated 'Contaminated Land', but what we are dealing with is land that may be designated as 'Contaminated Land' in the future.

If land is found to be contaminated within the meaning of s78A EPA90 then the relevant Local Authority has a duty to serve a remediation notice to require the remediation of the land, and it has powers in default of action to undertake the remediation itself and to then recharge the costs of doing so. It is worth noting that whilst the Environment Agency or one of the District Councils would need to produce evidence to substantiate the fact that land should be

classified as contaminated that designation can be challenged / appealed and it is quite possible that an interested party may contest the designation leading to additional costs and delays in securing remediation or introduction of temporary measures. This is another area where the statutory process is uncertain, in contrast to the certainty that the redevelopment scheme would secure.

In the event that the site, or parts of the site, were to be designated as Contaminated Land no enforcement action will be required if the owners / occupiers make the appropriate arrangements to remediate the land to an appropriate level.

'The Polluter Pays' Principle

If it is necessary to take enforcement action the authority can seek to recover the costs based on the Polluter Pays Principle; in summary the entity that caused the pollution should pay the cost of cleaning it up, however if private resources are insufficient then the public purse (essentially the Local Authority) is required to meet the cost.

Given the history of the site, Officers consider that it is probable that at some point in the future if no remediation scheme is facilitated through the planning framework that the site will become be formally designated as Contaminated Land under Part IIA EPA1990.

The objectors' position, in summary, is that if the site is a contaminated site (which would appear likely), the cost of remediation would be unlikely to fall on the public purse and would be likely to have to be borne by either the current owner or one of the former owners/operators of the land, or a combination of these parties, so that the remediation of the land proposed by way of the application should attract limited or no weight in the planning balance.

As set out in the opinion from Andrew Parkinson, if the site were to become designated then it is likely that a number of parties could be held to be responsible for the remediation of the site. However, it is unlikely to be a straightforward process to identify the parties that are responsible, or most responsible, for the pollution and then apportioning blame for the contamination. The long history of commercial use on the site means that there are a number of parties that might be considered liable for the contamination. One factor that could potentially complicate this process is the fact that the Council have been advised by solicitors acting for the applicant that the contract for sale of the site contained clauses which transferred responsibility for all environmental liabilities to the purchaser and specifically seeks to exclude the seller as an appropriate person who would be required to bear responsibility under the 1990 Act. Whether or not, as asserted in the legal opinion from Andrew Parkinson, there would be at least one party who would be found liable for remediating contamination at the site, there would be a considerable degree of factual and legal uncertainty in relation to any action taken by reference to the EPA 1990 which could give rise to potentially protracted disputes. The process is a complex and time consuming one which

has the potential to take years to resolve. Whilst the District Council would discharge its duties in this respect, and pursue the designation of the site and those who were considered to be liable, if the need arose, it is the case that this Authority currently has no allocated resource who could pursue this matter on behalf of the Council. Pursuing such action would require significant resources. It is possible that the Council could recover these costs later in the process the fact remains that the Council would need to fund this initially and there is some uncertainty as to the outcome of the process. This is considered one problem with relying on the statutory regime to secure remediation.

The legal opinion produced by objectors argues that there may be temporary measures that can be employed which would avoid the short term risk of environmental damage or harm to human health. They go on to argue that if there are, this would reduce the weight that can be attached to the benefit of remediation. The applicant has not been required to test alternative means of managing the risk that exists at the site. It is accepted that there might be short term or temporary measures which could be employed to make the site / contamination safe in the short term, however by their very nature such measures are unlikely to provide a permanent, long term solution. Officers would view this type of intervention as being likely to provide a lower standard of remediation than would be achieved by remediation proposed by the applicant.

The level of remediation that can be required under Part IIA EPA 90 is not the same as 'clean' or without contaminants. Indeed, the guidance states within the same paragraph *'The appropriate person or some other person might choose to carry out remediation to a higher standard (e.g. to increase the value or utility of the land, or to prepare it for redevelopment) but it should not be required by the authority'*.

In considering whether it should be left to the relevant statutory powers that the EA and local authorities have available to them it is relevant to consider that under Part IIA EPA90 the enforcement action can only require remediation to ensure the land is no longer to be regarded as contaminated land within the meaning of the EPA90 (paragraph 6.16 of the Contaminated Land Statutory Guidance). Therefore, any remediation required under the EPA90 will be to either remove a contaminant, receptor, or break a pathway. The standard of remediation required will be that which is sufficient for the use of the land as it is at the time rather than any other standard. Whilst potential short term or temporary measures might be possible to mitigate the immediate harm, remediation through this process is potentially less attractive as the process may not result in the resolution of the underlying and material issues.

At this stage it is not possible to be clear on what action would be required under the statutory powers. As well as uncertainty over the time that would be required to deal with remediation through the statutory process it is also uncertain why level of mitigation or intervention might be required.

Officers acknowledge that the Polluter Pays Principle and the statutory regime is one option for dealing with contamination at the site, however it is not the

only option. The Contaminated Land Statutory Guidance sets out the following *'The overarching objectives of the Government's policy on contaminated land and the Part IIA regime are: (a) To identify and remove unacceptable risks to human health and the environment. (b) To seek to ensure that contaminated land is made suitable for its current use. (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development'.*

Enforcing authorities should seek to use Part IIA only where no appropriate alternative solution exists. The Part IIA regime is one of several ways in which land contamination can be addressed. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water, and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2009'.

Accordingly it is right that the Council carefully consider whether the planning system provides a more appropriate means to address the situation and the potential risk that the site is formally designated as Contaminated Land in the future.

As previously stated the level of remediation that can be required under Part IIA EPA 90 is not the same as 'clean' or without contaminants and the guidance acknowledges this limitation when it states *'The appropriate person or some other person might choose to carry out remediation to a higher standard (e.g. to increase the value or utility of the land, or to prepare it for redevelopment) but it should not be required by the authority'.*

Whilst there is uncertainty over the extent of the intervention or remediation that might be secured through the statutory process what is proposed here is a scheme of remediation for the whole site. It is proposed that the remediation is undertaken for the purposes of development however this is in essence a voluntary act and takes the land to a state which is suitable for some new purpose over and above that required for pure statutory compliance. This provides a greater degree of certainty as the remediation will be linked to the completion of the redevelopment of the factory site and will not result in the authorities having to bear the initial costs associated with pursuing a Polluter Pays case. Officers consider that the planning system therefore offers a greater degree of certainty over the nature and time scale for undertaking and that this achieves significant Environmental Benefits which should be given significant weight in assessing the planning balance.

The proposed scheme would enable remediation, to both a standard and a timescale which can be ascertained and these are material benefits which Officers attach significant weight against the relative merits of the potential remediation of the site in accordance with the EPA 1990. Reliance on the statutory framework means that there is far less certainty about when the site, which parts of the site would be remediated, and also over who would carry

out the works. Whilst a clear argument is made by objectors, and in the legal opinion from Andrew Parkinson, that the historic polluters are substantial organisations who have funds to enable works, this line of argument does not recognise that the contractual sale of the site was made with knowledge of the contamination and seeks to transfer the liability to the applicant. This arguably leaves an entity with a significantly smaller asset base, and which may not be ideally suited to fulfilling its obligations. As indicated above it is also likely that any remediation required under the statutory framework would only be to the lowest standard to make the site safe and prevent contaminants causing harm. If the site is either unused, or remains as industrial the standard for remediation will be significantly lower than that which is applicable to the provision of housing which is considered one of (if not the) the most sensitive users.

If planning permission were granted then the return that the developer would achieve from a residential development would mean that there would be a reasonable degree of certainty that the development would come forward and that the remediation would be undertaken by the developer, to an agreed specification and to a standard suitable for the intended use. The standard of remediation that would be required for land to be used for residential development is higher than would be required if the current use were to continue. Therefore if the housing development is not allowed remediation could only be required to either simply contain the contamination or remediation suitable for the current use. It can be argued that if the site is remediated to residential use standard then there would be a benefit in the longer term from better managing the risk that the site could pose to the wider surroundings, including the river and the aquifer. These combined factors give far greater certainty that the contamination is thoroughly treated and remediated than would be the case under the statutory framework and this certainty should be attributed weight in the planning balance.

As to the possibility that has been raised that some other development proposal might achieve the same benefits as those that would be brought about by way of the current development proposals, there is no policy requirement to take into account that possibility. While an alternative development proposal might, if it had been proposed, be relevant to the determination of the application, the Council does not consider that an assessment of alternatives is necessary in order to accord weight to the benefits of the scheme that is proposed by way of this application.

Finally it is noted that a local resident has made a representation stating that they had a telephone conversation with the Finance Director of IFF and that during this conversation the Finance Director stated that even though they had sold the site that their company retained liability for remediation of the site. In response the applicant has stated that this is not the case and they have provided a sworn affidavit which states that at no time did any person at IFF who was responsible for the sale of Stafford Park site suggest that IFF would contribute towards the remediation of the site or indeed participate in any of the required site works following the sale. Given that the Council has received a sworn affidavit from the applicant who was directly involved in the

sale, and would therefore be fully aware of the terms of the sale, should be relied upon over the reported telephone conversation by a local resident.

Historic Environment, including Archaeology

Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development and the appropriate conservation of heritage assets forms one of the key principles that underpin the planning system.

NPPF Para. 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Listed Buildings

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Further clarification on the meaning of 'setting' in the NPPF has been provided in *Steer v SSCLG* [2017] EWHC 1456 (Admin) where the Judge stated that the lack or indeed existence, of a visual and/or physical connection of a development site to a heritage asset should not be the determining factor when considering the 'setting' in terms of the NPPF definition being an identification of 'surroundings in which a heritage asset is experienced'. The word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual.

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 and the protection and enhancement of the historic environment, in order to, *inter alia*: Respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity.

This is supported by Policies RLP90 and RLP100 of the Adopted Local Plan, and Policy LPP55 and LPP60 of the Draft Local Plan, which, amongst other things require proposals to be sensitive to the need to conserve local features of architectural, historic and landscape importance, as well as protecting the setting of listed buildings.

As part of the statutory consultation process Historic England and ECC Historic Buildings and Conservation both state that the proposed development would not cause harm to the significance, or setting of the nearby designated heritage assets, namely: the Grade II listed Lapwing Cottages and Grade I listed Liston Parish Church.

It is noted that the ECC Historic Buildings Consultant makes a broader point that a development such as this would affect the character of the area and lead to cumulative impacts which would erode the quality of the rural landscape which is characterised by old buildings, mostly listed, and historic settlements. This is considered to be largely a landscape matter and the Historic Buildings Consultant does not recommend that the application be refused on these grounds. An assessment of the landscape impact is considered in the following section of this report. Consequently it is considered that the proposal would preserve the setting of listed buildings located within the area that surrounds the site.

Historic Environment / Archaeology

In its glossary, the NPPF highlights that *‘There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.’*

Policy RLP106 of the Adopted Local Plan and Policy LPP63 of the Draft Local Plan also apply. These policies state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly investigated and recorded before the commencement of development.

The site has a number of characteristics which mean that it may contain archaeological deposits / features of value. The characteristics include the presence of waterlogged areas which may contain palaeoenvironmental remains and there is some potential for waterlogged archaeological remains within the river and its tributaries which may be physically impacted upon by the removal of existing structures and construction. In addition, SCC’s Archaeological Department state that as the application area generally affects a large site in a valley location, it is topographically favourable for occupation of all periods. The site is surrounded by cropmark evidence for early occupation in the form of circular and rectangular enclosures and linear features.

The Council’s Historic Environment Adviser (HEA) has advised that they consider that the assessment within the ES fails to provide any evidence for truncation of archaeological deposits or provide evidence that any archaeological deposits that may be present can be preserved ‘in situ’. Their advice is that it is unclear without further intrusive archaeological fieldwork on the site the extent to which archaeological significance has been diminished by 20th century development.

Further investigative work would need to be undertaken by an archaeological / geoarchaeological specialist. Their work may include either trial trench

evaluation across the areas of the development, or analysis of existing and new borehole information, to demonstrate the level of truncation and/or disturbance. This work would then inform on the requirement and location of the trial trenches required for archaeological evaluation of the development area and the potential for waterlogged deposits which may contain palaeoenvironmental information.

In respect of the buildings that remain on the site, the Council's HEA has been confirmed that the applicant's desk-based assessment has provided a good appraisal of the surviving 20th century industrial buildings and history of the site. A basic visual record has been completed along with some documentary research which has highlighted the unique and site-specific industrial use of the site over the last 200 years or more from milling to the extraction of essential oils.

A more comprehensive industrial heritage report is therefore recommended, prior to demolition, which would include recording of all the industrial buildings with inspection and recording of internal and external fixtures and fittings relating to the historic industrial heritage use of the development site.

The Historic Environment Officers at Essex and Suffolk County Councils confirm that there are no grounds to consider refusal of permission, providing that appropriate conditions are applied which will require detailed archaeological investigation and recording of the site prior to the commencement of the development; mitigation strategy (as required) and post excavation recording.

It is noted that the Council's ES consultants, LUC, have recommended a watching brief be maintained during ground breaking operations however this would only be necessary if the site were not suitably investigated for archaeological remains prior to the development commencing, as the County Council's HEA's have advised. Given the conditions recommended by the HEA there is no need for a watching brief as well.

Subject to appropriate conditions, it is considered that the proposal would not give rise to detrimental effects upon Cultural Heritage or Archaeology.

Landscape and Visual Impact

The site rests within the Stour Valley Project area and as such is covered by the Dedham Vale Area Outstanding Natural Beauty (AONB) & Stour Valley Management Plan. It should be noted that it does not fall within the designated AONB, or within the area of land that is being promoted for inclusion within an extension to the AONB.

Para.170 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. It also states that the planning decisions should protect and enhance valued landscapes in a manner commensurate with their statutory designation or identified quality in the development plan. The Stour Valley Project Area is not a statutory

designation so the area cannot be afforded the highest level of protection against inappropriate development that could affect the landscape, however its inclusion within the Stour Valley Project Area does indicate that the area has been identified as being of particular landscape value.

The element of the site which falls within Babergh District is subject to a Special Landscape Area (SLA) designation. This is pursuant to Policy CR04 of the Babergh Local Plan Alteration No2 (2006) (BLPA) which stipulates that development proposals in such areas will only be permitted where they maintain or enhance the special qualities of the area and are designed and sited so as to harmonise with the landscape setting.

The PPG states that where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

Policy CS8 of the Adopted Core Strategy states that *"development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment"*. Policy CS8 also states that *"the restoration and enhancement of the natural environment will be encouraged through a variety measures"*. These aims are supported by Policy RLP80 of the Adopted Local Plan, as well as Policy LPP71 of the Draft Local Plan.

The District's 2006 Landscape Character Assessment (LCA) highlights the landscape character and type as being 'A - River Valley Landscape', with the site itself falling within 'A2 – Stour River Valley'. Furthermore, the Suffolk LCA identifies the site as falling within Landscape Character Typology (LCT) 26 Valley Meadowlands.

In terms of overall character, the Stour Valley is a wide valley with a broad flat floor and in the north and west arable farmland tends to dominate the valley. A mixture of settlement sizes characterise the valley floor from farmsteads to large sprawling settlements with modern extensions and industrial units and derelict water mills; and that the re-use of past industrial/mill sites is one of the key planning and land management issues identified in the Landscape Character Assessment.

The LCAs therefore identify the special qualities of the receiving landscape and that it generally has high sensitivity to change.

The site as it exists today has some visual impact as it is an industrial complex comprising a range of relatively large commercial buildings, in differing states of repair, along with the type of paraphernalia that is associated with its former use as a food flavourings factory. There are also large areas of concrete hardstanding throughout the site.

Chapter 7 of the ES contains an assessment of the potential impact of the proposed development on the landscape and this includes a Landscape and Visual Impact Assessment (LVIA). The visual baseline that underpins this chapter of the ES is represented through a series of 12 viewpoints of the site which are provided to allow an assessment of the visibility of the site from sensitive receptor locations. The photographs indicate the location and extent of the proposed development site and its potential visibility.

Having assessed the information initially provided the Council requested clarification and some additional information to enable a robust assessment of the proposals. This included additional information on the reasoning for judgements on landscape value and susceptibility on landscape character types/areas; an assessment of the value of the site and its context in terms of its relationship with the Stour Valley Project Area; an assessment of the visual effects in winter conditions; and providing visualisations from key viewpoints.

Although the site contains a number of substantial commercial buildings Officers accept that views of the site are generally restricted or filtered by well-established vegetation. Although Landscaping is a Reserved Matter the LVIA identifies the vegetation that is to be retained and also indicates the intention to manage existing woodland areas, including new tree planting. It also proposes the provision of new native hedgerow and copse planting along the eastern site boundary; tree and hedge planting to augment the hedgerow on the southern boundary; and planting along the River Stour corridor.

The LVIA provided by the applicant includes an assessment of the visual effects 1 year after development and fifteen years. The assessment includes several viewpoints where there are existing views of parts of the existing buildings but the proposed redevelopment of the site would see all but two of these buildings demolished. The retained buildings would be refurbished, offering opportunities to enhance their appearance, with the majority of the site redeveloped with dwellings that would have a maximum of two storeys, with a maximum height of 10 metres.

The removal of most of the large industrial buildings is considered to be beneficial in terms of landscape character, as would proposals to improve the River Stour by removing some of the heavily engineered structures and through the linked remediation of the former landfill site. The redevelopment of the site for housing could be controlled so that the scale, form and materials used would be appropriate for the local vernacular. The LVIA considers that the proposed housing on the site would produce a mix of adverse, neutral and beneficial effects for visual receptors in first year, but the limited adverse effects would be mitigated to a neutral or beneficial effect after fifteen years when new landscape planting has established.

The applicant states that the impact of the development on the landscape in terms of the Stour Valley Project Area is assessed as Moderate and beneficial; and that the proposed development would '*provide improvement to the existing situation*' due to the proposed enhancements to the setting, the

river and the public amenity of the area which would be unlikely to be achieved in the absence of this proposed development.

Subject to conditions controlling development and suitable mitigation measures being agreed at Reserved Matters stage, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape.

Ecology

When considering the Environmental arm of sustainable development the need to conserve and enhance the habitats and species is an important consideration. This is reflected within NPPF Para.170 which recognises that the planning system should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

In addition Para.118 of the NPPF also states that planning decisions should be taken which take opportunities to achieve net environmental gains, for example through the creation of new habitats.

The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed

consideration of biodiversity as an integral part of decision making throughout the public sector.

Policy CS8 of the Adopted Core Strategy states that all development proposals will need to ensure the protection and enhancement of the natural environment, habitats and biodiversity. It goes on to state that the natural environment of the District, and in particular designated sites of national importance and locally designated sites, will be protected from adverse effects. The restoration and enhancement of the natural environment will be encouraged through a variety of measures, those relevant to this proposal include:

- Creating and enhancing the biodiversity value of wildlife corridors;
- Conservation and enhancement of SSSIs in accordance with the Wildlife and Countryside Act; and
- Development will promote wildlife enhancements which will contribute to the habitat and species restoration targets set out in the Essex Biodiversity Action Plan

These aims are supported by Policies RLP80, RLP81, RLP82 and RLP84 of the Adopted Local Plan, as well as Policies LPP68 and LPP70 of the Draft Local Plan.

Criteria vii) and x) of the Babergh Local Plan Core Strategy and Policies (2014) (BCS) Policy CS15 seek to protect and enhance biodiversity, and state that the use of brownfield land should be prioritised, whilst creating green spaces to increase the connectivity of habitats. BCS Policy CS14 stipulates that in new developments, green infrastructure will be a key consideration and on the larger sites it will be central to the character and layout of development.

For this application the Council sought specialist ecological advice from external consultants - in this case James Blake Associates (JBA). Their initial assessment of the application in December 2015 identified three main areas where further information was required to enable them to fully assess the likely significant effects of the proposed development on ecological receptors, these were:

1. The quality of the ecological reporting and specifically a request for information to identify the level of expertise of the report authors and the ecological surveyors who collected data to support the reports;
2. Protected species surveys and assessment of impacts – further information was requested and further survey evidence to be provided and analysed to assess the potential effects of the proposed development on water vole, otter, great crested newt and bat populations (all of which are European Protected Species, EPS) and reptiles and other Species of Principal Importance. JBA considered the information provided was not sufficient to determine the likely significant effects on the populations of these protected species;

3. The assessment of impacts on statutory protected sites – JBA advised that the ecological assessment should be revised to take into consideration the potential effects of the proposed development on all Sites of Special Scientific Interest that may be affected both during the construction and operational phases of the development, including Glemsford Pits SSSI and Kentwell Woods SSSI which are both within 2km of the site.

Furthermore, JBA recommended that:

- A Construction Environmental Management Plan (CEMP) is produced by the applicants to detail what precautionary measures would be put in place to minimise the risk of impact to protected species and sites during the construction phase;
- An assessment is undertaken of the potential increase in recreational use of sensitive areas of the site post-development. Details of appropriate mitigation should be included where appropriate; and
- Measures to enhance the biodiversity at the site are required in accordance with Paragraph 118 of the NPPF, and Section 40 of the NERC Act (2006).

Following discussions it was agreed that the necessary mitigation resulting from these further surveys and assessments would likely to be achievable within the site boundary and therefore could be made subject to suitable planning conditions. The details of the necessary mitigation could be agreed at the Reserved Matters application stage once the further surveys recommended have been carried out. This did not however negate the need to address the issues identified above.

Consequently, the Council received further ecological reports and a revised and updated chapter within the ES covering Ecology and Nature Conservation. JBA reviewed the updated information and provided their response in a letter dated 16th February 2017. In summary they advised the LPA that:

1. The quality of the ecological reporting – confirmation now received that the surveys were carried out by competent individuals and conforms with the relevant standards;

2. Protected species surveys and assessment of impacts.

Water voles - surveys were undertaken at the site in June 2016. Whilst noting that the banks were steep with abundant vegetation cover no signs indicating the presence of water voles were recorded.

The inclusion of Mink control at the site is also welcomed to prevent the spread of this species to the future detriment of water vole populations.

Otters - The ES has been updated to include an assessment of potential impacts to otters from an increase in domestic animals and it is concluded that there is unlikely to be a significant effect.

Additional planting and access to the northern bank of the river and adjacent habitat would provide areas that are not readily accessible to domestic animals.

Updated surveys recorded several spraint across the site, but no Holts or couch sites were recorded.

Bats - Internal and external inspections have been updated in 2016 and have reported no change to the conditions reported in 2014. Further surveys are to be undertaken in support of the Reserved Matters applications.

Precautionary working methods should be included within a Construction and Environmental Management Plan, which should be conditioned.

Reptiles - surveys have been undertaken to cover both the proposed residential areas and the area to the north of the river. No reptiles were recorded.

Great Crested Newts - updated eDNA surveys were undertaken in 2016 and returned inconclusive results for one of the ponds surveyed. However, given the lack of evidence in the other ponds surveyed and the inconclusive evidence returned from the one pond, it is recommended in the reports that the surveys are updated to inform the Reserved Matters application.

As a precautionary measure it is recommended that conditions are applied to control working practices through a CEMP. It is also recommended that further surveys should be conditioned and the information arising should be used to inform the reserved matters applications and any avoidance and mitigation recommendations should be included within the CEMP.

3. The assessment of impacts on statutory protected sites.

The revised and updated ES Chapter assesses both the construction and operational effects on the two SSSI's within 2km of the site, which conclude that there would unlikely be any significant adverse effects upon these.

The potential for the development to impact upon Glemsford Pits - the SSSI adjoining the site, upstream – has been carefully considered by both Natural England (NE) and the Environment Agency (EA).

Natural England state that throughout the application process, they have liaised closely with the EA, working with their flood risk team on the river level models, to understand the potential implications / risks to the SSSI. The changes to the river channel and resulting changes in river levels and behaviour upstream of the site are an important consideration for the Glemsford Pits Site of Special Scientific Interest (SSSI).

The works proposed to the river channel are intended to have positive ecological impact on the actual river but there is a need to understand the

potential implications / risks to the SSSI. The changes to the river channel and resulting changes in river levels and behaviour upstream of the site are an important consideration for the Glemsford Pits Site of Special Scientific Interest (SSSI).

As a result of the sites manufacturing history, which has included milling, the course of the river has been altered and engineered. The application proposes the removal of a moveable sluice gate along with infilling of the mill race. The sluice was constructed to manage the water levels upstream of the Manufacturing Area to ensure that a supply of water was always available to supply the mill channel on the site when the factory was in operation. The removal of the sluice is modelled to reduce the risk of flooding adjacent to the upper section of the site. Because of the need to maintain water levels upstream of the site a rock weir riffle will be installed within the channel which is designed to prevent water levels upstream dropping below current levels (of crucial importance for the SSSI). Rock riffles can provide an attractive environment for fish as well as increasing the diversity of invertebrates, plants, animals and birds. Riffles are also quite effective in aerating water and aeration is known to be beneficial to water quality. The replacement of the moveable sluice has the potential to enhance the river and aid habitats and biodiversity.

Notwithstanding the nature and scale of the proposal, they are now satisfied that there is not likely to be an adverse impact on the SSSI site provided that the proposal is carried out in strict accordance with the details of the application as now submitted. This is subject to the imposition of suitably worded planning conditions which seek to achieve a river level monitoring programme (before and after development), and a riffle weir monitoring and maintenance programme securing the condition of the structures (and consequently, upstream river levels) in perpetuity.

Downstream of the sluice that is to be removed, and towards the eastern side of the application site, there is a weir / bridge crossing the river channel. The EA has stated that the removal of this fixed weir downstream would provide even more potential to open up the river corridor for free passage for fish. The application does not propose removal of this structure but it is proposed that a fish pass be created, running around the northern side of the channel / structure. A fish pass is a conduit / channel, or structure which facilitates the free passage of migrating fish over / around any obstruction in the watercourse, in either an upstream or a downstream direction. The creation of a fish pass would be a further means of providing potential improvements to the river and have positive ecological impacts. The EA do however state that maintenance of a working fish pass can be laborious and they require regular checks, requiring a considerable financial outlay and on-going cost in perpetuity. The EA suggest that weir removal and restoration of the channel to a more natural gradient and channel is likely to be a better option on all fronts in the longer term here and will have wider benefits to the whole river ecosystem, however they raise no objection to the current application and fish pass proposal. The EA have advised that the installation of a fish pass requires approval by the Agency's Fish Pass panel before final design and

construction. The EA advise that this could be done at the Flood Risk Activity Permit application stage.

The applicant is of the view that the lower weir / bridge remain serviceable and that it is not necessary to remove this structure. They consider that the Fish Pass will provide ecological benefits, providing fish and particularly eels a means of passing the weir and continuing upstream. They remain committed to providing the Fish Pass and this can be included within a S106 agreement. In the event that the EA do not consent the Fish Pass then the applicant has agreed that they are willing to consider alternative works at the structure to achieve the same objectives. Because of the issues with viability the applicant has agreed that if the EA require an alternative solution then they will undertake this subject to the works not exceeding £40,000. In the event that the scheme that the EA will approve costs more than £40,000 the applicant would provide a financial contribution towards the cost of the works and it would be for the EA to find funding to cover the shortfall.

The EA comment more widely on ecological matters that they recognise that the planning application seeks to resolve the dereliction at the former factory site and remediate its industrial legacy. Whilst many of the issues have been assessed and some designs and proposals have been included as part of the outline application, they state that these alone would not necessarily guarantee a favourable outcome for biodiversity, habitats and landscape issues on the site. In order to secure a viable and enhanced landscape setting and biodiversity outcome, they would wish to see conditions imposed to any outline planning permission granted, to ensure that dereliction and negative man-made impacts on habitats are resolved positively.

Finally in respect of ecology the EA has also requested the production of a brief management plan, setting out plans for the control of invasive non-native species on the land and propose a condition to address this issue.

Both Natural England and the Environment Agency have confirmed that they do not object to the application, subject to suitably worded planning conditions / planning obligations.

Subject to the above, the Council's ecology consultants - JBA - consider that the updated reports cover the majority of the issues raised previously, and that sufficient information has been provided to allow the determination of this outline planning application. It is considered that the proposals would have no adverse impact upon protected species, subject to conditions to secure details of mitigation and further protected species surveys that will help inform the Reserved Matters applications.

In respect of the ES and the ecological assessment the Council's ES consultants have advised whilst they are generally satisfied with the information now provided they remain concerned that the assessment of potential impacts for nesting birds was inadequate. The assessment would be expected to consider the size, diversity, scarcity and fragility of the bird population in assessing impacts. For example, the habitats present within the

application boundary and adjacent areas were considered suitable for supporting a range of Birds of Conservation Concern and specially protected Schedule 1 species. There was no detailed consideration of the importance of this site for birds within the ES, whereby the assessment would be expected to consider direct effects (habitat loss) and indirect effects (e.g. pet predation, human disturbance) during both the construction and operation phase. In addition, specific measures would be expected to be provided to adequately mitigate any of the impacts identified. In light of a lack of forthcoming information from the applicant, residual concerns remained as detailed above. However, following discussions with Officers, it was agreed that the residual concerns could be adequately addressed through the use of reserved matters and planning conditions.

Therefore, it is recommended that should Members be minded to support the Officer recommendation, that planning conditions be attached to the outline planning permission to include the preparation of an Ecological Mitigation Strategy (EMS), CEMP, Landscape and Habitat Management Plan, along with a detailed lighting strategy, as well as undertaking breeding bird surveys and updating surveys for protected species.

Habitat Regulations

In terms of the wider ecological context, the application site sits outside any of the Zones of Influence (Zol) that Natural England have identified for the ten Essex Coast Ramsar sites and Special Protection Areas, known collectively as Natura 2000 sites. As the site is outside the Zol the proposed development is not considered likely to have an impact on these designated sites, such that mitigation would be required through the planning system.

Design, Appearance and Layout/Impact upon Character of the Area

Appearance, Layout and Scale

Para.124 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Para.127 goes on to state that developments should, amongst other things, aim to be visually attractive; sympathetic to local character and history, including surrounding built environment and landscape setting; establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit.

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 and the protection and enhancement of the historic environment'*. This is supported by Policy RLP90 of the Adopted Local Plan and these sentiments are also reflected with Policies SP6, LPP37, LPP50 and LPP55 of the Draft Local Plan which are concerned with place shaping principles, housing type and density, the built and historic environment and the layout and design of development respectively.

Policy CS10 of the Adopted Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents. The application proposes that the development would include structural landscaping; amenity space and an equipped play area.

The current application is an outline application with all matters reserved except access. The applicant has submitted indicative layout and parameter plans, which along with the Design and Access Statement, indicate one way that the site could be developed.

The applicant describes this as a residential development of up to 122 dwellings. The illustrative layout produced by the applicant shows an area of 4.8ha being developed giving rise to a density of approximately 25.4 dwellings per hectare. The Draft Local Plan states that '*As a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land*'. Whilst this would give rise to a relatively low level of density this is considered appropriate response to the character and constraints of the site.

The application states that the scheme would be built to a maximum of 2 storeys over the majority of the site, with the exception of the 3 storey apartment block to be created through the conversion of the existing 'X-building'.

Whilst illustrative, the application includes information that indicates that the development could take cues from the local vernacular, and it is considered that it has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house types with well-defined public and private spaces. The applicant has stressed that their vision for the development includes a mix of house types and sizes to meet local needs.

The Reserved Matters applications will need to be informed by the recommendations of consultees and technical reports that were submitted as part of the application. For example the EA have recommended minimum distances between built development and watercourses for ecological reasons.

Although appearance, layout and scale are reserved matters, the general principle of this level of development on the site is considered acceptable; and would be appropriate given the site's location and context.

Highways, Transportation and Parking

Para.103 of the NPPF states that significant development should be focussed on locations which are or can be made sustainable, through limiting the need

to travel and offering a genuine choice of transport modes, however the Government go on to recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Para.108 of the NPPF goes on to provide further guidance to local planning authorities when applications for development are assessed it should be ensured that:

'a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'.

Local and national planning policies require that developments that will generate significant levels of movement should be required to provide a Transport Statement so that the likely impacts of the proposal can be assessed.

Para.109 of the NPPF states that *'Development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

Policy CS7 of the Adopted Core Strategy and criteria xvi), xviii) and xix) of BCS Policy CS15 at paragraph 7.1 states that *'Accessibility means how people access their needs, including employment, shopping and community services. Accessible locations will be defined as within 30 minutes walking or cycling distance of a retail centre, primary school, secondary school and GP surgery'.*

By virtue of its location, the accessibility of the site is clearly one of the key issues with this proposal.

Site Access

The existing commercial site is served by a single vehicular access taken from an unclassified road on the south eastern side of the site, to the east of Hartsbuckle House. There is an access track, including a concrete roadway, to the north of the site. This track, known as Cranbrook Lane connects, via a priority junction, with the A1092 which runs between Long Melford and Cavendish. The applicant proposes that construction traffic will enter the site via Cranbrook Lane and exit through the southern entrance / exit, but the only vehicular access for the proposed dwellings would be via the existing access on the southern site boundary.

SCC Highways and a number of those objecting to the application have suggested that a residential development on this site would be better accessed via an improved Cranbrook Lane and directing all traffic to / from the

development on the A1092. The applicant has advised that their legal advice has been that whilst covenants exist that allow the track to be used for construction traffic and by pedestrians after the housing is occupied they do not have legal rights to permanently use this route for vehicular access. As set out below the existing vehicular access and the highway network to the south of the site has been subject to detailed consideration by Planning Officers and the Highway Authority. Subject to the mitigation that has been agreed with the applicant it is considered that, using the tests set out in the NPPF, the proposals would not have an unacceptable impact on highway safety, or that residual cumulative impacts on the road network would be severe. On this basis and given that the applicant has no legal right to do so, the applicant cannot be required to provide a permanent vehicular access to the A1092, to the north.

With regards to the construction traffic both Highway Authorities have recommended a condition which requires the developer to implement an agreed Construction Traffic Management Plan – the details of which will need to be agreed by the Highway Authorities before development commences. The Transport Assessment has proposed that all construction traffic enter the site via Cranbrook Lane, from the A1092, and that all traffic exit the site to the south, via the existing site access. Whilst full details of routing and traffic management can be agreed through the Construction Traffic Management Plan it is considered appropriate to ensure that the proposed passing places between the site and the B1064 are created prior to construction.

Highway Network, including Trip Generation

The applicant submitted a Transport Assessment (TA) as part of the planning application and this included an assessment of the impact that the development would have on the highway network.

Both Essex and Suffolk County Highways initially raised concerns about the TA that was submitted and the extent to which this sought to assess the impact on the highway network. These concerns included the adequacy and accuracy of the traffic generation rates that were cited, whilst Suffolk County Highways also challenged the basis upon which the impact of the proposed development has been assessed, namely that the proposed traffic generation should be compared with traffic generation from the permitted uses rather than the existing traffic flows to and from the site.

The Council's ES consultants also identified the need to assess the impacts of traffic flow changes without reference to flows from permitted land uses through their initial assessment of the ES. In addition there were a number of other areas where additional information was required in order that an appropriate assessment of the potential environmental impacts of the development could be made. The LUC report appended to this report sets out those areas where information was sought in the Reg.22 request but some of the main issues identified included a need to assess: impacts on users of any parts of the existing cycle and walking networks; the effectiveness of mitigation measures suggested in Residential Travel Plan; the effects of varying the construction vehicle routing; improvements to PROW network to

east of the site; the impact of proposed passing places on roads around the site, with regards to other environmental impacts that could occur.

Following these requests and post-application discussions the applicant submitted a revised ES chapter which sought to address these transport issues. This additional information was assessed by both highway authorities and the Council's ES consultants.

In respect of the ES the report produced by LUC, and appended to this report, summarises their reassessment of the transport issues. They consider that the applicant either provided sufficient information to allow the required assessments and judgements to be made. In addition commitments to monitor and evaluate the effectiveness of the Residential Travel Plan and to take action to mitigate any adverse impacts that may arise would have the capability to minimise the impact of the development. Consequently LUC conclude that the information submitted through the ES is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.

In response to objections raised by ECC Highways the applicant submitted further evidence regarding trip generation and impacts on the highway. Sensitivity testing of trip generation rates using the TRICS database using a selection of sites that were considered more appropriate for a rural setting such as the application site. The testing showed there was a slight increase in traffic generation for permitted use and proposed residential use, but even with this increase the increased number of movements did not result in local junctions being over or near to capacity.

As was noted within the summary of representations above a number of objectors dispute the accuracy of the trip generation figures arguing that the sites isolated rural location would mean residents would be even more reliant on the private car resulting in even higher vehicle movements. Given the relatively low level of commercial activity currently being undertaken on the site actual observed vehicle movements are relatively low, although this does include HGV's. The applicant has stated that many of the buildings on the site are in a poor state of repair. Given the age of many of the buildings and the applicant's intention to redevelop the site, it is not surprising that there has not been greater investment in the site recently. If buildings and the site were improved following investment then it is possible that new tenants / businesses might be attracted resulting in an increase in vehicle movements. Whilst the location of the site and local highway network mean that its attraction to some businesses might be limited it is not unreasonable to expect that the number of businesses operating from the site could increase. Due to its planning history the site could be used by a wide range of commercial and industrial uses.

It is apparent that the proposed residential development would result in an increase in vehicle movements compared to current levels, however Officers consider that the potential vehicle movements from to / from the site are a material consideration. It is also noted that the residential use of the site would

result in a different traffic profile, with significantly fewer HGV's, and with movements spread more evenly than you would expect with commercial use where a lot of movements would be focussed around the start and end of work.

Following the initial assessment of the proposals by both Highway Authorities Suffolk Highways reviewed their position and decided that as the highway impacts of the development would largely be within Essex they would align their position with that of Essex Highways.

Passing Places

Despite the presence of the factory site it is acknowledged that the roads around the site are rural and in places relatively narrow and in places it can be difficult for vehicles to pass. This includes the route that is most likely to be used by residents to drive to Long Melford to access services and facilities. To address this issue the applicant proposes a scheme of passing places. The scheme would result in the carriageway being widened to allow vehicles to pass. The passing places would be located close enough so that drivers would be able to see the road ahead and where a vehicle is seen coming from the other direction the passing bay can be utilised. In some locations the widening of the carriageway will formalise informal existing passing places.

A number of site visits have taken place to ensure that these can be delivered and are in appropriate locations, a visit was also undertaken with an engineer from Essex Highways, who provided advice and was satisfied with the final scheme. It is not proposed to widen the roads to the west of the site.

A concern was raised about the potential ecological impacts arising from the creation of the passing places and the applicant provided an assessment. Whilst the Council's ES consultants did not consider the submitted assessment to be a detailed assessment they reviewed each proposed passing place and confirmed that it is considered that they are restricted to areas of low ecological value. Given that the passing places are localised and in a number of cases restricted to widening/upgrading of existing informal passing places, the level of ecological impact is considered to be negligible.

Long Melford

The closest settlement with facilities and services for day to day living is Long Melford and it is reasonable to assume that the proposed development would have an impact on the highway network in the village. Suffolk Highways Officers expressed concerns with regard to capacity and safety specifically the junctions of Little St Mary's junctions with Liston Lane and St. Catherine's Lane. Officers and the applicant's Highway Engineer have considered how the impact could be mitigated and ensure highway safety.

The access onto the Little St Mary's (which is the main street running through the village) is narrow. In addition due to the lack of off-street parking on St. Catherine's Road the carriageway is often restricted to a single lane along much of the road. In the event that planning permission were granted Suffolk Highway Authority consider that it may be necessary to carry out surveys to

investigate how the roads and junctions operate. This may identify that it would be desirable to create a one-way system along St. Catherine's Road and Liston Lane. Dependent on the outcome of these investigations it may be necessary to introduce Traffic Regulation Orders and carry out minor highway works as a result. A financial contribution of £60,000 has been agreed for this purpose.

Protected Lane & Quiet Lane designations

To the west of the site the Braintree District Local Plan Review (2005) designates some of the roads as Protected Lanes.

There are a number of lanes across the District that have this designation within the Local Plan. The lanes are considered to have a particular historic and landscape value for the character of the countryside, usually being enclosed by a combination of mixed deciduous hedges, ditches and raised verges. Policy RLP87 of the Adopted Local Plan states that the Council will seek to conserve the traditional landscape and nature conservation character of these roads and that any proposals that would adversely affect their physical appearance, or give rise to a material increase in traffic will not be permitted.

The Protected Lane designation would affect the route to Foxearth but it does not affect the most obvious routes from the site towards settlements containing facilities and services that are likely to draw residents. Residents are anticipated to travel predominantly to the east – towards Long Melford – and to the south. The nature of the road is relatively unattractive to drivers and it is not proposed to carry out works, such as creating passing places, which would encourage more traffic to use these roads. When considering the impact of the proposed development on these roads it is also necessary to remember that the presence of the factory site would mean that the lanes could sometimes be used by large vehicles accessing the site. If the site were redeveloped for housing then the likelihood of large vehicles using the Protected Lanes to access Stafford Park would be reduced and if some cars and smaller vehicles were to use the route instead these would be less likely to have an adverse impact on the lanes.

In addition in the last year Essex County Council have designated Liston Lane as a Quiet Lane and this designation continues across the County boundary into Suffolk, ending at the junction with New Road, on the edge of Long Melford. Highway Authorities are able to designate country lanes as 'Quiet Lanes' in rural areas, under the Transport Act 2000. The County Council's literature on Quiet Lanes explains that they can be a means of protecting and enhancing local character and distinctiveness of the countryside whilst also providing a chance for people to walk, cycle and horse ride in a safer environment and widening transport choice.

Typical measures that can be implemented after designation include the installation of Quiet Lanes signs to identify entry into and exit from a Quiet Lane; fingerpost destinations can be revised so as not to encourage through traffic; landscape features, such as hedges, verges, and wayside trees can be

sensitively managed to improve the landscape; and traffic calming and traffic management measures designed to be in keeping with the local environment if necessary.

The Quiet Lane designation in Liston has been made after the application was submitted and the Highway Authority consultation recommendation was produced. Officers have asked the Highway Authority to confirm their position regarding the Quiet Lane designation and specifically whether this would alter their recommendation. Essex Highway Officers have confirmed that they are satisfied that the Quiet Lane designation and the proposed highway works on Liston Lane can co-exist. In addition to allowing two vehicles to pass they will also provide opportunities for equestrians, cyclists and pedestrians to pass vehicles. Furthermore in some situations the passing bays are merely formalising an existing arrangement.

Sustainable Transport Measures

Whilst it is understood that a bus transporting local children to / from school runs past the site there are no scheduled public transport services that serve the site. At present the closest bus services to the site run along the A1092 to the north. The Council have previously identified the site as being in an unsustainable location by virtue of its location; the public transport coverage that exists in the area; and distance from services and facilities.

The application initially proposed the provision of a community minibus service that would be provided for the benefit of residents of the development. It was unclear how such a service would work or whether this would be sustainable in the longer term.

Following discussions with Highway Officers and the Public Transport team at Essex County Council it has been agreed that the applicant will make a financial contribution of £150,000 to ECC to allow them to fund a new or improved community transport initiative. As Members may be aware the Parish of Liston is currently served by a demand responsive service - the DaRT 3. Following discussions one option would be for the financial contribution to be used to fund the operation of an additional vehicle, to supplement the current coverage. Details of how this would operate would need to be agreed at the appropriate time but it is envisaged that in addition to the normal demand responsive service the site would be served by scheduled services, for example to provide connections to train services. Initial discussions have indicated that the contribution could fund an enhanced service for three years and at the end of the period that the service might be continued commercially, although clearly there is no certainty this would be the case. Officers consider the proposed financial contribution could produce an appropriate community transport service to serve the development and the area and represents a reasonable attempt to provide a further sustainable transport option for future residents which can also provide a benefit for existing residents in the locality.

The applicant proposes that a Residential Travel Plan is drawn up and a Travel Plan Co-ordinator funded for a period of 5 years to promote the use of

more sustainable means of transport and to seek reduce the number of private car journeys. This could include car sharing schemes as well as use of community transport initiatives and promoting walking and cycling. The terms of the Travel Plan would be agreed by the Highway Authority and the developer would be required to pay an annual monitoring fee to allow the Highway Authority to monitor the effectiveness of the scheme.

Furthermore, a public footpath/bridleway runs between the site and Long Melford. The applicant's Transport Assessment includes proposals to upgrade public rights of way to provide cycle links to Long Melford. This is currently in poor condition and parts of the path are not currently suitable for bicycles. The PROW that form the link to Long Melford are within the County of Suffolk. The County Council have costed a package of works to upgrade the existing PROW network to include upgrading of Long Melford Public Footpath 21, 22 and 30 to Bridleways, to include resurfacing, and resurfacing Public Bridleway 24 (resurfacing to be a hoggin type surface). The works include the cost of issuing legal orders to upgrade to bridleway status and divert Bridleway 24 onto the track at Bulney Moors; compensation to landowners. A financial contribution of £244,094.88 has been agreed to allow the County Council to carry out the required works.

Whilst the route would not be lit and would not be attractive to all residents the proposed improvements would provide an alternative route to walk / cycle to Long Melford which would be separated from vehicular traffic. Whilst the improvements are necessary to provide residents with more sustainable transport options it would also potentially be beneficial to leisure walkers and cyclists who would prefer to access the countryside without having to use roads that are used by vehicular traffic.

In addition to these measures the applicant has committed to providing rapid electric vehicle charging points at the community centre and elsewhere across the site. In addition all garages will be provided with the infrastructure for electric vehicle charging, utilising the electricity supply infrastructure that existed for the former factory.

The applicant has suggested that funding might be made available to provide 1 or 2 electric cars to be used by future residents as part of a car share scheme but this is dependent on feasibility after the dwellings are occupied. It may be that this issue is revisited as part of the Travel Plan monitoring but as there is no commitment to provide a car share scheme Officers do not consider that this factor should be included when performing the planning balance.

It is considered that the proposed obligations would satisfy the tests for planning obligations set out in the CIL Regs as they are considered necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind. It should however be noted that whilst the obligations are intended primarily to mitigate the impact of the proposed development some of the benefits arising from the obligations will have wider public benefits. For

example the funding of the community transport initiative will potentially increase the provision of community transport in this part of the District and this will be available to existing residents as well as new residents of the development.

In conclusion Officers accept that the site remains in an unsustainable location by virtue of its remoteness from existing settlements, services and facilities and limited opportunities to promote use of public transport and non-motorised forms of transport.

The NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in planning decision-making. This is an acknowledgement that there can be circumstances where development can be justified in rural areas and that a view can be taken on the extent to which residents will have access to sustainable transport solutions. Although Officers acknowledge that the applicant has made reasonable efforts to reduce reliance on the private car the site remains a relatively unsustainable location and this harm should be given substantial weight against the site and the proposed development when considering the planning balance.

When considering whether the proposals are acceptable from a highway perspective it is also appropriate to consider that the site has an existing use in planning terms and the traffic that use generates is a material consideration. It has been historically used for various commercial purposes and whilst commercial activity has reduced in recent years this is not to say that in the future commercial activity could increase again resulting in an increase in vehicle movements, including HGV's. Given the permitted use of the site it is considered that there is no objection to the principle of redevelopment of the site in highway terms and the access arrangements. Mitigation has been proposed to reduce the impact on the local network and address specific highway safety concerns raised by the Highway Authorities. In addition the applicant has agreed a reasonable package of measures which seek to maximise sustainable transport options given the relatively limited opportunities that exist at this site.

Flood Risk, Sustainable Drainage and Hydrology

Part 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.

Para. 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided. Development should instead be directed away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy CS8 of the Adopted Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the

national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk; and SUDS will be used wherever possible to reduce flood risk, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise. Policy LPP78 of the Draft Local Plan and criterion xi) of BCS Policy CS15 reflect the spirit of this.

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding (NPPF Para.158).

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment¹ where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Para.163 goes on to explain that where appropriate planning applications should be supported by a site-specific flood risk assessment (FRA). Following the application of the Sequential Test, and if required the Exception Test, development should only be allowed in areas at risk of flooding where the FRA can demonstrate:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The PPG lists different land uses by their Flood Risk Vulnerability, classifying them in a range from Water Compatible through to Essential Infrastructure. Residential development falls within the '*More Vulnerable*' category. The EA confirm that based on their national flood maps, the development site lies within fluvial Flood Zone 3a defined by the PPG. These are areas that have a

¹ The site was not included in the Level 2 Strategic Flood Risk Assessment for the DLP as it is not an allocated site.

high probability of flooding. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests.

NPPF Para.163 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

Sequential Test

Areas classified as being within Flood Zone 1 have the lowest probability of river or sea flooding, but where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) usually be considered.

Guidance on applying the Sequential Test for proposed developments within Flood Zone 2 or 3 is set out within the PPG. It states that the test does not need to be applied for individual developments on sites which have been allocated in development plans (as the flood risk issues will already have been considered), but the Council decided not to make a decision on allocating the site through the new Local Plan, to allow this planning application to be determined.

The guidance goes on to state that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration'.

'When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere'.

One of the main benefits of the proposed development is the certainty that the scheme can deliver in terms of remediating the contamination that exists and that the standard of remediation achieved is likely to be higher than the standard that statutory mechanisms would achieve. The guidance indicates that areas to be tested can be quite narrow where development of a site is allocated to help facilitate or encourage some particular outcome, such as regeneration. It also states that a pragmatic approach should be taken to considering alternative sites and provides an example where it would be impractical to consider more suitable alternative sites as they would not be able to provide the same objectives.

As set out within the Contaminated Land section of this report the certainty and standard of the remediation that the proposed development can deliver would not be achieved if the housing that the applicant proposes were to be directed to an alternative site with a lower flood risk. On this basis Officers consider that applying a pragmatic approach, and given the particular local circumstances, the sequential test can be considered to be passed by virtue of there being no other sites available for this development that have a lower flood risk and which would achieve the same objectives in respect of remediating contaminated land.

Exception Test

The Exception Test is intended to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily. There are two parts to the Exception Test – it must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The proposal would provide such benefits in the form of a reduced risk of flooding to a site containing property which is currently vulnerable to flood risk; certainty about when the decontamination of the application site and the adjoining landfill site will be undertaken and achieve a higher standard of remediation; improvements to the River Stour with the removal of some of the man-made structures and the reintroduction of a more natural river channel; and can achieve biodiversity net gain across the site. These wider sustainability benefits are considered to outweigh the flood risk, particularly given the works that are proposed which will significantly reduce the risk of flooding to the proposed properties.

The Council have received specialist advice from the EA on flood risk matters. The EA originally registered a holding objection and requested further technical information to allow a thorough assessment of the flood risk. Having assessed all the information provided the EA state that they have no objection to this planning application, on the basis that the proposed development would see ground levels raised in the area where the dwellings would be constructed. The raised ground levels would reduce the flood risk probability to a level equivalent to Flood Zone 1.

The increase in ground levels within an area vulnerable to flooding means that compensatory storage is required to be provided so as to not increase flood risk elsewhere. The proposals would see compensatory storage provided on land on the north side of the river by lowering ground levels. The EA state that the FRA includes details of the flood mitigation proposals and associated river engineering works and that the proposals would ensure that floor levels of any buildings are raised above the 1% (1 in 100 year) and 0.1% (1 in 1000) year annual probability flood levels, inclusive of climate change and that dry access can be maintained to and from the development.

The EA agree with the conclusion of the FRA that the development and associated works would not result in an increase in flood risk on the site or on land up or downstream of the site. Furthermore the EA report that their own consultants have independently been updating the EA's modelling of flood risk for the Stour. This has allowed the EA to compare the flood risk modelling undertaken by the applicant with their own draft model outputs and technical note. This provides them with additional confidence that the proposed development works would not have an effect on third party interest and support the findings of the submitted FRA.

It is noted that the EA advise that whilst the vast majority of the site would be raised to a level that would place it predominantly in Flood Zone 1 (low risk) at the start of its development lifetime, but once climate change increases are considered, the site would fall entirely into Flood Zone 2 (moderate risk) by the end of the development lifetime. . The EA advise that Local Planning Authorities should base their assessment in such circumstances on the worst flood zone classification – in this case Flood Zone 2. National planning guidance categorises different land uses and specifies which uses are appropriate within each Floodzone. Residential development is classified as being a 'More Vulnerable' form of development and national guidance identifies that 'development is appropriate' within Flood Zone 2.

Therefore, having regard to the proposal, which would 'lift' the area of proposed residential development out of Flood Zone 3a into a zone of low probability of flooding (Zone 1), or Flood Zone 2 when allowing for climate change, and the wider sustainability benefits that the development would deliver, the development would pass the Exception Test and there are no substantive reasons to withhold planning permission on the basis of fluvial flood risk.

The EA have recommended that a condition is imposed specifying the increased ground levels that are to be achieved on the site. The EA go on to state that while they are satisfied with the measures proposed for the outline application, a further detail specific Flood Risk Assessment will be required to accompany any Reserved Matters application.

Since the applicant completed their Flood Risk Assessment and the EA provided their advice the guidance in respect of the allowance for climate change has been revised. The FRA modelling was undertaken using a 30% allowance but the figure being used now is 35%. This increase will mean that the modelled flood levels will be slightly higher and it is recommended that the EA condition is modified to increase the ground levels to reflect the higher climate change allowance of 35%.

Surface Water

The PPG states that when considering major development the local planning authority should consult the Lead Local Flood Authority (LLFA) on surface water drainage.

The LLFA - Essex County Council – requested additional information from the applicant in respect of storage and run-off rates from the site; flow routes and outfalls; and to show that the site is safe from groundwater flooding. Having assessed all the relevant information the LFA have confirmed that they no longer object to the application, subject to the imposition of a number of recommended planning conditions.

Noise and Vibration

The NPPF (Para.180) stipulates in respect of noise mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, to avoid noise giving rise to significant adverse impacts on health and quality of life.

Policy CS8 of the Adopted Core Strategy, Policy RLP62 of the Adopted Local Plan and Policy LPP73 of the Draft Local Plan also seek to protect the natural environment from, *inter alia*, noise pollution.

To assess the potential impact of noise during the construction period baseline noise surveys have been carried out at the nearest noise sensitive receptors over relevant time periods and at locations agreed with the Local Authorities. The applicant has then made an assessment that has taken account of a worst case regarding the parameter plans on phasing of the development, layout of buildings, landscaping, building heights and vehicle movements.

The assessment establishes the magnitude of the noise and vibration effects of the scheme during construction and operation. Consistent descriptors are used for the significance of impact assessment and relevant national planning guidelines have been taken into account. The assessment considers a worst case and typical case for the assessment of demolition and construction activities, showing minor adverse effects as a worst case.

Furthermore, an assessment has been made of the operational phase (when the development would be occupied) including the noise levels due to road traffic and building services. These have been adequately assessed and show a negligible impact.

The assessment specifies measures to control demolition construction noise and vibration. It is recommended that these measures be agreed with the local authorities in a Construction Environmental Management Plan prior to the commencement of development.

Air Quality

Information is provided within the ES on Air Quality and the Council's ES consultants are satisfied that the scope of the ES is acceptable as it covers the demolition, construction and operational phases of the development. The site does not lie in or near an AQMA and there are no air quality monitoring stations or diffusion tube sites in the vicinity of the site.

They state that the Defra background air quality database for the location indicates pollutant concentrations ranging from 26 – 45% of the Air Quality Objective (AQO) for the three main pollutants assessed. These levels are so far below the AQO that no further background measurements are required to substantiate the assessed levels which are considered acceptable. The operational phase assessment indicates that changes in traffic flows will fall below the threshold for significant air quality effects and that therefore no quantitative assessment is required.

In the absence of significant operational effects and taking into consideration the low background air pollutant levels, the site is considered to be suitable for development in air quality terms and would not have a significant detrimental effect upon the air quality of the surrounding area.

Residential Amenities

NPPF Para.127 states that new development should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants.

This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The Draft Local Plan Policies have similar objectives as those set out in the Local Plan Review, as does BLPA Policy CN01.

The environmental impacts upon occupants of existing dwellings in the locality have been assessed as part of the EIA process (see above). The area where the new dwellings would be erected is a substantial distance from the nearest existing dwellings and certainly be well in excess of those required by the Essex Design Guide. Officers do not consider that there are any grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development.

Section 106 / Socio-Economics Impacts

For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report.

Ultimately, Para.56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure

Levy Regulations 2010 (CIL Regs) and Para.56 56 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:

- 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.

Policy CS11 of the Adopted Core Strategy states that the Council will work with partners and developers to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered in a timely, efficient and effective manner. These requirements are reflected within BCS Policies CS15 (criterion iv) and CS21.

The ES, as originally written, considered the potential effects of the development on employment, housing, open space, education and healthcare. The revised Chapter included an assessment of the issues that what would be expected in a socio-economic assessment for a development of this kind.

In addition to the above matters the Councils required that the socio-economic assessment should include socio-cultural impacts, such as quality of life and community integration and the potential impact on community identity. Following a request for further information through Reg.22 the assessment was subsequently completed and submitted and the Council's ES consultants confirm that no further clarification is sought on these matters with no potential significant adverse effects reported, subject to the specified mitigation.

▪ ***Affordable Housing***

Para.62 of the NPPF requires, *inter alia*, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas. This is considered to be applicable given that all the proposed housing will be located within the Braintree District. For completeness though Members are advised that BCS Policy CS19 stipulates that all residential development will be required to provide 35% affordable housing.

Policy RLP3 of the Adopted Local Plan requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP7 and RLP8 of the Adopted Local Plan require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

BDC Housing Enabling Officer confirms that the policy requirement for a proposal to create 122 new dwellings in this location would be for 40% of dwellings to be provided as Affordable Homes – this would mean that 48.8 of the homes should be provided as affordable housing.

However, they state that although Braintree generally has a high level of housing need, evidence from the housing register in this part of the District does not justify seeking 48 affordable homes on site. As the site is located at the northern most boundary of Braintree, they have liaised with their equivalent at Babergh DC to seek to agree a cross-boundary approach to meeting need for affordable homes in both Districts.

The Babergh Housing Enabling Officer advises that in the nearest large settlement - Long Melford – there are more than 60 applicants registered seeking affordable homes. They consider that Affordable Housing provided at Stafford Park should be available to residents in Long Melford and Glemsford as these are villages that residents of this development would use for services. Babergh Officers do however temper their desire to provide affordable housing at Stafford Park because of the remote location and lack of amenity. The Babergh DC Planning Committee stated that they wish their authority to be party to the wording of conditions and the terms of the Section 106 and that *'all mitigation identified as necessary in this report to mitigate the impacts of development on the Babergh district, including those relative to education, highways, affordable housing and rights of way improvements, be secured through the section 106 agreement'*.

Braintree Housing Enabling Officers view is that the provision of 10 affordable homes on site would be acceptable, along with a commuted payment in lieu of the 38.8 units that should be provided for a policy compliant scheme, subject to viability.

As regards a commuted payment the Council has previously sought to secure financial contributions from developers that can be used to grant fund the purchase of dwellings on the Open Market by Registered Providers (RP's). The sum of £25,000 per dwelling is the amount that RP's have required to bridge the gap between the amount they can fund through their own financial models and the market value of dwellings. The sum required would therefore be £970,000 (38.8 units x £25,000 = £970,000)

The applicant has presented a viability report which indicates that they are unable to provide both the Affordable Homes on-site and the financial contribution towards off-site provision.

▪ **Community Facility & Employment**

Stafford Park is not an allocated site within either Development Plan and as such there are no specific Development Plan policies which are intended to safeguard the site for employment purposes.

It is noted that Babergh's planning policies (BCS Policies CS15 (criterion iii) and CS17) seek to protect or create jobs and sites to strengthen or diversify the local economy. BPLA Policy EM24 also stipulates that planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored – either by undertaking an agreed and sustained marketing campaign, or where the applicant can demonstrate that the site is inherently unsuitable or not viable for all forms of employment related use.

However Para.121 of the NPPF states LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. It goes on to say that in particular LPAs should support proposals to use employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites, and would be compatible with other policies in this Framework.

As part of the evidence base for the Draft Local Plan, the Viability Review of Employment Sites in Braintree District produced by Lambert Smith Hampton makes explicit reference to Stafford Park, giving it the reference ELR5. The Market Appraisal comment as set out therein states:

“Stafford Park in Liston is a former chemical factory in a rural location, accessed via narrow lanes which are the subject of protection in terms of traffic generation. The site is considered to be an unsustainable location for a B1/ B2/ B8 employment use and as such should be considered for alternative uses”.

The poor and dated condition of the majority of buildings on the site is a barrier to economic re-use of Stafford Park, which although partially occupied by businesses doesn't currently render it attractive to high value end users. Clearly greater investment could be made in the site, although its location, being a symptom of its historic use is also a barrier. Whilst other commercial users of the site might be attracted as a result of investment it is unlikely that it would ever be occupied (or employ the historic number of workers) to the extent that it would continue as an employment site in the long term.

Whilst it is noted that BaDC's Economic Development team are disappointed to see the loss of an employment site, and would have liked to have seen an employment use maintained, Braintree Officers do not object to the principle of the loss of this employment land.

However, whilst most of the existing buildings are to be demolished, as highlighted within the description of development and as shown on the indicative site layout plan, it is proposed to convert Building 'T', which is located within Babergh District, into a community facility / centre. 'T' building is a large single storey building which is advised to have a floor area of approximately 443 square metres.

NPPF paragraph 91 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.

As highlighted above, Policy CS11 of the Adopted Core Strategy and BCS Policies CS15 (criterion iv) and CS21 seek to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered, and which can include the provision of local community facilities.

It is noted that Babergh's Economic Development Officer has suggested that part of the community building could provide some internal office/work space for future residents' use and the applicant has stated that this building could provide approximately 10 jobs. Details of the new Community Facility would be subject of Reserved Matters applications.

Taking the above into account, it is considered that the proposal to create a Community Facility which could potentially provide benefits as a multi-functional social and workspace. It has the potential to make a small contribution towards mitigating the loss of the wider employment site as well as the potential to help meet needs of residents and the wider local community, for example through the provision of a childcare / nursery facility.

It is noted that BCS Policy CS12 (Sustainable Design and Construction Standards) requires all new non-residential developments to achieve, as a minimum, the BREEAM "Excellent" standard or equivalent. In the interests of maximising the environmental performance of the Community Facility, both through its conversion and operational phases it is considered that a planning condition to this effect would enhance the sustainability credentials of this 'hub' building.

▪ **Education**

NPPF Para.94 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools. This is supported by Policy CS11 of the Adopted Core Strategy and BCS Policies CS15 (criterion iv) and CS21.

It will be noted from the consultation section above that ECC, as Education Authority states that whilst the appropriate authority for the provision of primary and secondary education for the site, they support SCC's conclusion that schools in Suffolk are better placed to provide for pupils who would live within the proposed development.

SCC Education advise that the Long Melford CEVCP School (Primary) has insufficient capacity to accommodate the projected 28 primary age children arising from the development. A financial contribution of £341,068 would be sought to cover the provision of additional places. There is however sufficient capacity at the Ormiston Sudbury Academy so no financial contribution would be sought for secondary education.

ECC would remain responsible for transporting children to/from school and a financial contribution would be sought from the developer to meet travel costs for the first 5-years - £356,664 for primary pupils and £99,588 for secondary school children.

In respect of the need for Early Years and Childcare facilities both Education Authorities report that there is insufficient capacity within the locality to meet the likely demand that would arise from the development – estimated by SCC to be up to 12 pre-school places. A financial contribution of £73,092 was sought by SCC to mitigate the impacts of the development (a cost of £6,091 per place).

The applicant has however highlighted the fact that they propose to provide a Community Building on the site and that this could be used by an operator to provide a nursery. Education Officers at Essex and Suffolk County Council have been consulted on the applicant's proposal. Suffolk Officers have advised that they find it acceptable to remove the request for a financial contribution for this purpose due to the inclusion of on-site provision at the community facility. Essex Officers take a different view – they remain concerned that the provision that might be offered through the proposed community centre may not satisfy the increased demand arising from the development. They have pointed out that it is uncertain how many places would be offered and how many would be genuinely new places, rather than relocated provision from an existing site. It is also unknown whether the places provided would have free entitlement, or whether it would provide full day care.

At this time these questions cannot be answered with certainty as the redevelopment of the community building does not have planning permission and the time until the facility is open and available for use is unknown.

Essex Education Officers maintain that a financial contribution should still be secured through the S106 funding so that they can be sure that they arrange additional capacity if required to do so. It would be preferable if Early Years & Childcare provision could be provided within the development so it is recommended that the legal agreement is drafted so that the developer either ensures that a specified number of Early Years & Childcare places are provided at the site, by an agreed point in the development, and on terms that satisfy Essex County Council. In the event that suitable provision is not made on-site then the agreement would specify that that the financial contribution is made to Essex County Council.

Based on a projected need for an additional 9.9 places they estimate that a contribution of £174,046 at April 2018 prices may be required (£17,422 per place). The actual contribution would be calculated based on demand generated by the actual number of dwellings with two or more bedrooms that are built. The S106 agreement will refer to standard Essex County Council formula to calculate the contribution.

▪ ***Primary Healthcare***

NPPF paragraph 91 highlights that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities which is supported by Policy CS11 of the Adopted Core Strategy and BCS Policies CS15 (criterion iv) and CS21.

In 2015, in their initial response, the NHS initially identified the development as impacting the Bridge Street Surgery in Great Yeldham and sought a financial contribution to mitigate the increase in demand arising from this development. Subsequent responses in 2016 and 2018 identify that the development will impact upon the Long Melford practice.

The GP surgery in Long Melford is advised to have insufficient capacity to accommodate the additional demand arising from the proposed development. However the NHS have no objection to the application, subject to a financial contribution of £40,180 towards increasing capacity at the Long Melford Practice being made (equivalent to £378.77 per dwelling). In view of the fact that Long Melford is the closest settlement which contains key community facilities and services to Stafford Park, it is considered reasonable to assume that future occupants would seek to register at the Long Melford Practice and the required financial contribution has been agreed.

It is noted that some Long Melford residents has questioned whether it is possible to extend the Long Melford practice. The financial contribution is intended to allow a range of works that could increase capacity at a surgery. This could include internal alterations to a building, or reorganising the manner in which services are provided. It is noted that the consultation response refers to a satellite practice and it is possible that additional capacity could be provided at Long Melford through capacity improvements at the satellite surgery.

▪ ***Public Open Space***

NPPF Para. 96 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Both Braintree and Babergh have local planning policies that set out the importance of making sure that new development is appropriately served by Public Open Space. Criterion ix) of BCS Policy CS15 requires proposals to make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district, whilst

BCS Policy CS21 states that BaDC will work with partners including developers to secure the appropriate social, physical and green infrastructure.

BCS Policy CS14 states that in new developments green infrastructure will be a key consideration. All new development will make provision for high quality, multi-functional green infrastructure appropriate to the scale and nature of the proposal. Particular consideration will be given to ensuring new provision establishes links with existing green infrastructure, providing a well-connected network of green infrastructure.

Furthermore, BLPA Policy HS31 requires proposals for residential development on a site of 1.5 hectares and above to provide 10% of the gross site area as public open space. This must include providing play equipment, which has been agreed in advance with the District Council. The applicant advises that the application site area is 19 hectares' of which 4.8 hectares will be the area that is developed for housing. Approximately 14.2 hectares of land will be provided as Public Open Space, so exceeding considerably the 10% Babergh policy requirement.

Within Policy CS11 of the Adopted Core Strategy is also concerned with sport leisure and cultural provision, and Policy CS10 of the Adopted Core Strategy 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.

The Core Strategy and Open Space SPD sets out how the Council's standards for Open Space provision will be applied. For a development of this size the expectation would be for provision for the provision of amenity greenspace (0.8 ha per thousand population); and provision for children and young people at (0.2 ha per thousand population).

The applicant has identified that 4.8ha of the 19ha site will contain the built development. The remaining 14.2ha of the site includes the access track up to the A1092 but this will consist largely of land to be provided for informal public open space, landscaping, allotments and an equipped play area. This level of provision exceeds the minimum standards specified in the Core Strategy and Open Spaces SPD.

Although the Council's Open Spaces SPD would not usually require the provision on site of allotments in this case it is considered appropriate to do so, given the location of the site. The potential location of which is identified on the Indicative Site Layout Plan. There is ample space for a generous allotment site in this location and this level of provision could again exceed the level of provision that would be required for a development of this size and these could be used by residents of the development and if capacity exists other residents in the local community.

A development of this size would not be expected to make provision for Outdoor Sport on-site and a financial contribution would usually be sought towards the provision of off-site outdoor sports facilities.

The financial contribution would be calculated on the number and size of the dwellings constructed, to be determined at the reserved matters stage/s, however as a very broad guide based on the housing mix specified in the Viability Report the contribution would be approximately £105,567 for Outdoor Sports. Whilst the applicant had originally agreed to pay this contribution this position has had to be revisited. This is discussed within the Viability Section of this report.

In addition it would be necessary for the S106 to include an obligation for the applicant to form a Management Company responsible for the day to day and longer term management and maintenance of the Public Open Space, including the Equipped Play Area and the allotments.

- *Other Heads of Terms i.e. Contaminated Land; Highways & Transportation; and River Works*

Discussion around the other Heads of Terms are covered in the preceding section of this report.

In totality in respect of socio-economic impacts, the Council's ES consultants confirm that as the chapter has been updated to include an assessment of demand for play space, pre-school education, and community facilities, no significant adverse environmental effects are identified. This is therefore considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations and no additional information is required.

It is considered that these obligations would satisfy the tests for planning obligations set out in the CIL Regulations as they are: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related to the development in scale and kind.

Viability

As the applicant has advised the Council that it would not be viable for them to provide a policy compliant scheme, in respect of Affordable Housing provision. The applicant has been required to produce a Viability Report to demonstrate why this is the case. Due to the time that elapsed since the original Savills Valuation Report was submitted an updated Report has been requested. This has been produced by BNP.

Given the costs associated with remediating the site and landfill site, the report has concluded that the scheme would not be able to sustain the level of affordable housing sought by Braintree (40%) based on the reasonable viability assumptions made within the Viability Report. The applicant has proposed that ten Affordable Homes are provided on the site, coupled with meeting the other S106 requirements. Since the applicant's Viability Report was submitted Officers have been supplied with updated recommendations by Essex and Suffolk County Council in respect of financial contributions for Education. The contributions sought by the Education Authorities has increased by £308,025 on the figure the applicant originally budgeted. Following discussions the applicant has agreed that if the required Early Years & Childcare provision is not provided through the proposed Community Facility they will pay the Early Years & Childcare contribution requested by Essex County Council. This amount will be approximately £174,046 of the increased S106 contributions. The applicant has however said that the viability of the scheme will not bear the rest of the increased contribution levels. Officers consider that the need to make appropriate provision for Education takes precedent over the provision off-site of new or enhanced Outdoor Sports facilities so it has been agreed that the applicant will commit to paying all the Education contributions but not the Outdoor Sports contribution.

The Council has sought specialist advice to scrutinise the applicants Viability Report and appointed a specialist consultancy, Arcadis. Having analysed the applicants Viability Report they are in general agreement with most of the assumptions and allowances that have been made. Where there have been differences these have generally been quite small and have balanced themselves out and so don't affect the scheme viability. Whilst there is a more significant difference over the difference in the Existing Use Value that the two sides have for the site it is considered unlikely that the level of affordable housing could be increased to meet planning policy requirements.

Officers acknowledge that Arcadis recommend that the Council consider including a review mechanism within the S106, given their concern that the actual cost of the remediation works could be different from the figure contained within their viability report. If remediation costs ended up being lower than the Council could potentially secure some additional affordable housing. However the opposite is also true and if the remediation costs ended up being higher because we've missed something then this could lead to a reduction in these places.

Having carefully considered the options, whilst Officers acknowledge the potential to include a review mechanism, Officers are persuaded not having a review mechanism allows the Council to secure the benefits now, including the 10 affordable homes, providing certainty in this case, Officers recommend that a review mechanism is not sought in the case.

The legal opinion produced by Andrew Parkinson argues that the cost of the remediation is not a factor that should be considered within the viability

appraisal, or used to justify a non-policy compliant scheme. It is argued that the cost of remediating the pollution should fall to those who caused the pollution. Objectors argue it is inequitable that public benefits that would otherwise arise from the development are not being provided due to the fact that the costs of the development include remediation.

If the Council were to accept the argument advanced that the Polluter Pays then the costs of remediation should not be included in the Viability Assessment as a reasonable cost of development. Clearly there would be a cost to any remediation work that the authorities require if part of the site is designated as Contaminated Land. The cost of achieving the minimum level of remediation / intervention to make the land safe will be lower than the cost of remediating through the planning system with the site being redeveloped for housing. Officers consider the difference in costs that would arise from remediation under the two different regimes means that the cost of remediation is a cost that can reasonably be considered as part of any assessment of scheme viability. Officers also note that Government guidance on Land Contamination supports the use of the planning system in ensuring that sites that are contaminated, or by extension sites that are at risk of being declared contaminated land, then it is reasonable for the cost of remediation on the site can be considered as a legitimate cost of the development. There has to be an assessment as to whether the loss of potential benefits is proportionate to the benefits of ensuring certainty of remediation. Ultimately the Council need to assess the application as a whole and this assessment will need to include an assessment of the benefits that can be attributed to the level of certainty, the higher level of remediation and the resulting environmental improvements that the proposal can deliver. Weighing against the proposal in the planning balance would be the fact that to achieve these benefits there will be a loss of potential social benefits, including a non-policy compliant level of affordable housing provision and the absence of a financial contribution for Outdoor Sports improvements off-site, due to viability issues.

As noted previously the power to make a decision on the related Babergh application has been delegated to Braintree District Council, but in their consultation response they have confirmed that had they been determining the application they would on balance have been minded to approve the application subject to appropriate conditions and a Section 106 agreement. The letter Babergh proceeds to say that all the mitigation identified as necessary in the Babergh Officer Report must be secured through the S106 agreement. The Babergh Officer Report suggests that the applicant will provide 10 units of Affordable Housing and a financial contribution of £970,000 as a payment in lieu of on-site provision. This is not what the applicant proposed or what Braintree Officers consider should be required in light of the Viability Assessment.

Braintree Officers have written to Babergh to request that they confirm their position on the Affordable Housing provision and Babergh Officers have confirmed that they will need to report the application back to their Members to advise them of the change in circumstances and to be clear that they would not have come to a different decision had they know about the Affordable

Housing offer at that time. This does not preclude the Braintree Planning Committee considering the application and Officer Recommendation and making a resolution to grant planning permission subject to the Heads of Terms set out at the end of this report.

Other Material Planning Considerations

▪ **Broadband Provision**

The applicant has stated within their Planning Statement that they have confirmed with Open Reach that all dwellings at the site can be provided with Ultrafast Broadband (depending on provider this will enable speeds of up to 300mpbs) and which will include a degree of future proofing as the demand for speed increases. This would support residents who need a good internet connection to work from home working as well as the proposed Community Facility.

▪ **Previous Decision not to allocate the Site for Housing Development**

As set out at the start of the report the Council has been asked to allocate the site for a mixed use development or for housing.

The Council rejected a request to allocate the site to allow a residential mixed-use redevelopment of the site. Officers have carefully reviewed the case that the Council made at the Local Plan Examination in 2004.

At that time the IFF factory had only quite recently closed. Officers consider that there are significant differences between the situation in 2004 and now and these are summarised below.

- Contamination - There was less data and analysis available concerning the contamination of the site and the environmental risks that it posed. The Council at the time considered that remediation was only required if the site were redeveloped;
- Employment Use – In 2004 the Council contended that the site was an important employment site and that it should be retained for this purpose. The Council commissioned consultants to undertake in 2012 a Viability Review of Employment Sites in Braintree District. That report forms part of the Local Plan evidence base, and states '*the site is considered to be an unsustainable location for a B1/ B2/ B8 employment use and as such should be considered for alternative uses.*' As a result Officers can no longer argue that the site should be protected for employment uses.
- Development of previously undeveloped land - The submission in 2004 included land to the west of the site that had not previously been developed. This application proposes that only land that has previously been developed should be redeveloped. The application includes an assessment of landscape impact which has demonstrated the visual impact would be localised and that a housing development would not have an adverse impact on the character and appearance of the wider

landscape. In 2004 reference was made to a new access road cutting across the valley from the A1092 and possible improvements to Liston Road which would be harmful to landscape character and appearance. The current application does not propose a road connection to the A1092 and a package of works to form passing bays which Officers consider not to be harmful to the landscape;

- SSSI – Having assessed the potential impact on the SSSI Natural England raise no objection to the current application. Development of previously undeveloped land is no longer proposed and Natural England are satisfied that potential impacts on the SSSI can be mitigated;
- Community Facilities - The current application does not seek to provide employment land, or a Neighbourhood Centre with a shop, and public house. A community building is proposed but the applicant has also sought to improve access to services and facilities in Long Melford.

Planning policy will inevitably have developed since 2004 and the report has already assessed the proposals against current planning policies. The current planning application also contains an extensive suite of documents providing technical assessments of the proposals and this has enabled Officers to carry out a far more detailed assessment of the proposals than would have been possible through the Local Plan process in 2004.

As previously noted the Council's Local Plan Sub-Committee considered the site again as part of the new Local Plan. They agreed that the sensible course of action was for the Council to consider the relative merits of the proposed development through the planning application process where all the relevant information is available to make a rounded and informed decision.

All these factors combine mean that Officers consider that the proposals must be assessed afresh and whilst the decision not to allocate the site previously is a material consideration Officers do not consider this to be a determining factor as many of the issues that the Council previously cited no longer apply.

SUMMARY

The following is a summary of the key areas highlighted earlier in the report:

• Principle of Development (including the Need for Development and Housing Land Supply);

The application site is outside the development boundaries in the adopted Development Plan and the Draft Local Plan.

The site was considered for allocation site through the Call for Sites that the Council undertook when producing the Local Plan Review (2005), considering that housing need could be better met through alternative sites in the District. The Planning Inspector examining the Local Plan Review agreed, commenting that at the time there were no other matters mentioned by the Objector, either individually or collectively, that outweighed the conclusion at that time that the site should not be allocated for housing or any other specific

purpose in the Plan. However as set out above since the Planning Inspector considered the site for allocation in 2004 circumstances have changed, including the requirement that the Council has to significantly increase the supply of housing within the District.

When the Local Plan Sub-Committee considered the site for allocation in the new, emerging Local Plan, no decision was taken as it was considered that this planning application was the appropriate process for assessing whether the proposed development was justified and acceptable.

Although not allocated for development the Council are required to determine the current planning application in accordance with the development plan unless material considerations indicate otherwise.

• **Community Building;**

The application proposes that one of the existing buildings on the site is retained and refurbished for use as a Community Centre. It is envisaged that the proposed local centre would provide a venue for a nursery facility, as well as a community facility for local residents. The provision of such a community facility would have potential social and economic benefits for residents of the development and the locality.

• **Contaminated Land;**

Both the licenced landfill site to the north of the river, In the Babergh District, and the former manufacturing area are known to contain contaminated land. Whilst there is currently no evidence of a pathway between the contaminated material and receptors there is a risk that a pathway could lead to receptors being exposed. The site lies over secondary aquifer followed by a principal aquifer (chalk) and is within a Source Protection Zone for a public water supply. The site is adjacent to a SSSI and the River Stour runs through the site.

It is understood that the relevant authorities – the Environment Agency and the District Council's – have statutory powers available which can be used to deal with contaminated land in order to prevent that contamination reaching receptors. Whilst there is a 'polluter pays' principle Officers are advised that there some uncertainties over who could be held liable for the contamination.

In order that the former manufacturing area can be redeveloped this area will need to be the subject of extensive remediation and to a relatively high standard in order that the land will be suitable / economically viable.

In light of the statutory framework that exists for dealing with contaminated land it is understood that the contamination that exists within the licenced landfill site and the former manufacturing area could be remediated without the need for this enabling, however as it must be noted that the statutory framework does not provide the same level of certainty, that the remediation will be carried out soon, and that both areas would be remediated to the same high standard that the applicant proposes.

- **Ecology;**

Following the receipt of additional information, including additional surveys for protected species, the Council's ecology consultants have confirmed that they are satisfied that sufficient information has been provided to allow the Council to determine the application. Conditions are recommended to require further protected species surveys to inform Reserved Matters applications and ensure that protected species are not harmed when development commences. The Council's consultants are satisfied that there is sufficient scope within the site to more than adequately mitigate any potential ecological harm. Although the site is adjacent to a SSSI there is no objection from Natural England. In addition to remediation of contamination present on the site the development would also see works within the river channel that will be advantageous ecologically. The potential for there to be a net gain in biodiversity is a benefit of the scheme.

- **Employment Land;**

The redevelopment of the site would result in the loss of a large area of land that currently has planning permission for industrial and commercial processes. However the site is not designated as employment land in the Development Plan and the Viability Review of Employment Sites in Braintree District, produced by Lambert Smith Hampton as part of the Local Plan evidence base, states *'the site is considered to be an unsustainable location for a B1/ B2/ B8 employment use and as such should be considered for alternative uses.'* Accordingly Officers raise no objection to the loss of land for employment purposes.

- **Flood Risk;**

The area proposed for redevelopment is located within Floodzone 2 and 3. Both the application and letters from objectors refer to a history of flood events on the site.

As part of the works to remediate contamination within the land it is proposed to raise the ground level within the area where the dwellings are proposed to be situated with the result that the dwellings will be built at a level which would effectively put them within Floodzone 1 – the lowest risk of flooding, where the risk of flooding is less than 0.1% chance of flooding in any year, this is sometimes known as having a 1:1000 year chance. The applicant has had to demonstrate that these works would not increase flood risk anywhere else and to achieve this they will create compensatory storage areas for flood water within the site. In the event of a flood event these areas will hold floodwaters that have been displaced by the raising of ground levels on the former manufacturing area. The EA have scrutinised the proposals and the applicants flood modelling and have raised no objection to the proposals, subject to a number of detailed conditions including approval of construction methods.

The Lead Local Flood Authority (ECC) are satisfied that the principles of the surface water drainage scheme proposed demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. Anglian Water also have no objection to the proposals.

- **Landscape and Visual Impact;**

The site is not subject to any specific local or national landscape designation; however the Council's Landscape Character Assessment has identified the Stour River Valley character assessment area as being visually sensitive to change. Whilst development of this scale would generally be considered inappropriate within such a landscape the proposal is to redevelop a brownfield site which contains a significant number of large largely utilitarian buildings. As demonstrated by the applicants LVIA, and as is apparent from viewing the site, the site is relatively well contained visually, screened along most boundaries by established vegetation, the majority of which will be retained.

The redevelopment of the site provides an opportunity to replace large commercial buildings with residential dwellings that can be designed to be of a scale and architectural style which is more in keeping with the character of the area. The provision of passing places on some of the roads leading to / from the site would have some impact on the character and appearance of those roads, however it is not proposed to carry out works on the most visually sensitive Protected Lane, to the west, and in many cases the passing places would be formalising what are existing informal passing places adjacent to the carriageway.

- **Planning Obligations;**

The Heads of Terms proposed by the applicant is largely reflective of the type of obligations that the Council would expect for a development of this size, with the exception of the level of Affordable Housing. The Council's planning policy seeks up to 40% Affordable Housing on-site in rural parts of the District. Policy CS2 of the Core Strategy acknowledges that the LPA will take economic viability into account where it is proved to be necessary to do so and in this case because the cost of remediating the site have been accepted to be a cost of the development it has been demonstrated that it would not be viable to provide more than 10 affordable homes. Whilst the scheme is not policy compliant in respect of affordable housing provision, the affordable homes that are being provided would represent a valuable addition to the Districts housing stock.

- **Transport and Access;**

The applicant has been in protracted discussions with the Highway Authorities regarding the access arrangements to the site and the potential impact on the highway network.

The historic use of the site allows industrial and commercial uses. The applicant has provided information on existing traffic movements from the site; the potential traffic movements from the site if it was put back into full operation for employment uses; and the likely traffic generation from the proposed development. It has been argued that the location of the site is such that full operation, and a return to historic levels of activity, is unlikely. The fact remains that the site remains in commercial use and whilst the main storage /

distribution use is relatively low key it does result in HGV movements to / from the site and it could attract further storage / distribution uses in the future.

The applicant has also assessed the capacity of the surrounding highway network and junctions and concluded that there is sufficient capacity to accommodate the projected traffic associated to the development. Whilst there would be an increase in the number of vehicle movements on recent levels, the redevelopment of the site should result in a significant number of HGV movements to/from the site.

It is considered that the highway impact of the development will be largely within Essex and along the route into Long Melford.

The Highway Authority are satisfied that the potential impact on the local road network would not be unacceptable in terms of highway safety and capacity. Suffolk Highways are satisfied that the impact on two roads leading in to Long Melford can if necessary be mitigated.

With regards accessibility it is accepted that the site is located in a rural area, some distance from significant settlements that would be able to meet future resident's day to day needs. Long Melford is the nearest settlement that could provide residents with such services and facilities and that is approximately 2.25km by road.

It is considered that the package of sustainable transport measures that the applicant would provide (contribution to fund a community transport initiative; residential travel plan; improvements to the public right of way network to improve the route from the site to Long Melford) represents a reasonable package of measures which recognise the scale of the proposed development and the transport characteristics of the site.

• Urban Design (Design, Appearance and Layout)

The application seeks permission for up to 122 dwellings. The design, appearance and layout of the buildings are all reserved matters. An illustrative layout has been produced but this is not to be approved and Reserved Matters applications would need to be developed, having been informed by the technical information contained within the application – including the revised / additional information – and responses from consultees.

Building heights will be a maximum of two storeys with the exception of the retained X and T2 Buildings. Residential density across the site will be approximately 25 dwellings per hectare which is considered appropriate given the sites characteristics.

PLANNING BALANCE AND CONCLUSION

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

envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

The proposed scheme would deliver a range of social benefits, including further increasing the supply of market housing and the provision of ten new units of affordable housing, which the Council's Housing Enabling Officer advises would go a long way to meeting recorded housing need in this part of the District. These benefits should carry significant weight. In addition the scheme will provide an allotment site; provide Public Open Space; and has the potential to improve the public's ability to access the river. A community building would also be provided and the applicant intends to encourage the provision of a nursery, playschool or similar in the building. It would also provide a meeting place for local residents and a venue for public events. The highway works to introduce passing places is intended to help mitigate the impact of the development but in formalising some of the current informal spaces existing residents will be able to use these too which will provide a small additional benefit for local residents. Financial contributions would be used to provide an improved pedestrian link to Long Melford. The upgraded Public Right of Way would improve accessibility for residents of the development but also provide an improved surface for leisure walkers and cyclists who prefer to travel away from roads that are shared with cars. The envisaged community / public transport scheme would serve local villages as well providing a further social benefit that can be attributed moderate weight.

Against these social benefits it is acknowledged that allowing for the costs of the remediation of the site, the scheme would not be compliant with the Council's planning policies, delivering 10 affordable homes when the Adopted Core Strategy policy would require the provision of 48. The scheme would also not make a financial contribution towards Outdoor Sports which the Council's policies would usually require.

In terms of the economic objectives it is acknowledged that there would be some harm arising from the loss of employment land and buildings. This would result in either the relocation or loss of a small number of employees currently employed by businesses trading at the site. This however would be set against more substantial economic benefits that will arise from directly from demolition / remediation / construction work to implement the scheme. This could include contracts for local businesses and employment opportunities for local residents. When the development is occupied new residents will use local shops and services which increase economic activity and support local businesses. The financial contribution towards a transport initiative could also generate additional employment if this leads to an additional service / vehicle operating in the area.

Officers consider that very significant weight should be attached to the environmental benefits that would be provided through the remediation of the site. In contrast to relying on the statutory framework, which the Contaminated Land Statutory Guidance states should be seen as a last resort, the proposed redevelopment of this brownfield site would provide a greater degree of certainty that the whole site would be remediated and to a known standard

and that there would be a greater degree of certainty around the timeframe for this being achieved as it would be linked to the completion of the development. This would be achieved without the cost and resource implications of pursuing a case under Polluter Pays legislation. The remediation scheme would be secured by planning condition in respect of the red line site area and through the S106 legal agreement in respect of the remainder of the site that is not within the red line.

In addition there are local environmental benefits that would be delivered as part of the development. These benefits include demolition of most of the large commercial buildings currently standing on the site, many of which are in a deteriorating condition; improvements to the river channel with the removal of a redundant concrete structure and re-engineering the river bed to return it to a more natural state that would improve the appearance and the ecological value of this stretch of the river; scope for ecological enhancements across the site to improve the biodiversity of the site; a commitment to producing a sympathetic landscaping scheme to reinforce existing vegetation on the site; and the redevelopment will mean that there would be a significant reduction in the number of heavy goods vehicles that are currently using the local road network to access businesses trading on the site.

It is acknowledged that there would be environmental harm arising from the development as well. The application site is located in an unsustainable location. It is not located in or close to a settlement that can provide even day to day facilities and services. The closest settlement providing a reasonable range of day to day facilities is Long Melford, located approximately 2.25km from the site. It has been noted that the Council's Core Strategy (Paragraph 7.1) refers to an Accessible location as being within 30 minutes walking or cycling distance of a retail centre, primary school, secondary school and GP surgery. Long Melford can be considered to be within 30 minutes' walk / cycle of the site and this would provide access to most of the facilities listed in the Core Strategy - shops that would meet day to day needs; a primary school and a GP surgery. Officers consider that the scheme would conflict with CS7 of the Adopted Core Strategy which states that future development will be provided in accessible locations to reduce the need to travel. Although the applicant proposes measures to promote sustainable alternatives in reality residents will be heavily reliant on the private car. Ordinarily the location of the site is not one that Officers would support. This aspect of the scheme should be attributed significant weight against the proposed development. The scheme will result in an increase in vehicle movements on the local road network, compared to existing levels. The demolition, remediation and construction work are all likely to have some adverse impact on the immediate area, although this can to some extent be mitigated through the use of planning conditions and should only be attributed less than significant harm.

When considering the planning balance and having regard to both the benefits and harm listed above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposed development would outweigh the harm identified and as a result it would constitute a sustainable form of development and it is recommended that

planning permission is granted, subject to conditions and a S106 legal agreement.

Members will note that whilst delegating authority to make the decision on the planning application Babergh District Council have said that they will want their ward members to be consulted on the planning conditions that are to be attached to a planning permission. It is possible that Babergh members, possibly in consultation with their Officers, may wish to modify some of the conditions drafted and set out in this report. It is recommended that Members delegate authority to Officers to discuss the conditions with Babergh and that if Officers accept that modifications should be made that any revisions to the list of conditions is agreed with the Chair and Vice Chair of the Braintree Planning Committee and the Mover and Seconder of the motion.

RECOMMENDATION

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

- **Affordable Housing** – 10 Units to be provided on-site for Affordable Housing with an Affordable Housing Scheme to be submitted in writing and agreed with the reserved matters application.
- **Allotments** – Land to be provided for use as an allotment site. Land to be cultivated, fenced with water supply and communal storage building. To be governed by a development management company.
- **Community Facility** – Building T to be converted / refurbished in accordance with an agreed scheme (to be submitted to and approved in writing by the Councils prior to the commencement of development) and be certified under BREEAM scheme as 'Excellent' and arrangements for ownership / management to be through a development management company.
- **Education** – Early Years and Childcare – to provide an Early Years and Childcare facility on the site in the proposed community building that satisfies the requirements of the Education Authority through the provision of new places to meet the projected demand from the development based on Essex County Council formula to calculate the anticipated demand, or in the event that the facility and new places are not provided then a financial contribution towards Early Years & Childcare provision calculated on standard ECC formula to calculate the pupil product from the development with the cost of provision being £17,422 per place.
Financial contribution for primary education. Contribution to be calculated according to the number and size of dwellings approved and ECC standard formula to be used at the Long Melford CEVCP School. Financial contribution for primary and secondary school children, payable to ECC to meet travel costs for the first 5 years. Contribution to be calculated according to the number and size of dwellings approved and ECC standard formula.
- **Equipped Play Facility** – To be provided on-site, with the minimum

value of play equipment to be calculated in accordance with the Council's Open Spaces SPD;

- **Health** – A financial contribution of £378.77 per dwelling towards capacity improvements at the Long Melford Practice, Cordell Rd, Long Melford, Sudbury (or its satellite surgery at 36 Church Street, Lavenham) by way of an extension, reconfiguration or relocation of an existing practice/s; for the benefit of the patients at Long Melford Practice.
- **Highways & Transport** – Highways Works in Essex to create passing places; Financial Contribution Public Rights of Way (in Suffolk) - £244,095 to allow SCC to carry out the following work - legal orders to upgrade Public Footpaths 21, 22 and 30 to bridleway status and diversion of Bridleway 24; Compensation to landowners where public footpaths are upgraded to bridleway; Upgrade and resurface of Long Melford Public Footpath 21, 22 and 30 to Bridleways and Resurface Public Bridleway 24; Financial Contribution for Highway Improvements (in Suffolk) – £60,000 to fund traffic surveys and monitoring of the junctions and fund anticipated works to mitigate the impact of this development on the highway in Long Melford. Payment triggers - £10,000 prior to first occupation; £20,000 prior to occupation of the 51st dwelling; £30,000 prior to occupation of 75th dwelling; Residential Travel Plan - implemented, with a dedicated Travel Plan Officer for a minimum period of 5 years from first occupation of the development and include Residential Travel Packs and the initiatives included in Technical Note 02 (December 2017); Payment of ECC Annual Monitoring Fee; Financial Contribution for Public Transport / Community Transport - Prior to first occupation a sum of £150,000 shall be paid to Essex County Council to use in the support of community transport or public transport service enhancements or initiatives; Arrangements for repair / reinstatement of grass verges adjacent the highway, damaged during the construction programme; Electric Car Charging Strategy – to include details, number and locations of rapid electric vehicle charging points – to include charging points at the community centre, within all garages serving residential dwellings; and elsewhere across the site.
- **Public Open Space** (on-site) - Public Open Space to be provided, including an equipped play area. Areas of public open space; equipped play and allotments to be managed by a Development Management Company;
- **Provision of Compensatory Storage within land owned by the applicant and Phasing of Landfill Site Remediation linked to the delivery of the Housing Development**
- **River Stour Improvements** – Completion of agreed package of works to the river including the removal of upper weir and replacement with rock weir riffle and post completion the new channel / structures to be managed by a Management Company. Programme of monitoring of river levels pre and post construction. In the event that the EA do not grant permission for the proposed Fish Pass the applicant will make a financial contribution of £40,000 towards works to improve the ecological value of the River Stour.

- **All financial contributions to be index linked**

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 6 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use their delegated authority to refuse the application.

APPROVED PLANS

Location Plan

Plan Ref: 13064(OS)001

Version: F

1 Details of the:-

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

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

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

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

Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 122 dwellings, a community centre (Use Class D1 and B1), the demolition of existing buildings, associated works to remediate the land on the application site, flood attenuation measures, reinstatement of the River Stour to include the removal of the sluice gate and the creation of a series of rock riffle weirs and associated infrastructure improvements, landscaping and provision of public open space.

Reason

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

- 3 Prior to first occupation of the development the access (as shown on drawing DJ821/001) shall be provided, with a clear to ground visibility splay with dimensions of 2.4 metres by 65 metres to the west and 2.4 metres by 120 metres to the east, as measured from and along the nearside edge of the carriageway. The visibility splay shall be retained free of any obstruction at all times.

Reason

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

- 4 Prior to commencement a Construction Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This document should state how construction traffic will be managed including (but not exclusively) the management and provision of the following items:
 - i) suitable access arrangements to the application site in connection with the construction of the development and management measures to ensure that the approved arrangements are adhered to,
 - ii) wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas and details for their use.,
 - iii) turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.
 - iv) Routing and timing of construction traffic, which should be discussed in advance with the Highway Authorities to minimise impact on the local community
 - v) the site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of demolition, remediation and construction on the site.

Reason

In the interests of highway safety, to ensure that vehicles can enter and leave the highway in a safe and controlled manner and to avoid the displacement of loose material in the highway.

- 5 The first Reserved Matters application for approval of Layout shall include details of a bus waiting area and facilities within the application site. The waiting area shall include seating, shelter and bus information. Details shall be submitted to and approved in writing by the Local Planning Authority. The approved bus waiting area and facilities shall be installed and available for use prior to the commencement of the public transport / community bus service and shall be retained for the period of the service operation.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 6
- a) No development or demolition of any kind shall take place until the applicant has secured the implementation of a programme of recording of industrial heritage in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the local planning authority.
 - b) No development or preliminary groundworks shall commence until a programme of archaeological fieldwork and palaeoenvironmental recording has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - c) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following completion of the programme of archaeological fieldwork and prior to any reserved matters submission.
 - d) No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved by the local planning authority.
 - e) The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within 6 months of the completion of fieldwork. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological works is required prior to the commencement of development to ensure that any archaeological interest on the site is recorded before construction works start.

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

- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the demolition, remediation and construction phase, including details of any piling operations;
- How access for the Environment Agency Operations Delivery team can be provided to the watercourses on the route throughout the construction phases;
- How waste arisings will be minimised through the multiple construction phases through planning ahead and consideration of how the materials can be used efficiently;
- Site Security;
- Fuel oil storage, bunding, delivery and use. Any fuels being stored on site during construction must be bunded and kept at least 10 metres away from any watercourse
- How both minor and major spillage will be dealt with;
- Containment of silt/soil contaminated run off;
- Disposal of contaminated drainage, including water pumped from excavations;
- Site induction for workforce highlighting pollution prevention and awareness;
- details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To prevent pollution of the water environment, minimise nuisance or disturbance caused by pollution and ensure access for the Environment Agency.

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

Reason

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

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

Reason

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

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

Reason

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

- 11 Prior to submission of the first application for Reserved Matters pursuant to this planning permission an updated survey of the application site will have been carried out by a suitably qualified and experienced ecologist to investigate the potential presence on the application site of otters, water voles, bats, breeding birds and Great Crested Newts.

Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval as part of the first application for Reserved Matters pursuant to this planning permission.

Reason

To allow adequate consideration of protected species which might be present on the site, or adjacent to it, when assessing detailed proposals for the development and to allow potential impacts resulting from development to be taken into account and mitigated.

This condition is necessary to protect protected species and their habitat within and adjacent to the development site. Without it, avoidable damage could be caused. Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

- 12 Prior to submission of the first application for Reserved Matters pursuant to this planning permission an Ecological Mitigation Strategy (EMS), based on updated protected species survey information, and which sets out the mitigation measures which will be provided to avoid and mitigate impacts to habitats and protected species and opportunities for habitat enhancement.

Reason

To allow adequate consideration of protected species which might be present on the site, or adjacent to it, when assessing detailed proposals for the development and to allow potential impacts resulting from development to be taken into account and mitigated.

- 13 Prior to the commencement of development (including any demolition, ground works and site clearance) a construction environmental management plan (CEMP: Biodiversity) has been submitted and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction / demolition / remediation activities.
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction and which shall include details of the in-river works and which must demonstrate no adverse effects on Glemsford Pits SSSI (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction / demolition / remediation works when specialist ecologists need to be present 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
- i) The CEMP shall demonstrate that it has been drawn up in accordance with and refer to the approved Ecological Mitigation Strategy.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by this local planning authority.

Reason

To allow adequate consideration of protected species which might be present on the site, or adjacent to it, when assessing detailed proposals for the development and to allow potential impacts resulting from development to be taken into account and mitigated.

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

The LEMP shall also include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the

developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason

To allow adequate consideration of protected species which might be present on the site, or adjacent to it, when assessing detailed proposals for the development and to allow potential impacts resulting from development to be taken into account and mitigated.

- 15 Details of any proposed external lighting to the site for each phase of the development shall be submitted to, and approved in writing by, the local planning authority as part of any Reserved Matters application. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). For the avoidance of doubt the strategy shall also:

- a) identify those areas/features on site that are particularly sensitive for otters and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All lighting shall be installed, maintained and operated in accordance with the approved details.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development. To minimise disturbance to bats caused by light pollution in line with relevant wildlife legislation.

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

Reason

To ensure nesting birds are not disturbed during the development.

- 17 No development or any site clearance shall take place until a method statement for removing or the long-term management / control of any Giant hogweed, Himalayan balsam and Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of these species during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason

This condition is necessary to prevent the spread of the named invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 18 As part of the submission of the first reserved matters application as detailed within Condition 1, an Arboricultural Method Statement (AMS) shall be submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (to include frequency of visits; and key works which will need to be monitored) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

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

The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedge. These details are required prior to the determination of the application to ensure that the development does not prejudice the long term retention of trees of value. These details are also required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

- 19 Any Reserved Matters application relating to landscaping as required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works for each phase of the development. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs 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 phases to be agreed as part of that scheme by the local planning authority.

Prior to the occupation of each dwelling, the hardstanding associated with that dwelling shall be fully laid out.

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.

Any Reserved Matters application relating to landscaping shall be accompanied by cross section drawings showing the relative heights of the proposed dwellings in association with landscape features.

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.

- 20 No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access) unless otherwise agreed, until the following components to deal with the risks associated with contamination of the site are submitted to, prior to each phase of development, and approved by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses

potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

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

To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, nearby groundwater abstraction, Source Protection Zone 3, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

- 21 No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as

approved.

Reason

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

To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, nearby groundwater abstraction, Source Protection Zone 3, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

- 22 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be 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. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, nearby groundwater abstraction,

Source Protection Zone 3, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

- 23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

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

To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, nearby groundwater abstraction, Source Protection Zone 3, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

- 24 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.

- 25 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Millard Consulting, referenced 12760/AB/237 Rev C and dated February 2017 and as set out within the FRA the raising of ground levels across the site to 33.14mAOD at the upper end and 32.35m at the lower. Ground levels should be raised in accordance with the submitted FRA and on completion of the works to increase levels a set of drawings at an appropriate scale and a detailed 'as built' survey. The plans and survey information shall be submitted to the Local Planning Authority prior to the occupation of the last dwelling approved by the Council.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure that our flood maps are up to date following the ground level changes.

To ensure that flood risk to the site and surround land is not increased as a result of the required land raising.

- 26 Any Reserved Matters application relating to scale or layout shall be accompanied by a Flood Risk Assessment which shall include full details of the finished levels, above ordnance datum, of the ground floor(s) of all the proposed building(s), in relation to existing ground levels and details of flood resilient or adaptive design of buildings.

The levels details shall include site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason

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

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

Reason

To prevent the increased risk of flooding and/or pollution of the water environment.

- 28 No works shall take place 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 should include but not be limited to:

- Limiting discharge rates to Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change, if it is demonstrated that this is unviable at least 50% betterment of Brownfield rates may be proposed.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

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

Reason

The National Planning Policy Framework state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk

and pollution hazard from the site.

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

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

- 30 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 31 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.

- 32 No development shall commence until a foul water strategy has been submitted 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 ensure a satisfactory method of foul drainage.

- 33 Any Reserved Matters application should include a detailed Water Framework Directive compliance assessment to demonstrate the level of risk posed by the development and the mitigation proposed to address these risks and ensure 'no deterioration' in waterbody status. The assessment should identify the impacts to the biological and hydromorphological quality elements at risk of deterioration and demonstrate that the proposals will not prevent the Anglian River Basin Management Plan (RBMP) objectives being achieved. The detailed WFD assessment should relate to the latest WFD waterbody data available at the time.

Reason

The Anglian RBMP requires the restoration and enhancement of water bodies to prevent deterioration and to promote recovery. While there are potential enhancements proposed to the River Stour at this location, there is also potential for the proposed development to adversely impact on the ecological status of the River Stour (waterbody GB105036040941) and lead to deterioration which would be contrary to the objectives of the WFD.

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

Reason

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

- 35 Prior to first occupation of the relevant phase of the development, 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 relevant plot.

Reason

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

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other

types of application, will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

3 (i) The Essex County Council Sustainable Travel Team should be contacted at Travel.PlanTeam@essex.gov.uk for advice and approval of the Travel Plan. Travel packs can also be commissioned from this team

(ii) The pedestrian and cycle network, within the site and accesses to the network shown in principle in section of the 4.3 Movement and Connection in the Design and Access statement should be detailed in the reserved access application.

(iii) 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 all public rights of way, including public footpath no 10 (Liston), shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

(iv) 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 SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

(v) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

(vi) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

(vii) 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.

4 Your attention is drawn to the condition of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638) and Suffolk County Council Archaeological Service, Conservation Team.

5 The applicant will need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from the river and from any flood defence structure or culvert of the River Stour, designated a 'main river'. Permits will be needed for the construction of riffle type weir, removal of existing weir structure and the installation of a fish bypass, and any other works within the river. The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption,
- 'Exclusion',
- 'Standard Rules Permit'
- 'Bespoke permit.

Application forms and further information can be found at:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
Anyone carrying out these activities without a permit where one is required, is breaking the law. Please contact our National Customer Contact Centre to assess which category the proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your

application, and how to proceed forward. They can be contacted by email: floodriskactivity@environment-agency.gov.uk

6 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)

7 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) 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'.

8 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.

9 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER



www.landuse.co.uk

Review of the Environmental Statement for Stafford Park, Liston, Essex

Final Review Report

Prepared by LUC in association with Cascade and Clewlow Consulting
September 2017

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1	08/07/16	Draft Review Report for client review	LUC, Cascade and Clewlow Consulting	JR	JG
2	20/07/16	Draft Review Report	LUC, Cascade and Clewlow Consulting	JR	JG
3	22/05/2017	Draft Final Review Report	LUC, Ricardo Energy Environment and Clewlow Consulting	JC	JG
4	13/09/2017	Revised Final Review Report following review of applicant response	LUC	JC	JG

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1 Introduction

- 1.1 Land Use Consultants (LUC) in association with Ricardo Energy and Environment¹, and Clewlow Consulting have been commissioned by Braintree District Council to provide a critical review of the Environmental Statement (ES) for the Stafford Park development. The ES has been prepared to support a planning application by Bonnington Investments Ltd (Application Ref. 15/00656/OUT).
- 1.2 The current proposals are described as follows:
- "Outline planning application (with all matters reserved except for access) for the proposed development of approximately 100 dwellings and the change of use of existing buildings to create approximately 22 apartments and a community centre. Proposals include demolition of the existing buildings, associated works to remediate the land on the application site and on the adjoining licensed landfill site, reinstatement of the River Stour and associated infrastructure improvements, landscaping and provision of public open space".*
- 1.3 The scheme spans two local authority areas (Braintree and Babergh). This review has been prepared for Braintree DC but also considers comments made in the scoping opinions from both local authorities.
- 1.4 This Report sets out the review of the ES. The structure of the report is as follows:
- Section 2 checks for Regulatory Compliance;
 - Section 3 details review findings on the EIA Context and Influence (Scoping, Alternatives and Consultation)²;
 - Section 4 provides commentary on the presentation of the ES and Non-Technical Summary³;
 - Sections 5-13 are topic specific reviews relating to each topic covered in the ES⁴;
 - Section 14 reviews Chapter 15 of the ES (Summary of Effects and Conclusion).
- 1.5 A criteria-based approach, developed by the Institute of Environmental Management and Assessment (IEMA) hereafter referred to as 'the IEMA criteria', was used to undertake the review⁵. The criteria include general criteria looking at the information contained in the ES, including the presentation of the results and the non-technical summary. Issue-specific criteria address:
- the baseline conditions;
 - assessment of impacts; and
 - mitigation measures and management.
- 1.6 The review includes an assessment of the scope of the Environmental Impact Assessment (EIA) in relation to requirements set out in Braintree District's EIA Scoping Opinion dated 31 October 2014 and Babergh District's Scoping Opinion dated 4 November 2014, hereafter referred to as 'the EIA scoping opinions'.
- 1.7 Each section of this report provides a list of clarifications required from the applicant and a summary of any potential Regulation 22⁶ information requests to be made to the applicant, as appropriate.

¹ Previously Cascade Consulting.

² IEMA EIA Quality Mark - ES Review Criteria, COM4: Context and Influence.

³ IEMA EIA Quality Mark - ES Review Criteria, COM6: EIA Presentation.

⁴ IEMA EIA Quality Mark - ES Review Criteria, COM5: EIA Content.

⁵ This review is based on the IEMA criteria which were updated as part of the new IEMA 'Quality Mark' launched in April 2011.

⁶ Under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

- 1.8 Once the applicant has received the clarifications and potential Regulation 22 requests from Braintree District Council they are invited to submit further information to address the points raised.

Revised ES April 2017

- 1.9 The applicant submitted a revised ES to Braintree District Council at the end of April 2017. The revised ES seeks to address the points raised in the original review and this information was reviewed by LUC, Ricardo Energy and Environment, and Clewlow Consulting in May 2017. Conclusions were drawn as to whether the additional information is satisfactory and these conclusions are included in Section 15 of this report. This document is the Final Review Report (FRR).
- 1.10 No changes have been made to the scheme since the original ES was prepared. However, in addition to considering the changes made to the ES to address the comments made in the initial review, the FRR has also been updated to include a section within each chapter which provides commentary on the revised chapters and identifies any new clarifications or Regulation 22 requests which have arisen following the updates made by the applicant.
- 1.11 It should be noted that prior to submission of the revised ES, further information regarding the Ecology and Nature Conservation assessment was provided by the applicant and reviewed by LUC. As such, Chapter 7 of this report has been updated to reflect this, and conclusions drawn as to the acceptability of the approach taken to address the concerns that were raised. This information is therefore included in Chapter 7 and Chapter 15 of this report.

Applicant Response to Review of Revised ES April 2017

- 1.12 The Applicant provided a response to the review of the April 2017 revised ES in a letter dated 31st August 2017. The review of this information is detailed in Chapter 15 of this report.

2 Regulatory Compliance

- 2.1 This section checks for the presence or absence of each item below, to assess the Regulatory Compliance of the ES⁷. Further detail is provided in the following sections in relation to the way each aspect of the EIA has been undertaken and is presented in the ES.

Criteria		Y/N
A	Does the ES contain a clear section, or sections, providing a description of the development comprising information on the site, design and size of the development during construction and operation?	Yes (ES Chapter 2 & Chapter 3)
B	Does the ES contain a section, or sections, that outline the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects?	Yes (ES Chapter 3)
C	Does the ES contain a clear section, or sections, that provides the data required to identify and assess the main effects which the development is likely to have on the environment?	Yes (ES Chapters 5-15)
D	In the light of the development being assessed has the ES identified, described and assessed effects on: <ul style="list-style-type: none"> - Population - Fauna & Flora - Soil - Water - Air - Climatic factors - Landscape - Cultural Heritage - Material Assets - Other 	Yes (ES Chapters 5-15)
E	Does the ES attempt to set out the interaction between the factors set out in COM3 D) above?	Partly (ES Chapters 5-15) see further comment below in Section 3
F	Does the ES contain a section, or sections, that describe the likely significant effects of the proposed development on the environment, including as reasonably required: direct, indirect, secondary,	Yes (ES Chapters 5-15)

⁷ IEMA EIA Quality Mark – ES Review Criteria, COM3: EIA Regulatory Compliance

Criteria		Y/N
	cumulative, short, medium, long-term, permanent and temporary, positive and negative effects?	
G	Does the ES contain a clear section, or sections, that provides a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects?	Yes (ES Chapters 5-15)
H	Has a Non-Technical Summary been produced containing an outline of the information mentioned in COM3 A) to G)?	Yes
I	Does the ES contain a section, or sections, that outline any difficulties encountered by the developer in compiling the information presented in the ES?	Yes (ES Chapters 5-15)

Summary of Clarifications Required from Applicant
None.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
None.

Revised ES April 2017

- 2.2 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

3 EIA Context and Influence (Chapters 1, 2, 3, 4, 5)

Scoping

- 3.1 Chapter 5 describes the screening and scoping exercises and pre-application consultation that has taken place. A scoping opinion was received from Braintree District Council on 31 October 2014 (Technical Appendix 5.1). A separate scoping opinion was received from Babergh District Council on 04 November 2014 (Technical Appendix 5.2). Both scoping opinions are considered in detail in section 5.2 of this ES.
- 3.2 A parameter plan is provided in ES Appendix 3.2 setting out indicative data regarding the building heights and sizes and the areas for development, including an indicative layout. It is therefore considered that the worst-case scenario can be assessed from this information and the reviews of topic assessments that follow will comment on this.
- 3.3 Table 5.1 sets out the issues raised in the scoping process, and provides an explanation as to how the matter has been considered as part of the EIA and details where each issue is addressed within the ES.
- 3.4 No standalone chapter has been provided on cumulative effects and the ES is inconsistent in terms of coverage of cumulatives in the topic chapters. It is acknowledged that in the scoping opinion, Braintree District Council stated for some topics that *"the Local Planning Authority is unaware of any other developments within the surrounding area which should be considered as part of this process for potential cumulative impacts"*. Therefore, on this basis, coverage of cumulatives in the ES, in relation to Braintree District Council area, is adequate. Babergh District Council, however, make no reference to cumulative schemes in their scoping opinion, and as such the applicant is requested to confirm whether there are any relevant schemes within Babergh DC area that would need to be considered for cumulative impacts, and if so a cumulative assessment for all topics should be undertaken.
- 3.5 The scope of the EIA topics assessed is considered acceptable and the applicant has included a chapter on archaeology and cultural heritage as requested in the Braintree District Council scoping opinion.

Alternatives including Iterative Design

- 3.6 The EIA scoping opinion requested consideration of alternative sites and layouts. The alternatives for the development are set out in Chapter 3 of the ES and include do nothing, reuse of existing site buildings and comprehensive redevelopment for employment uses. The applicant states if the site were to be left unused, the buildings and infrastructure would fall into further decay and further contamination of the environment would be likely. The site therefore needs to be redeveloped and remediated with an appropriate use.
- 3.7 The application is submitted in outline and full details of the individual design of buildings and construction methodologies will be submitted at the reserved matters stage.

Description of Development

- 3.8 A description of the proposed development is provided in Chapter 3 of the ES. The proposal includes demolition of existing buildings remediation works, reinstatement of the River Stour and associated infrastructure improvements, landscaping and provision of public open space. A

parameter plan illustrating the proposed uses across the site is included at Technical Appendix 3.2 and an indicative site layout is presented in Technical Appendix 3.1.

- 3.9 A location plan has been provided however and a red line boundary included to illustrate the proposed scheme. However, the ES refers to remediation works on land outside of the red line boundary area, to the north of the River Stour, and in some instances relies on these works for mitigation. It is understood that a separate application for the remediation of the landfill site, has been submitted to Babergh District Council and that there will be a Section 106 agreement linking the remediation of the landfill site with the development of the Stafford Park site. It is unusual for an EIA to be undertaken for a scheme where not all of the proposed development and/or mitigation is within the red line boundary. This initially raises concerns about the deliverability/ability to secure mitigation which is located off site, and therefore the reliability of the impacts assessed in the ES. In this instance, as both local authorities are aware of the S106 agreement, no clarifications or potential Regulation 22 requests are being raised, however it is vital that this S106 agreement is in place to secure the relevant mitigation upon which the EIA relies. The agreement must secure all the mitigation proposed such that the assessment of impacts is robust.

Phasing

- 3.10 The ES has not included a phasing programme. Even at outline, it is considered that an indicative phasing programme should be prepared so that an assessment of the worst-case phasing programme can be undertaken. This will enable Braintree District Council and Babergh District Council to understand the proposed development's impacts on sensitive receptors located within the built out early phases.

Consultation

- 3.11 The consultation process is set out in Chapter 1 of the ES which confirms that consultation has been carried out with statutory consultees, local bodies and the public.
- 3.12 Table 5.1 provides a list of the issues raised by consultees during the scoping process and where each of these comments is addressed within the ES.
- 3.13 A Statement of Community Involvement has been submitted with the application which summarises all pre-application consultation.

Summary of Clarifications Required from Applicant

None.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

Check for cumulative schemes within Babergh District Council area and if any relevant schemes (proposed or committed) are present a cumulative assessment should be undertaken for all topics.

Provide an indicative phasing programme and an assessment of impacts from the construction of phases on operational phases for all topic areas. This will enable Braintree District Council and Babergh District Council to understand the proposed development's impacts on sensitive receptors located within the built out early phases. If it is considered that the phasing assessment can be scoped out of certain chapters, justification should be provided.

Revised ES April 2017

- 3.14 ES chapters 2 and 3 have not been updated. This has resulted in some of the points raised in the initial review having been failed to be addressed. This is detailed further in **Table 15.1**.

4 EIA Presentation

Overall Presentation (ES Quality)

- 4.1 The ES is generally well laid out and presented. Chapter 1 of the ES provides an overview of the structure and contents of the document which makes it easy to navigate. Additional information including some drawings and maps are provided in many of the technical appendices accompanying the ES. It is noted that a glossary and list of abbreviations has not been provided.
- 4.2 The length of the main body of the ES is appropriate for the type and scale of the development and the sensitivity of the receiving environment. Presentation of the ES is acceptable, subject to any points noted in the reviews of individual topic chapters.

Non-Technical Summary

- 4.3 The NTS is provided as a stand-alone document. The language used is non-technical. It is of a reasonable length and provides an overview of the scope ES, describing both the Site and its surroundings.
- 4.4 There is a lack of tables, figures and plans within the NTS. The NTS should include a location plan to enable it to be read as a standalone document. Otherwise, presentation of the NTS is acceptable, subject to any points noted in the reviews of individual topic chapters.

Summary of Clarifications Required from Applicant

Provide an indicative timescale of specific activities over the two year construction period.
Update the NTS to include a location plan.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

None.

Revised ES April 2017

- 4.5 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

5 Review of Chapter 6: Archaeology and Cultural Heritage

Scope of EIA

- 5.1 The scope of the EIA as presented in the ES, and supported by the report of the desk-based assessment, is considered to be appropriate. It is noted that archaeology and cultural heritage were not included in the proposed scope of assessment as specified in the applicant's Scoping Report, but has been added at the request of both Braintree and Babergh District Councils.

Baseline

- 5.2 The sources of baseline information consulted in producing the assessment are considered to be appropriate, taking in as it does national and regional and local sources and documentary evidence.
- 5.3 There is no reference to aerial photography having been consulted directly, although this is unlikely to have added substantial value to the assessment of impacts on the assets directly affected by the proposed development. However, given that a number of cropmark sites have been recognised in the vicinity, further examination of this resource may have been advisable – particularly given the concentration of early prehistoric remains within the study area. While these remains exist only as features in the subsoil, they still have a setting or relationships with features in the wider landscape. Suffolk and Essex County Councils highlighted the importance of the cropmark record in their scoping responses. (A limited number of aerial photographs of the site itself appear to have been consulted in assessing extant buildings.)

Assessment

Methodology

- 5.4 As the applicant notes, there is no single accepted methodology for assessing impacts on cultural heritage. The applicant's chosen methodology draws on an appropriate range of sources and guidance in shaping the assessment approach. While this in no way affects the outcome of the assessment itself, it is considered that all Conservation Areas should be considered to be of 'high' importance, in recognition of their status as statutorily-designated assets. Where differences in integrity, character and associations can be identified, this should be used to moderate judgements of sensitivity to development rather than the assets' importance.
- 5.5 The desk based assessment in Appendix 6.1 refers to 2012 guidance by the Chartered Institute for Archaeologists. The applicant is referred to the fact that this was updated in 2014⁸ but the use of the 2012 version is not an issue for the assessment.

Impacts

- 5.6 The applicant, in line with the County Councils' scoping responses, notes the potential for waterlogged deposits of archaeological interest on site that could be adversely affected by the proposed removal of historical water management infrastructure. While it is possible, as the applicant states, that much of this material relates to the industrial use of the site no evidence is

⁸ Chartered Institute for Archaeologists (2014) Standard and guidance for historic environment desk-based assessment, Reading: CIfA

provided to support this assertion. The judgements on the likely heritage significance and the impacts of the proposed change are therefore conjectural.

- 5.7 Precisely because of the uncertainties relating to the extent of waterlogging and the depth, nature, origins and state of preservation of waterlogged material noted by the applicant, additional, proportionate, palaeoenvironmental investigation is warranted to characterise this resource, understand its likely significance and inform any further necessary mitigation measures.
- 5.8 It is accepted that the extant building complex on site is generally of low heritage value and significance, combining to produce an asset of local interest. The impacts of demolition have been properly assessed and are reasonable; impacts of conversion on retained structures will be assessed in detail at reserved matters stage.

Secondary, Cumulative, and Combined Impacts

- 5.9 The ES does not provide an assessment of cumulative effects. However as per the comment at paragraph 3.4 of this ES, this is considered acceptable for Braintree DC area, but not Babergh DC area (see associated potential Regulation 22 request made in section 3 above).

Mitigation and Management

- 5.10 No archaeological mitigation is proposed, based on the view that the former and present use of the site will have either truncated or completely removed any potential remains within the footprint of the Stafford Works. While this is most likely correct, a watching brief should be maintained during ground-breaking operations to identify and record any in-situ remains.
- 5.11 It is considered necessary for a programme of proportionate palaeoenvironmental investigation to be required by condition to characterise: the extent of waterlogged deposits on site, their depth, likely origins and heritage significance. This information should then be used to assess the likely impacts on this significance of changes in the local hydrological regime. While the overall impact is likely to be of low significance, there is currently no evidence to support the applicant's hypothesis. This exercise could usefully be incorporated within the necessary programme of detailed assessment proposed for reserved matters stage.
- 5.12 The level 2 survey proposed for the extant buildings and water management infrastructure is considered to be appropriate mitigation, providing a record of the locally-important asset that can contribute to interpretation of the site within the new development (as proposed by the applicant). It is noted that detailed physical changes to retained buildings and the impacts on the setting of designated assets in the vicinity will be assessed as part of reserved matters. This is the only practical approach available and is therefore acceptable. It is also noted that the ES recommends a design approach that retains the relationships between retained industrial buildings; it is agreed that, if implemented, this should help to conserve the significance of the retained assets while providing a sustainable future. For completeness, it would be preferable if this further assessment at reserved matters stage be included as 'additional mitigation' in Table 6.5.
- 5.13 It would be preferable for post-consent palaeoenvironmental investigations and a watching brief on ground-breaking operations to be included in Table 6.5, but in any case, these should be secured by condition.

Non-Technical Summary

- 5.14 The NTS represents an effective summary of the assessment process and outcomes.

Summary of Clarifications Required from Applicant

Clarification as to whether aerial photography of the wider study area was consulted to confirm whether any relationships between early prehistoric cropmark features can be discerned.

Including proposed detailed assessment of impacts on built features as 'additional mitigation' in Table 6.5.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

n/a

Potential Planning Conditions

Negative suspensive condition requiring the submission of a Written Scheme of Investigation, to be approved in advance by the planning authority. This should detail a programme of palaeoenvironmental investigation to characterise the extent of waterlogging, the nature and likely origins of in situ deposits, their heritage significance and an assessment of likely impacts arising from changes to the local hydrological regime.

A watching brief to be maintained during ground-breaking operations.

Detailed assessment of impacts on heritage assets, based on final design solutions.

Revised ES April 2017

- 5.15 No additional information has been included with respect to the requests for clarification made above. However, as these do not have a fundamental effect on the outcomes of the assessment, this is acceptable – given the recommendation for archaeological conditions and, in the case of on-site historic buildings, the Applicant's commitment (at 6.7.3) to undertake a Level 2 survey of the extant industrial features (inclusion in the relevant table makes this no less of a commitment).
- 5.16 In terms of the potential for waterlogged remains within the site, likely to be affected by development, it is noted that "...*similar, and likely less disturbed deposits*" will be retained elsewhere. However, without an appropriate understanding of the deposits within the development area either outside the previously-developed area or where excavation is likely to extend beneath the level of existing structures (i.e. those experiencing effects) it is not possible to determine with any certainty their significance or the severity of impacts. The requirement for palaeoenvironmental monitoring of geotechnical investigations remains, and should be secured by condition.
- 5.17 Clarification of approach to cumulative effects is welcomed.

6 Review of Chapter 7: Landscape and Visual Impact

Scope of EIA

- 6.1 The Applicant issued a scoping report dated 26th September 2014. Comments on the scope were provided by Braintree District Council and Babergh District Council.
- 6.2 Braintree District Council noted that the application site is located in the undeveloped river valley of the Stour Valley Project Area which operates alongside the adjoining Dedham Vale AONB and the sensitivity of this designated landscape should be considered. The LCA identifies the special qualities of the receiving landscape and its high sensitivity to change.
- 6.3 The assessment of the proposed development incorporates both the proposed works within the site and the adjacent licenced landfill site, which lies to the north of the site.
- 6.4 Viewpoints were agreed in consultation with Braintree and Babergh District Council and the Dedham Vale AONB and Stour Valley Project Unit.

Methodology

- 6.5 The methodology for the LVIA is provided in Technical Appendix 7.1 Methodology and uses an approach based on the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA 3).
- 6.6 Table 7.1a; Table of Significance defines the categories that are used to determine the significance of effect. Those with a green tone are identified as being 'significant'. We would normally expect that 'High' Sensitivity combined with 'Medium' magnitude should result in a Major/Moderate effect and should therefore be categorised as significant.

Policy Context

- 6.7 The Dedham Vale AONB and Stour Valley Management Plan was not developed at the time the LVIA was written in 2014 but has now been published and would therefore constitute a material consideration for the planning decision.

Baseline

- 6.8 The baseline is set out as landscape receptors, and visual receptors and the baseline for each viewpoint is assessed.

Landscape character baseline

- 6.9 The landscape character baseline is included within Chapter 7 of the ES. The Applicant has identified the landscape character areas and types in the 2km study area. A judgement on the sensitivity of the landscape based on the relevant key characteristics, condition and sensitivity and guidelines for each LCA/LCT are listed in Table 7.2.
- 6.10 It is not clearly set out within the text of the LVIA how judgements have been reached on landscape value and susceptibility. For example the site sits within both Suffolk LCT 26 Valley Meadowlands⁹ and within Braintree LCA2A Stour River Valley¹⁰. LCT 26 is given a value of 'medium' in the LVIA and LCA2A a 'high' value. In the methodology Table 1 (page 7) the value

⁹ Suffolk Landscape Character Assessment (2008) Suffolk County Council

¹⁰ Braintree Landscape Character Assessment (2006) Braintree District Council

assigned to landscape receptors are quantified and a 'high' value described as areas with local designations and that are identified as an area of high sensitivity. The Suffolk LCA states that the enclosed valley floor landscapes can be profoundly affected by change and that development can easily have an adverse effect on the setting of this landscape. The value of LCT 26 is increased further by its position within the Stour Valley Project Area which is included within the management plan for the Dedham Vale AONB. The Applicant has given LCA2A a high value and overall high sensitivity to change, which is in line The Braintree Landscape Character Assessment. It is not clear why different judgements on overall sensitivity are made for LCT 26 and LCA2A, a landscape character type and area that both describe the river valley.

- 6.11 It would be useful if the Applicant provided a specific assessment of the site itself and its immediate setting. This would provide an opportunity to record the specific characteristics/elements which are most important in contributing to the landscape character of this more limited area. The assessment should analyse to what extent the site and its immediate surrounding conform to or are different from the wider Landscape Character Assessments that exist and to pick up other characteristics that may be important in considering the effect of the proposal.
- 6.12 An assessment of the value of the site and its surroundings in terms of the relationship between the site and the Special Landscape Area designation and the Stour Valley Project Area would also be helpful.

Visual baseline

- 6.13 The visual baseline is represented through a series of 12 viewpoints, of which 3 are chosen to demonstrate restricted visibility from sensitive receptor locations. The photographs indicate the location and extent of the proposed development site (red line application boundary) and its potential visibility (shown by solid, dashed or dotted lines) which is helpful.
- 6.14 Baseline views are presented both visually (through photographs) and descriptively which is helpful. Each view is given a sensitivity rating in relation to its value and susceptibility to the development.
- 6.15 Ideally visual effect should be assessed in winter in order to take account of seasonal variation and show the worst case scenario. The applicant has made the assessment in October, when the majority of trees are still in full leaf which can screen the potential impact of the development.

Assessment

- 6.16 Technical Appendix 7.1 Methodology includes a section which sets out how judgements about the sensitivity of the receptor and magnitude of change are combined to determine the significance of the effect for both landscape and visual receptors (Table 7 and Table 14).

Landscape assessment

- 6.17 Effects are assessed at Year 1 (Construction) and Year 15 (Operational Phase) which is acceptable. However, the effects in Year 15 are assessed in summer, in contrast to the Construction effects which are assessed in winter. Consideration should be given to the seasonal differences in effects arising from the varying degree of screening and/or filtering of views by vegetation that will apply in summer and winter. It would be preferable if the assessments should be provided consistently in the winter season with the least leaf cover and therefore minimum screening and maximum visibility.
- 6.18 The assessment concludes that 'the effects on landscape during the Construction Phase would be similar to those changes experienced during the Operational Phase' (para 7.5.7 page 39) and effects for each LCA/LCT assessed are shown to be the same in Year 1 and Year 15. If this is the case, then it is fair to assume that the proposed mitigation planting is not providing overall enhancement to landscape character and so has no additional beneficial impact.
- 6.19 By assessing the impact of the development on the entirety of each LCA and LCT in the study area, and stating that development is restricted to a small extent of the LCA/LCT, the Applicant underplays the significance of effect of the development on the landscape character of the site

itself and its immediate setting. It would be helpful if the assessment could identify interactions between key characteristics, aesthetic or perceptual aspects that contribute to the distinctiveness of the site itself and the different components of the development.

- 6.20 The impact of the development on the landscape in terms of the Stour Valley Project Area is assessed as Moderate and beneficial and the Applicant states that the proposed development would 'provide improvement to the existing situation' due to the proposed enhancements to the setting, the river and the public amenity of the area which 'would not be possible in the absence of this proposed development'. It would be helpful to understand the effects of the proposed development on the local characteristics of the distinctive working landscape of the Stour Valley Project Area as they are described in the Statement of Significance in the Management Plan¹¹ and how the mitigation measures proposed prevent, avoid, reduce or remedy any adverse landscape effects.
- 6.21 It would be helpful if an additional plan was produced that indicated landscape elements to be removed/alterd as part of the development.
- 6.22 The assessment links the proposed residential development with remediation works outside the red line boundary area, to the north of the River Stour, on the existing mineral extraction site and relies on these works for mitigation. 'Whilst built development would remain within this part of the Stour Valley Project Area, the proposed improvements and enhancements would not be possible in the absence of this proposed development'. It is unusual for an EIA to be undertaken for a scheme where not all of the proposed development and/or mitigation is within the red line boundary. This raises concerns about the ability to secure mitigation which is located off site, and therefore the reliability of the impacts assessed in the ES. Please refer to Section 3 para 3.9 above for a full discussion of this issue.

Visual assessment

- 6.23 The Applicant concludes that there would be no significant effects experienced on views due to the filtering by strong bands of vegetation associated with the River Stour and the reduction of scale and massing of built development.
- 6.24 Building heights are detailed in the Parameter Plan in Appendix 3.2 with the distribution of 2 and 3 storey residential development. No building heights are referenced in the assessment and it would be helpful to clarify whether the Applicant has assessed the worst case scenario.
- 6.25 It would be helpful if visualisation could be provided to support the assessment using the maximum parameter heights and footprint extents of the proposed development in order to illustrate the effect of the proposed development on visual receptors in comparison with the existing large industrial buildings on the site. The visualisations should include simple block models or wirelines of the development, plus blocks of planting where this performs an important screening function, for those viewpoints where the greatest impact is anticipated, such as Viewpoints 1, 8 and 10 and 11.

Secondary, Cumulative, and Combined Impacts

- 6.26 The ES does not provide an assessment of cumulative effects. However as per the comment at paragraph 3.4 of this ES review this is considered acceptable for Braintree DC area, but not Babergh DC area (see associated potential Regulation 22 request made in section 3 above).

Mitigation and Management

- 6.27 The Applicant states that key areas and outline strategies have been identified in order to provide a framework to best integrate the proposed development into the existing landscape. However, the landscape proposals at this stage are largely indicative and the success of the primary mitigation is dependent on the interpretation of the design principles through the detailed design

¹¹ Dedham Vale and Stour Valley Management Plan 2010-2015 page 9 para 1.6.2.

stage. It would be helpful if a figure could be provided outlining the key features to be retained and removed and details of the proposed mitigation.

Non-Technical Summary

- 6.28 The NTS provides an adequate summary of the assessment.

Summary of Clarifications Required from Applicant

Clarify the categorisation used to determine significance of effect in Table 7.1a

Clarify how different judgements have been reached on landscape value and susceptibility for LCT 26 Valley Meadowlands and Braintree LCA2A Stour River Valley.

Provide an assessment of the value of the site and its surroundings in terms of the relationship between the site and the Stour Valley Project Area particularly in relation to the Dedham Vale AONB and Stour Valley Management Plan.

Effects at Operational Phase (Year 15) are assessed in summer, in contrast to the Construction effects (Year 1) which are assessed in winter. Visual effect should be assessed in winter in order to take account of seasonal variation and show the worst case scenario.

Explain how the proposed mitigation planting provides enhancement to the landscape character.

Clarify whether the Applicant has assessed the worst case scenario in terms of proposed building heights.

Indicate landscape elements to be removed/altered as part of the development.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

Provide a specific assessment of the site baseline and its immediate setting in order to record the specific characteristics aesthetic or perceptual elements which are most important in contributing to the landscape character. Identify interactions between these characteristics, aesthetic or perceptual aspects and the different components of the development.

Explain the effects of the proposed development on the local characteristics of the distinctive working landscape of the Stour Valley Project Area as they are described in the Statement of Significance in the Dedham Vale and Stour Valley Management Plan and how the mitigation measures proposed prevent or reduce any adverse landscape effects.

Provide visualisation to support the assessment using the maximum parameter heights and footprint extents of the proposed development in order to illustrate the effect of the proposed development on visual receptors in comparison with the existing large industrial buildings on the site for key viewpoints, such as Viewpoint 1, 8, 10 and 11.

Potential Planning Conditions

None.

Revised ES April 2017

- 6.29 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

7 Review of Chapter 8: Ecology and Nature Conservation

Scope of EIA

- 7.1 Further work has been undertaken by Nigel Rudd Ecology. This has been reviewed and the relevant chapter of the DRR updated accordingly.
- 7.2 While the scope of the ES was generally considered adequate, the ES did not mention nesting birds, water vole or reptiles.
- 7.3 It was raised that there are a number of suitable habitats for nesting birds within the site including woodland to the south-east, and trees and shrubs throughout the site. Similarly reptiles had not been included within the scope of the ES despite potentially suitable habitat being present within the site. It was requested that an assessment of nesting birds, water vole and reptiles be provided.
- 7.4 Since the initial review, nesting birds, reptiles and water vole have been included within the scope. Although, outstanding issues were raised in respect of the assessment of nesting birds (see below).

Baseline

- 7.5 Baseline surveys including a Phase 1 Habitat Survey and assessment of the site's potential to support protected species had been provided. However there was no confirmation that surveys were carried out at appropriate times of year, and in line with best practice guidance, and therefore clarification of the survey timings was requested. Confirmation has since been provided and was considered adequate.
- 7.6 The baseline surveys did not include an assessment of the site's potential to support nesting birds or reptiles. An assessment for reptiles has since been provided but an absence of adequate baseline in respect of nesting birds remained. This primarily related to a lack of bird survey data, and in the absence of such, a prediction of the bird assemblage likely to be present based on professional judgement and interpretation of the habitats present. Recommendations were made in respect of further requirements at the reserved matters stage.

Assessment

- 7.7 The Applicant was requested to confirm that the assessment was carried out in accordance with best practice guidance as this was not originally referred to within the ES. It was noted that the assessment follows a matrix approach which is not advocated by best practice guidance in the Ecological Impact Assessment (CIEEM 2016)¹².
- 7.8 The ES did not provide a valuation for the site in relation to bats, badgers, otter or amphibians. Valuations have since been provided for bats and otter and deemed acceptable. For badger, water vole, great crested newts and reptiles no valuation was provided as they were not considered sensitive receptors in light of the level of impact predicted. Following provision of additional information, this was accepted as appropriate.
- 7.9 In general the assessment wording was confusing and did not closely align with the method specified. Mitigation appeared to have been confused with construction and operational impacts.

¹² CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland, Terrestrial, freshwater and coastal: Second Edition

For example, paragraphs 8.5.4 and 8.5.5 discussed potential effects on the River Stour, including the creation of a fish bypass. However, this was considered to be mitigation and it was recommended that it be included as such. Potential construction effects such as contamination of the river had not been discussed and these were requested.

- 7.10 The applicant was requested to confirm that habitats within the site were fully considered for their value, and potential effects assessed as such. For example all habitats within the site had been assessed as being of “negligible” value and therefore loss of habitats was considered negligible (paragraph 8.5.2). However habitats such as marshy grassland within the site, although species poor, would be expected to provide some ecological benefit. Likewise the area of woodland within the south-eastern part of the site would be expected to be of some ecological value. Further justification of habitat valuations was therefore requested. It was requested that any changes to valuations be fed into the subsequent the assessment and updated accordingly.
- 7.11 Paragraphs 8.5.18 and 8.5.19 discussed the potential impact of altered water levels on designated sites. However there was no consideration of construction impacts such as contamination, as identified within the scoping opinion. This assessment was requested.
- 7.12 No assessment of effects was been provided for birds or reptiles. This has since been provided in relation to reptiles but concerns remained regarding the assessment of birds.
- 7.13 The assessment of operational effects appeared to relate entirely to the implementation of mitigation measures which were not clearly documented elsewhere in the ES. Residual impacts as a result of implementing mitigation have been confused with pre-mitigation operational effects such as increases in recreational pressure, noise and lighting disturbance and mortality (as discussed within the scoping opinion) and assessment of these was missing from the ES. Therefore an updated assessment of effects relating to the operational phase of the development was requested.

Secondary, Cumulative, and Combined Impacts

- 7.14 The ES did not provide an assessment of cumulative effects. However as per the comment at paragraph 3.4 of this ES this was considered acceptable for Braintree DC area, but not Babergh DC area (see associated potential Regulation 22 request made in section 3 above).

Mitigation and Management

- 7.15 No mitigation or enhancement had been proposed within the ES. Mitigation specifically discussed within the scoping opinions included issues connected with lighting, contamination of water courses, mitigating effects on ecology during construction and remediation and a strategy for treatment of invasive species. Given the outline nature of the application, mitigation proposals based on a “worse-case scenario” would be expected and these should have been provided and incorporated into the assessment.
- 7.16 Mitigation measures and management has since been included within the assessment. Overall the mitigation lacks in quality and does not conform to the approach set out in the CIEEM guidelines. To ensure robustness a number of mitigation measures are recommended and should be provided via reserved matters and/or planning conditions. See below for further detail.

Non-Technical Summary

- 7.17 The NTS accurately summarises the information within the ES.

Summary of Clarifications Required from Applicant¹³

Provide confirmation that surveys were carried out at appropriate times of year, and in accordance with best practice guidance.

Reference was made to best practice guidance within the report. Refer to bibliography in Ecological Assessment for full references.

Confirmation of survey dates has been provided for all protected species and it is acknowledged that species surveys were undertaken at an appropriate time of year. No further information is required.

There was no provision of best practice guidance for badger. The badger survey was however undertaken as part of the Extended Phase 1 Habitat survey in line with best practice guidance. This is considered satisfactory.

Confirm that the assessment was carried out in accordance with CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland, Terrestrial, freshwater and coastal: Second Edition.

Whilst this was not referred to within the report, it was referenced in the Bibliography of the Ecological Assessment. Confirmation was requested that the assessment was carried out in line with this guidance but this was not provided. The review identified that the EcIA approach including valuations of ecological receptors, deviated from CIEEM guidelines. Nevertheless, the information provided is sufficient to enable the Council to make an appropriately informed decision in respect of ecology and outstanding matters can be resolved via reserved matters and planning conditions as set out below.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

Provide valuations for all receptors.

Valuations have been provided for bats and otters which are considered acceptable and accurate.

For nesting birds, the valuation of National importance is questioned. The valuation should be based on the importance of the site in maintaining a population, assemblage or distribution of species at a given geographic scale, not based on legislation. An accurate valuation of the sites importance for birds is required to ensure that the impacts predicted, and mitigation required is also accurate and proportionate. In light of further discussions with the Council, recommendations were made in respect of planning conditions to enable this outstanding issue to be resolved, including completion of breeding bird surveys to inform a Construction Environmental Management Plan (CEMP) and an EMP.

For badger, water vole, great crested newts and reptiles no valuation was provided as they were not considered sensitive receptors to the site. This was accepted following receipt of additional information.

With respect to great crested newts, it is noted that in paragraph 8.6.16 it stated that no evidence of GCN in water bodies was found. This contradicted findings of an eDNA sample undertaken in 2016, which confirmed a positive result in Waterbody 15. Whilst, in light of other survey findings, this result was unlikely to have a bearing on the conclusions reached, it should be confirmed that GCN presence had been recorded by eDNA, albeit at a low/ occasional/ transitional level. As a result, it is recommended that a condition be attached which requires updated eDNA survey of waterbody 15 as detailed below.

Provide an assessment of effects on nesting birds and reptiles.

¹³ It should be noted that, as detailed in Section 1 of this report, following submission of the revised ES, prior to submission of the revised ES further information regarding the Ecology and Nature Conservation assessment was provided by the applicant and reviewed by LUC in the interim. As such, the information in this table is also included in Chapter 15 of this report. The original clarification and Regulation 22 requests are shown in bold.

The assessment provided for reptiles was considered adequate and robust, having been undertaken in accordance with best practice.

The assessment of impacts for nesting birds was considered inadequate. The assessment would be expected to consider the size, diversity, scarcity and fragility of the bird population in informing impacts. For example, the habitats present within the application boundary and adjacent areas were considered suitable for supporting a range of Birds of Conservation Concern and specially protected Schedule 1 species. There was no detailed consideration of the importance of this site for birds within the ES. The assessment would be expected to consider direct effects (habitat loss) and indirect effects (e.g. pet predation, human disturbance) during both the construction and operation phase. In addition, specific measures would be expected to be provided to adequately mitigate any of the impacts identified. In light of further discussions with the Council, recommendations were made in respect of planning conditions to enable this outstanding issue to be resolved, including completion of breeding bird surveys to inform a CEMP and an Ecological Mitigation Strategy (EMS).

Provide further justification of valuations relating to habitats within the site and update assessment of effects accordingly.

Further consideration was given to the habitat valuations and the assessment was adjusted accordingly to reflect the ecological value of each habitat. Although, the habitat values have been updated and additional wording has been provided, there is little justification to support these valuations. Further reasoning was requested to explain how the value of these habitats had been reached. It was requested that this align with the criteria described in Section 2 (see 8.2.18). Explanations regarding the valuations of habitats have since been provided and given that the development is largely restricted to existing areas of hard landscaping, the information provided is considered adequate for informing the Council's decision making process.

In light of outstanding issues, it was recommended that a Landscape and Habitat Management Plan is implemented as part of a planning condition which sets out how the habitats on site will be managed to protect and enhance biodiversity at site in perpetuity.

Update the assessment to include pre-mitigation construction and operational impacts on all receptors and separate discussion of mitigation/residual effects from this assessment.

The assessment has been updated to include pre-mitigation construction and operational impacts. However, the following concerns remained:

Construction Effects

Consideration was given to factors, such as surface water run-off and contamination, which was previously highlighted in the review as needing to be considered. This was considered adequate and no further information was requested.

For bats, there was consideration of how impacts of lighting during the construction phase will affect these species. However, the reasoning provided lacked detail and did not consider the importance of habitat within the site, including the river corridor, which is likely to be of substantial value for bats and whether lighting will impact features with bat roost potential on buildings and trees. A more detailed justification was requested.

It was unclear whether trees with potential to support bats will be affected, either directly or indirectly as a result of the proposal and confirmation was requested. If trees with bat roost potential are likely to be affected, roost surveys would be required to confirm whether bat roosts are present, and to enable impacts and mitigation requirements to be understood.

For birds, the assessment of impacts at the construction stage has been included; however the assessment considered only the loss of bird nests rather than the impact in light of the value of the site for bird population(s). Recognition of the species assemblage present within the site would be expected, including Birds of Conservation Concern, as this is pertinent to informing the impact predicted during construction, and the mitigation required.

The above issues in relation of bats and birds was not clarified and following further discussions with the Council, it was confirmed that these issues could be adequately resolved

through the use of planning conditions to secure post consent surveys, mitigation and management requirements.

Operational Effects

Consideration was given to factors such as increased human activity and contamination.

For bats, consideration was given to how lighting during the operation phase will impact these species. However, the assessment lacked detail in relation to lighting and did not consider the potential impacts to areas of the site that support habitat of high value for bats, such as the river corridor, marshy grassland and trees/buildings with features that may support bats. For example, there was no information relating to the existing lighting conditions at the site. It was requested that information be provided regarding lighting proposals. It was identified that seasonal, temporal and spatial factors relating to lighting will need to be established to understand the level of impact on bat species (and other ecological receptors) and inform sensitive and appropriate scheme design. This issue was not satisfactorily addressed by the applicant but following further discussions with the Council, it was confirmed that this issue could be adequately resolved through the use of planning conditions to secure post consent surveys, lighting strategy, and mitigation and management requirements.

For otters, operational impacts were predicted to be neutral. However, concerns were raised that there may be a significant increase in human/pet disturbance as a result of development, which we considered likely to have a negative effect on otter presence within the site. It was raised that the presence of permanent residential dwellings represents a significantly different land use to the existing/previous industrial usage. Recreational pressure, particularly associated with dog walking, has the potential to alter otter usage of the site. In addition, the potential effect of lighting was not clearly set out and there was a lack of detail regarding the design of lighting proposals. Lighting has the potential to alter the usage of both aquatic and terrestrial habitats within the site. These impacts appeared to have been downplayed in the ES and required further consideration. Where impacts are predicted mitigation measures would be expected to be specified. This issue was not satisfactorily addressed by the applicant but following further discussions with the Council, it was confirmed that this issue could be adequately resolved through the use of planning conditions to secure post consent surveys, lighting strategy, and mitigation and management requirements.

For construction and operational effects, there were also references to mitigation measures, such as fish bypasses, and provision of planting to screen the river from development, which should have been detailed in the mitigation section.

Mitigation Measures/Residual Effects

As requested mitigation measures and residual effects have been separated from construction and operational effects.

Provide an outline of proposed mitigation measures, based on a worst case scenario.

Proposed mitigation measures have been outlined within the ES with a worst case scenario/do nothing option provided separately at the end of the document. However, the mitigation measures provided lacked specific detail and appeared as recommendations rather than firm commitments. Firm proposals in terms of best practice lighting, which as a minimum should be in accordance with the guidance provide by the Bat Conservation Trust would be expected to be provided. Furthermore, detailed information regarding access management, provision of safe refuges for otters, and provision of screen planting should also have been provided. It was discussed with the Council that the use of planning conditions may be appropriate to address these residual concerns, for example, via submission of a protected species mitigation and lighting strategy.

Update the NTS if the assessment changes based on comments made in this review.

The NTS has not been updated.

Potential Planning Conditions

In light of a lack of forthcoming information from the applicant, residual concerns remained as detailed above. Following discussions with the Council, it was agreed that the residual concerns could be adequately addressed through the use of reserved matters and planning conditions. It is recommended that the following planning conditions be attached to any planning consent.

- Preparation of an EMS, based on updated protected species survey information (see below), which sets out the mitigation measures which will be provided to avoid and mitigate impacts to habitats and protected species.
- Preparation of a CEMP which should ensure ecological mitigation as set out in the EMS is accommodated alongside other construction issues. The CEMP should be in accordance with and refer to the EMS.
- Preparation of a Landscape and Habitat Management Plan which sets out how habitats will be managed to maximise ecological benefit, and ensure continued protection of key ecological receptors in perpetuity.
- A detailed lighting strategy which sets out how lighting will be designed to avoid and/or minimise potential lighting impacts. This should give particular consideration to areas of importance for bats and otter, in proximity to watercourses, and it should comply with guidance provided by the Bat Conservation Trust.
- Require the completion of breeding bird surveys as part of reserved matters and/or conditioned and that such information is used to inform mitigation measures.
- Condition to require the undertaking of bat surveys and provision of a Lighting Strategy. This should be undertaken with due consideration for the guidelines provided by the Bat Conservation Trust.
- Updated otter surveys to identify any shelters and to inform the EMS.
- Updated eDNA survey of waterbody 15 to confirm the confirm the 'false positive' reasoning proposed by the applicant. If the eDNA result returns a positive result, additional GCN survey will be required to inform preparation of appropriate mitigation as part of the EMS (see above). As previously raised, the potential presence of GCN is unlikely to have a bearing on the conclusions reached in the ES and the information provided is sufficient to inform the Council's decision, but if GCN are present, even at a low or transitory level, appropriate mitigation will be required during works and therefore certainty, which will be provided by a further eDNA test, is required.

Revised ES April 2017

- 7.18 As noted above, prior to submission of the revised ES, further information regarding the Ecology and Nature Conservation assessment was provided by the applicant and reviewed by LUC. As such, the table above has been updated to reflect this, and conclusions drawn as to the acceptability of the approach taken to address the concerns that were raised. This information is also detailed in Chapter 15 of this report.

8 Review of Chapter 9: Flooding and Hydrology

Scope of EIA

- 8.1 Chapter 9 (and associated appendices) does not cover off all of the requirements of an FRA (i.e. considering fluvial, surface water, groundwater etc) nor all of the requirements for this chapter as set out in both Braintree District Council and Babergh District Council's Scoping Opinions:
- a) No assessment has been provided on potential risks to groundwater from each stage of the development cycle or the development and use of the proposed SuDS.
 - b) No assessment has been provided of the foul water disposal for the site.
 - c) No assessment has been provided of the potential to use the licensed water abstraction rights relating to the site.
 - d) Chapter 9 (and associated appendices) includes a Flood Risk Assessment (FRA) but does not discuss the implications for the Water Framework Directive as requested in both the Scoping Opinions, aside from mentioning that WFD assessment will be required. The remaining scope of flood risk assessment is in line with the Scoping Opinions.
 - e) Chapter 9 (and associated appendices) does not cover the required scope for surface water runoff changes nor does it address the water quality risks associated with the SuDS solution requested in the Scoping Opinions.

Baseline

- 8.2 The fluvial flood risk baseline, relevant fluvial flood risk policies and requirements for FRA are adequately covered in the initial FRA and the subsequent more recent flood risk modelling report and associated appendices.
- 8.3 The surface water and groundwater flood risk elements of the FRA are briefly described but are considered adequate for the purposes of providing a baseline position. However, aside from a brief reference to the SuDS hierarchy, no reference is made to the need to comply with the draft national SuDS standards or Essex County Council's SuDS Design and Adoption Guidance, despite the fact that it is noted that SuDS will be required as part of the development.
- 8.4 No baseline information on foul drainage has been provided.
- 8.5 Although probably an unlikely risk, no reference is made to rule out flood risks arising from uncontrolled reservoir releases; the FRA should confirm that this is not a risk for the site.
- 8.6 Coastal or estuarine flood risk is not ruled out but, given the location of site, this is not a material omission.

Assessment

- 8.7 The fluvial flood risk assessment is very thorough and meets the requirements of a FRA, and explains in detail the proposed in-river and flood risk management measures that will be included as part of the development. There are some uncertainties reported in relation to flood levels associated with the "lade" (relating to the precise roughness co-efficient assumed in the flood model for this watercourse). While such uncertainties are understood and are a common feature of flood modelling, the assessment should describe how these uncertainties are to be addressed in the design of the proposed land level re-profiling work.

- 8.8 However, no Water Framework Directive (WFD) assessment of the impact of the proposed in-river works and control structures (e.g. the new riffle weir) has been carried out (although it is acknowledged that it will be required). A WFD assessment was requested by Braintree District Council and Babergh District Council in their Scoping Opinions. This WFD assessment may conclude the need for modifications to the proposed design of the flood protection and in-river works which in turn may lead to changes in the flood levels reported in the Flood Risk Assessment.
- 8.9 No assessment has been made in the Chapter, associated FRA or flood modelling report (and appendices) of the potential effects on groundwater quality as a consequence of the development nor the effects of the proposed SuDS on groundwater. The only assessment of groundwater is that included in Chapter 10 associated with land remediation for contaminated land.
- 8.10 No assessment has been made of the foul water disposal arrangements for the site.
- 8.11 No assessment has been provided of the potential to use the licensed water abstraction rights relating to the site.
- 8.12 No assessment has been made, and no specific information is presented, as to how the SuDS will be incorporated into the development: the Chapter and flood risk modelling report merely state that the existing "lade" will be retained to provide part of the SuDS solution and SuDS storage for the site. The FRA was prepared too early in the process to comment on the surface water drainage proposals and the required SuDS. No calculations are provided as to the existing, "greenfield" or future surface water runoff and how the runoff will be controlled through a SuDS solution to meet the draft national standards or Essex County Council's SuDS guidance.

Secondary, Cumulative, and Combined Impacts

- 8.13 The fluvial flood risk assessment modelling report considers the downstream effects to flood risk and flood water levels as a consequence of the proposed site development and in-river works, as well as the effects on the adjacent water-dependent Glemsford Pits SSSI.
- 8.14 As discussed above, no assessment (including secondary, cumulative and combined impacts) has been made in respect of foul drainage, surface water runoff or risks to groundwater and groundwater quality (aside from that associated with land remediation in Chapter 10).

Mitigation and Management

- 8.15 Mitigation and management proposals relating to the fluvial flood risk and in-river works are considered appropriate to the risks and effects identified, subject to continuing dialogue with the regulatory bodies, including Natural England in respect of the mitigation proposed for the SSSI. The assessment concludes there would be benefits to the local aquatic environment which appears a reasonable conclusion based on the evidence provided. However, this does need to be formally confirmed through the submission of a Water Framework Directive assessment which has yet to be carried out.
- 8.16 No mitigation or management information is provided in respect of foul drainage, surface water runoff (except that the "lade" will form part of the solution for the site SuDS) and risks to groundwater and groundwater quality. No information is provided with respect to the existing abstraction rights at the site and how these will be altered or utilised in the development cycle.

Non-Technical Summary

- 8.17 The NTS adequately summarises the key effects assessment and conclusions of the fluvial flood risk and the proposed land and in-river works to enhance fluvial flood risk protection and the water environment. No mention is made in the NTS about surface water flood risk or protection of groundwater quality. The NTS should be updated to reflect any changes or new assessments requested in this review.

Summary of Clarifications Required from Applicant

The applicant should clarify how the modelling uncertainties associated with the flood levels in the "lade" are to be addressed in the design of the land re-profiling and in-river works.

The applicant should clarify its intentions with respect to the licensed water abstraction rights relating to the site for each stage of the development cycle.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

The applicant needs to provide the following information:

- a) An assessment of the potential effects of the development and associated SuDS solution on groundwater and groundwater quality.
- b) A description and assessment of the foul drainage proposals for the site.
- c) A Water Framework Directive assessment of the proposed development in respect of the in-river works and confirmation that there will not be an increase in flood risk to the site or elsewhere.
- d) A description and assessment of the surface water runoff controls for the proposed development in accordance with draft national standards and Essex County Council guidance for SuDS, including any effects on river water quality.
- e) Update the NTS to reflect any changes or new assessments requested in this review

Potential Planning Conditions

Demonstrate that surface water runoff will be appropriately managed in accordance with draft national standards and Essex County Council guidance.

Design of the in-river works must demonstrate no adverse effects on Glemsford Pits SSSI.

Demonstrate that the development and associated in-river works will not increase flood risk to the site or elsewhere.

Revised ES April 2017

- 8.18 It is noted that text in relation to water abstraction and consultation with Anglian Water and relevant water supply companies has been added to Chapter 10: Contaminated Land which would be expected to be added to Chapter 9: Flooding and Hydrology.
- 8.19 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

9 Review of Chapter 10: Contaminated Land and Remediation

Scope of EIA

- 9.1 The scope of the assessment is acceptable so far as it goes. There remains some considerable intrusive investigation work to be done together with further development of the remedial strategy. The remedial strategy itself is in outline only. It identifies the prospects for management/treatment of contaminated materials on site, together with extraction and treatment of contaminated groundwater without going so far as to identify the type, location and extent of any treatment facilities to be provided.
- 9.2 Most of the potential significant impacts due to contaminated land are likely to occur and be mitigated during the construction phase. However, there is the potential for ongoing management, monitoring and maintenance during the operational phase and further information may be required on this either under a planning condition or as part of the scope of an EIA to accompany a reserved matters application.
- 9.3 Notwithstanding the above, the assessment is considered to meet the minimum requirements for EIA as set out in Planning Practice Guidance which supports the National Planning Policy Framework.

Baseline

- 9.4 The baseline is established by reference to historical mapping data and previous intrusive site investigations.

Assessment

- 9.5 The assessment of potential impacts is in line with current guidance, including CLR 11. Similarly, the criteria used for assessing the significance of effects are also in line with that guidance. The ES and the technical appendix contain an objective assessment of the relevant data. There are no issues with the assessment nor the use of generic assessment criteria.

Secondary, Cumulative, and Combined Impacts

- 9.6 The applicant has assumed that there are no committed development plans in the immediate area that could affect the conclusions of the assessment. This judgement should not be based on assumptions, however it is noted that in their scoping opinion, Braintree District Council states that they are unaware of any other developments within the surrounding area which should be considered in a cumulative assessment. This has been commented on in more detail at paragraph 3.4 above. The applicant's statement in this chapter is therefore considered acceptable for Braintree DC area, but not Babergh DC area (see associated potential Regulation 22 request made in section 3 above).
- 9.7 It is clear that the Applicant intends to partly fund the remediation of the former landfill area on the opposite side of the river, although the assessment notes that its remediation will be undertaken under the terms of the existing licence with oversight by the Environment Agency. Therefore, the Applicant has only partial control over the nature, extent and timing of that remediation. Clarification is sought on whether it is possible that remediation of the landfill area

may still be incomplete when the proposed development is occupied and, if so, whether there may be any impacts associated with this.

Mitigation and Management

- 9.8 The Applicant is asked to clarify whether there is likely to be any physical connection between the two sites in respect of remediation (e.g. could contaminated soil from one area be treated in another).
- 9.9 The remedial strategy appended to the ES in effect summarises all of the previous investigations and provides a conceptual model of the site, but the descriptions of remedial works offer no more detail than the summary provided in the chapter. Since further intrusive site investigations are required following demolition of existing buildings, including ground gas investigations, an updated quantitative risk assessment and detailed remedial strategy will be required, either under planning conditions for the current Application or under reserved matters.
- 9.10 There are no issues with the Waste Management Strategy or outline Site Waste Management Plan provided in the Appendix. However, it is also recommended that the Applicant be required to adopt a Materials Management Plan in accordance with CL:AIRE guidance¹⁴.

Non-Technical Summary

- 9.11 The NTS is a fair reflection of the main assessment.

Summary of Clarifications Required from Applicant

Is there likely to be any physical connection between the two sites in respect of remediation (e.g. could contaminated soil from one area be treated in another)?

Summary of Potential Regulation 22 Information Requests to be made to Applicant

¹⁴ <http://www.claire.co.uk/>

Could there be residual impacts from an incompletely remediated landfill area when the proposed development is occupied.

Potential Planning Conditions

Post demolition/Pre-excavation:

Further intrusive site investigation plan and methodology to be agreed

Site Investigation report (to cover soil and groundwater contamination and soil gas assessment)

Quantitative Risk Assessment

Updated Detailed Remedial Strategy

Materials Management Plan

Remediation Verification Plan

Post-Completion:

Remediation Verification Report

Revised ES April 2017

- 9.12 As noted above, text in relation to water abstraction and consultation with Anglian Water and relevant water supply companies has been added to Chapter 10: Contaminated Land which would be expected to be added to Chapter 9: Flooding and Hydrology.
- 9.13 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

10 Review of Chapter 11: Traffic and Transportation

Scope of EIA

- 10.1 Savills submitted its EIA Scoping Report in September 2014 and the EIA Scoping Opinions were issued in October and November 2014.
- 10.2 Paragraphs 5.28 – 5.31 of the EIA Scoping Report consider the traffic and transportation methodologies to be used in the ES and state that Traffic Generation Analysis (TGA) and Access Route Analysis (ARA) will be carried out. The TGA will use either historic data or information from the TRICS database and the ARA will use traffic counts and proposed traffic generation to analyse junctions in agreement with Essex and Suffolk County Councils (in their capacity as the local highway authorities).
- 10.3 The EIA Scoping Opinions state the Traffic and Transportation chapter of the ES should consider the construction and operation/occupation phases separately as they will have different characteristics. The coverage of the construction phases in transport terms is comprehensive and proposes the use of a private track which would enable direct access between the site and a classified road for use by construction vehicles.
- 10.4 In respect of the operational phase, the EIA Scoping Opinions state the Traffic and Transportation chapter should seek to identify where mitigation to the local highway network is necessary and appropriate. For example, it is critical that any passing places created along Liston Road optimise highway safety, but it is also imperative that any harm to its visual appearance is minimised. The ES does not cover this aspect in sufficient detail in highway terms, thereby leading to the possibility that the environmental consequences of enhancing or increasing the provision of passing bays will not have been fully assessed. Ordinarily the applicant would be requested to provide this assessment, however it is evident from inspection of the Council's planning portal that considerable further correspondence has taken place between the applicant and the highway authorities since submission of the ES. This correspondence deals with the provision of passing places as well as the robustness of the data presented in the Transport Assessment and hence Traffic and Transportation chapter of the ES. In view of its relevance to the current status of the ES, the information included in this correspondence has been considered as part of this review.
- 10.5 The EIA Scoping Report states that "mitigation measures would be proposed as appropriate" without reference to particular modes of transport or specific measures. In response the EIA Scoping Opinions state that details of how it is proposed that reliance on the private car is to be reduced should be included, for example by promoting green travel through walking and cycling and providing public transport, including a community bus. The EIA Scoping Opinions go on to state that consideration should be given to the creation of new footpaths / cycle paths and rights of way and connections to the Public Rights of Way (PRoW) networks. The Traffic and Transportation chapter should also consider potential impacts on access land, public open land, and rights of way in the vicinity of the development and where appropriate propose mitigation measures for any adverse impacts.
- 10.6 The Traffic and Transportation chapter of the ES is not diagnostic in its approach to considering possible mitigation measures and their potential effectiveness in the manner suggested by the EIA Scoping Opinions.

Baseline

- 10.7 The baseline as presented in the ES draws from existing survey data of vehicular traffic flows however the traffic generation from the permitted uses on the site as determined in the Transport

Assessment (Appendix 11.1 of the ES) is not presented in the ES. The baseline information used for the subsequent comparisons between existing and proposed flows should be made clearer, both in terms of traffic generation and the assignment of those trips, than the references to the Transport Assessment made in Paragraph 11.5.12.

- 10.8 Descriptions of pedestrian access, cycle access, bus services and rail services are provided in the Transport Assessment and in the ES Traffic and Transportation chapter and isochrones are presented for travel on foot and by cycle with reference to the existing road and PRow networks.

Assessment

- 10.9 Paragraphs 11.5.2 – 11.5.4 provide an assessment of the impact of vehicular traffic from the proposed development covering the key junctions that will be affected and Paragraphs 11.5.11 – 11.5.14 together with Tables 11.6, 11.7 and 11.8 present an assessment of the impact of vehicular traffic from the proposed development covering the key links at those junctions. The assessment of links on the network does not, however, extend to the route off which the site access is taken, i.e., that section of road between the site access and Liston Lane referred to as Liston Road by the Councils, which accordingly would be expected to be one of the most affected by the proposed development. This in turn leads to the absence in the ES of an assessment of road safety along this part of the network as well as Liston Lane.
- 10.10 Notwithstanding that the Transport Assessment deals in quantitative terms with both vehicular traffic flow and person trip generation, the focus in the ES is entirely on the impact of vehicular traffic. Accordingly, the extent of the assessment does not include for the impacts on users of any parts of the existing cycle and walking networks.
- 10.11 The assessment of construction traffic impact is based on the routeing of construction vehicles which entails following a one-way route from the north side of Long Melford to the south side of Long Melford, including only uni-directional use of the private track connecting the site to the A1092. No assessment is made of the benefits/disbenefits of adopting the private track for all construction vehicles, which would relieve the road network to the south of the site of significant heavy goods vehicle usage during construction.
- 10.12 Improvements are proposed to the existing PRow to the east of the site between it and Long Melford (Transport Assessment Figure 9) but no detail is provided as to the form of improvement proposed. The ES does not assess the impact of the improvements in terms of benefits to existing and future users.
- 10.13 The Evaluation of Residual Impacts (Table 11.9) summarises the effects of the scheme taking into account significant mitigation measures that are not identified in detail in the assessment such that their effectiveness cannot be readily determined. The Residential Travel Plan (Appendix 11.2 of the ES) includes more detail of the possible mitigation measures however none of these are quantified. Notwithstanding the absence of an assessment of the effectiveness of any or a combination of the measures stated in the Residential Travel Plan (RTP) the evaluation in Table 11.9 concludes that benefits will be derived as a result of the proposed mitigation such that the overall effect of the development in traffic and transportation terms is negligible.
- 10.14 As stated above, extensive post-application correspondence has taken place between the applicant's transport consultants and the highway authorities (ECC Comments dated 19 August 2015 and 19 November 2015, SCC Comments dated 10 March 2016, Cannon Consulting Engineers Responses dated 13 October 2015 and undated, but referred to as March 2016 and entered on to Braintree planning portal on 4 April 2016). Assurances as to the adequacy and accuracy of the traffic generation rates have been sought while Suffolk County Council has challenged the basis upon which the impact of the proposed development has been assessed, namely that the proposed traffic generation should be compared with traffic generation from the permitted uses rather than the existing traffic flows to and from the site. The applicant's response has provided a robust review of the traffic generation rates used, which appear acceptable, and has responded that the capacity of the junctions on the network is sufficient whether or not traffic generated by permitted uses is considered. If this approach is to be taken it follows that the changes in the flows at junctions and on links compared to the baseline flows as

recorded in the survey data collected will be different to that presented in the ES and accordingly the impact of traffic on the network should be reassessed.

Secondary, Cumulative, and Combined Impacts

- 10.15 No secondary, cumulative or combined impacts have been identified in the Traffic and Transportation chapter of the ES. The size of the proposed development together with the absence of other schemes to consider as part of any cumulative effects suggest that the impact of the proposed development is only likely to be evident within the area covered by the applicant's Transport Assessment and accordingly all impacts should have been identified in the ES.

Mitigation and Management

- 10.16 The proposed mitigation measures included in the Transport Assessment and ES did not identify any required highway improvements, with all mitigation measures included in the RTP and a Construction Traffic Management Plan (CTMP).
- 10.17 As part of the information supplied in post-application correspondence, plans have been produced showing schemes of improvement to the local highway network by the addition of a number of passing places (Cannon Consulting Engineers Drawing Nos J821/010/01 and J821/011). As stated above, it is not clear if these improvements have been assessed as to other environmental impacts that could arise from their inclusion as part of the proposed development.
- 10.18 As part of the information supplied in post-application correspondence further details have been provided in respect of the improvement of the private track to the north of the site and a commitment to provide a bus stop on the A1092.
- 10.19 Mitigation and management of the construction phase should include the preparation of the CTMP referred to in the ES, following further assessment of construction vehicle routeing. The CTMP should be secured by condition.

Non-Technical Summary

- 10.20 The description of site access at Paragraph 12.3 is confusing as it refers to both the sole means of access and a second access, which the development does not propose to use in the operational phase. The second access is however proposed for use during the construction phase but this is not made clear in the NTS. References to the two access points and their existing and proposed uses should be presented separately.

Summary of Clarifications Required from Applicant

Appropriate baseline traffic flows used to determine the environmental effects should be presented in the ES

Revise paragraph 12.3 of the NTS to ensure references to the two access points and their existing and proposed uses are presented separately.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

Assess impacts on users of any parts of the existing cycle and walking networks.

Assess effectiveness of mitigation measures suggested in Residential Travel Plan.

Assess effects of varying the construction vehicle routeing.

Assess improvements to PRoW network to east of the site.

Assess impact of proposed passing places on roads around the site, with regards to other environmental impacts that could occur.

Assess impacts of traffic flow changes without reference to flows from permitted land uses.

Potential Planning Conditions

The preparation of the Construction Traffic Management Plan and Residential Travel Plan should be secured via conditions.

Identification of and timing for delivery of off-site mitigation measures.

Revised ES April 2017

- 10.21 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

11 Review of Chapter 12: Noise and Vibration

Scope of EIA

- 11.1 Matters relating to noise and vibration, concerning construction traffic and noise from on-site commercial uses, which were raised in the Scoping Opinions from both Local Authorities, have been adequately addressed in the Chapter.

Baseline

- 11.2 Baseline noise surveys have been carried out at the nearest noise sensitive receptors over relevant time periods and at locations agreed with the Local Authorities.

Assessment

- 11.3 The assessment has taken account of a worst case regarding the parameter plans on phasing of the development, layout of buildings, landscaping, building heights and vehicle movements.
- 11.4 The assessment establishes the magnitude of the noise and vibration effects of the scheme during construction and operation. Consistent descriptors are used for the significance of impact assessment and relevant national planning guidelines have been taken into account.
- 11.5 The construction noise assessment takes account of ambient noise levels at sensitive receptors and adequate consideration has been given to noise generated by construction traffic. The assessment considers a worst case and typical case for the assessment of demolition and construction activities, showing minor adverse effects as a worst case.
- 11.6 Operational noise levels due to road traffic and building services plant have been adequately assessed and showing negligible impact. The recommended WHO standards for noise in amenity areas would be met throughout the proposed development.

Secondary, Cumulative, and Combined Impacts

- 11.7 The applicant has assumed that there are no committed development plans in the immediate area that could affect the conclusions of the assessment. This judgement should not be based on assumptions, however it is noted that in their scoping opinion, Braintree District Council states that they are unaware of any other developments within the surrounding area which should be considered in a cumulative assessment. This has been commented on in more detail at paragraph 3.4 above. The applicant's statement in this chapter is therefore considered acceptable for Braintree DC area, but not Babergh DC area (see associated potential Regulation 22 request made in section 3 above).

Mitigation and Management

- 11.8 Measures to control construction noise and vibration are described which are likely to result in minor adverse effects remaining. These measures will be agreed with the local authorities in the CEMP prior to the commencement of construction. Measures to control internal noise and external noise in amenity areas are not required.

Non-Technical Summary

- 11.9 The noise and vibration summary in the NTS adequately reflects the findings of the assessment.

Summary of Clarifications Required from Applicant
None
Summary of Potential Regulation 22 Information Requests to be made to Applicant
None
Potential Planning Conditions
Limits on construction working hours Demolition and construction noise mitigation through CEMP Limit on noise from external plant not to exceed 5dB below background level

Revised ES April 2017

- 11.10 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

12 Review of Chapter 13: Air Quality

Scope of EIA

- 12.1 The scope of the assessment is acceptable. It covers the demolition, construction and operational phases of the development.

Baseline

- 12.2 The site does not lie in or near an AQMA. There are no air quality monitoring stations or diffusion tube sites in the vicinity of the site. The nearest monitoring site is 15 km distant, while the nearest diffusion tube site is within an AQMA and therefore not relevant to the location of the proposed development.
- 12.3 The Defra background air quality database for the location indicates pollutant concentrations ranging from 26 – 45% of the AQO for the three main pollutants assessed. These levels are so far below the AQO that no further background measurements are required to substantiate the assessed levels. This is considered acceptable.

Assessment

- 12.4 There are no issues with the methodology for the assessment, which follows current good practice guidance. The demolition and construction phase methodology follows the current IAQM guidance, whereas the operational phase assessment is generally in line with current EPUK/IAQM guidance.
- 12.5 The demolition and construction phase assessment indicates that the area is of low sensitivity because there are no residential buildings in the vicinity. While it is accepted that this is the case, Schedule 4 of the EIA Regulations requires the applicant to provide the location and description of aspects of the environment likely to be significantly affected by the development. As such, the nearest receptors should be identified along with reasons why they do not require further consideration.
- 12.6 The operational phase assessment indicates that changes in traffic flows will fall below the threshold for significant air quality effects according to EPUK/IAQM and that therefore no quantitative assessment is required.
- 12.7 In the absence of significant operational effects and taking into consideration the low background air pollutant levels, the site is considered to be suitable for development in air quality terms.
- 12.8 The assessment does not include the significance criteria that would normally be adopted for an operational air quality assessment, but since the effects will be insignificant, the omission is considered acceptable in the circumstances.
- 12.9 The assessment does not mention emissions from centralised heat and power facilities that might be adopted for the elements of the scheme involving conversions of existing buildings to apartments. The Applicant is asked to clarify whether an energy centre is likely to be provided.

Secondary, Cumulative, and Combined Impacts

- 12.10 The Applicant states that there are no developments within the vicinity of the site with potential for cumulative effects. Following the comments made at paragraph 3.4 above, this is considered

acceptable for Braintree DC area, but not Babergh DC area (see associated potential Regulation 22 request made in section 3 above).

Mitigation and Management

- 12.11 The mitigation measures proposed for the demolition and construction phase are appropriate. These should be secured through incorporation into a CEMP under a planning condition.
- 12.12 No operational phase mitigation is required.

Non-Technical Summary

- 12.13 This is a fair reflection of the main assessment.

Summary of Clarifications Required from Applicant
Clarify whether an energy centre is to be provided.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
Identify and describe the nearest sensitive receptors to the site along with reasons why they do not require further consideration. Air quality impact assessment of energy centre (if there is to be one).
Potential Planning Conditions
Identified demolition and construction phase mitigation measures to be incorporated into a CEMP.

Revised ES April 2017

- 12.14 Following review of the revised ES, a number of further outstanding points were identified as detailed below.

Summary of Clarifications Required from Applicant
Revised Section 13.8.3 provides text about cumulative construction effects under the heading of operation and requires revision.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
The assessment requires updating with current guidance: Environmental Protection UK (EPUK) and the Institute for Air Quality Management (IAQM) Guidance on land-use planning and development control: <ul style="list-style-type: none">• Planning for air quality 2015 version (13th May 2015), updated to 2017 version (January 2017);• Defra Local Air Quality Management Technical Guidance (2016). This requires a revised assessment in accordance with the current guidance above that would include:

- Quantitative assessment for operational effects associated with changes to traffic flows (as change in flow is >500 LDV (AADT) as set out IAQM/EPUK guidance (2017));
- Relative % contribution of the development to sensitive receptors.

No monitoring has been undertaken. A requirement of the baseline assessment under the 2017 guidance requires local air quality monitoring to verify a modelling assessment.

Potential Planning Conditions

None.

13 Review of Chapter 14: Socio-Economics

Scope of EIA

- 13.1 The assessment has considered the potential effects of the development on employment, housing, open space, education and healthcare. The scope of the assessment generally covers what would be expected in a socio-economic assessment. However, effects of the development on provision and demand for community facilities (including retail and other public services) and children's playspace does not seem to be included in the scope of assessment, and this has been commented on below.
- 13.2 Both Braintree District Council and Babergh District Council commented in their Scoping Opinions (Appendices 5.1 and 5.2) that the socio-economic assessment should include socio-cultural impacts, such as quality of life and community integration and the potential impact on community identity. The applicant should make reference to the effect that the development will have on these aspects.
- 13.3 Both Councils also requested that consultation be undertaken with a number of bodies to inform the socio-economic assessment. Paragraph 5.1.5 of Chapter 5: Scoping and Consultation states that *"Additional pre-application consultation has been undertaken with a number of relevant statutory and non-statutory organisations to establish the detailed assessment methodology for each environmental specialism. Where these consultations have taken place on specific subject this is discussed in the relevant ES chapter"*. The applicant should clarify whether consultation was undertaken to inform the scope of the socio-economic assessment as requested.

Baseline

- 13.4 The 'Baseline Conditions' section included at paragraphs 14.4.1-14.4.50 provides an overview of the socio-economic characteristics of both Braintree District and Babergh District. Information is provided on the application site, population, housing, employment, health, education and open space.
- 13.5 Clarification is requested as to whether the latest data sources have been used to compile the baseline conditions. For example, the assessment makes use of the 2010 Indices of Multiple Deprivation, however the DCLG published an updated dataset in September 2015. The latest labour market profiles, as published by ONS, also don't appear to have been used. The applicant should update the baseline section with the latest data.

Assessment

- 13.6 The assessment methodology is set out in paragraphs 14.2.1 and 14.2.15 includes the data sources used to inform the assessment, the specific methods used to determine effects on the topics considered and the significance criteria used to determine levels of effect.
- 13.7 Paragraph 14.2.5 states, *"The level of significance of an impact will be determined through professional judgement of factors including sensitivity of the receptor group, the magnitude (amount of change) of the impact and its duration as set out in Figure 1"*. While Figure 1 defines the sensitivity of receptor scale, there is no definition of what constitutes the magnitude of effects used i.e. 'major', 'moderate', 'slight' and 'negligible' or indeed what constitutes a 'significant' effect in the context of the EIA Regulations. This should be clarified. The applicant should note that Figure 2, which contains the significance criteria, uses 'minor' magnitude of effect rather than 'slight' as per paragraph 14.2.6.

- 13.8 The applicant should provide an indication of the likely additional spend that the 122 households are likely to generate at paragraph 14.5.15 using the latest data sources.
- 13.9 The socio-economic chapter should include an assessment of demand for children's playspace (as part of the open space assessment), community facilities i.e. retail and leisure facilities and crime.
- 13.10 Paragraph 14.5.23 states, "*It is proposed that the scheme will deliver a mix of market housing tenures (and affordable housing subject to viability). This will enhance the opportunities for people to afford housing that meets their requirements in a relatively unique location*". The applicant should provide clarification of Braintree District Council's affordable housing target to provide context for the housing assessment and justification for the level of impact predicted. The Applicant should also confirm whether they will be seeking to meet the Braintree District Council affordable housing target if the proposed development is implemented.
- 13.11 The applicant should clearly reference the method referred to in paragraph 14.5.28 which was used to calculate child yield.
- 13.12 The Braintree District Council Open Space SPD stipulates that 2.63ha of open space should be provided per 1,000 of the population. Paragraph 14.4.48 states that 0.69ha of open space will be required to meet demand. This figure has been superseded by the standards specified in the Council's Core Strategy (adopted 2011) which specifies Outdoor Sports Provision 2.0 ha; Parks and Gardens 1.2ha; Amenity Green Spaces 0.8ha; Provision for Children and Young People 0.2ha per thousand people. In addition the Council continue to rely on the Open Spaces SPD to require the provision of Allotments at 0.23ha per thousand population. On this basis if all types of Open Space were to be provided on the site then the provision would be 4.43ha per thousand population. However for a development of this size the Council's Open Spaces SPD specifies the Council would only expect Amenity Green Space and Provision for Children and Young People on the site. Clarification is requested on how this figure has been calculated.
- 13.13 The assessment of effects of the development on education should extend to pre-school education provision not just primary and secondary schooling.
- 13.14 The applicant should clarify the level of impact that the development is likely to have on education provision, not just the effect of meeting unfilled education capacity.
- 13.15 Clarification is requested as to whether the proposed community centre will create local jobs. If so, the applicant should factor this into the assessment.

Secondary, Cumulative, and Combined Impacts

- 13.16 The applicant has not provided an assessment of cumulative impacts. However, following the comments made at paragraph 3.4 above, this is considered acceptable for Braintree DC area, but not Babergh DC area (see associated potential Regulation 22 request made in section 3 above).

Mitigation and Management

- 13.17 Mitigation is discussed briefly at paragraph 14.6.1 in relation to the loss of employment, however no residual effect is given. Clarification is therefore requested.
- 13.18 On the whole, residual effects are not presented in the chapter and should be provided for completeness.

Non-Technical Summary

- 13.19 Whilst the NTS generally provides an adequate overview of the socio-economic effects reported in Chapter 14, it should state the level of effect that the development will have on the key issues assessed within Chapter 15 - the NTS currently discusses the findings without defining the level of effect that these findings represent. It should also be updated to reflect changes made to the assessment following this review.

Summary of Clarifications Required from Applicant

The applicant should include details of how the effects predicted will impact on factors such as quality of life, community integration and community identity as requested in the Scoping Opinions.

The applicant should confirm if consultation was undertaken to inform the scope of the socio-economic assessment.

Clarification requested to determine how the magnitude of effects used i.e. 'major', 'moderate', 'slight' and 'negligible' are defined and what constitutes a 'significant' effect in the context of the EIA Regulations.

The applicant should calculate the likely additional spend that the 122 households will generate based on the latest data sources.

The applicant should provide clarification of Braintree District Council's affordable housing target to provide context for the housing assessment and a justification for the predicted impact. The applicant should also confirm whether they will be seeking to meet the Braintree District Council affordable housing target if the proposed development is implemented.

The applicant should clearly reference the method referred to in 14.5.28 and used to calculate child yield.

The applicant should clarify the level of impact that the development is likely to have on education provision, not just the effect the development will have on meeting unfilled capacity.

Clarification is requested as to whether the open space requirement of 0.69ha is correct.

Clarification is requested as to whether the proposed community centre will create local jobs. If so, the applicant should factor this into the assessment.

The applicant should provide an indication of the residual socio-economic effects of the development for completeness.

The socio-economic section of the NTS should be updated to clearly state the level of effects that the development will have on each topic considered in the assessment.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

The applicant should update the baseline information using the latest data sources.

The socio-economic assessment should include an assessment of demand for children's play space (as part of the open space assessment), pre-school education, community facilities i.e. retail and leisure facilities and crime.

Potential Planning Conditions

None

Revised ES April 2017

- 13.20 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

14 Review of Chapter 15: Summary of Effects and Conclusions

- 14.1 Chapter 15 summarises the predicted significant residual effects following the mitigation measures set out in the technical chapters. Table 15.11 provided a summary of mitigation measures proposed in each of the technical chapters.
- 14.2 This chapter is considered acceptable subject to any points in the reviews of individual topic chapters.

Summary of Clarifications Required from Applicant
None.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
None.

Revised ES April 2017

- 14.3 No new clarifications or Regulation 22 Information Requests have been identified as a result of the review of the revised ES.

15 Assessment of Submitted Regulation 22 / Clarification Information

- 15.1 This section of the FRR considers the responses to the clarifications/potential Regulation 22 information requests identified above through the review of the ES and ES Addendum. **Table 15.1** below provides a judgement as to the acceptability of the information provided in relation to the ES.

Table 15.1: Applicant Response to Clarifications and Regulation 22 Requests

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
EIA Context and Influence			
Regulation 22	Check for cumulative schemes within Babergh District Council area and if any relevant schemes (proposed or committed) are present a cumulative assessment should be undertaken for all topics.	<p>Acceptable subject to further clarification</p> <p>The Applicant has added a Cumulative Effects section to Chapters 6 to 14 with consideration given to potential cumulative effects from three developments¹⁵. It is stated in a number of chapters that these schemes are all located more than 1km from the proposed development and no significant cumulative effects have been identified. Inclusion of a plan showing the location of these schemes would have been helpful. It is also noted that the cumulative assessment appears only to cover Type 2 cumulative effects¹⁶ and that consideration has not been given to Type 1 cumulative effects¹⁷. Further clarification is sought that no Type 1 cumulative effects are anticipated.</p> <p>Subject to the provision of this clarification, the Applicant's response is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	<p>Acceptable</p> <p>The Applicant has confirmed that Type 1 effects have been considered throughout the ES and states that all effect interactions will not be significant.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>
Regulation 22	Provide an indicative phasing	Acceptable	n/a

¹⁵ BB/15/00180 Land north of Ropers Lane, Rodbridge Hill, Long Melford – Erection of 77 dwellings with new vehicular and pedestrian accesses, parking and public open space (granted 12/02/2016); B/15/01043 Former Fleetwood Caravans Ltd, Hall Street, Long Melford – Erection of 44 dwellings (including 13 sheltered units) with associated parking, access, landscape, open space, drainage and infrastructure (granted 23/03/2016); and B/16/00777 Bull Lane, Long Melford – Erection of 71 dwellings including market and affordable homes), garages, parking, vehicular access (pending consideration).

¹⁶ Type 2 cumulative effects are in-combination effects associated with the proposed development and adjacent or nearby schemes.

¹⁷ Type 1 cumulative effects are interaction of effects generated by the proposed development on a sensitive receptor.

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	<p>programme and an assessment of impacts from the construction of phases on operational phases for all topic areas. This will enable Braintree District Council and Babergh District Council to understand the proposed development's impacts on sensitive receptors located within the built out early phases. If it is considered that the phasing assessment can be scoped out of certain chapters, justification should be provided.</p>	<p>The Applicant has provided an indicative phasing programme within Technical Appendix 10.1 – Appendix 8. Chapters 6 to 14 also contain sections which consider the phasing programme:</p> <ul style="list-style-type: none"> • Chapter 6 Archaeology and Cultural Heritage: phasing not considered. This is appropriate. • Chapter 7 Landscape and Visual Impact: phasing not assessed. This is appropriate. • Chapter 8 Ecology and Nature Conservation: text has been provided on the implications of timing of habitat removal on breeding birds. It is assumed that timing of works and measures to protect breeding birds and mitigate any potential effects will be subject to a planning condition. The purpose of the inclusion of the additional text is somewhat unclear however no further information is requested at this time. • Chapter 9 Flooding and Hydrology: phasing not considered. This is appropriate. • Chapter 10 Contaminated Land and Remediation: Appendix 8 includes a useful phasing programme and plans. This is appropriate. • Chapter 11 Traffic and Transportation: no further phasing assessment has been undertaken however the assessment is stated as having been done for the peak construction activity period therefore this is appropriate. • Chapter 12 Noise and Vibration: no further assessment or commentary on phasing provided on the basis that construction noise levels will be subject to planning condition and will be controlled through implementation of the CEMP. This is appropriate. • Chapter 13 Air Quality: No further phasing assessment commentary provided on the basis that the proposed phasing programme plans do not alter the air quality mitigation measures for the construction phase of the development. Mitigation should be subject to condition. 	

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
		<ul style="list-style-type: none"> Chapter 14 Socio Economics: no assessment of phasing has been provided however this is not considered to be required. <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	
EIA Presentation			
Clarification	Provide an indicative timescale of specific activities over the two year construction period.	<p>Not acceptable</p> <p>Chapter 3 (Proposed Development) of the ES has not been amended, and an indicative timescale of construction activities is therefore not presented in the introductory chapters of the ES. This item is not included in the list of clarifications responded to in the revised Chapter 1.</p> <p>It is noted that a Remediation Programme is provided as an appendix to Technical Appendix 10.1 however this only lists 'demolition' and 'construction' as activities within the wider remediation programme for the site and does not provide any further detail on anticipated works.</p> <p>Further clarification is sought.</p>	<p>Acceptable</p> <p>The Applicant has agreed with BDC that no further information on phasing is required at this stage.</p> <p>No further clarification is sought.</p>
Clarification	Update the NTS to include a location plan.	<p>Not acceptable</p> <p>The NTS has been updated but does not include a location plan.</p> <p>Further clarification is sought.</p>	<p>Acceptable</p> <p>A revised NTS has been provided.</p> <p>No further clarification is sought.</p>
Archaeology and Cultural Heritage			
Clarification	Clarification as to whether aerial photography of the wider study area was consulted to confirm whether any relationships between early prehistoric cropmark	<p>Acceptable</p> <p>No clarification provided, however it is accepted that this would not change assessment outcomes. Appropriate archaeological conditions will secure investigation of any material uncovered during demolition/construction.</p> <p>No further clarification is sought.</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	features can be discerned.		
Clarification	Including proposed detailed assessment of impacts on built features as 'additional mitigation' in Table 6.5.	<p>Acceptable</p> <p>No clarification provided, but EH Level 2 survey specified at 6.7.3 of the ES is considered appropriate. The LPA should consider securing this work by condition if not already implemented.</p> <p>No further clarification is sought.</p>	n/a
Landscape and Visual Impact			
Clarification	Clarify the categorisation used to determine significance of effect in Table 7.1a	<p>Acceptable</p> <p>Table 7.1 Table of Significance has been amended to clarify the categorisation used to determine significance of effect.</p> <p>No further clarification is sought.</p>	n/a
Clarification	Clarify how different judgements have been reached on landscape value and susceptibility for LCT 26 Valley Meadowlands and Braintree LCA2A Stour River Valley.	<p>Acceptable</p> <p>Additional information has been provided within Table 7.3 Landscape Character on the reasoning for judgements on landscape value and susceptibility on landscape character types/areas.</p> <p>No further clarification is sought.</p>	n/a
Clarification	Provide an assessment of the value of the site and its surroundings in terms of the relationship between the site and the Stour Valley Project Area particularly in relation to the Dedham Vale AONB and Stour Valley	<p>Acceptable</p> <p>An assessment of the value of the site and its context in terms of its relationship with the Stour Valley Project Area has been provided.</p> <p>No further clarification is sought.</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	Management Plan.		
Clarification	Effects at Operational Phase (Year 15) are assessed in summer, in contrast to the Construction effects (Year 1) which are assessed in winter. Visual effect should be assessed in winter in order to take account of seasonal variation and show the worst case scenario.	<p>Acceptable</p> <p>Effects in winter have been assessed and winter photographs provided to illustrate a worst case scenario.</p> <p>No further clarification is sought.</p>	n/a
Clarification	Explain how the proposed mitigation planting provides enhancement to the landscape character.	<p>Acceptable</p> <p>The main elements of landscape mitigation and enhancement proposals are described in broad terms in paragraph 7.6.2 and additional details provided explaining how this provides enhancement to local landscape character.</p> <p>No further clarification is sought.</p>	n/a
Clarification	Clarify whether the Applicant has assessed the worst case scenario in terms of proposed building heights.	<p>Acceptable</p> <p>Assessment has been made against maximum parameter heights and footprint extent of the proposed development as illustrated in the wireframe visualisations provided.</p> <p>No further clarification is sought.</p>	n/a
Clarification	Indicate landscape elements to be removed/altere d as part of the development.	<p>Acceptable (subject to confirmation below)</p> <p>An additional plan illustrating landscape elements to be removed/altere d as part of the development is provided in Figure 05 in Technical Appendix 7.2 – Landscape. It is assumed that the figure contains an error as it shows the majority of the trees on the site, particularly those mature trees</p>	<p>Acceptable</p> <p>A revised plan has been provided.</p> <p>No further clarification is sought.</p>

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
		associated with the River Stour are to be removed (keyed in green). This should be confirmed by the applicant.	
Regulation 22	Provide a specific assessment of the site baseline and its immediate setting in order to record the specific characteristics aesthetic or perceptual elements which are most important in contributing to the landscape character. Identify interactions between these characteristics, aesthetic or perceptual aspects and the different components of the development.	<p>Acceptable</p> <p>Additional baseline information is provided on the local area and the site in paragraphs 7.4.11-17. Although there is still little analysis of the interaction between landscape characteristics, aesthetic and perceptual aspects, the assessment is considered broadly satisfactory. No additional significant effects have been identified.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	n/a
Regulation 22	Explain the effects of the proposed development on the local characteristics of the distinctive working landscape of the Stour Valley Project Area as they are described in the Statement of Significance in the Dedham Vale and Stour Valley Management Plan and how	<p>Acceptable</p> <p>An assessment of the effects of the proposed development on the local characteristics of the landscape of the site has been provided and enhancement proposals are described in broad terms. The assessment is considered broadly satisfactory and identifies beneficial impacts as a result of the proposed development.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	the mitigation measures proposed prevent or reduce any adverse landscape effects.		
Regulation 22	Provide visualisation to support the assessment using the maximum parameter heights and footprint extents of the proposed development in order to illustrate the effect of the proposed development on visual receptors in comparison with the existing large industrial buildings on the site for key viewpoints, such as Viewpoint 1, 8, 10 and 11.	<p>Acceptable</p> <p>Wireframe visualisations have been provided to support the assessment for Viewpoints 1, 8, 10 and 11 which illustrate maximum parameter heights and footprint extent of the proposed development.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	n/a
Ecology and Nature Conservation			
Clarification	Provide confirmation that surveys were carried out at appropriate times of year, and in accordance with best practice guidance.	<p>Acceptable</p> <p>Reference was made to best practice guidance within the report and full references provided in the Ecological Assessment bibliography.</p> <p>Confirmation of survey dates has been provided for all protected species and for the Phase 1 survey and confirmation has been provided that these were undertaken at an appropriate time of year.</p> <p>There was no provision of best practice guidance for badger. The badger survey</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
		<p>was however undertaken as part of the Extended Phase 1 Habitat survey in line with best practice guidance. This is considered satisfactory.</p> <p>No further clarification is sought.</p>	
Clarification	Confirm that the assessment was carried out in accordance with CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland, Terrestrial, freshwater and coastal: Second Edition.	<p>Acceptable</p> <p>Whilst this was not referred to within the report, it was referenced in the Bibliography of the Ecological Assessment – confirmation was requested that the assessment was carried out in line with this guidance.</p> <p>As described above, many aspects of the EcIA are lacking and deviate from the approach advocated by CIEEM. Nevertheless, the information provided is sufficient to enable the Council to reach a robust decision and outstanding issues of concern can be satisfactorily addressed at the reserved matters stage, and via planning condition.</p> <p>No further clarification is sought.</p>	n/a
Regulation 22	Provide valuations for all receptors.	<p>Acceptable</p> <p>The valuations provided in the assessment deviate from the approach advocated by CIEEM. For example, valuations are based on legislation rather the importance of the site for a given ecological receptor. Nevertheless, the information provided has enabled the level of value of the site, and subsequent level of impact to be adequately established and considered by the Council and outstanding issues of concern can be satisfactorily addressed at the reserved matters stage, and via planning condition.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	n/a
Regulation 22	Provide an assessment of effects on nesting birds and reptiles.	<p>Acceptable</p> <p>The assessment of effects on reptiles has been provided and is acceptable.</p> <p>The assessment for nesting birds deviates from the approach advocated by CIEEM because it fails to properly acknowledge or identify the importance of the site for this species group or the</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
		<p>level of impact during construction or operation. Nevertheless, given the relatively low value of the habitat types affected and through detailed examination as part of this review, the Council is able to determine a sufficient prediction of the impact to inform the application. Outstanding issues can be resolved at the reserved matters stage and via planning condition.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	
Regulation 22	Provide further justification of valuations relating to habitats within the site and update assessment of effects accordingly.	<p>Acceptable</p> <p>The valuations provided in the assessment deviate from the approach advocated by CIEEM. For example, valuations are based on legislation rather the importance of the site for a given ecological receptor. Nevertheless, the information provided has enabled the level of value of the site, and subsequent level of impact to be adequately established and considered by the Council. Outstanding issues of concern can be satisfactorily addressed at the reserved matters stage, and via planning condition.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	n/a
Regulation 22	Update the assessment to include pre-mitigation construction and operational impacts on all receptors and separate discussion of mitigation/residual effects from this assessment.	<p>Acceptable</p> <p>The updated assessment includes pre-mitigation construction and operational impacts, mitigation requirements, and residual effects.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	n/a
Regulation 22	Provide an outline of proposed mitigation measures,	<p>Acceptable</p> <p>As described above, many aspects of the EcIA are lacking and deviate from the approach advocated by CIEEM. Nevertheless, the information provided is</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	based on a worst case scenario.	sufficient to enable the Council to reach a robust decision and outstanding issues of concern can be satisfactorily addressed at the reserved matters stage, and via planning condition. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.	
Regulation 22	Update the NTS if the assessment changes based on comments made in this review.	Acceptable The NTS has not been updated to reflect the issues raised and additional information provided, but in line with the above comments, outstanding issues of concern can be satisfactorily addressed at the reserved matters stage, and via planning condition. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.	n/a
Flooding and Hydrology			
Clarification	The applicant should clarify how the modelling uncertainties associated with the flood levels in the "lade" are to be addressed in the design of the land re-profiling and in-river works.	Acceptable The applicant has taken steps to make Section 5.1 of Technical Appendix 9.1 more robust with further information in regards to the perceived uncertainties. This includes information in roughness, calibration, sensitivity analysis and freeboard. Further to this there is extra information available in Technical Appendix 9.7. The updated information and the further modelling within the FRA and Section 9.2.11 of the Chapter 9 is acceptable. No further clarification is sought.	n/a
Clarification	The applicant should clarify its intentions with respect to the licensed water abstraction rights relating to the site for each stage of the development cycle.	Acceptable The applicant has given further details in section 9.2 (Methodology). This clarifies the approval of a licence (21 October 2016). No further clarification is sought.	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
Regulation 22	<p>The applicant needs to provide the following information:</p> <p>a) An assessment of the potential effects of the development and associated SuDS solution on groundwater and groundwater quality.</p> <p>b) A description and assessment of the foul drainage proposals for the site.</p> <p>c) A Water Framework Directive assessment of the proposed development in respect of the in-river works and confirmation that there will not be an increase in flood risk to the site or elsewhere.</p> <p>d) A description and assessment of the surface water runoff controls for the proposed development in accordance with draft national standards and Essex County Council guidance for SuDS, including any effects on</p>	<p>Not acceptable (points b) and e))</p> <p>a) The applicant has indicated that the drainage strategy involves the use of permeable paving, with an underlying impermeable liner. Therefore, there will be no infiltration to ground, affecting groundwater quality. Due to this conclusion to not allow water to infiltrate into the ground. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p> <p>b) The applicant has not commented on the foul drainage proposals for the development. The applicant should liaise with the local utility provider (foul and clean) to develop adequate drainage proposals. Further information is sought.</p> <p>c) The applicant has carried out a 'preliminary' Water Framework Directive (WFD) assessment, which is displayed as Technical Appendix 9.4 and referred to in Chapter 9, Section 9.3.2. This identifies the need for further assessments at a later stage in the process. Provided that further WFD assessments are carried out at a later date when appropriate, and that these WFD assessments are secured by a condition attached to planning permission. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p> <p>d) The applicant has indicated in Section 9.5.6 of Chapter 9 that proposed surface water runoff controls are in accordance with national standards and Essex County Council SuDS guidance. Technical Appendix 9.5 gives detailed modelled surface water run off rates required for the sizing and design of the controls/SuDS. It is also indicated that there are two stages of treatment. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p> <p>e) There have been no changes to the Flooding and Hydrology section of the NTS in light of the clarifications</p>	<p>Acceptable</p> <p>Sufficient information has been provided in the ES regarding drainage proposals and the NTS has been updated.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	<p>river water quality.</p> <p>e) Update the NTS to reflect any changes or new assessments requested in this review.</p>	<p>above. The applicant should include some brief information (with particular reference to infiltration) in regards to the use of SuDS in the development. Further information is sought.</p>	
Contaminated Land and Remediation			
Clarification	<p>Is there likely to be any physical connection between the two sites in respect of remediation (e.g. could contaminated soil from one area be treated in another)?</p>	<p>Acceptable</p> <p>The Applicant clarified in the ES chapter that there will be a physical connection between the North and South site. The site waste has always been treated at the licensed landfill site.</p> <p>No further clarification is sought.</p>	n/a
Regulation 22	<p>Could there be residual impacts from an incompletely remediated landfill area when the proposed development is occupied.</p>	<p>Acceptable</p> <p>The Applicant clarified the remediation timescales. The remediation of the residential area and the former landfill would occur in parallel, with the residential area being completed first.</p> <p>The Applicant considers that this is unlikely to pose a significant impact upon any residents because the North Site will be secured and made safe by the time the houses are occupied. The Applicant has stated that remedial works such as pumping water for treatment (if necessary), and limited soils placement may be required while the houses are occupied.</p> <p>The Applicant has previously stated that the site will have been rendered suitable for use i.e. soil remediation and groundwater remediation will have been undertaken as necessary such that any risks to human health and the environment will have been reduced to acceptable levels. As such, no significant residual environmental risks will exist as the project enters the operational phase (i.e. as an occupied housing development). This can be confirmed via</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
		<p>a Remediation Verification Report which has already been proposed as a potential condition of planning.</p> <p>It is considered that a pump and treat facility and limited soils placement can be effectively managed so that there is no risk to residents.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations.</p>	
Traffic and Transportation			
Clarification	Appropriate baseline traffic flows used to determine the environmental effects should be presented in the ES.	<p>Acceptable</p> <p>The baseline traffic flows used to determine the environmental effects are now presented in the ES.</p> <p>No further clarification is sought.</p>	n/a
Clarification	Revise paragraph 12.3 of the NTS to ensure references to the two access points and their existing and proposed uses are presented separately.	<p>Acceptable</p> <p>Paragraph 12.3 of the NTS has been revised satisfactorily to clarify the existing and proposed uses of the site access points.</p> <p>No further clarification is sought.</p>	n/a
Regulation 22	Assess impacts on users of any parts of the existing cycle and walking networks.	<p>Acceptable</p> <p>The applicant has provided sufficient information taking into account the likely impact of the predicted number of cycling and walking trips.</p> <p>No significant effects are anticipated and this is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	n/a
Regulation 22	Assess effectiveness of mitigation measures suggested in Residential Travel Plan.	<p>Acceptable</p> <p>Although the type and extent of some of the mitigation measures suggested in the Residential Travel Plan has been expanded upon, their effectiveness has not been assessed in detail. There is however a commitment to monitor and</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
		<p>evaluate the effectiveness of the Residential Travel Plan and to take action to mitigate any adverse impacts that may arise as a result of missing targets. It is considered that the measures suggested have the capability to minimise the impact of the development.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	
Regulation 22	Assess effects of varying the construction vehicle routeing.	<p>Acceptable</p> <p>The applicant has stated that a variation to the proposed construction routeing is not considered feasible due to legal constraints associated with use of the alternative access to the north of the Site. In addition there is a road safety concern associated with the visibility of and for turning traffic at the access point onto the A1092. The applicant has also identified that construction traffic on the existing road network would be lower than the HGV movements associated with current permitted development. As the proposal is to route construction traffic in one direction only thereby avoiding conflicting movements, it is considered that the applicant does not need to submit any more information regarding this matter.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	n/a
Regulation 22	Assess improvements to PRow network to east of the site	<p>Acceptable</p> <p>The applicant has added further information regarding the type of improvement to and likely users of the PRow. Selective improvements in conjunction with the monitoring of travel behaviour through the Residential Travel Plan should enable appropriate use of the PRow to be optimised.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
Regulation 22	Assess impact of proposed passing places on roads around the site, with regards to other environmental impacts that could occur.	<p>Acceptable</p> <p>The applicant has included an assessment of the impacts of the passing places which has focussed on ecology specifically.</p> <p>It is considered that the level and quality of assessment is in appropriate. Typically, it would be expected that each passing place would have been surveyed and a judgement made as to the ecological value and the predicted level of impact, both in terms of habitat loss but also the effect on protected and notable species. It is evident that this hasn't been done as there is no description of the habitat type and quality, or the potential importance to features such as bats, reptiles, dormouse etc. Notwithstanding this lack of detailed assessment, each of the passing places has been reviewed by LUC using Google Streetview and it is considered that they are restricted to areas of low ecological value. Given that the passing places are localised and restricted to widening/upgrading of existing informal passing places, the level of ecological impact would be negligible.</p> <p>On the basis of the above, the information is therefore considered to be acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	n/a
Regulation 22	Assess impacts of traffic flow changes without reference to flows from permitted land uses.	<p>Acceptable</p> <p>The impact of traffic on the network against this lower baseline has not been assessed however data has been added to Tables 11.9, 11.10 and 11.11 to enable a visual comparison to be made. Although the applicant has not included an impact assessment it can be deduced that the thresholds for different impact significance criteria to be applicable are not reached.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
Air Quality			
Clarification	Clarify whether an energy centre is to be provided.	<p>Acceptable</p> <p>The applicant has confirmed that no energy centre is proposed as part of the development.</p> <p>No further clarification is sought.</p>	n/a
Regulation 22	Identify and describe the nearest sensitive receptors to the site along with reasons why they do not require further consideration.	<p>Not Acceptable</p> <p>The applicant has provided relevant receptor locations following (IAQM) best practice guidance. However, locations of new receptors (those introduced through the phasing of the proposed development) should also be considered, especially if an air quality assessment is required (see Regulation 22 request added above about use of current guidance).</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	n/a
Regulation 22	Air quality impact assessment of energy centre (if there is to be one).	<p>Acceptable</p> <p>The applicant has confirmed that no energy centre is proposed as part of the development.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	n/a
Socio-Economics			
Clarification	The applicant should include details of how the effects predicted will impact on factors such as quality of life, community integration and community identity as requested in the Scoping Opinions.	<p>Acceptable</p> <p>The assessment has been updated to include information on quality of life, community integration and community identity.</p> <p>No further clarification is sought.</p>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
Clarification	The applicant should confirm if consultation was undertaken to inform the scope of the socio-economic assessment.	Acceptable Details of consultations undertaken have been provided in the updated chapter. No further clarification is sought.	n/a
Clarification	Clarification requested to determine how the magnitude of effects used i.e. 'major', 'moderate', 'slight' and 'negligible' are defined and what constitutes a 'significant' effect in the context of the EIA Regulations.	Not acceptable Further detail on the approach to determining magnitude of effect has been provided. It has not been explicitly stated what effects are considered 'significant' in the context of the EIA Regulations. It is assumed that major and moderate effects are considered to be significant however this should be clarified. Further clarification is sought.	Acceptable It is noted that all effects are predicted to be positive, with the exception of a minor negative effect on healthcare. In discussion with the Applicant it has been confirmed that this is not considered significant in the context of the EIA Regulations. No further clarification is sought.
Clarification	The applicant should calculate the likely additional spend that the 122 households will generate based on the latest data sources.	Not acceptable The Applicant has attempted to calculate the likely additional spend per year that the residents of the development and workers employed within the scheme will generate for the local area. This information is broken down in Figure 27: Local Spend. However, it is not clear how the information presented has been calculated as the numbers do not appear to stack up. Further explanation of how the calculations were undertaken is sought. Further clarification is sought.	Acceptable It is acknowledged that the effect of local spend is identified in the ES as being "permanent medium beneficial". This has been confirmed in discussion with the Applicant. No further clarification is sought.
Clarification	The applicant should provide clarification of Braintree District Council's affordable	Acceptable The affordable housing targets for Braintree and Babergh are detailed (40% and 35% respectively). It is stated that <i>"The proposition [sic] of development which will comprise affordable housing is</i>	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	housing target to provide context for the housing assessment and a justification for the predicted impact. The applicant should also confirm whether they will be seeking to meet the Braintree District Council affordable housing target if the proposed development is implemented.	<i>currently being negotiated with the Council</i> ”. On the assumption that discussions between the applicant and the local authorities is ongoing as stated, no further clarification is sought.	
Clarification	The applicant should clearly reference the method referred to in 14.5.28 and used to calculate child yield.	Acceptable Reference to the guidance has been added to the updated chapter. No further clarification is sought.	n/a
Clarification	The applicant should clarify the level of impact that the development is likely to have on education provision, not just the effect the development will have on meeting unfilled capacity.	Acceptable The assessment text on education has been updated. No further clarification is sought.	n/a
Clarification	Clarification is requested as to whether the open space requirement of 0.69ha is correct.	Acceptable Further detail has been provided on the respective open space policies and requirements of both Braintree and Babergh District Councils. The proposed development includes a considerable overprovision of open space, the details of which will be secured through	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
		reserved matters. This is likely to accommodate space for outdoor sports and recreation, informal open space, children's playing space, equipped play space, and allotments. No further clarification is sought.	
Clarification	Clarification is requested as to whether the proposed community centre will create local jobs. If so, the applicant should factor this into the assessment.	Acceptable It is stated that the community centre would provide approximately 10 jobs. No further clarification is sought.	n/a
Clarification	The applicant should provide an indication of the residual socio-economic effects of the development for completeness.	Acceptable Details of the residual socio economic effects are provided in Figure 28. No further clarification is sought.	n/a
Clarification	The socio-economic section of the NTS should be updated to clearly state the level of effects that the development will have on each topic considered in the assessment.	Acceptable The NTS has been updated. No further clarification is sought.	n/a
Regulation 22	The applicant should update the baseline information using the latest data sources.	Acceptable The baseline information has been updated. This does not alter the findings of the assessment. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	n/a
Regulation 22	The socio-economic	Acceptable	n/a

Request Type	Original Request	Reassessment conclusion following review of updated ES (May 2017)	Reassessment Conclusion (September 2017)
	assessment should include an assessment of demand for children's playspace (as part of the open space assessment), pre-school education, community facilities i.e. retail and leisure facilities and crime.	<p>The chapter has been updated to include an assessment of demand for playspace, pre-school education, and community facilities. No significant adverse environmental effects are identified.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>	

- 15.2 Following the review of the April 2017 Revised ES, further potential clarifications and Regulation 22 requests were identified for air quality. These are detailed in Table 15.2 below, along with the Applicant's response and acceptability of this.

Table 15.1: Applicant Response to Clarifications and Regulation 22 Requests (April 2017 Revised ES)

Request Type	Original Request	Reassessment conclusion
Air Quality		
Clarification	Revised Section 13.8.3 provides text about cumulative construction effects under the heading of operation and requires revision.	<p>Acceptable</p> <p>This is a minor typographic error. No further clarification is sought.</p>
Regulation 22	<p>The assessment requires updating with current guidance:</p> <p>Environmental Protection UK (EPUK) and the Institute for Air Quality Management (IAQM) Guidance on land-use planning and development control:</p> <ul style="list-style-type: none"> Planning for air quality 2015 version (13th May 2015), updated to 2017 version (January 2017); Defra Local Air Quality Management Technical Guidance (2016). <p>This requires a revised assessment in accordance with the current guidance above that would include:</p> <ul style="list-style-type: none"> Quantitative assessment for operational effects associated 	<p>Acceptable subject to planning condition</p> <p>Whilst the Applicant has not undertaken a revised assessment at this stage, it is acknowledged that no significant effects are predicted in the assessment undertaken for the ES. As such, it considered acceptable to proceed on this basis but it is recommended that BDC gives consideration to inclusion of a planning condition requiring an updated air quality assessment to be undertaken in line with current guidance at the appropriate subsequent consent stage.</p> <p>This is considered acceptable and does not constitute 'further</p>

Request Type	Original Request	Reassessment conclusion
	<p>with changes to traffic flows (as change in flow is >500 LDV (AADT) as set out IAQM/EPUK guidance (2017));</p> <ul style="list-style-type: none"> Relative % contribution of the development to sensitive receptors. 	<p>information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>
Regulation 22	<p>No monitoring has been undertaken. A requirement of the baseline assessment under the 2017 guidance requires local air quality monitoring to verify a modelling assessment.</p>	<p>Acceptable subject to planning condition</p> <p>As above, it is recommended that BDC gives consideration to inclusion of a planning condition requiring an updated air quality assessment to be undertaken in line with current guidance, to include local air quality monitoring at the appropriate subsequent consent stage.</p> <p>This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.</p>

PART TWO INSET AND PROPOSALS MAPS

The 'Plan' referred to in this report is the Braintree District Local Plan Review as amended at Revised Deposit and Pre-Inquiry stages and by concessions and corrections made during the Inquiry.

40.3 Site 67.4 – International Flavours and Fragrances, Liston

The Objection 166-335-M67 IFF Inc

Main Issues a) Whether site should be allocated for residential development b) Whether it may be appropriate to identify area as a new settlement Inspectors Reasoning and Conclusions

40.3.1 The objection site includes an extensive range of unused former industrial buildings and adjoining greenfield land. The River Stour flows through the site and marks the boundary between Braintree and Babergh Districts and between Essex and Suffolk Counties. The site is surrounded by countryside and is about 3 kilometres to the west of Long Melford and about 1.5 kilometres from the villages of Foxearth and Liston. Access to the site is along country lanes with no footpaths or lighting and the site is not served by public transport. The site is wholly within the floodplain of the River Stour and downstream from the Glemsford Pits SSSI. It is not allocated for any specific use in the Plan.

40.3.2 The Council has allocated sufficient land to meet the housing needs of the District for the Plan period (see section 3.11 of Part One of this report). Furthermore, though part of the site is brownfield it performs poorly against criteria for the development of previously developed land set out in PPG3. The site, in fact, is not in a sustainable location for large scale housing such as that proposed. Though the proposed allocation would partly contribute Braintree District Local Plan Review Inspector's Report Part Two – Proposals Map and Inset Maps 181 to the government's commitment to the re-use of previously developed land it would be unsatisfactory in relation to the government's desire to concentrate housing provision mainly within or adjacent to urban areas.

40.3.3 The site is not allocated in the Plan because it is remotely located in the countryside and, though the re-use of the existing buildings for employment purposes would be encouraged by the Council, large scale development such as that proposed would be inappropriate. The Objector has not identified any specific need for affordable housing in this area and the concept of a 'new settlement' would not be realistic on the scale proposed in this location. None of the other matters mentioned by the Objector, either individually or collectively, outweigh the conclusion that the site should not be allocated for housing or any other specific purpose in the Plan.

40.3.4 The Objection site is very unusual. Not only because it includes a substantial brownfield site surrounded by countryside but because it lies within neighbouring Districts and Counties. It is unlikely, given its location and position relative to major trunk roads, that any of the buildings are going to be attractive to B1 or B8 users. Consequently, if a suitable re-use for the site is to found then the District and County Councils need to be involved at the earliest opportunity possibly, as the Council suggests, to contribute to the formulation of a joint development brief. Though not a formal recommendation relating to the Plan the Council is encouraged to contact the Objector or their representatives, the neighbouring District Council and the two County Councils to initiate discussions.

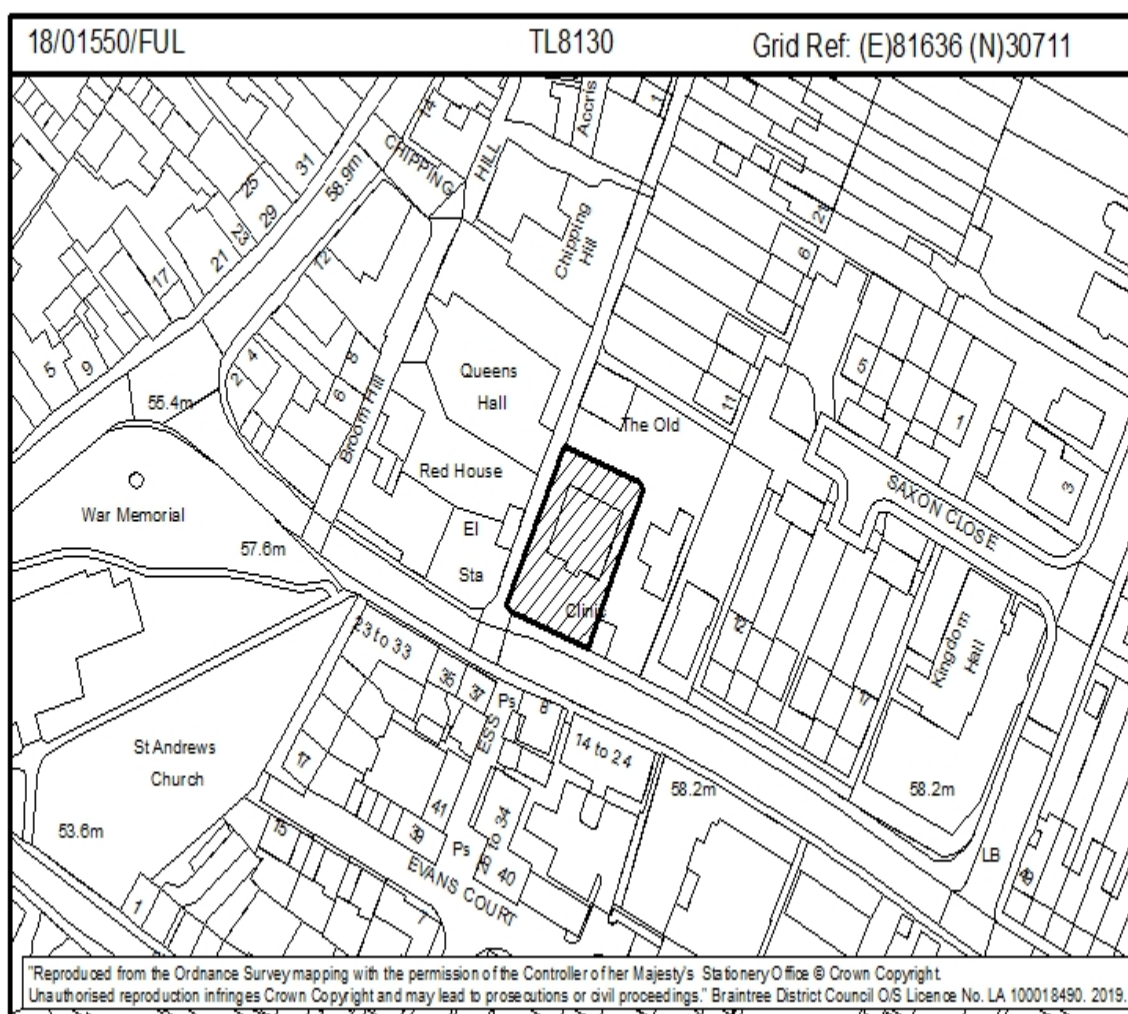
RECOMMENDATION I recommend no change to the Plan.

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 18/01550/FUL
DATE: 27.08.18
VALID:
APPLICANT: Mrs Dena Leek
Mill House, Mill Lane, Finchingfield, Braintree, CM7 4LG, UK
AGENT: Mr Nigel Chapman
Nigel Chapman Associates, Kings House, Colchester Road, Halstead, CO9 2ET
DESCRIPTION: Conversion from a single dwellinghouse to 2 x 1 bed and 3 x 2 bed flats (5 units), erection of 2 dormer roof extensions to front roof slope, together with associated parking, cycle parking, refuse storage and landscaping
LOCATION: Bartholomew House, Colchester Road, Halstead, Essex, CO9 2EA

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PDYPBCBFJZP00>

SITE HISTORY

93/01201/COU	Change of use of existing Ambulance Station and Clinic Site buildings to B1.	Granted	19.10.93
94/01441/COU	Proposed change of use from ambulance station to single residential unit and garaging	Granted	19.01.95
17/01028/FUL	Change of Use from D1 to C3 Residential	Granted	04.08.17

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 shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP24	Subdivision of Dwellings
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
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
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP17	Housing Provision and Delivery
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
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

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 Agent is related to a member of staff.

SITE DESCRIPTION

The site, at 0.05 hectares, is located within the town development boundary of Halstead but located just outside of the Conservation Area. The building (Bartholomew House) consists of a detached, two storey structure constructed of red brick, originally built as the Union Office in 1923, later used as the town's ambulance headquarters with a change of use to a clinic in 1993 and; latterly utilised as a children's nursery until its closure. Planning permission was sought and granted in 2017 (application reference: 17/01028/FUL) to convert the building into a single dwelling which involved no structural changes to the exterior of the building. The building is considered a non-designated heritage asset.

PROPOSAL

The application seeks full planning permission to convert the building into 5 residential units. The majority of the changes proposed would take place within the building, with minor alterations to the entrance of the site, together with the addition of a bin and cycle store. The rear garden would be shared and the frontage would accommodate a new single entrance, 5 parking spaces for the units and 1 visitor's space.

The main entrance to the building would not be altered and the ground floor of the building is proposed to be converted into two units comprising 1no. one bedroom apartment, and 1no. two bedroom apartment. There would be the addition of a new internal staircase which would be situated in the middle of the building providing access to the upper floors.

The first floor of the building would also be converted into two units, 1no. one bedroom apartment, and 1no. two bedroom apartment.

The second floor of the building would be converted into a single large apartment with two large bedrooms and a large kitchen / living room area.

CONSULTATIONS

Historic Buildings Consultant

The Historic Buildings Consultant raises no objection in principle to the conversion of Bartholomew House. The Historic Buildings Consultant did make comments regarding the addition of dormer windows on the front elevation and the obscure glazing to the windows on the western elevation

and that they would not add anything to the character of the building, however their addition would not cause sufficient harm to warrant refusal of the development.

ECC Highways

The Highway Authority do not wish to raise an objection to the above application, given the existence and previous use of the unit, the location with good access to frequent and extensive public transport, the existence of on-street waiting restrictions outside the site, town centre car parks and Braintree District Council's Adopted Parking Standards.

BDC Environmental Health

The Environmental Health Team do not have any objections to the application on Environmental Health grounds. However, in view of the proximity of nearby residential properties it is recommended that works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents.

PARISH / TOWN COUNCIL

Halstead Town Council were consulted twice on this application, initially on the original submitted plans which they had no objection to and following revised plans they were re-consulted and had no objections to the conversion of the single dwelling into 5 residential units subject to the Environmental Health Conditions and Historic Buildings advice being met.

REPRESENTATIONS

The application was advertised by way of two site notices, one when the original plans were submitted and a second once revised plans had been submitted. In response, one representation was received from a neighbouring property (The Old Ambulance Station) in which the following concerns were raised:

- The potential intrusion of privacy from flats 1,3 and 5
- The potential danger caused from vehicular movements entering and exiting Bartholomew House
- The increased risk of noise from multiple occupants

The concerns raised above are addressed in this report to follow.

REPORT

PRINCIPLE OF DEVELOPMENT

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the

planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, a material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

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

The application site is located within a designated town development boundary, where in accordance with Policy RLP2 of the Adopted Local Plan, new development will be confined to. The proposed development is therefore acceptable in principle. There is further policy support in accordance with Policy RLP24 of the Adopted Local Plan relating to subdivision of dwellings, which states that these are assessed against the following criteria:-

- The provision of car parking, amenity, garden space and facilities for refuse storage in accordance with the Councils standards;
- The likely impact on the immediate neighbourhood including cumulative effect of the subdivision of dwellings;
- The adequacy of the internal accommodation relative to the intensity of occupation envisaged.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

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

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

SITE ASSESSMENT

Location and Access to Services and Facilities

The application site is located immediately adjacent to but outside the Town Development Boundary of Halstead as identified in the Adopted Local Plan. Halstead is identified in the Adopted Core Strategy as a main town, one of 3 within the District.

Main towns sit at the top of the settlement hierarchy within the District with Halstead being the major service centre for the north of the District.

The designation of Halstead (alongside the two other main towns of Witham and Braintree) as a settlement sitting in the top tier of the settlement hierarchy has been carried forward into the Publication Draft Local Plan. Further tiers have been added to the lower part of the hierarchy with Key Service Villages; Second Tier Villages and Third Tier Villages sitting below the main towns.

It is therefore accepted that at the strategic level the town of Halstead is identified as being one of the more sustainable locations within the District, acting as the major service centre for the north.

Design, Appearance and Layout

The scale of development, providing 5 well designed, modest sized flats would not result in a change to the immediate character of the area. It is acknowledged that this part of Colchester Road has an existing mix of properties, including houses, apartments and a shop and the addition of the 5 flats would not be out of character with the surrounding mix of units.

The proposed external alterations to the building are limited with the addition of two dormer windows on the front plane of the roof, which would be in keeping with the existing dormer window on the rear plane of the roof. There would also be the addition of three roof lights on the each side roof planes and two new roof lights added to the rear roof plane with a smoke vent added centrally to the flat roofed part of the roof.

On the eastern elevation of the proposal an existing external door is proposed to be bricked up, with a small low level window and hatch at ground floor level

also bricked up. The existing windows beside the door proposed to be bricked up would also be subdivided with a lower section for a bedroom window to flat 1. On the western elevation of the proposal an existing external door is also proposed to be bricked up.

The main entrance door to the building would not be altered and would remain as the main entrance to the building with the addition of a new internal staircase which would be situated in the middle of the building providing access to the upper floors.

It is noted that the windows of flat 4 on the side elevation of the building are proposed to be partially obscure glazed to assist in the potential for overlooking into the neighbouring properties garden.

Overall it is considered that the proposed units would provide a good standard of accommodation for future residents, with all 5 of the units complying with the nationally described internal space standards.

To the rear of the property there would be a well-designed shared garden with 112sq.m of useable external amenity space for the residents. It is noted that the amenity space provided is slightly below the 25sq.m per unit required by the Essex Design Guide, however taking into consideration the location of the site and its close proximity to parks and open space, the proposed shared garden would be acceptable.

The existing frontage is entirely laid out for parking, with no soft landscaping provision. The proposed layout in contrast proposes 5 off-street parking spaces and one visitor parking space, which would incorporate well-designed soft landscaping to enhance the character and appearance of the street scene. The existing entrance to the site currently operates as an in-out entrance and the proposed would remove one of the entrances and replace it with one centralised entrance to the site. The proposal also incorporates a new low level red brick wall with railings and hedging behind which would further enhance the character and appearance of the site from the public realm, whilst improving the level of privacy and security for the new occupants of the flats.

The proposal also incorporates a dedicated refuse storage area, and bicycle store (with 1 secure bicycle space per flat) which would be situated on the eastern edge of the site immediately adjacent to Bartholomew House. It is considered that the refuse storage area and bicycle store is of a good standard of design and would use appropriate materials (red bricks for the side elevations, black boarding for the front elevation and slate for the mono pitched roof) which would harmonise well with those used on Bartholomew House.

From a policy perspective, the conversion of Bartholomew House into 5 flats would have no adverse cumulative impact to the immediate neighbourhood from the subdivision in accordance with Policy RLP24 of the Adopted Local Plan. The car parking, internal amenity, garden space and facilities for refuse

storage would be acceptable due to the close proximity of the site to Halstead Town Centre. The proposal would be of a good standard of design and layout which would harmonise well with the existing street scene, and character of the area.

Impact on Amenity of the Neighbouring Property

The proposal of converting the building into 5 flats would not have a detrimental impact on the amenity of the neighbouring property (The Old Ambulance Station) as there are existing windows at first floor level which overlook the neighbour's garden. There are no new windows being added to the building apart from the dormer windows on the front, roof lights on the side planes of the roof and a roof light on the rear roof plane, all of which would not detrimentally harm the neighbour's amenity. The proposal would not have a detrimental impact on the neighbour's amenity in terms of loss of light or outlook and therefore the impact on the neighbouring properties amenity would be acceptable.

Highway Issues

The proposal would fall short of the required parking for flats. The Adopted Parking Standards require the two bedroom units to have two parking spaces per unit, with the single bedroom units requiring one space per unit. However, due to the close proximity of the site to Halstead Town centre having one space per unit would be acceptable with one additional space for visitor parking. It is also noted that sufficient cycle storage is provided within the bin and cycle store and this would provide secure provision for all 5 units. Furthermore, no objections to the proposal, including the proposed access to the site, have been raised by the Highway Authority.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence of the relevant European designated sites. 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 development at 99 units or less that is likely to be approved prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is comparatively minimal.

It is therefore concluded that the amount of development approved under schemes of 99 unit or less prior to the adoption of the RAMS will 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 and it is not therefore considered that the current proposal would result in a likely significant effect on European designated sites.

Notwithstanding the above, at the present time, there are no specific costed HRA mitigation 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 for off-site mitigation at relevant European designated sites for schemes of this size.

PLANNING BALANCE AND CONCLUSION

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

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

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

coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

The development would provide some limited economic benefits from the refurbishment of the property, and socially would provide a contribution, albeit limited, due to the scale of development towards the District's Housing Supply and provide a mix of dwelling types in the area. The layout and design of the development would respect the character and appearance of the building and the alterations to the frontage would be an enhancement to the street scene. The development would provide for acceptable amenity for future occupiers and neighbouring properties. Equally adequate parking provision is provided.

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 proposed development would result in a sustainable development of an acceptable layout and design and it is recommended that planning permission be 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

Existing Plans	Plan Ref: 17/502/2	
Existing Elevations	Plan Ref: 17/502/6	
Proposed Plans	Plan Ref: 17/502/5	Version: E
Proposed Elevations	Plan Ref: 17/502/7	Version: D
Location / Block Plan	Plan Ref: 17/502/8	Version: D
Landscaping	Plan Ref: 17/502/9	Version: E
Proposed Bin Collection Plan	Plan Ref: 17/502/10	Version: A
Design and Access Statement		
Landscaping	Plan Ref: 17/502/11 - Detailed Planting Layout	
Other	Plan Ref: 17/502/12 - Wall and Railing Details	

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

Reason

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

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

Reason

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

- 3 Construction of the bin / bike store shall not be commenced unless and until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme adjacent to the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 Construction of the low level boundary wall shall not be commenced unless and until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme adjacent to the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 5 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

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

- 6 Prior to the installation of the new dormer windows, full details at a scale of 1:1 - 1:20 as appropriate in plan, section and elevation form shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate detailing and materials having regard to the importance of this scheme, adjacent to the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 7 Prior to the installation of the new roof lights, full details at a scale of 1:1 - 1:20 as appropriate in plan, section and elevation form shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate detailing and materials having regard to the importance of this scheme, adjacent to the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 8 The windows on the first floor of the eastern elevation of the building (Flat 4) shall be glazed with obscure glazing, to a minimum of level 3, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened and shall be retained as such thereafter.

Reason

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

INFORMATION TO APPLICANT

- 1 In respect of Condition 8, the applicant is advised that glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 18/01751/REM DATE VALID: 27.09.18

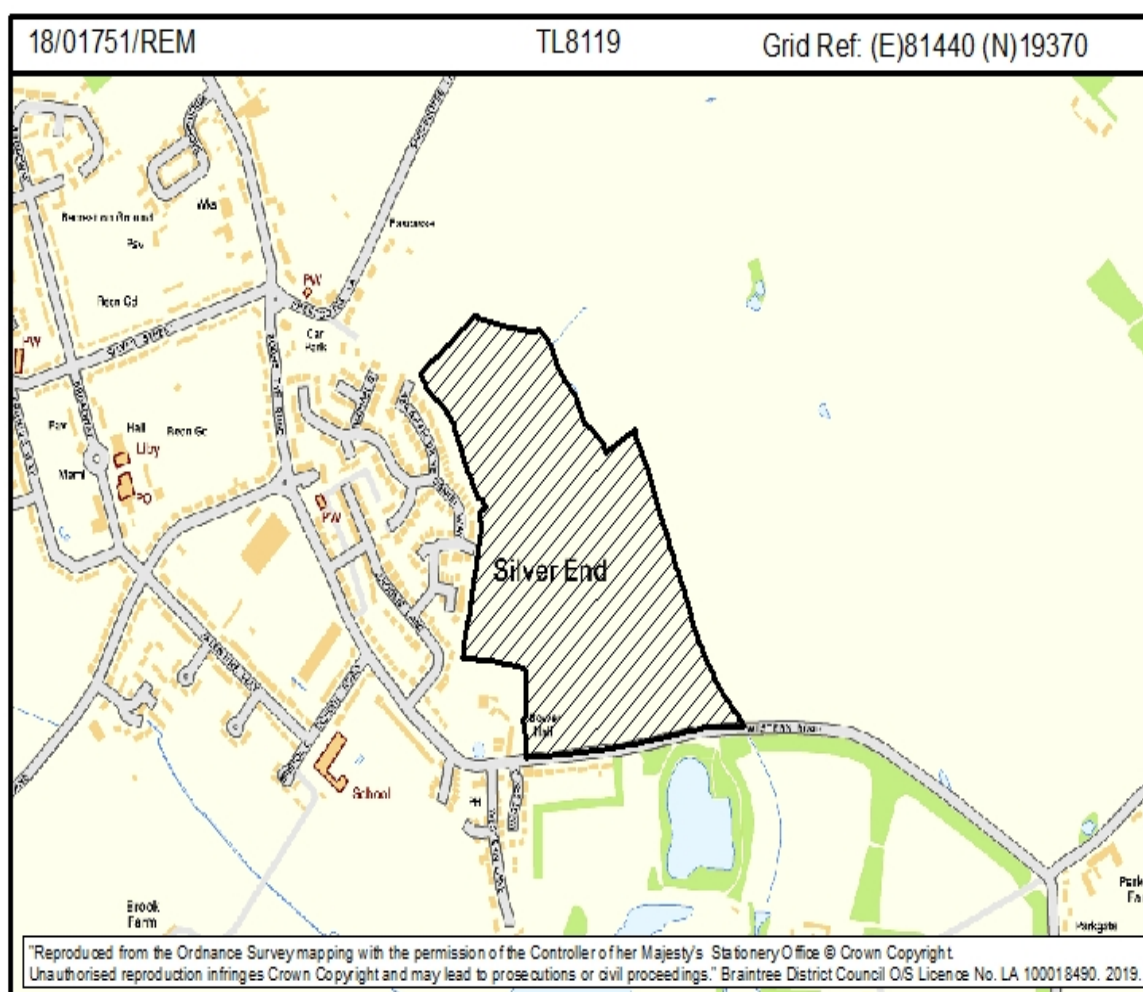
APPLICANT: Redrow Homes Ltd

AGENT: Strutt & Parker
Miss Katherine Dove, 222 High Street, Guildford, Surrey,
GU1 3JD

DESCRIPTION: Application for approval of Reserved Matters
(Appearance, Landscaping, Layout and Scale) following
the grant of outline planning permission ref:
15/00280/OUT - Erection of 350 dwellings (including 40%
affordable housing), creation of internal roads, footpaths,
open space, SuDS features, a sub station, a pumping
station and groundworks.

LOCATION: Land Off, Western Road, Silver End, Essex

For more information about this Application please contact:
Mr Neil Jones on:- 01376 551414 Ext. 2523 or by e-mail
to: neil.jones@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFM2XNBF0IJ00>

SITE HISTORY

16/00026/NONDET	Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation. With all matters to be reserved.	Appeal Allowed	21.03.17
07/01602/AGR	Erection of hay barn	Permission Required	01.10.07
08/00034/FUL	Erection of stables, barn and manege	Refused	28.02.08
08/01239/FUL	Erection of stables, barn and manege	Withdrawn	04.08.08
11/00644/FUL	Erection of stable barn and manege and change of use from agricultural land to land for keeping of horses	Granted	19.07.11
14/00930/FUL	Erection of a stable block with associated hard standing, fencing, new vehicular access off Western Road and access track	Refused	11.05.15
14/00015/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Residential development of up to 250 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	25.09.14
15/00001/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Screening/ Scoping Opinion Adopted	19.02.15

	2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure		
15/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	04.02.15
15/00280/OUT	Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation. With all matters to be reserved.		20.04.16
16/00797/OUT	Outline planning permission for up to 335 residential dwellings (including up to 40% affordable housing), 1.24 acres for C2 Use, up to 150 sq.m. for A1 Use, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation. With all matters to be reserved.	Application Returned	
18/01342/FUL	Creation of a field access from Western Road into Land North of Western Road, erection of gate posts, gate and fence.	Granted	30.11.18
18/01693/FUL	Creation of a permanent vehicular access from	Granted	03.12.18

	Western Road into Land North of Western Road, Silver End and creation of drainage features.	
18/01701/DAC	Application for approval of details reserved by condition 6 of approved application 15/00280/OUT	Pending Consideration
18/01734/DAC	Application for approval of details reserved by condition 12 of outline planning permission 15/00280/OUT.	Pending Consideration
18/01737/DAC	Application for approval of details reserved by condition 9 of outline planning permission 15/00280/OUT.	Pending Consideration
18/01739/DAC	Application for approval of details reserved by condition 14 of approved application 15/00280/OUT	Pending Consideration
18/01742/DAC	Application for approval of details reserved by condition 15 of approved application 15/00280/OUT	Pending Consideration
18/01743/DAC	Application for approval of details reserved by condition 16 of approved application 15/00280/OUT	Pending Consideration
18/01744/DAC	Application for approval of details reserved by condition 20 of approved application 15/00280/OUT	Pending Consideration
18/01745/DAC	Application for approval of details reserved by condition 21 of approved application 15/00280/OUT	Pending Consideration
18/01747/DAC	Application for approval of details reserved by condition 18 of approved application 15/00280/OUT	Pending Consideration
18/01932/DAC	Application for approval of details reserved by condition 8 of outline planning permission 15/00280/OUT.	Pending Consideration
19/00029/DAC	Application for approval of details reserved by condition 19 of approved application 15/00280/OUT	Pending Consideration
19/00324/FUL	Creation of a temporary construction access and	

haul road from Western
Road into land north of
Western Road, and
associated works to facilitate
future residential
development of land

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 Inspector's views on policy SP3 of the Section

1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming

RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments
RLP163	Infrastructure and Community Facilities

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

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 is considered to be of significant public interest.

SITE HISTORY – BACKGROUND TO CURRENT APPLICATION

A planning application was submitted in February 2016 for outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation. The Council intended to refuse the application but before that decision could be taken the applicant, Gladman Developments, appealed to the Secretary of State on the grounds of non-determination.

A Public Inquiry was held in February 2017 where the Council argued that the appeal should be dismissed and planning permission refused. In March 2017 the Planning Inspectorate issued a decision on behalf of the Secretary of State and granted outline planning permission, subject to conditions and planning obligations set out in a Unilateral Undertaking.

The site has now been purchased by Redrow. In addition to submitting this reserved matters application, separate planning applications have been submitted and approved in November 2018 for the creation of a field access from Western Road into the site (18/01342/FUL) and the creation of a permanent vehicular access from Western Road and creation of drainage features (18/01693/FUL).

As can be seen under the Planning History heading the applicant has also made applications to the Council to discharge planning conditions attached to the outline planning permission. There are applications to discharge the following planning conditions:

Condition 6: Levels
Condition 8: Archaeology

Condition 9: Contaminated Land
Condition 12: Measures to protect retained habitats
Condition 14: Landscape and Ecology Management Plan
Condition 15: Noise
Condition 16: Surface Water Drainage Scheme
Condition 18: Landscaping
Condition 19: Lighting
Condition 20: Refuse Collection
Condition 21: Affordable Housing Provision

SITE DESCRIPTION

The site comprises two fields separated by a ditch and a hedgerow. The northern field had been used as horse paddocks and most of the southern field had been in arable production with some wide grass margins. To the west of the site is modern residential development on the eastern edge of the village. Bowers Hall, a Grade II listed farmhouse set in a large curtilage, adjoins the south west corner of the site. Most of the former farm buildings, including a large 19th century barn, are in separate occupation and are used for the storage of cars. Running along the southern site boundary is Western Road. There is a ribbon of 20th century development fronting the southern side of Western Road for around half the length of the application site frontage. There is open farmland to the east and north east and, to the north-west, there are extensive residential curtilages of properties fronting Sheepcotes Lane.

The site falls gently from west to east towards a watercourse along the eastern boundary. Public Footpath 53 (FP53) runs close to Western Road along the full extent of the southern edge of the site inside the boundary hedge. Beyond the site it continues eastwards across the next field before turning north on slightly higher ground which is at a similar elevation to the western edge of the appeal site.

PROPOSAL

This application seeks approval for details of all the Reserved Matters - access, appearance, landscaping, layout and scale - for a residential development of 350 dwellings with associated infrastructure and landscaping, pursuant to outline planning permission 15/00280/OUT that was granted planning permission on 21st March 2017.

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

It is proposed that the development would consist of a mixture of dwellings with detached, semi-detached; terraced and five blocks of apartments. The dwelling

sizes would range from 1 – 4 bedrooms. The storey heights of buildings would range from one to the three storeys.

In addition to the usual full set of layout and elevational drawings the application is also supported by a suite of documents, including:

Accommodation Schedule
Arboricultural Impact Assessment
Design & Access Statement
Ecological Assessment
Education Site Checklist
Flood Risk Assessment and Drainage Strategy
Heritage Impact Assessment
Landscape and Ecological Management Plan
Landscaping scheme
Noise Assessment
Planning Statement
Statement of Community Involvement
Transport Note

CONSULTATIONS

External Consultees

ECC Education – No objection

The land that is proposed to be transferred to Essex County Council for them to build a facility to be used to provide Early Years & Childcare is acceptable

ECC Highways – No formal response to date

At the time of writing this report no formal response has been received from the Highway Authority. Officers have spoken to the Highway Authority Officers assessing the application and understand that they have no objection to the application subject to a minor revision to one turning head on an estate road within the development. The applicant has agreed to revise the plans to address this point to the Highway Authority's satisfaction and will submit revised plans to address this point only. A formal response will be produced by the Highway Authority in due course and this will be reported to Members at the Planning Committee.

ECC Historic Buildings Adviser - No objection

Advise that it would preferable if the three dwellings in the south west corner of the site were omitted to better preserve the setting of the listed buildings at Bower Hall and Barns. With reference to the NPPF development would result in less than significant harm which could be characterised as being at a minor level. Conditions recommended in respect of conditions and detailing.

ECC Historic Environment Adviser – no objection

A planning condition on the outline planning permission requires an archaeological evaluation of the site to determine the impact of the development on potential archaeological remains.

The evaluation has not yet been completed and no results are available to make this assessment. This work will need to be completed in order to satisfy the condition on the outline planning permission.

ECC SUDS – Lead Local Flood Authority – No objection

Additional information has submitted to address concerns raised by the LLFA in their initial consultation response and demonstrate that the Surface Water Drainage System has been designed to continue to operate safely in the event of fluvial flooding near the site. Having assessed the additional information the LLFA confirm that the submitted details can be approved.

Environment Agency – No objection

Flood risk maps show the site boundary lies within fluvial Flood Zone 3 defined as having a high probability of flooding but no objection to the proposals. Advice provided in respect of surface water drainage.

Highways England – No objection

This is a reserved matters application and this will not alter the impact of the development on the Strategic Road Network.

Historic England – No objection

Historic England do not wish to offer any comments on the proposals but they suggest that the Council seek the views of our specialist conservation and archaeological advisers.

Natural England – No objection

Natural England state that they have not assessed this application but refer to their published Standing Advice which can be used to assess potential impacts and the Council may wish to consult your own ecology services for advice.

Second consultation responses advises that the development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). They advise that because of the scale of development it is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. It is recommended that the Council undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation.

Sport England – No comment

The proposed development does not fall within either Sport England's statutory remit therefore a detailed response will not be provided.

Internal Consultations

BDC Environmental Health – No objection

Development to be implemented in accordance with recommendations in the applicant's noise assessment. Condition recommended to provide details of

how to prevent noise and odour from adversely affecting the proposed nearby residential property.

BDC Ecology – At the time of publication the Committee Report, a formal consultation response was in the process of being finalised. No objections to the proposal are raised subject to conditions. An update will be provided to Members at Planning Committee.

BDC Housing Enabling Officer – No objection

Supportive of this application, which if approved, provides opportunity for a significant number of new affordable homes to be delivered in Silver End that will assist the Council in addressing housing need. Affordable unit and tenure mixes are considered appropriate to match evidence of housing need.

BDC Waste Services - No comments

PARISH / TOWN COUNCIL

No response has been received from Silver End Parish Council. If a consultation response is received before the Committee meeting this will be reported to Members at the Committee meeting.

PUBLICITY

The application was publicised by way of advertisement in the Braintree & Witham Times; six site notices were displayed on or adjacent the application site and neighbour notification letters sent to properties immediately adjacent to the site.

Twenty representations have been submitted in respect of the application, objecting to the proposal. A summary of the main issues raised in the representations are set out below:

Impact on Infrastructure:

- A substantial investment in infrastructure is required before it would be safe or appropriate to allow a development of this scale in addition to those already under construction.
- The local Doctors Surgery is over-subscribed and is often unable to deal with the patients already registered making it difficult to get appointments - some often weeks away.
- Public transport is severely lacking, particularly in the evenings.
- The local primary school is over-subscribed. Additional capacity will be required at the school with funding already being cut. Recent development at Cressing will exacerbate this issue.

- Although a preschool facility would be provided, no thought has been given as to where the pre-school children will be educated when reaching school age.
- The electricity network frequently suffers power cuts. Whilst many of these are of short duration but are highly inconvenient and adversely affect the many 'solid state' electrical devices in the home as well as causing difficulty for those attempting to charge electric cars.
- The telephone and broadband network is under pressure with poor speeds and interruptions.

Highway Network/Safety

- The proposed access is unsafe.
- The local road network is inadequate for the likely volume of traffic – eastwards towards the A12 there is a restricted railway bridge and sub-standard junction onto the A12. The alternative route to Witham is highly congested with access to only one unrestricted crossing of the main railway line. Access west is very poor with only minor roads towards Galleys Corner where there is a sub-standard, heavily congested access to the A120.
- The roads within Silver End are also congested and roadside parking along with overgrown boundary hedges encroaching on pavements causes pedestrians to walk in the roads.
- Visibility for drivers through Silver End is severely restricted requiring them to have to negotiate lines of parked cars making it difficult and dangerous, often resulting in cars, buses and lorries using the roadside footway to pass.
- Parking congestion in the Village centre.
- Lack of parking within the development will lead to parking on Western Road. There has been no mention of putting double yellow lines on Western road to prevent this. This will heighten the risk of accidents on a fast busy road.

Impact on Wildlife and Countryside

- The siting of these houses will destroy and totally decimate the wildlife in the surrounding area which needs protection at all costs. At present there are several wildlife species whose habitats would be lost.
- The removal of the hedgerow along Western Road will have an impact not only on wildlife but on the character of the countryside and Silver End itself.

- The developer has indicated on the submitted plan that an oak tree shown on the submitted plans will be retained, however, without other feeding opportunities, the wildlife that depends upon this tree and others will not thrive.

Design/Amenity Issues

- This development along with other proposed developments would change the character of the village irreparably.
- The style of the development is not in keeping with the rest of the village.
- The plans differ from those shown at the village open days. The Developer claims to have held a consultation process with the residents of Silver End but residents opinions and suggestions appear to have played no part in the plans submitted.
- Flats have also been included, and are poorly sited.
- The density of housing on the boundary of Abraham Drive/Daniel Way is unacceptable and will over-look existing residential premises on Daniel Way and Joseph Gardens. This will result in the loss and enjoyment of the wildlife and countryside enjoyed for over 40 years.
- The integration of the affordable housing is cramped and relates poorly to the proposed development and the existing development near to Daniel Way and Joseph Gardens.
- The higher density of the Affordable Housing should be relocated within the site with larger market houses backing onto existing residents, resulting in less houses overlooking the residents on the boundary of Abraham Drive/Daniel Way.
- There has been no mention of boundary spacing between the new development and the existing dwellings that back onto the site. Residents were advised that hedge rows and trees would be provide for screening and privacy to both and the new and existing dwellings. The only screening appears to be a fence of 1.8m in height, but no indication given if there will be any space between existing fences and the new properties.
- The plans clearly do not show the type of hedging or trees to be put around the boundary lines next to the existing dwellings. This needs to be addressed to ensure the privacy of existing residents.
- Greater space between the existing and proposed development should be provided to prevent overlooking of rear boundaries of the existing

development. Less houses on the boundary would also reduce the amount of noise and light pollution.

- The gardens in Daniel Way and Joseph Gardens face north-east and will be overshadowed.
- The green spaces around Silver End are being exploited whilst the factory site in Western Road stands idle. This site would be quite sufficient for Silver End's needs without building on prime farming land.
- Silver End has always been known as a Garden Village and this development will result in loss of this identity.

Other Issues

- The proposed incinerator will be extremely close to this development.
- Impact on property values – the prices of the new houses will far out-value the current homes offered for sale in the village.
- Drainage issues - the soak away ditch that lies between the application site and the existing development is to prevent flooding to properties and the farm land. The new plans clearly indicate the boundaries of the new properties will back up directly to existing fences and would therefore cover be over the ditch. A key consideration is whether the Developer will be able to continue to drain the surface water from their developed site into existing ditches and to use other forms of drainage that run across neighbouring properties.
- Placing all the affordable housing in the manner proposed will cause problems for existing residents and the possibility of antisocial behaviour occurring.
- There is no compensation in place for the residents who are going to be severely disrupted by the noise, smell and dust caused should this development actually be built.
- Potential impact to health during the construction phase of the development resulting from exposure to hazardous material, chemicals fumes and dust.

REPORT

PRINCIPLE OF DEVELOPMENT

The principle of development has been established under the original outline consent, granted on appeal by the Planning Inspector, reference 15/00280/OUT, issued on 21 March 2017. The current application seeks approval only for the reserved matters pursuant to the outline consent.

In terms of the background to the outline consent, the site is located outside any development boundary in the adopted Development Plan. As the principle of residential development has however been established by the Planning Inspectors decision in 2017. As a result of that decision it is proposed that the site will be allocated in the new Local Plan for residential development. The outline application to develop the site for residential use was therefore a departure from the adopted Development Plan but is now in accordance with the draft allocation in the emerging Local Plan.

It is noted that a lot of the objections that have been received from local residents refer to matters that would have been considered when outline planning permission was sought. A lot of the issues relate to the village infrastructure (including health and education services; public transport; utilities; the road network in the village and district; and parking problems in the village). Where the Planning Inspector considered that there were problems that required mitigation, such as the provision of Early Years & Childcare, Primary School places and Health Services, the outline planning permission addressed this. The legal agreement that formed part of that planning permission requires the provision of land within the site to be given to the County Council which they can use to provide a new Early Years & Childcare facility. There are also financial contributions towards education and health services which providers can use to create additional capacity to meet the increased demand arising from the development. The Council cannot revisit these issues as part of this Reserved Matters application.

Whilst all the concerns of residents regarding the principle of development are noted a Planning Inspector has granted planning permission for up to 350 dwellings on this site and Officers therefore consider that the proposal for residential development has been established and is acceptable. The only matters that the Council can now consider are the detailed Reserved Matters – the layout, appearance, landscaping, access and scale.

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

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

The Planning Inspector imposed a number of conditions which are of relevance to the consideration of the Reserved Matters, namely:

4) The permission provides for no more than 350 dwellings.

5) No building on the site shall exceed three storeys in height, with the exception of any rooms within the roof space.

7) Car parking across the development shall be provided in accordance with the minimum standards set out in the 'Essex Parking Standards: Design & Good Practice' (2009).

21) Affordable Housing shall be provided and this shall consist of not less than 40% of the dwellings, with 70% provided as affordable rent and 30% provided as intermediate housing with the dwellings distributed across the site

23) Prior to first occupation of the development a pedestrian/cycle way linking the site to Daniel Way.

25) Before first occupation of any dwelling, a 2m wide footway shall be provided across the Western Road frontage of the site to the west of any new access to be provided into the site to link to the existing footway on Western Road to the west of the site. The footway shall make appropriate connection with Public Right of Way 53.

26) Before first occupation of any dwelling a pedestrian crossing on Western Road shall be provided as part of the access arrangements to be approved as a reserved matter pursuant to Condition 1. This shall include a pedestrian refuge, with associated dropped kerbs and tactile paving.

27) Any new boundary planting to the Western Road frontage of the site shall be planted a minimum of 1 metre back from the highway boundary and from the line of any visibility splay required to be provided to serve the access.

Appearance, Layout and Scale

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

The applicant proposes a development of 350 dwellings. The design and layout has been the subject of extensive discussions between Officers and the applicant. Officers acknowledge the positive approach that the applicant has taken to addressing issues that Officers have identified and set out below are just some of the changes that have been made during the application-

- Extensive changes to road layout and areas of Public Open Space;
- Providing a clearer road hierarchy throughout the development;
- Changes to the mix of both market and affordable housing;
- Relocating the land to be provided for Early Years & Childcare facility and improving its accessibility;
- Reducing the range of house types proposed to be used and providing greater uniformity or distinct character areas;

- Changes to the design and external appearance of housing;
- Relocating the blocks of flats away from existing properties;
- Reorienting dwellings to address areas of Open Space to provide better natural surveillance;
- Extensive revisions to parking arrangements, both in parking courts and on plot and visitor parking arrangements;
- Revisions to the attenuation basins

Whilst this is in no way a comprehensive list it does demonstrate the commitment that the applicant has shown to addressing Officers concerns.

In addition to the changes to the layout, the design of the house types has been substantially revised during the course of the application to respond to Officer concerns. The intention was not to replicate house designs from elsewhere within the village but instead the designs are intended to be sympathetic to the character of Silver End and Officers consider the revised house types a far more appropriate design response than that originally proposed.

It is proposed that the development is served by a central spine road which gently curves as it moves through both parcels of land. The road would have larger properties fronting it, often set behind generous front gardens. A feature central green has been included towards the centre of the southern parcel. Elsewhere along the road street trees are proposed which add to the status of the road. Away from the spine road there are a mix of lower order roads including shared surface and private drives. As discussed below a range of parking solutions have been employed. Where appropriate and possible street trees have been added.

There are five apartment blocks proposed within the development. The blocks are three storey in height – as permitted by the Planning Inspector – and these have been arranged so that they address one of the principal Open Spaces towards the centre of the site. This is considered an appropriate location so they are located a reasonable distance from existing two storey development on the edge of the village but also away from the eastern boundary where they could appear prominent and out of place, on the new edge of the village. The apartment blocks are at least 40m from the site boundary.

The development is largely compliant with the Essex Design Guide in terms of garden sizes for the proposed houses. The proposed development would see the erection of 299 houses (and 51 flats) and of the 299 houses just three dwellings are shown to fall below the Council's adopted minimum standards. The house that has the greatest shortfall is 15sq.m. under the minimum standard but it still has a rear garden of 85sq.m. Officers consider that this small number of dwellings being deficient in amenity space is acceptable and it should be noted that many gardens are over the standard, sometimes markedly so. The communal amenity space serving the apartment blocks does not meet the Council's desired standards (25sq.m. for each flat) but each block is provided with an enclosed communal amenity space and the blocks are located adjacent the main area of Open Space. Again Officers are satisfied that the

provision is considered reasonable in this case. Essex Design Guide back to back distances between new dwellings are also complied with.

Overall, the layout is considered to be appropriate to the context, constraints and opportunities of the site. There are distinct character areas and changes in density across the site which help to provide variety and legibility.

Residential Amenity

The NPPF states that planning decisions should seek to '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.

A noise impact assessment has been submitted with the application and this has been reviewed by the Council's Environmental Health Officer. The report includes data and analysis of noise levels produced by others in connection with Bradwell Quarry and the Rivenhall Airfield Integrated Waste Management Facility and data produced by the consultants in respect of road traffic on Western Road.

The reports identifies parts of the development and dwellings that will require specific measures to achieve the target internal noise levels and external noise levels within gardens. The required measures include the provision of 1.8 m high brick walls or other solid construction around various garden areas and the installation of standard double glazing and window ventilation systems. The Environmental Health officer accepts the report's conclusion which is that acceptable internal and external noise levels can be achieved. A condition should be applied which requires compliance with the report recommendations.

Impact upon Neighbour Amenity

The application site is directly bounded by existing dwellings to the west. Masterplans have been produced by Gladman Developments, as part of their outline planning application, and by the applicant as they began to explore options as to how the site could be developed. One of the early masterplans produced by the applicant showed a strip of Public Open Space to the rear of properties on Daniel Way. Planning Officers had concerns about the initial layout proposed by the applicant. The quality of the Open Space that could be provided in this area was questioned and it was considered that there were better locations within the site where the Open Space could be provided. Officers were also concerned that setting out Open Space to the rear of the Daniel Way gardens would reduce the extent to which the area would be surveyed / overlooked and it would also leave the rear boundaries of the Daniel Way properties relatively exposed. Officers considered that it would be preferable for dwellings to back onto this boundary, providing a more secure boundary and locating the Open Space elsewhere in the development where it would be possible to provide a greater degree of natural surveillance.

The Essex Design Guide requires a 25m separation distance for dwellings which sit in a back to back relationship, such as that now proposed along the

boundary with Daniel Way and Abraham Drive. All the proposed dwellings are located at least 15m from the site boundary and a minimum of 25m between the rear elevations of the opposing dwellings. The distance is greater for properties on Abraham Drive where the back to distances exceed 40m in some cases.

It is acknowledged that the construction of a housing development will result in noise and disturbance for local residents. A condition was imposed by the Inspector requiring the submission and approval of a Construction Management Plan which seeks to protect neighbour amenity, so far as is practicable.

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires that in the rural areas of the District, on sites of this size 40% affordable housing provision be directly provided by the developer within new housing schemes. Planning condition No.21 requires the provision of 40% affordable housing. The application complies with this policy and provides for 140 affordable dwellings. The mix of dwellings is as follows;

Affordable Rent (98 homes)

24no. 1-bed flats;
7no. 2-bed flats;
30no. 2-houses;
31no. 3-bed houses;
6no. 4-bed houses.

Shared Ownership (42 dwellings provided on a Shared Ownership basis where the occupier of a dwelling buys a proportion of the property and pays rent on the remainder, typically to a housing association)

15no. 1-bed flats;
5no. 2-bed flats;
11no. 2-bed houses;
11no. 3-bed houses.

It should be noted that the homes being provided for affordable rent include 4 bungalows designed for use by wheelchair users; all affordable housing is designed to enhanced accessibility standards so that they are accessible and adaptable; and two of the blocks of flats are to be provided on a shared ownership basis which the Council's Housing Enabling Officer has required to provide additional affordable routes to home ownership. Overall the size, mix and design of the affordable housing has been drawn up to help the Council to meet local housing need. The Council's Housing Enabling Officer has agreed the affordable housing offered and supports this element of the application.

Local and national planning policies seek to promote mixed and inclusive communities. Policy RLP7 of the Adopted Local Plan states the Council will seek a mix of different house types and tenures. The Council's Affordable Housing SPD states that the Council will not support the creation of large areas of housing with similar characteristics but also states that affordable housing

should be provided with the open market housing to the satisfaction of the Registered Provider.

The affordable housing is clustered broadly in four groups of varying sizes. The Council's Housing Enabling Officer works closely with the Registered Providers (RP's), such as Greenfields Community Housing, who will assume ownership and management of these homes. He has advised Officers that RP's preference is for the units to be located together in groups or clusters as they are easier to manage and residents tend to prefer that arrangement.

Some local residents have expressed opposition to the location and distribution of affordable housing within the development, with the principal concerns being that all the dwellings to be built along the western site boundary and adjacent to the existing residents in Daniel Way, Abraham Gardens and Joseph Gardens are to be affordable homes; and that the residents consider that the affordable housing is too concentrated and at too high a density and should be distributed more evenly across the whole site. Officers however consider that the arrangement of the units is acceptable. All the affordable housing has been designed to comply with the relevant design standards and there is no planning reason why the affordable housing cannot be adjacent to existing residents.

Housing Mix

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

Whilst Part Two of the Publication Draft Local Plan is yet to be examined and adopted, paragraph 50 of then NPPF, now paragraphs 60 & 61 in NPPF 3 (February 2019) highlights the need for local planning authorities to deliver a wide choice of high quality homes. It goes on to state that the planning system should widen opportunities for home ownership and create sustainable, inclusive and mixed communities; plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and, identify the size, type, tenure and range of housing required in particular locations, reflecting local demand.

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

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

The mix of market housing proposed by the applicant in the original submission contained a mix that was heavily skewed towards larger houses;

- 1-Bed – No.0;
- 2-Bed – No.3 (1.5% of the market dwellings proposed in the development);
- 3-Bed – No.72 (34.3% of the market dwellings); and
- 4>Bed – No.135 (64.2% of the market dwellings).

Officers accept that given the limited weight that can currently be attached to policies contained in the Draft Local Plan the Council cannot currently reasonably require that the Market Housing mix completely reflect the SHMA, however Officers are concerned that the scheme has too great a proportion of larger, 3 and 4 bed units, and these properties are of less value in catering for people who might be living on their own, wishing to buy their first property, or who are looking to down size.

After Officers raised this concern the applicant revisited the mix of market housing that they propose and the revised scheme now before Members contains the following mix.

- 1-Bed – No.0;
- 2-Bed – No.9 (4.3% of the market dwellings proposed in the development);
- 3-Bed – No.109 (51.9% of the market dwellings); and
- 4>Bed – No.92 (43.8% of the market dwellings).

The applicant has submitted a supplementary statement which provides commentary and justification for their position. The arguments advanced include;

- The SHMA was produced in 2015 and market has changed since then;
 - The SHMA considers need, but not demand;
 - 3-bed housing is attractive not just to households that need 3 bedrooms but to wide range of people (e.g. households wanting more living space or larger gardens, or planning to have a family at a later date);
 - There is a strong market demand for larger properties;
 - Help to Buy Scheme – this is Government run scheme is available to first-time buyers and existing homeowners who want to buy a 'new build' house and provides an interest free loan towards the purchase for the first five years. This allows buyers to borrow significantly more than through a traditional mortgage, allowing buyers to purchase a larger house than they would otherwise be able to and in the process supressing demand for smaller dwellings.
- 67% of sales at the Redrow development at Lodge Farm, Witham have been made through the Help to Buy scheme and Redrow anticipate similar levels of purchasers using the scheme at Silver End.

Notwithstanding the above points Redrow has amended the housing mix and whilst there remains a heavy bias towards larger houses Officers have had to make a judgement based on the proposal as a whole. Whilst the concern persists that there are no 1-bed market units and only nine 2-bed units the number of 3-bed houses has been increased significantly and now accounts for over half of the market housing, with the number of 4-bed units reducing. A greater number of 3-bed dwellings will provide a greater number of flexible and more affordable dwellings than was originally proposed. In addition it must be

remembered that 40% of the dwellings are affordable homes and these are mainly smaller units and this contributes towards creating a mixed and balanced community. 30% of the affordable homes would be intermediate housing and so can be purchased through a shared ownership scheme. Although Officers would have liked to see a better mix of market housing it is considered that the proposed mix is acceptable.

Heritage

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan seeks to protect listed buildings and their settings. Whilst the NPPF also seeks to protect designated heritage assets such as this the approach is not consistent with paragraph 196 which states that harm to heritage assets to be balanced against public benefits.

When the application for outline planning permission was being assessed Officers considered that the proposed development would harm the setting of the Grade II listed Bowers Hall, together with its associated curtilage buildings, and to the setting of the Silver End Conservation Area.

The Planning Inspector in their appeal decision disagreed with the Council's assessment and concluded that overall the effect of the scheme on the significance of the Conservation Area would be so limited that it should attract little weight in the planning balance. The Inspector's view on this matter is a material consideration in determining this application.

In considering the impact of development on Bowers Hall and Barns the Inspector referred to a buffer of open space of '*around 30m wide*' adjacent to the eastern and northern boundaries of Bowers Hall and barns. The suggested separation distance was considered sufficient to prevent '*any sense of the Hall being hemmed in by modern development*' and maintain the sense of the Hall as a free-standing building which could be seen in the round within a predominantly green setting. The effect on the setting of the listed buildings would result in some harm to the significance of the listed buildings but that this would '*less than substantial harm*' to the significance of Bowers Hall and barns, characterised as minor.

The Council's Historic Buildings Consultant has recommended as large a set-back/buffer from both Western Road and Bowers Hall as feasible and suggests that this could also include the relocation of the three units at the south west corner (adjacent to Western Road and Bowers Hall).

The proposed layout maintains the 30m buffer of Open Space to the north and east of the Bower Hall site that the Inspector required. The potential impact of built development adjoining the space has been limited by including bungalows and restricting building heights to a maximum of two storeys. The site of the Early Years & Childcare Facility also adjoins the buffer. The design of that building will be determined by Essex County Council who will be designing and constructing the building but it is quite likely this will be single storey and that the land will contain an outdoor play area, limiting the extent of built

development. All these factors are considered by Officers to limit the harm to the setting of the listed building.

Whilst the omission of the three dwellings in the south west corner might be desirable, the applicant considers the omission unnecessary with reference to their Heritage Statement.

Considering all of the above both the Council's Historic Buildings Consultant and Officers reach a similar conclusion to that which the Inspector reached which is that whilst the development would fail to preserve the setting of Bowers Hall and barns the harm would be characterised as less than substantial with reference to the NPPF and that any harm would be minor. Officers attach substantial weight to the significant social and economic benefits which would flow from the delivery of new housing, including affordable housing and consider that these public benefits would be sufficient to outweigh the harm to the significance of the heritage assets.

The Council's Historic Buildings Consultant has recommend conditions are attached to an approval in respect of external materials and fixtures, to ensure the quality of the built development does not detract from the setting and significance of listed buildings or the Conservation Area.

Landscaping

As required by the outline planning permission this application is accompanied by detailed plans showing hard and soft landscaping. As stated previously Officers have requested additional landscaping in the form of street trees; soft landscaping of parking areas and planting to provide a suitable termination for some views along streets. The applicant has stated that they consider their proposals to be of a high quality and that the planting of the trees and hedges, which will be so important in helping to enhance the character and appearance of the development, add a considerable cost to the scheme. The Council's Landscape Officer has been involved in discussions about the landscaping scheme through the life of the application but at the time of writing their final comments are not available, but Members will be updated on these at the Committee meeting.

Ecology

The application was supported by an Ecological Assessment (Ecological Solutions, September 2018), relating to the likely impacts of development on Protected & Priority species. In addition, a Landscape and Ecological Management Plan (Southern Ecological Solutions Ltd, September 2018) was also submitted. These have been reviewed by the Council's Ecology Officer who has advised that there are no objections to the proposal and consider that there is sufficient ecological information available for determination. At the time of publication of the Committee Report, a formal consultation response was in the process of being finalised. An update will be provided to Members at Planning Committee in this regard, along with details of the recommended conditions.

Habitat Regulations Assessment (HRA / RAMS)

Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations. Natural England have produced a consultation responses which states that due to the scale and location of the proposed development they believe that the Council need to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

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

Access and Highway Considerations

The outline planning permission was granted by the Planning Inspector with all matters reserved. The Council did not consider that the original outline planning application demonstrated that safe and suitable access could be provided to the site. At the Inquiry the appellant provided illustrative access details showing one way in which the site could be provided with two vehicular access points to Western Road. The Inspector agreed to the principle of vehicular access to the site being formed off Western Road.

The Council has subsequently granted planning permission (18/01693/FUL) for the creation of a permanent vehicular access from Western Road and creation of drainage features. This separate application was made so that permission could be granted in advance of the Reserved Matters approval and allow the applicant to start work to create the access and bring forward the delivery of housing. The layout for which approval is sought through this reserved matters application is the same as that which was approved under 18/01693/FUL. Although the Council have already approved the vehicular access to the site, as access was one of the reserved matters, to be able to implement the outline planning permission the applicant requires approval of access details through a reserved matters application. It has been agreed that the current application for approval of reserved matters is amended to include approval of the access.

The approved access arrangements will see the construction of a single new priority / T-junction on Western Road. It is proposed that the access will be formed in a location to the east of No.65 Western Road. The access road leading in to the site will be 5.5 metres wide with 2m wide footway. As part of the works to form the access the carriageway will be widened and the carriage realigned to create a 'ghosted right hand turn lane'.

Internally the development will be served by a logical hierarchy of streets with a central spine road which runs centrally through the site and which provides connections to lower order streets which include local access streets, shared spaces and private drives. The spine road alignment and layout of local access streets has been designed to help reduce traffic speeds and enforce the 20mph speed limit.

Condition 23 of the outline planning permission requires the provision of pedestrian/cycle way linking the site to Daniel Way, prior to the first occupation of the site. The layout submitted shows a 3m wide pedestrian / cycle way providing this link. Internally there are a number of narrower paths which run through the Open Space. These paths provide the opportunity for both leisure use but also an alternative means of moving around and through the site.

The Highway Authority - Essex County Council - have been consulted and their officers have confirmed that having reviewed the proposed development they are satisfied that the layout has been designed in an appropriate manner, complying with current design standards and that they have no objection.

Parking for each dwelling would be provided in accordance with the Essex Council's adopted Parking Standards (2009) require minimum that dwellings are provided with a minimum of 1 space per 1 bed unit and a minimum of 2 spaces for each dwelling with 2 or more bedrooms. In addition visitor parking is required, provided at a rate of 0.25 space for each dwelling. This equates to 88 spaces for a development of this size.

A range of parking solutions have been utilised, with allocated parking for the dwellings being provided either on plot; in parking courts; or in front of dwellings. As set out within the Design and Access Addendum the applicant has worked positively with Officers to refine parking solutions so that the layout provides for spaces that are well laid out, safe and convenient for residents to use whilst also producing an attractive environment that is not car dominated. Revisions that have been made include significant enhancements to the landscaping to soften the appearance of parking areas, through the introduction of additional street trees, introduction of grass verges and shrub planting. The parking courts serving the flats have been sub-divided to reduce their size and to promote a greater sense of ownership by residents and improve security. Parking is also proposed in front of dwellings. This arrangement has been carefully designed so that the car parking does not dominate the street scene but also so that residents are not parking their cars directly in front of neighbour's properties. Dwellings are provided with small front gardens and the parking spaces have been set back behind a footway and will be enclosed by low level walls, to prevent headlights shining in to properties.

The number of spaces provided meets the Council's parking standards. Cycle storage is to be provided in both apartment blocks and for houses, in accordance with Council standards and a condition is recommended to secure this.

Other Matters

Archaeology

In accordance with the planning conditions that the Inspector imposed on the outline planning permission the applicant has been required to carry out a scheme of archaeological investigation at the site. The scope of these works has been agreed with the Council's Historic Environment Advisers at Place Services.

At the time of writing this report the investigation work was on-going as the applicant has been required to carry out further excavations but the required fieldwork will be completed before development commences. On completion of the fieldwork a report will be prepared containing an archive and analysis of the findings.

Flood Risk and Surface Water Drainage

The Environment Agency have identified that along the boundary in the south east corner of the site the land falls within flood zone 3 (land with the highest probability of flooding). Their response goes on to say that all the proposed housing is located within flood zone 1 (land with the lowest risk of flooding) as is the access and egress route to the site, ensuring that residents will have a safe route of access. This remains the case throughout the lifetime of the development even after an allowance is made for climate change.

The Environment Agency recommended that the Council ensure that the LLFA are satisfied that the SUDS features in the area will function for the lifetime of the proposed development. The EA's comments were sent on to the SUDS team at Essex County Council. They confirmed that they were aware of the issue and had requested additional modelling to demonstrate that the detention basins have sufficient capacity to accommodate additional storage in the event of downstream surcharging and that details were provided to show that flood waters would not backflow into the basins in the event that flood levels exceed the level of the base of the pond. Having reviewed the revised information the LLFA have now confirmed that they are satisfied with the Surface Water Drainage Strategy.

Flooding Issues - land to rear of Daniel Way

A number of residents of Daniel Way have raised concerns about the extent of the land that Redrow now own and how this relates to their boundaries and about localised flooding issues.

Officers understand that both residents and the applicant accept that there is a strip of unregistered land between the land that Redrow own and the properties on Daniel Way. The applicant has stated that they have no interest in claiming this unregistered land and it is understood that a number of residents intend to

apply for adverse possession. This is all a civil matter and is not a matter for the local planning authority.

There is a drainage ditch at the rear of properties adjacent to the southern section of the development site and residents have reported flooding has previously been experienced in this area and they are concerned that the proposed development would exacerbate these problems.

The applicant has confirmed that they no intention of doing any work to the ditch, and that they propose to set the fence line for the new dwellings back inside the ditch. Surface water drainage is being provided within the application site so that the run off from the development (from roads, hardstanding's, roofs) will drain to be directed into surface water drains and the SUDS system. The Lead Local Flood Authority are responsible for ensuring that the SUDS system has been suitably designed to handle surface water and discharge this in an appropriate manner. The development should not increase the risk of flooding at the rear of the Daniel Way properties. The applicant, at their own expense, has also undertaken investigative work to understand the course of the flooding. This has included checks of Anglian Water records; a visual survey of the drainage features along the southern end of the western boundary, and CCTV surveys of surface water drains. Parts of the ditch and a culvert require further inspection but the intention is to be able to identify any defects with the existing drainage arrangements and provide this to local residents so they can pursue this with Anglian Water.

CONCLUSION

The principle of the residential development of the site has been established following the grant of outline planning permission by the Planning Inspector. The applicant seeks permission only for reserved matters pursuant to this outline consent consisting of the access; appearance; landscaping; layout and scale of the development.

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

The scheme represents a significant addition to the size to the village but Officers consider that the proposed scheme represents an appropriate and reasonably sympathetic design response following lengthy discussions with Officers and it is recommended that the Reserved Matters are approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 8625/01	
Block Plan	Plan Ref: 8625/02 Rev B	
Block Plan	Plan Ref: 8625/03 Rev B	
Planning Layout	Plan Ref: 8625/04 Rev B	
Street elevation	Plan Ref: 8625/10 Rev B	
Street elevation	Plan Ref: 8625/11 Rev B	
Street elevation	Plan Ref: 8625/12 Rev B	
Street elevation	Plan Ref: 8625/13 Rev B	
Street elevation	Plan Ref: 8625/14 Rev B	
Street elevation	Plan Ref: 8625/15 Rev B	
Street elevation	Plan Ref: 8625/16 Rev B	
Storey Height	Plan Ref: 8625/20 Rev B	
Parking Strategy	Plan Ref: 8625/21 Rev C	
Refuse Information	Plan Ref: 8625/22 Rev B	
Affordable Housing Plan	Plan Ref: 8625/23 Rev B	
Materials Details	Plan Ref: 8625/24 Rev C	
Boundary Treatment	Plan Ref: 8625/25 Rev C	
Boundary Treatment	Plan Ref: 8625/31 Rev	
Garage Details	Plan Ref: 8625/26 Rev B	
Public Open Space Details	Plan Ref: 8625/27 Rev B	
House Types	Plan Ref: 8625/28 Rev B	
Street elevation	Plan Ref: 8625/30 Rev B	
Parking Strategy	Plan Ref: 8625/32	
General Plans	Plan Ref: 8625/33	Version: Tavy
General Elevations	Plan Ref: 8625/34	Version: Tavy
General Plans	Plan Ref: 8625/35	Version: Ludlow
General Elevations	Plan Ref: 8625/36	Version: Ludlow
General Plan Elevations	Plan Ref: 8625/39 Rev A	Version: Warwick
General Plan Brick	Plan Ref: 8625/40 Rev B	Version: Amberley
General Plan Render	Plan Ref: 8625/41 Rev B	Version: Amberley
General Elevations Brick	Plan Ref: 8625/44 Rev A	Version: Oxford
General Elev Brick	Plan Ref: 8625/46 Rev A	Version: Stratford
General Elev Render	Plan Ref: 8625/47 Rev A	Version: Stratford
General Cambridge Elev Brick	Plan Ref: 8625/51	Version:
General Shaftesbury Render	Plan Ref: 8625/53 Rev A	Version:

General	Plan Ref: 8625/54	Version: Welwyn
General	Plan Ref: 8625/55	Version: Welwyn
Elevations Brick		
General	Plan Ref: 8625/57	Version:
Sunningdale		
General	Plan Ref: 8625/58	Version:
Sunningdale Elev Brick		
General	Plan Ref: 8625/63	Version: Tavy
Special Plans		
General	Plan Ref: 8625/64	Version: Tavy
Special Elevations		
General	Plan Ref: 8625/65	Version: 2B4P
Bungalows Plan		
General	Plan Ref: 8625/66	Version: 2B4P
Bungalows Elevation		
General	Plan Ref: 8625/67	Version: 3B4P
Bungalows Plan		
General	Plan Ref: 8625/68 Rev A	Version: 3B4P
Bungalows Elevation		
General	Plan Ref: 8625/69 Rev A	Version: Tavy
Special Plans		
General	Plan Ref: 8625/70 Rev A	Version: Tavy
Plans Four Block		
General	Plan Ref: 8625/71 Rev A	Version: Tavy Plans
Two Block		
General	Plan Ref: 8625/72 Rev A	Version: Tavy Elev
Three Blocks		
General	Plan Ref: 8625/73 Rev A	Version: Tavy Elev
Four Blocks		
General	Plan Ref: 8625/74 Rev A	Version: Dart two
and three block		
General	Plan Ref: 8625/75 Rev A	Version: Dart Four
Blocks		
General	Plan Ref: 8625/76 Rev A	Version: Dart Two
Block		
General	Plan Ref: 8625/77 Rev A	Version: Dart
Three Block		
General	Plan Ref: 8625/78 Rev A	Version: Dart Four
Block		
General	Plan Ref: 8625/83	Version: Tavy
Plans		
General	Plan Ref: 8625/84	Version: Tavy
Elevations		
House Types	Plan Ref: 8625/85 Rev A	Version:
Housetype A and B		
House Types	Plan Ref: 8625/86 Rev A	Version:
Housetype A/B Elev B		
House Types	Plan Ref: 8625/88	Version:
Housetype C		

House Types	Plan Ref: 8625/89 Rev A	Version:
Housetype C Elevations		
House Types	Plan Ref: 8625/90 Rev A	Version:
Housetype C Elev Render		
House Types	Plan Ref: 8625/91 Rev B	Version:
Housetype D		
House Types	Plan Ref: 8625/92 Rev B	Version:
Housetype D		
House Types	Plan Ref: 8625/93 Rev B	Version:
Housetype D		
House Types	Plan Ref: 8625/94 Rev A	Version:
Housetype D Front/Side		
House Types	Plan Ref: 8625/95 Rev A	Version:
Housetype D Rear/Side		
House Types	Plan Ref: 8625/96 Rev A	Version:
Housetype E/F/G		
House Types	Plan Ref: 8625/97 Rev B	Version:
Housetype E/F/H Brick		
House Types	Plan Ref: 8625/99 Rev B	Version:
Housetype E/F/G Rear		
House Types	Plan Ref: 8625/100 Rev A	Version:
Housetype H		
General	Plan Ref: 8625/105	Version: Type D
Semi-detached		
General	Plan Ref: 8625/106	Version: Type D
Semi-detached		
General	Plan Ref: 8625/110 Rev A	Version: Type K L
two/three block		
General	Plan Ref: 8625/111 Rev A	Version: Type K L
Four Block		
General	Plan Ref: 8625/112 Rev A	Version: Type K
Elev Two Block		
General	Plan Ref: 8625/113 Rev A	Version: Type K L
Three Block		
General	Plan Ref: 8625/114 rev A	Version: Type K L
Four Block		
General	Plan Ref: 8625/115 Rev A	Version: Type M,N
Two/Three Block		
General	Plan Ref: 8625/116 Rev A	Version: Type M,N
Four Block		
General	Plan Ref: 8625/117 Rev A	Version: Type M,N
Three Block		
General	Plan Ref: 8625/118 Rev A	Version: Type M,N
Four Block		
General	Plan Ref: 8625/119 Rev B	Version: Type P
General	Plan Ref: 8625/120 Rev B	Version: Type P
General	Plan Ref: 8625/121 Rev A	Version: Type Q
General	Plan Ref: 8625/122 Rev A	Version: Type Q
General	Plan Ref: 8625/123	Version: Type R
General	Plan Ref: 8625/124	Version: Type R

General	Plan Ref: 8625/125 Rev B	Version: Flat Block
1 Floorplans		
General	Plan Ref: 8625/126 Rev B	Version: Flat Block
1 Plans 2		
General	Plan Ref: 8625/127 Rev B	Version: Flat Block
1 Elevations		
General	Plan Ref: 8625/128 Rev B	Version: Flat Block
2 Plans		
General	Plan Ref: 8625/129 Rev B	Version: Flat Block
2 Plans		
General	Plan Ref: 8625/130 Rev B	Version: Flat Block
2 Elevations		
General	Plan Ref: 8625/131 Rev B	Version: Flat Block
3 Plan		
General	Plan Ref: 8625/132 Rev B	Version: Flat Block
3 Plans		
General	Plan Ref: 8625/133 Rev B	Version:
Elevations Block 3		
General	Plan Ref: 8625/134 Rev B	Version:
Elevations Block 3		
General	Plan Ref: 8625/135 Rev A	Version: Block 4
Plans		
General	Plan Ref: 8625/136 Rev A	Version: Block 4
Plans		
General	Plan Ref: 8625/137 Rev A	Version: Block 4
Plans		
General	Plan Ref: 8625/138 Rev A	Version: Block 4
General	Plan Ref: 8625/139 Rev A	Version: Block 4
General	Plan Ref: 8625/140	Version: Block 5
General	Plan Ref: 8625/141	Version: Block 5
General	Plan Ref: 8625/142	Version: Block 5
General	Plan Ref: 8625/143	Version: Block 5
Garage Details	Plan Ref: 8625/145 Rev A	
Substation Details	Plan Ref: 8625/146	
Cycle Plan	Plan Ref: 8625/147	
Storage Building Details	Plan Ref: 8625/148	
General	Plan Ref: 8625/149	
Drainage Plan	Plan Ref: 1805-177-SK902 PO7	
Drainage Plan	Plan Ref: 1805-177-SK901 PO7	
Drainage Plan	Plan Ref: 1805-177-SK900 PO7	
General	Plan Ref: 1805-177-SK005 Rev A	
General	Plan Ref: 1805-177-SK004 Rev A	
General	Plan Ref: 1805-177-SK003 Rev A	
General	Plan Ref: 1805-177-SK001 Rev D	
Drainage Plan	Plan Ref: 1805- 177 SK002 Rev E	
Landscape Masterplan	Plan Ref: 1806-108 Rev C	
Landscape Masterplan	Plan Ref: 18016-107 Rev C	
Landscape Masterplan	Plan Ref: 18016-106 Rev C	
Landscape Masterplan	Plan Ref: 18016-105 Rev C	
Landscape Masterplan	Plan Ref: 18016-104 Rev C	

Landscape Masterplan	Plan Ref: 18016-103 Rev C
Landscape Masterplan	Plan Ref: 18016-101 Rev C
Landscape Masterplan	Plan Ref: 18016-101 Rev C
Levels	Plan Ref: 1805-177-SK908 PO5
Levels	Plan Ref: 1805-177-SK909 PO5
Levels	Plan Ref: 1805-177-SK910 PO5
General	Plan Ref: 1805-177 SK911
General	Plan Ref: 1805-177 SK912
General	Plan Ref: 1805-177 SK913
General	Plan Ref: 1805-177 SK914
General	Plan Ref: 1805-177 SK915
General	Plan Ref: 1805-177 SK916
General	Plan Ref: 1805-177 SK917
General	Plan Ref: 1805-177 SK918
Visibility Splays	Plan Ref: 1805-177-SK905 (PO5)
Visibility Splays	Plan Ref: 1805-177-SK906 (PO5)
Visibility Splays	Plan Ref: 1805-177-SK907 (PO5)
General	Plan Ref: 1805-177-SK903 (PO6)
General	Plan Ref: 1805-177-SK903 (PO5)
Heritage Statement	
Noise Details	
Arboricultural Report	
Accommodation Plan	

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

Reason

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

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

Reason

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

- 3 Samples of the materials to be used on the external surfaces shall have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved samples.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity and to ensure the use of appropriate materials having regard to the listed building adjoining this site.

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

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

- 5 No meter cupboards on the principal external elevations of the dwellings hereby approved shall be installed unless and until details of the location, design and materials have been submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

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

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity by removing the need for multiple aerials that would detract from the appearance of the building.

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

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

- 8 The enclosures as indicated on the approved Means of Enclosure plan shall be erected for each dwelling prior to the occupation of each dwelling hereby approved and shall be permanently retained as such.

Reason

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

- 9 Development shall not be commenced unless and until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

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

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

Reason

To ensure the protection and retention of existing trees, shrubs and hedges that are to be retained. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

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

Reason

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

- 11 The development shall be carried out in accordance with all the recommendations specified within the Noise Impact Assessment Report produced by Accon UK (dated 15.02.2019). No dwelling hereby approved shall be occupied until any noise protection measures relevant to it have been carried out in accordance with the approved scheme.

Reason

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

- 12 No above ground development shall commence unless and until a scheme detailing the provisions to be made for the control of noise and odour emanating from the proposed pumping station 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 and permanently retained as such.

Reason

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

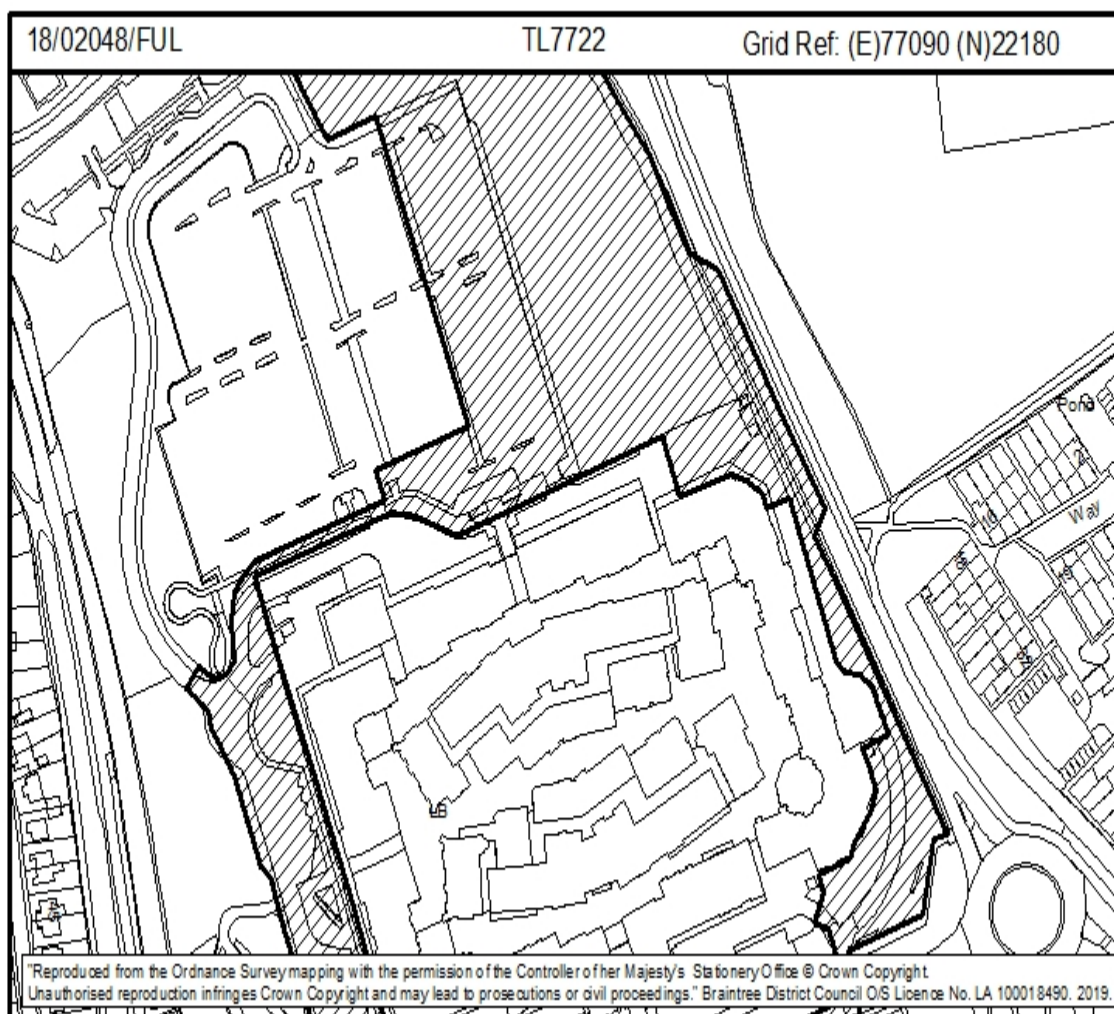
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 18/02048/FUL
DATE VALID: 23.11.18
APPLICANT: C/O Agent
One Chapel Place, London, W1G 0BG, United Kingdom
AGENT: Mr Kieron Gregson
One Chapel Place, London, W1G 0BG
DESCRIPTION: The formation of a new slip road and associated access improvements off Millennium Way / B1018 (including enhancements of the Millennium Way / B1018 roundabout); extension to the existing northern car park to create up to 400 additional car parking spaces; amendments to the southern car park entrance and exit; and associated landscaping improvements
LOCATION: Freeport Village, Charter Way, Braintree, 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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PIBVMYBFLAC00>

SITE HISTORY

93/00031/NONDET	Partial redevelopment of Retail and Business Park; erection of a retail food store within Class A1 with associated car parking, landscaping, petrol filling station, highway works including the completion of the Chapel Hill Link Road	Appeal Dismissed	08.04.94
06/00017/REF	Add two no. uplighters to pylon sign granted consent under 05/01674/ADV	Appeal Allowed	13.06.06
13/00002/REF	Continued use of eight car parking spaces (previously ancillary parking to Freeport shopping centre) for the stationing of a temporary pod structure associated with car assessment (by way of visual inspection) and subsequent purchase with any cars purchased removed from site by daily collection	Appeal Dismissed	06.06.13
00/00274/FUL	Erection of permanent awning	Granted	08.06.00
00/01158/FUL	Erection of buildings to accommodate ancillary accommodation	Granted	19.12.00
00/01159/FUL	Proposed change of use of Units N and P to retail and erection of additional retail units (Blocks Y and Z)	Granted with S106 Agreement	31.07.01
01/00570/FUL	Erection of leisure unit and realignment of service road	Granted	02.07.01
01/01657/ADV	Erection of four flag poles	Granted	21.11.01
04/01846/FUL	Variation of restrictive user conditions on 97/225/FUL & 00/1159/FUL. Proposed change of use of indoor play area from Class D2 to B1; management offices to Class A1; Bradwells unit	Granted	16.12.04

	from Class A3 to A1 & maintenance store to Class A1		
04/02099/FUL	Provision of swimming pool, associated parking, commuter parking, reconfiguration of entrances to factory outlet centre and existing parking and servicing arrangements	Granted with S106 Agreement	23.05.05
88/00163/P	Development Of Land For Industrial, High Technology, Retail Warehouse And Leisure Uses	Deemed Refused	20.07.88
88/00941/P	Development Of Land For Industrial, High Technology, Retail Warehouse And Leisure Uses	Refused	28.06.88
92/01160/OUT	Erection of Retail Superstore, Car Park and Service Yard, and Petrol Filling Station, together with Provision of Road Links.	Withdrawn	20.03.02
93/00032/OUT	Partial redevelopment of existing Retail and Business Park; erection of a retail food store with associated car parking, landscaping, petrol filling station and highway works including the completion of the Chapel Hill Link Road	Withdrawn	20.03.02
93/00033/OUT	Partial redevelopment of existing Retail and Business Park; erection of a retail food store with associated car parking, landscaping, petrol filling station and highway works including the completion of the Chapel Hill Link Road		28.10.97
93/00344/OUT	Partial redevelopment of Retail and Business Park; erection of a retail food store within Class A1 with associated car parking, landscaping, petrol filling station, highway works including the completion of the Chapel Hill Link Road		25.05.93

93/00414/OUT	Partial redevelopment of Retail and Business Park; erection of a retail food store within Class A1 with associated car parking, landscaping, petrol filling station, highway works including the completion of the Chapel Hill Link Road	Withdrawn	11.08.93
93/01056/OUT	Proposed Business Centre, Industrial Park and Food Superstore incorporating the provision of the Chapel Hill Link Road	Withdrawn	20.03.02
94/00326/OUT	Proposed Business Centre, Industrial Park, Food Superstore and provision of Chapel Hill Link Road		12.09.94
95/00409/OUT	Proposed commerce centre, non-food retail warehousing, construction of Chapel Hill link road, parking and other access roads	Granted with S106 Agreement	16.12.96
97/00224/FUL	Completion of Chapel Hill Link Road, including sound attenuation measures	Granted with S106 Agreement	31.03.98
97/00225/FUL	Demolition of part existing retail warehouse park, replacement with leisure & retail village, including ancillary Class D2 & A3 uses, Class D2 & Class A3 development, associated landscaping, rail halt, sound attenuation, car parking, servicing and access roads	Granted with S106 Agreement	31.03.98
99/00379/FUL	Proposed increase in size to 2 no. free standing food units (Pizza and Burger Bars on original approved proposal)	Granted	05.05.99
99/00587/FUL	Ancillary facilities comprising soft play area and male creche	Granted	07.06.99
99/01491/ADV	Display of illuminated site identification and shopping mall directories	Granted	27.09.00
99/01497/ADV	Display of various shop signs to units	Granted	20.10.00

05/01674/ADV	Erection of free standing non illuminated pylon sign	Granted	07.10.05
05/01754/FUL	Proposed amendments to 04/02099/FUL - amendments to Northern Entrance to Outlet Centre	Granted	27.10.05
05/01755/FUL	Amendments to siting and design of swimming pool building and associated changes to car parking approved under planning permission ref. 04/02099/FUL	Granted with S106 Agreement	19.12.05
05/02249/ADV	Add two no. uplighters to pylon sign granted consent under 05/01674/ADV	Refused then allowed on appeal	31.01.06
10/00003/SCR	Screening Opinion - Footbridge		13.07.10
11/00755/FUL	Variation of condition no. 32 of approved application 04/01846/FUL (to allow the sale of books)	Granted	25.08.11
12/01214/FUL	Continued use of eight car parking spaces (previously ancillary parking to Freeport shopping centre) for the stationing of a temporary pod structure associated with car assessment (by way of visual inspection) and subsequent purchase with any cars purchased removed from site by daily collection	Refused then dismissed on appeal	01.11.12
17/00219/FUL	Reconfiguration of a service yard wall and associated landscaping	Granted	28.04.17
17/01200/NMA	Application for a non-material amendment to vary Condition 4 of planning permission 17/00219/FUL - reconfiguration of a service yard wall and associated landscaping	Pending Consideration	
18/01930/FUL	Part demolition of Unit C1/4 and B8 and construction of new anchor unit incorporating retail at ground floor and a storage	Granted with S106 Agreement	18.12.18

	only mezzanine. Works include alterations to the rear service yard, relocation of existing cycle rack to the southern entrance, new shopfront to Unit B8, creation of footpath along western approach heading to the northern entrance from train station and landscaping works.		
18/02047/FUL	Re-modelling of existing shopfronts in accordance with the submitted Design Code throughout the centre.	Granted	01.02.19
18/02188/FUL	Demolition and improvements to the northern entrance including the addition of 330 sqm of retail floorspace the creation of a new management suite extending to 458 sqm, reconfiguration of northern service yards; improvements to the approach of the Centre through the car park; landscape improvements to the southern entrance including signage at the south east corner; landscape improvements to the Middle Mall, together with the expansion and relocation of existing toilets from the western to the eastern area and demolition of corner features within the Centre.	Pending Consideration	
19/00149/DAC	Application for approval of details reserved by condition 7 of approval 18/01930/FUL - Part demolition of Unit C1/4 and B8 and construction of a new anchor unit incorporating retail at ground floor and a storage only mezzanine. Works include alterations to the	Granted	30.01.19

	rear service yard, relocation of existing cycle rack to the southern entrance, new shopfront to Unit B8, creation of footpath along western approach heading to the northern entrance from train station and landscaping works.	
19/00288/DAC	Application for approval of details reserved by conditions 3, 9, 10 and 11 of approval 18/01930/FUL - Part demolition of Unit C1/4 and B8 and construction of a new anchor unit incorporating retail at ground floor and a storage only mezzanine. Works include alterations to the rear service yard, relocation of existing cycle rack to the southern entrance, new shopfront to Unit B8, creation of footpath along western approach heading to the northern entrance from train station and landscaping works.	Pending Consideration

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the

Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP28	Employment Land Provision
RLP33	Employment Policy Areas
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
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
RLP66	Flood Risk in Developed and Urban Areas
RLP69	Sustainable Urban Drainage
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP106	Archaeological Excavation and Monitoring
RLP112	Town Centre Uses
RLP113	Shopping Areas
RLP131	Swimming Pool Millennium Way, Braintree
RLP136	Formal Recreation Policy

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP10	Retailing and Regeneration
LPP13	Freeport Outlet Centre
LPP15	Retail Warehouse Development
LPP16	Retail Site Allocations
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
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
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

Site Allocations and Development Management Plan
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 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.

SITE DESCRIPTION

The application site measures approximately 3.61ha and consists of an undeveloped area of land to the north of Freeport Outlet Centre, part of Freeport's existing northern car park and the service roads/areas located to the north, east and south of the Outlet Centre. The site surrounds the Outlet Centre but excludes it from the application boundary as the works proposed for this application do not relate to the built form of the shopping village.

In terms of the wider context Millennium Way lies to the east of the site with some residential development beyond whilst there is further commercial development to the north and south. The mainline railway lies to the west, again with residential development beyond.

PROPOSAL

The applicant seeks full planning permission for the formation of a new slip road and associated access improvements off Millennium Way (B1018) (including enhancements to the Millennium Way roundabout); an extension to the existing northern car park to create up to additional 400 car parking spaces; amendments to the southern car park entrance and exit and associated landscaping improvements.

The application forms part of the applicant's wider plans for the regeneration of Freeport Outlet Centre and its surroundings. Planning permission has already been granted for a new anchor store and new shopfronts for all the units within the Outlet Centre and another application for a new entrance building and comprehensive landscaping scheme within the Outlet Centre is pending consideration.

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

- Design and Access Statement;
- Flood Risk Assessment;
- Planning Statement;
- Ecology Report;
- A Full Set of Drawings;
- Transport Assessment;
- Tree Survey;
- Sustainability Statement;

- Air Quality Assessment;
- Contamination Report.

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions relating to the following due to the proximity of residential dwellings to the site:

- Hours of working;
- Hours of vehicular movements linked to construction;
- No burning of construction refuse;
- Submission of Construction Management Plan for approval.

BDC Ecology

No objection. The provision of the replacement hedging should be secured through an appropriate condition within the landscaping scheme. The use of native planting and a suitable maintenance plan for successful establishment should also be secured. The landscaping plan should specify the actual length of replacement hedging that will be delivered to ensure it is sufficient in compensating for the length of hedging being removed.

BDC Landscape

In general terms Landscape Services objects to the removal of a well-established hedge, partial loss of the rill feature and the paucity of good opportunities for tree planting within the open prospect of the car park.

Trees in the new car park: the lack of tree planting through the new car park is regrettable and the reliance on trees in containers limits the size, scale and resilience of planting. The limited amenity on offer from these proposals has been raised previously but the response does little to address the concern.

Planting details: the photographs within the supporting documentation give a clear indication of the type of planting the applicant proposes to incorporate into the scheme. It is not clear if these photos were taken at the time these schemes were completed and if not how much time since has elapsed. The concern remains that grasses along the pedestrian routes without the protection of a raised planter or significant upstand will suffer trampling and soon die out. The access from the coach parking will funnel a high volume of visitors from coach arrivals into the pinch points of these paths and the end stop planting will again be vulnerable to footfall damage.

Tree removal: There is still uncertainty about the level of vegetation/tree removal that will be required to achieve the proposed layout and access splay requirements.

Additional planting: The drawing (ref: AL-00-144 Rev. A Landscape Plan Sheet 1 Coloured) shows the concept schematics for a landscaping scheme but the quantities and specification are not presented; so it is difficult to ascertain how strong the visual impact will be and whether it represents a biodiversity net gain for the losses of hedge/shrubs and trees that will be removed beforehand to facilitate the proposals.

ECC Highways

No objection provided that all requirements of all previously implemented planning permissions are completed to the satisfaction of the LPA prior to commencement of development. Require conditions relating to a Construction Traffic Management Plan and a Travel Plan.

ECC SUDs

No objection following receipt of additional drainage strategy information. Request standard conditions relating to the submission of a detailed surface water drainage scheme; a scheme to minimise surface water run-off during construction; submission of a SUDs maintenance plan and the requirement for yearly SUDs maintenance logs to be kept.

ECC Archaeology

No objection. The site lies within an area with no recorded archaeological remains and may have suffered from previous disturbance due to associated adjoining developments. There is no recommendation for archaeological investigation at this site.

Highways England

No objection. This response is based on the assumption that 400 additional spaces will come forward. It is of note that the application form refers to a net loss of 18 spaces but the submitted plans and Transport Statement indicate the creation of 400 new spaces. The Transport Statement also refers to a net increase of 842sqm of retail floor space however this is not consistent with the application details and needs to be clarified.

Representations

The application was advertised as a departure application. No representations were received at the time of writing this report.

REPORT

Principle of Development

The majority of the application site sits immediately to the north of Freeport Outlet Centre. It is allocated for a number of uses within the Adopted Local Plan which include as an Employment Policy Area; as an Employment Site for

B1 (Business); B2 (General Industry) and B8 (storage or distribution); partly as an area for formal recreation and partly as an area for indoor sport and leisure (more particularly for the provision of an indoor swimming pool). Part of the service road which falls within the site boundary is also covered by an allocation for a Special Policy Area to provide additional commuter parking for rail users and also by another allocation for car parking.

The applicant's proposal is therefore contrary to the majority of the above allocations (although several of these allocations do in fact overlap one another on the Council's allocations map).

The emerging Local Plan simplifies the proposed allocations in the area with clearly defined proposed land uses and no areas of overlap. The application site is proposed partly for allocation as a car park and partly for retail warehousing. The indoor swimming pool (indoor sport and leisure allocation) has fallen away as the swimming pool has been provided to the south of Freeport Outlet Centre. The applicant's proposal is partly contrary to the Draft Local Plan allocation as the undeveloped area of land proposed for allocation for retail warehousing is proposed by the applicant for use as additional car parking to serve the Outlet Centre. The Draft Local Plan however can be given only limited weight in the determination of this application.

In terms of the Adopted Local Plan, the conflict with the formal recreation, sport and leisure (swimming pool) allocation is not considered to be significant, given that the swimming pool has been provided elsewhere and the Council are not seeking to carry this allocation forward into the Draft Local Plan. The same applies to the part of the service road within the application which falls within the general area allocated for commuter parking.

With regard to the remainder of the site this is covered by a general employment policy and employment site allocation although this conflicts with the leisure and indoor sport allocations described above. Importantly, the Council are not seeking to carry this allocation forward into the Draft Local Plan with part of the application site being allocated for car parking and the remainder for retail warehousing. The conflict with the Adopted Development Plan is again not therefore considered to be significant.

The conflict with the Draft Local Plan is partial and relates to the use of the undeveloped area of the site for car parking rather than retail warehousing. Officers however consider that there is scope to provide this retail floorspace elsewhere in the District at the strategic growth locations, and in the longer term at garden communities. The majority of the requirement for retail floor space, for comparison goods, is likely to be needed in the medium to long term from 2023 to 2033. Up to 2023 1649 sqm gross of comparison floor space is required in Braintree, and it is likely that the growth would be feasible to provide as extensions to existing units, or provision at strategic growth locations. It should also be noted that retail projections have to be reviewed regularly as they tend to fluctuate depending on market conditions, and any figures in the medium to long term are likely to change.

Overall, Officers consider that although there is conflict with the Adopted and the Draft Local Plans the adopted allocations are not being renewed and the partial conflict with the draft allocation can be given only limited weight. Furthermore there is scope to re-provide the proposed retail warehousing identified in the draft allocation elsewhere in the District.

Retail Impact Assessment and Sequential Test

In terms of the need for a Retail Impact Assessment, the NPPF and Policy LPP10 of the Draft Local Plan require development proposals of over 2,500sqm to undergo such an assessment. The current proposal relates to retail development but does not propose any increase in existing retail floorspace. No Retail Impact Assessment is therefore required.

With regard to the Sequential Test, Policies RLP112 and RLP113 of the Adopted Local Plan, Policy LPP10 of the Draft Local Plan, and paragraph 86 of the NPPF require such a test for development proposals for retail development outside of the defined town centre areas of Braintree, Halstead and Witham.

The Planning Practice Guidance provides further guidance stating that it should be demonstrated that the suitability of more central sites has been considered as well as whether there is scope for flexibility in the format/scale of the proposal to enable it to be accommodated in a central location.

In this case, the proposed development is retail related but is not for actual retail floorspace. Furthermore, the proposal is for increased car parking provision for the existing Outlet Centre and by its very nature must therefore be located adjacent to this Outlet Centre. Officers do not therefore consider that a Sequential Test is necessary and it is accepted that the proposal for additional parking could not be located in any other location either in terms of other existing sites or development opportunities.

Overall, the general principle of the proposed development is considered acceptable.

Design, Layout and Landscaping

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 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 applicant proposes a number of different elements to their scheme. The primary objective is to increase car parking provision by constructing a

substantial extension to the existing car park. The car park layout provides 3 clearly legible routes from the car park to the main entrance of the shopping village. Coach parking is provided for in addition to blue badge spaces and electric vehicle spaces with associated charging points.

In terms of landscaping the applicant proposes carefully located tree planting with both new planting and reinforcing of existing planting in clusters both around the periphery and within the car park. In addition, individual trees would be located within the car park. The main routes across the car park would also be carefully landscaped to provide clearly defined, green, high quality passageways to channel pedestrians safely into the shopping village.

The scheme also includes landscape proposals for the entrance point to the shopping village with large scale pavers and Birch Trees with under planting located in large planting pots. Overall, the landscape proposals for the new car park are considered to be both ambitious and of a high quality.

The applicant also proposes new planting to the site boundary with Millennium Way, where the current service yard is located to the east of Freeport Outlet Centre. In addition, new planting is proposed immediately to the west of the shopping village, where the applicant seeks to create new coach drop off bays and improved access to the site from the station with better legibility for pedestrians. An advertisement consent application will be submitted in due course to cover the required signage for this.

The Council's Landscape Officer has raised some objections to the proposal. There is a concern over the robustness and longevity of some areas of the proposed planting scheme. However, a condition requiring the submission and approval of a detailed landscaping scheme would address this. In addition, the applicant has advised that it is essential for their commercial reputation that their site is maintained to the highest level and that they cannot afford to let their landscaping fall into disarray.

Officers recommend that a detailed landscape condition is attached to any permission granted to ensure that the finer detail of the proposal can be interrogated and agreed prior to its installation/planting. The Council's Landscape Officer has also identified that the current lack of a detailed landscaping scheme drawing makes it difficult to ascertain exactly how strong the visual impact of the new planting will be and whether a biodiversity net gain will be achieved. A detailed landscape condition would ensure that the Council retain control over the proposed planting and the ability to ensure that a biodiversity net gain is achieved.

Highways and Parking

The applicant proposes up to 400 new parking spaces located in a substantial new car park which would directly adjoin the existing car park to the north of the Outlet Centre. 18 spaces would be lost within the existing car park due to landscaping and layout alterations resulting in a net increase of up to 380

spaces with the precise number to be determined following approval of the proposed detailed landscape condition.

The Essex Parking Standards state that for stand-alone developments such as shopping centres parking provision will be agreed on a case by case basis rather than set standards and should be agreed with the Local Planning Authority and the Highway Authorities.

The applicant is proposing to regenerate Freeport Outlet Centre as set out in the above report with the aim of creating a modernised, high quality shopping centre which will attract further high value retailers in addition to Polo Ralph Lauren. The applicant expects this to result in an increased catchment area for the Outlet Centre and for customers to stay longer.

The applicant's Transport Assessment notes (and Officers agree) that the current car parking facilities are often congested, difficult to use and poorly signposted. In addition, at peak times capacity is not available to cope with an increased demand and at times maximum capacity is already reached.

The parking space dimensions are proposed at 2.5m x 5.0m which is the minimum size specified in the Essex Parking Standards but is larger than the existing spaces which are 2.4 x 4.8m. Given that the applicant has a clear need to maximise new parking space provision whilst achieving high quality landscaping it is considered that the use of the minimum bay sizes is acceptable.

In addition, the applicant proposes that 5% (approximately 20 spaces) of the new bays will have electric vehicle charging points with a further 5% being designed to accommodate the easy installation of electric vehicle charging points in the future.

Essex County Highways and Highways England have both been consulted and have no objection to the proposal on parking grounds. Essex County Highways have stated that all requirements of all previously implemented planning permissions in the locality should be completed. However, these do not relate to the current application and it is not reasonable or indeed necessary for the acceptability of the current proposal to attempt to link the requirements of other historic planning applications in the area to the current planning application.

In terms of highway works, the applicant proposes a new slip road from Millennium Way (B1018) to provide direct access to the enlarged northern car park. The expansion of the service yard located to the east of the Outlet Centre adjacent to Millennium Way is also detailed within the scheme to enable it to accommodate HGV's and avoid the need for them to enter the customer car park.

In addition amendments to the car park entrance and exit to the south of the Outlet Centre would be carried out to allow vehicles to turn right (in) and right

(out) to avoid customers using the bus drop off area to turn around in as currently happens.

Finally new signage is also proposed including variable message signs detailing the number of available parking spaces. These will be detailed under a future advertisement consent application.

The applicant's Transport Statement covers not just the current application but also the applicant's wider plans for regenerating the Outlet Centre. Although not the subject of the current planning application Officers note that the regeneration as whole is predicted to generate approximately 30 additional movements in the Friday peak hour and 61 additional vehicle movements in the Saturday peak hour. This is not considered to be excessive given the extent of new parking provision proposed. The applicant's Transport Statement concludes that overall the proposals will actually assist the existing highway network's capacity by reducing the total number of vehicle movements at the Millennium Way/Century Drive junction and at the Millennium Way/Charter Way junction. Neither ECC Highways nor Highways England have raised any objection.

In terms of public transport provision, a new section of footpath is proposed on the western side of Charter Way to provide improved access from the rail station with a new pedestrian crossing and new signage (the latter being addressed under cover of a separate advertisement consent application in due course). In addition, the current proposal includes improved coach drop off and parking facilities to serve customers visiting the shopping village by coach.

Ecology

The applicant has submitted a Preliminary Ecology Appraisal in support of their application with an associated Reptile Survey with a focus on the undeveloped area of the site.

The appraisal found that the site has low potential to support badgers and foraging bats; moderate potential to support reptiles and high potential to support nesting birds and hedgehogs. An existing hedgerow was found to be of ecological value for its habitat provision. The additional reptile survey found no reptiles were present on the site.

Mitigation measures were identified including clearance of vegetation outside of the bird nesting season, a bat sensitive lighting strategy and the planting of a replacement hedgerow to counterbalance the removal of an existing hedgerow on the site.

The Council's Ecology Officer has no objection to the proposal subject to the provision of the replacement hedging being secured via condition with the use of native planting and a suitable maintenance plan. The length of replacement hedging should also be secured to ensure that it provides suitable replacement for the removed length of hedgerow.

Trees

An Arboricultural Report was also submitted in support of the application. 13 trees (Category C); 3 groups of trees (Category C) and one hedgerow (Category B) were identified on the application site. All will need to be removed to facilitate the development. In addition two groups of trees (Category B) located on highway land are identified as needing to be removed to achieve visibility splays for the new slip road. These are located along the site's boundary with the B1018.

The trees located on the applicant's land are all Category C (considered to be of low quality and value) and their removal is not therefore considered objectionable. In addition the applicant's landscaping scheme proposes to plant a good number of trees across the site. The hedgerow is Category B however a replacement hedge is also to be planted on the site.

The two groups of trees located on highway land which are proposed for removal are Category B trees and do have some amenity value. However, their loss must be balanced against the significant economic benefits of the proposal and the fact that the applicant will carry out re-planting along this boundary to provide new screening and softening to the street scene. The Council's Landscape Officer has identified that there are some discrepancies in the applicant's submission with some documents showing some of these trees to be retained. A detailed landscaping scheme condition is therefore recommended to ensure that the final detail of new and retained planting along this boundary is agreed with the Council.

The Council's Landscape Officer has also highlighted the lack of tree planting in the new car park and a reliance on trees in containers. However, the applicant's revised landscape drawing does in fact show new tree planting which is not in containers in addition to the bolstering of existing planting and the carrying out of container tree planting.

The partial loss of the existing rill feature is also objected to by the Landscape Officer. The applicant's Ecology Report does not identify this as being of any particular value and in planning terms it is not considered that its partial culverting would constitute a reason for refusing planning permission.

Overall, whilst it is acknowledged that the Council's Landscape Officer does raise objection to some aspects of the proposal, this must be balanced against the commercial needs of the applicant and the significant economic benefits of the proposal which should not be understated. It is therefore recommended that a detailed landscape planting scheme condition is attached to any permission granted which would give the Council a good level of control over the final detail of the site's landscaping whilst facilitating the economic benefits of the proposal.

Flood Risk

The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of their application to which ECC SUDs as the Lead Local Flood Authority have no objection, subject to their standard planning conditions.

The proposed drainage strategy relies on runoff from impermeable areas within the car park being transferred to permeable paving located within dedicated car parking spaces. Long term storage will be provided in a geo-cellular tank located in the northern part of the site.

Air Quality

The Council's Environmental Health Officer has reviewed the applicant's Air Quality Report and has no objection. The Report finds that there is limited potential for dust pollution during the construction and that traffic from the completed development (in terms of the relative increase) would have a negligible impact upon air quality in the locality.

Contamination

A Geo-Environmental Assessment has been submitted in support of the application. The Report finds no identified significant sources of contamination on site associated with current or historic use. A ground investigation is recommended prior to the commencement of development.

The Council's Environmental Health Officer has no objection to the proposal on land contamination grounds.

Neighbour Amenity

Policy RLP118 of the Adopted Local Plan requires that the impact of the proposal on the amenity of the area must be acceptable. In this case the proposal is for development within the curtilage of a well-established Outlet Centre. There are no residential properties immediately adjacent to the site and the proposed development is in accordance with the established use of the site.

The closest dwellings are located to the east of the site, approximately 45m away on the opposite side of Millennium Way. There are also dwellings located to the west of the site at approximately 60m, on the far side of the railway line.

The Council's Environmental Health Officer has requested a number of conditions to ensure the amenity of the occupiers of these dwellings is protected during the construction phase of the proposed development. A condition is also proposed to require the applicant to submit a lighting scheme for approval.

Overall, it is not considered that the proposal would have a detrimental impact upon the amenity of the area.

PLANNING BALANCE AND CONCLUSION

The applicant has recently acquired Freeport Outlet Centre and is in the process of regenerating the site and its curtilage via a major upgrading scheme which is the subject of a number of planning applications and permissions.

This current proposal seeks consent for the formation of a new slip road and associated access improvements off Millennium Way (B1018), a major extension to the existing northern car park and more minor amendments to the southern car park entrance with associated landscaping improvements.

Planning permission has already been granted for a new anchor store and new shopfronts for all the units within the Outlet Centre and another application for a new entrance building and comprehensive landscaping scheme within the Outlet Centre is pending consideration.

There are no objections to the current proposal from any statutory consultees with the exception of the issues raised by the Council's Landscape Officer. However, Officers consider that the social and economic benefits of the scheme are clear with additional parking capacity at Freeport and a greatly improved separate access arrangement to the enlarged northern car park. The Landscape Officer's concerns can be addressed at least in part by the imposition of a condition requiring the submission and approval of a detailed landscaping scheme and the significant economic benefits of the scheme must be weighed against the Landscape Officer's points of objection.

Environmentally, the proposal would provide improved access to the site from the rail station and improved access for coaches, both being more sustainable forms of transport for customers visiting the site. A condition requiring an Ecological Management Plan for the site to be submitted for approval by the Local Planning Authority would also be required.

Overall the benefits of the proposal are clear and are considered to outweigh the limited dis-benefits. The proposal is therefore considered to represent a sustainable development which will form an important part of the regeneration of Freeport Outlet Centre.

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 Site Plan	Plan Ref: A-00-142	Version: C
Location Plan	Plan Ref: A-00-140	Version: A
Access Details	Plan Ref: 1792/03	Version: B
Service Strip plan	Plan Ref: 1792/12	Version: A
Highway Plan	Plan Ref: 1792/21	
Service Strip plan	Plan Ref: 1792/22	
Car park plan	Plan Ref: A-00-143	
Landscape Masterplan	Plan Ref: A-00-144	Version: REV A
Landscape Masterplan	Plan Ref: A-00-145	
Existing Site Plan	Plan Ref: AL-00-141	Version: A
Levels	Plan Ref: A-00-162	
Landscape Masterplan	Plan Ref: 18/02048/FUL	Version:
Annotated Plan		

- 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 No development shall commence unless and until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. The scheme shall include details of replacement hedge planting with native species.

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 use of the new car park.

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

of a similar size and species.

Reason

To enhance the appearance of the development and in the interests of amenity. The details are required prior to the commencement of development as they will affect the final detail of the car park layout.

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

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Method Statement is required prior to the commencement of development to ensure that safeguards are in place from the outset.

- 5 No development shall commence unless and 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 should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.

- There is two potential schemes for this site based upon on the infiltration testing. A full summary of the proposed development upon the infiltration results should be submitted. All information for the proposed scheme should be resubmitted once the final drainage strategy is confirmed.
- Limiting discharge rates to 1 in 1 greenfield rate for the site for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Half drain times - Storage should half empty within 24 hours wherever possible
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

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

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of 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.

- 7 No development shall commence unless and until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

- 8 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.

- 9 Prior to the commencement of the construction of the car park a ground investigation shall be carried out and submitted to the Local Planning Authority for approval to prove or disprove the presence, nature and spatial extent of made ground on site in accordance with the recommendations set out in the submitted Phase 1 Geo-Environmental Assessment dated November 2018 and completed by WYG. The development shall subsequently be carried out in accordance with the approved details.

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 Prior to the installation of the landscaping scheme required by Condition 3 a site wide Landscape and Ecology Management Plan (LEMP) shall be submitted for approval. The LEMP shall provide for but not be limited to the following:

- details of how the site's landscaping will be managed and maintained;

- details of proposed ecological mitigation and enhancement for the site and long-term ecological management.

The development shall subsequently be carried out and managed in accordance with the approved LEMP.

Reason

To ensure the long term landscape management and ecological enhancement of the site.

- 11 Prior to first use of the car park hereby approved details of all gates/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.

Reason

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

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

Reason

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

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

- 14 The new car park shall not be used until Freeport's overall travel plan has been updated to take the proposal into account and submitted to the Local Planning Authority for approval.

Reason

To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 15 Development shall not 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 the protection and retention of existing trees, shrubs and hedges identified as being retained. The details are required prior to the commencement of development to ensure that protection measures are in place from the outset.

- 16 No development shall commence unless and until a Construction Environmental Management Plan has 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 the protection of priority habitat and species during the construction phase of the development. The CEMP is required prior to the commencement of development to ensure that protective measures are in place when construction works commence.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the informatives contained within the following consultation responses:

Essex County Council SUDs dated 24 January 2019

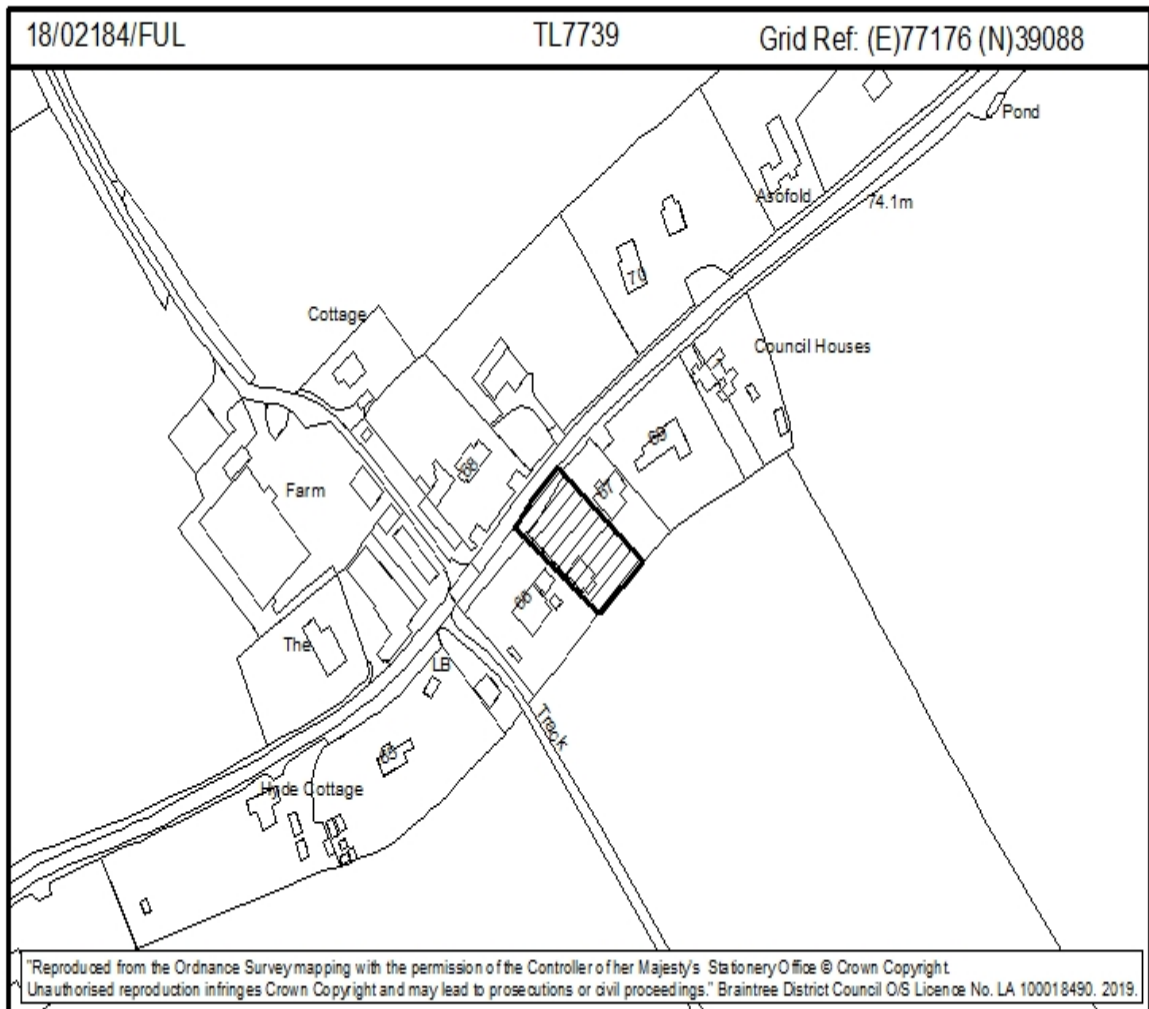
Essex County Council Highways dated 5th February 2019

CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/02184/FUL DATE: 30.11.18
 VALID:
 APPLICANT: Mr Andrew Temperton
 Wild Boar Properties Ltd., South Barn Coppingdown Farm,
 Sudbury Road, Castle Hedingham, Halstead, CO9 3AG
 DESCRIPTION: Demolition of existing commercial storage building and
 construction of new dwelling and garage.
 LOCATION: Land Adjacent, 67 Little Yeldham Road, Little Yeldham,
 Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJD6D0BF01000>

SITE HISTORY

15/00001/NONDET	Demolition of existing storage shed and erection of new dwelling and garage	Appeal Dismissed	06.05.15
17/00024/CLU	Application for an Existing Lawful Development Certificate - Use of building for B8 storage use - To formalise the use of B8 storage.	Appeal Allowed	28.11.17
14/01384/FUL	Demolition of existing storage shed and erection of new dwelling and garage		06.05.15
16/01218/ELD	Application for an Existing Lawful Development Certificate - Use of building for B8 storage use - To formalise the use of B8 storage.	Refused then allowed on appeal	05.10.16
17/02217/COUPA	Notification for prior approval for a change of use from storage or distribution buildings (Class B8) and any land within its curtilage to dwelling houses (Class C3) - Change of use of B8 storage building to C3 dwelling	Permission not Required	30.01.18
18/00185/FUL	Change of use of building from B8 Storage to C3 Dwelling House to create 2-bedroom house, associated works to the building and alterations to vehicular access	Granted	16.05.18

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

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
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SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

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 as the Parish Council have objected to the application, contrary to Officer recommendation.

SITE DESCRIPTION

The application site is known as land adjacent 67 Little Yeldham Road. It is a plot of land containing an existing former piggery building, located outside of any development boundary. There is a field gate providing access off of the public highway.

PROPOSAL

This application seeks full planning permission for the demolition of the existing storage building on the site, and the erection of a more traditional style residential dwellinghouse.

The application also seeks to install a more formal access from Little Yeldham Road, which would consist of widening the existing field access, and laying a hardstanding.

CONSULTATIONS

Essex Highways – No Objections, subject to conditions.

Environmental Health Officer – No Objection subject to conditions.

PARISH / TOWN COUNCIL

Little Yeldham, Tilbury Juxta Clare, and Ovington Parish Council raised objection on the following grounds:

- The application is contrary to Policies RLP16 and RLP2, and a previous appeal decision at the site is a material consideration.
- The existing building is not appropriate to be a residential dwelling given its structural stability and condition.
- The plot is not served by any drainage or electricity.
- The existing access is not a formal access.
- The proposal is not appropriate for this area which contains land settlement houses, and the application could set a precedent which would significantly change the character and appearance of the street scene.

REPRESENTATIONS

The planning application has been advertised in the local press and on site as a Departure from the provisions of the Development Plan. A total of 7 representations were received, which raise objection on grounds that the application would not comply with planning policies, that it would be contrary to a previous appeal decision at the site, that it would be inappropriate for the land settlement area, that it could set a precedent for other development, and that the access would be inadequate.

BACKGROUND

In 2014, a planning application for the demolition of the existing shed and erection of a residential dwellinghouse was submitted. In 2015, this application was not determined by the Council within the timescales prescribed by Government, and the applicant appealed on grounds of non-determination. This appeal was subsequently dismissed, as the Inspector concluded that the site was isolated, not a sustainable form of development, that it would have an unacceptable impact on the character of its surroundings, and that it could set an unwelcome precedent.

Following this, an application for a Lawful Development Certificate (existing use) was made in 2016, which sought to prove the shed on the site had been used as a storage building in excess of 10 years. This application was refused by the Council, but subsequently allowed at appeal in 2017.

With the storage use of the shed established, a Prior Approval application (Application reference 17/02217/COUPA) for the change of use from B8 storage building to C3 dwelling was submitted and it was determined that prior approval was not required in this case. This established the residential use of the building.

An application for full planning permission (Application reference 18/00185/FUL) was subsequently made, which sought to change the use of the storage building to a residential dwellinghouse. As the site benefitted from a 'prior approval' for residential use, Officers view was that it would not have been reasonable to refuse this application. The application was reported to Planning Committee on 08 May 2018 where it was resolved to grant planning permission for the application.

With the principle of residential use established on the site, the present application seeks to demolish the storage building and erect a more traditional style dwellinghouse. It is smaller than the building previously proposed on the site, which was refused and dismissed at appeal in 2015.

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 site is located outside any of the defined village envelopes in the Braintree District Local Plan Review (2005), in an area where Policy RLP2 of the Adopted Local Plan states countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The proposal is therefore contrary to the Development Plan and emerging Draft Local Plan.

Fall-back Position

Notwithstanding the above assessment, the 'change of use prior approval' consent and subsequent planning permission granted in 2018 must be attached weight, as they represent a realistic fall-back position.

When determining what represents a fall-back position in this regard, the High Court ruling *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314* is relevant. The ruling ascertained that it must be assessed whether a fall-back position is realistically likely to be implemented. If it is then it should be afforded weight in the decision making process.

In the case of this application, it is considered that there is a realistic likelihood that the existing storage shed could be converted into a residential dwellinghouse by implementing the planning permission granted in 2018. In accordance with the decision notice the applicants have three years to begin this development (i.e. by 16 May 2021).

There is a realistic fall-back position in this case forming a material planning consideration which needs to be afforded due weight when determining the application.

The site currently has the benefit of consent to use the existing building for residential purposes. In this regard, the principle of the proposed development has already been established as being accepted; despite the policy objections and the previous appeal decision. Officers consider that to refuse the principle of a residential dwelling on this site would be to ignore the fact there is an extant consent which allows a residential dwelling on the site.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

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

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy CS7 of the Adopted Core Strategy is also considered relevant. This policy relates to promoting accessibility for all, and requires, amongst other things, that future development will be provided in accessible locations to reduce the need to travel.

Paragraph 55 of the NPPF states “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”.

As an exception to this policy of rural constraint, Policy RLP16 of the Adopted Local Plan states that “where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made to Policies RLP2 and RLP12 of the Adopted Local Plan for the filling of a gap, for a single dwelling, between existing dwellings, in hamlets and small groups of dwellings. This policy will not apply to proposals for individual isolated dwellings, or the extension of ribbon development, and will not apply to gaps, which could accommodate more than one dwelling. Proposals which would set a precedent for the consolidation of sporadic or ribbon development, or for the further infilling of large gaps, will also be resisted”.

The Planning Inspector determining the appeal in 2015 concluded with three main points. These were that the site is isolated and not in a sustainable location; that a dwelling on this plot would result in an unacceptable impact on the character and appearance of the land settlement houses surrounding the site; and that a dwelling on this plot could set an unwelcome precedent for similar plots in the land settlement area.

When considering the first point made by the Inspector, in relation to the site being ‘isolated’ in the context of Paragraph 55 of the NPPF, Members will be aware of a recent Court of Appeal decision.

The decision of the Court of Appeal (in relation to Land East of Lower Green Road, Blackmore End) was received on 28 March 2018, and has established that isolated new homes is defined as follows:

“... a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand” at [31].

“Whether, in a particular case, a group of dwellings constitutes a settlement, or a ‘village’, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker” at [32].

Importantly the Court of Appeal has confirmed that physical isolation is the only matter in determining whether a site is isolated for the purposes of Paragraph 55 of the NPPF (now Paragraph 79 of the revised 2019 NPPF).

Although, in Officers’ view, the first point made by the Inspector (that the site is ‘isolated’ in the context of Paragraph 79 of the NPPF), no longer holds given this Court of Appeal judgement (it is apparent that the site is surrounded by a cluster of residential development which would prevent the site being ‘isolated’ in light of the Judgement), the other two points remain relevant, which relate to the character and appearance of the surrounding area and the potential for setting an unwelcome precedent. These are discussed in the section of the report below.

Design, Appearance and Layout

The proposed development includes the erection of a new dwellinghouse. A new dwelling has previously been considered on the site, as was subsequently dismissed at appeal in 2015. The applicant comments that the Inspector’s reasons for dismissing the appeal have been taken into consideration when designing the new dwelling, by reducing it in size, moving it further back into the plot, and utilising design features which are more akin to its surroundings.

The appeal against non-determination was dismissed due to the location of the site which was not found to be appropriate given its countryside location, but also because a dwelling of the size proposed would not have been appropriate to its context. The appeal decision stated at Paragraph 8:

“...The dwelling and the garage positioned to its side would together fill most of the width of the plot, and the character of the site would fundamentally change to that of a residential curtilage. The proposal would amount to a unacceptably urbanising intensification of development within the site, at odds with the prevailing pattern of development. The site’s contribution to the area, which I have identified above, would be lost. The proposal would thus be harmful to the character and appearance of the area... [Para. 12]... I conclude that the proposal would not be appropriate to its location. It would be unacceptably harmful to the character and appearance of the area”

The Inspector raised three points; namely the width of the development; the urbanisation of the site by virtue of it becoming a residential curtilage; and the cumulative impact this would have on the character and appearance of the area.

To address the first point raised, the width of the development has been reduced in scale so that it occupies less of the plot. The design has also been

reduced in height and introduces more 'cottage' style features which are less prominent and more in keeping with surrounding development.

The urbanisation of the site, through the use of the site for residential purposes, has already been accepted through the conversion of the existing building of the site, which would undoubtedly bring with it the paraphernalia associated with a residential use.

The cumulative impacts on the character and appearance of the locality would be reduced, to a level which it would not be reasonable or justified to refuse planning permission.

Impact on Neighbour Amenity

Policies RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan allow for new development where there would be "no unacceptable or undue impact" on neighbouring residential amenities by way of loss of "privacy, overshadowing, loss of light or overbearing impact".

When the Planning Inspector considered the previous appeal for a residential dwelling on the site, he found there was no evidence to suggest that a dwelling would have an unacceptable impact on the residential amenities of the dwellings on either side. A smaller dwelling than that previously proposed would reduce any impacts further.

The NPPF states that new development should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". This includes the resultant dwellinghouse being created in this application.

The proposed dwelling would provide a more acceptable level of amenity for future occupiers than the conversion of the storage building into a residential building, and in accordance with the National Planning Policy Framework, this needs to be attached due weight.

Highway Issues

There is an existing access from the public highway onto the application site, however this is a field access and has never been formally considered by the highway authority. As part of this application, the access would clearly be utilised on a far more regular basis. The proposals include alterations to the access in order to make it safer for the occupants and the users of the highway. The alterations would include widening the existing access and laying a hardstanding (at present it is grass).

The Highway Authority raise no objections; the proposed plans show there would be adequate visibility splays in each direction. Conditions are recommended requiring the visibility splays to be kept clear at a distance of 2.4m from the edge of the highway, and no loose materials within 6m of the highway. These conditions have been recommended at conditions 4 and 5.

There is clearly enough space to allow the parking of at least two vehicles spaces of 2.4m x 5.5m, in accordance with the Council's adopted standards.

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.

PLANNING BALANCE AND CONCLUSION

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

The application represents a new residential dwellinghouse in a location which has not been historically supported for development. As such, the proposal would give rise to environmental harm caused by virtue of there being a new residential dwelling on this plot in an unsustainable location. However, the building benefits from prior approval and planning permission for conversion

to residential use which represents a realistic fall-back position. As such it is considered that the principle of development has been established. Furthermore, the proposal would deliver some social benefits and some short term economic benefits brought about through the addition to the housing supply and the construction jobs created.

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 when having regard to the fall-back position, the benefits of the proposal outweigh the harms identified. 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	Plan Ref: 12_001	Version: A
Existing Site Plan	Plan Ref: 12_002	Version: A
Proposed Site Plan	Plan Ref: 12_003	Version: B
Proposed Elevations	Plan Ref: 12_004	Version: B
Proposed Floor Plan	Plan Ref: 12_005	Version: A
Existing Floor Plan	Plan Ref: 12_008	Version: A
Existing Elevations	Plan Ref: 12_010	Version: A

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

Reason

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

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

Reason

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

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

Reason

To ensure the development does not prejudice the character and appearance of the street scene through additions and to protect the amenities and privacy of adjoining occupiers.

- 4 Prior to occupation of the development, the access shall be provided with a 2.4 metre parallel band visibility splay, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

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

- 5 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 No above ground development shall be commenced unless and until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 7 The garage element hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on the site outlined in red in the approved plans. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

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

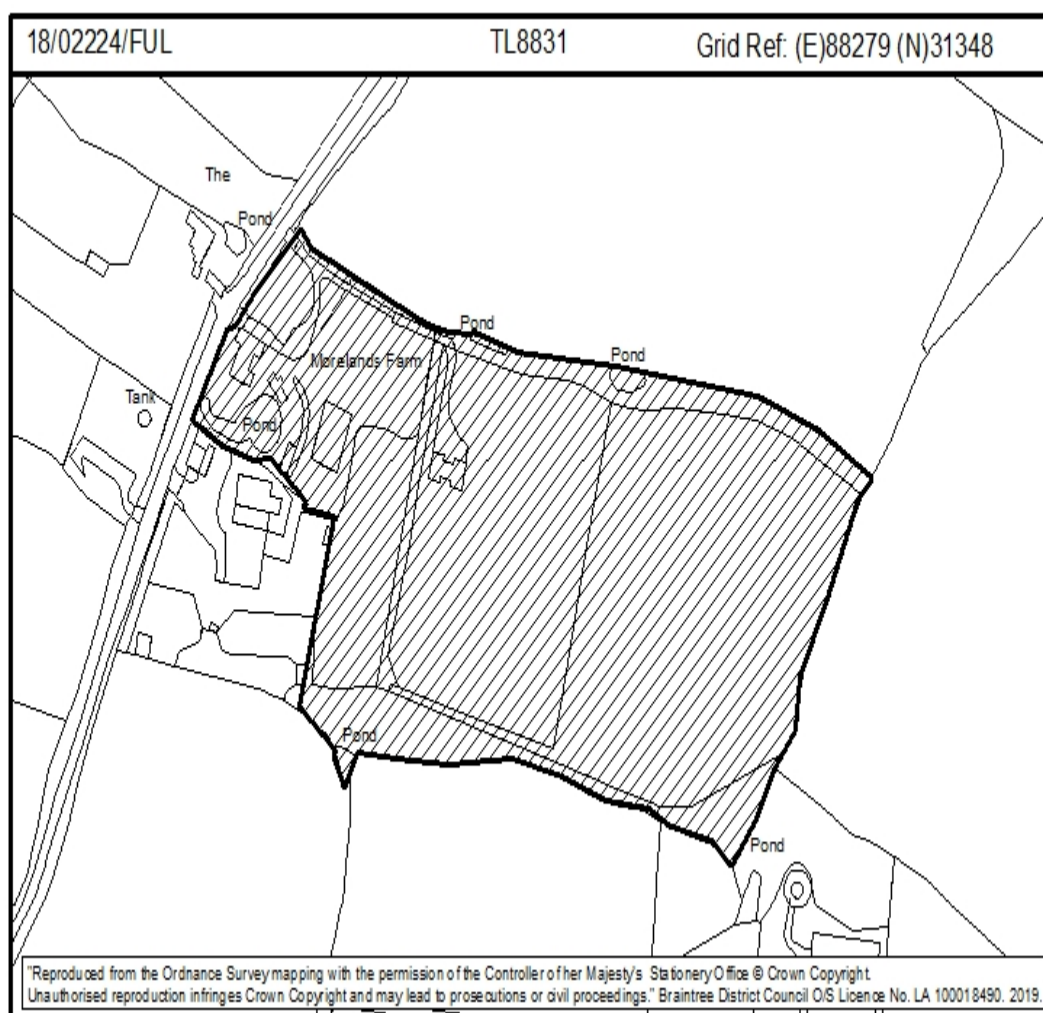
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 18/02224/FUL
DATE VALID: 12.12.18
APPLICANT: Mr & Mrs S Snowling
Morelands Farm, Bures Road, White Colne, CO6 2QF
DESCRIPTION: Erection of a part two, part single storey rear extension, alterations to the roof of the existing single-storey extension and erection of a new front porch
LOCATION: Morelands Farm, Bures Road, White Colne, Essex, CO6 2QF

For more information about this Application please contact:
Ellie Scott on:- 01376 551414 Ext.
or by e-mail to: ellie.scott@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJMN35BFLR500>

SITE HISTORY

17/00083/ENF	Appeal against	Appeal Dismissed	23.03.18
17/00095/REF	Retention of garage and garden store		
91/00531/E	Proposed Touring Caravan Site		
91/00539/E	Proposed Touring Caravan Site		
05/00232/COU	Conversion of redundant farm barn and associated lean-to structures into annex accommodation for holiday lettings	Granted	05.12.05
15/01429/FUL	Conversion of barn to a dwelling	Granted with S106 Agreement	31.03.16
16/01581/DAC	Application for approval of details reserved by condition nos. 8 and 9 of approved application 15/01429/FUL	Granted	22.12.16
16/02169/FUL	Erection of detached annex building	Withdrawn	06.02.17
17/00455/FUL	Retention of garage and garden store	Refused then dismissed on appeal	21.06.17
17/00689/DAC	Application for approval of details reserved by condition no. 6 of approved application 15/01429/FUL	Granted	23.10.17
17/00853/FUL	Alterations and extensions consisting of replacement porch, demolition of rear lean-to and erection of two storey rear extension.	Granted	04.09.17
17/01488/PLD	Proposed erection of garage/carport building and equipment/mower storage building including associated driveway extension and drainage	Permission Required	24.11.17

18/00103/PLD	Application for a proposed lawful development certificate - Proposed erection of garage/carport block including associated ground works	Granted	15.03.18
18/00667/PLD	Application for a proposed lawful development certificate - Erection of garden store/gazebo	Granted	26.06.18

POLICY CONSIDERATIONS

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

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

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

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

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

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

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	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
LPP60	Heritage Assets and their Settings

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 Applicants' architect is related to a member of staff.

SITE DESCRIPTION

Morelands Farm is a detached dwelling located in the countryside approximately 2 miles to the northeast of White Colne. There is a semi-circular driveway adjacent to the dwelling which provides ample parking with a vehicular access at either end on to Bures Road. There are mature trees to the northwest of the house encircled by the driveway. The Forge Farm opposite the site is Grade II Listed.

PROPOSAL

The application seeks planning permission for a proposed part two, part single storey rear extension and a porch. Alterations are also being proposed to an existing roof on a single storey element currently at the property with a gable roof proposed to replace an existing mono-pitch.

CONSULTATIONS

Historic Building Consultant: No comments received.

Landscape Services: No objection or further comments on the proposals within this application.

BDC Ecology: No objections to the proposals.

PARISH / TOWN COUNCIL

White Colne Parish Council have stated that they have no comments on the application.

REPRESENTATIONS

A site notice was displayed opposite Morelands Farm for a period of 21 days. No neighbour representations have been received.

REPORT

Principle of Development

The application seeks permission for a proposed part two, part single storey rear extension and a porch and alterations to the existing roof to an existing residential property located outside the development boundary. The proposal is therefore supported in principle, in accordance with Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to criteria on design, amenity and other material considerations.

Design and Appearance

Paragraph 124 of the NPPF states inter alia 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.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposal is for a part two storey, part single storey rear extension. Originally it was proposed that the extension would extend to a maximum depth of 6 metres. It was considered by Officers however, that this would result in a high level of built development on one side of the property and would create a poorly proportioned unbalanced dwelling. Following a relay of these concerns, the extension has been revised to extend to a maximum depth of 4.5 metres which has helped to address initial concerns and would make the dwelling better proportioned. In terms of width and height, the two storey element would measure 4.57 metres in width and would follow the height of the existing roof ridge line at the property. The single storey element would be 2.51 metres in width and would have a gable pitched roof. The rear extensions would be finished in render and clay tiles to match existing materials at the property. The proposed porch would measure approximately 1.53 metres in depth, 1.96 metres in width and would be finished in brick, oak post and clay tiles. The porch would have a gable roof and would be of a similar style to the existing porch at the property.

In terms of the proposed alterations to the roof from a mono-pitch roof to a gable roof on the single storey element currently at the property, it is considered that this would still be in keeping with the host dwelling and would complement the new gable roof proposed for the new single storey element.

Overall, it is considered that the proposals combined are subordinate to the host dwelling and would be in keeping with the character of the host dwelling and local area.

Heritage

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In this case, it is considered that the proposals would not be detrimental to the setting of the Grade II Listed Forge Farm opposite Moorlands Farm given that most of the proposals are sited away from Forge Farm to the rear of Moorlands Farm.

Neighbour Amenity

Given the significant separation distances between the proposed built development at Morelands Farm and neighbouring properties, it is not considered that the proposals would have a detrimental impact in terms of loss of light or in terms of being overbearing. In terms of privacy, whilst there would be new windows on the proposed extension that would face the neighbouring property Spindle Barn, there is over 35 metres of separation distance between these proposed windows and this neighbouring property. It is considered by Officers that this a significant distance to not cause a detrimental loss of privacy to this property.

Highway Considerations

It is not considered that there would be any detrimental highways impacts associated with the development and sufficient parking would be retained at the property.

Conclusion

It is concluded that the proposals are acceptable in terms of design and highway considerations and there would be no detrimental impacts upon neighbouring residential amenity or heritage assets. The proposals are considered to be in keeping with the host dwelling and the character of the area. As such the proposals comply with the above mentioned 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: 16/901/1	Version: B
Block Plan	Plan Ref: 16/901/27	Version: C
Proposed Floor Plan	Plan Ref: 16/901/23	Version: E
Proposed Elevations	Plan Ref: 16/901/24	Version: E
Proposed Elevations	Plan Ref: 16/901/25	Version: E
Section	Plan Ref: 16/901/26	Version: E

- 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

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

INFORMATION TO APPLICANT

- 1 Although unlikely, the applicant is reminded that if Great Crested Newts are found at any time during works, then all work must cease immediately and further advice sought from a suitably qualified ecologist.

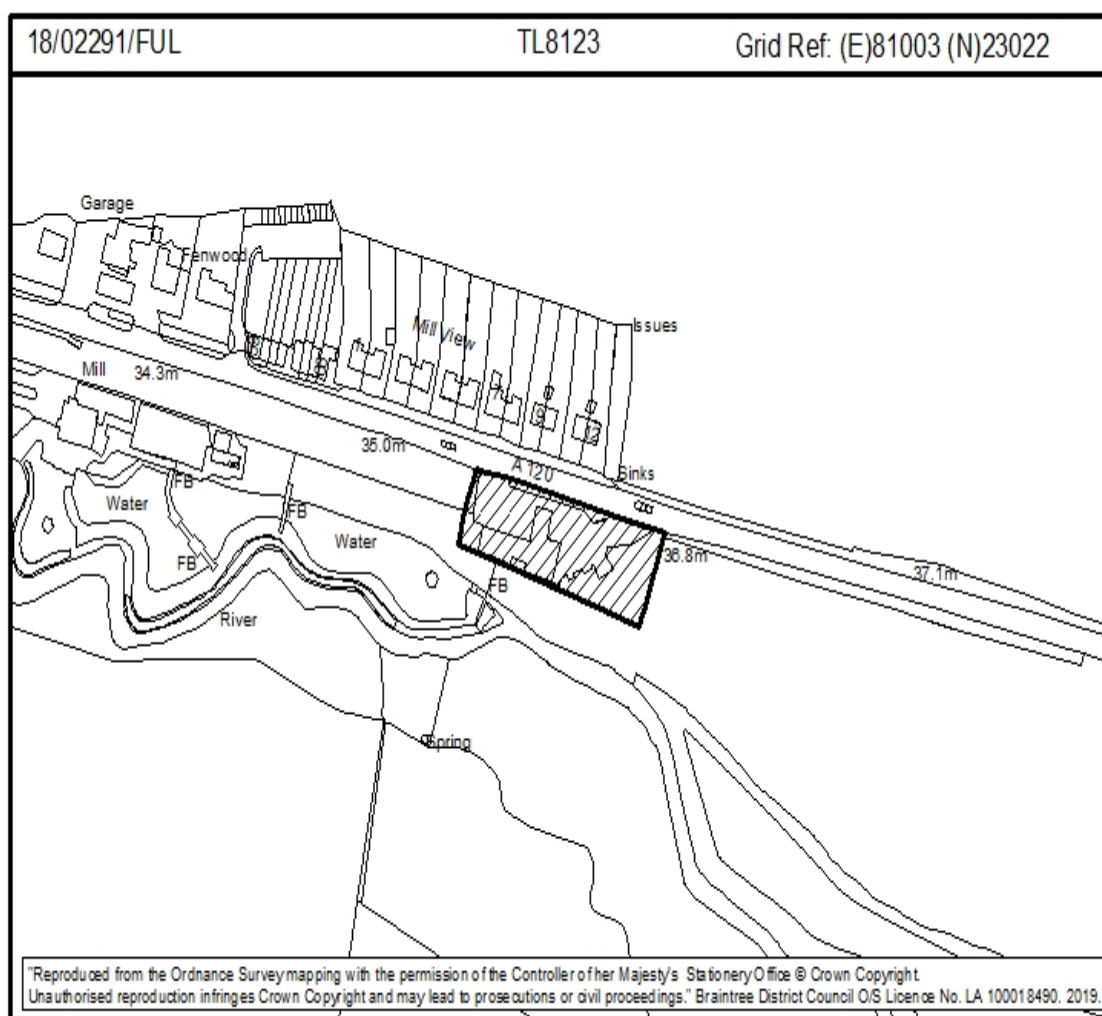
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5h

APPLICATION NO: 18/02291/FUL
DATE: 20.12.18
VALID:
APPLICANT: Mr L Trevelyan
Estate Office, Greenhills Estate, Tilford Road, Tilford,
Farnham, GU10 2DZ
AGENT: Tim Farley
39 Tudor Hill, Sutton Coldfield, Birmingham, B73 6BE
DESCRIPTION: Proposed Landscaped Extension to the Forecourt to
Provide Parking Area with Electric Vehicle Charging
LOCATION: Bradwell Service Station, Coggeshall Road, Bradwell,
Essex, CM77 8EE

For more information about this Application please contact:
Mrs F Fisher on:- 01376 551414 Ext. 2503 or by e-mail to:
fayfi@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PK1M1HBFLWY00>

SITE HISTORY

18/00055/REF	To provide an additional parking area within the site to facilitate 13no. parking spaces including service and charging bays, with landscaping to the edge of the bays and retention of existing screening conifers. The new parking will have a designated marked out pedestrian route to the sales building located to the rear of the site beyond the main through traffic.		
01/01212/ADV	Proposed 2 no. single sided freestanding advertising display units	Granted	30.10.01
03/00967/FUL	Erection of extension to provide additional store	Granted	18.07.03
87/01250/P	Redevelopment of existing petrol station	Granted	23.03.88
86/00780/P	Erection of new canopy, reception building, petrol pumps etc	Granted	16.09.86
80/01006/P	Use of land adjacent to garage forecourt for stationing mobile snack bar	Refused	25.09.80
76/01117/P	Use of forecourt of premises for the sale of motor vehicles	Granted	04.10.77
88/00790/P	Display of Illuminated Fascia Signs	Granted	23.05.88
88/01377/P	Erection of free standing internally illuminated double sided twin pole sign	Refused	23.08.88
88/01967/P	Erection of free standing internally illuminated double sided twin pole sign	Granted	22.11.88
06/00977/OUT	Change of use of land as area for car sales	Withdrawn	07.07.06
06/01641/COU	Change of use of land as area for car sales	Refused	18.10.06
08/01594/FUL	Retention of automated	Granted	26.09.08

08/01595/ADV	teller machine and erection of illuminated signage Retention of automated teller machine and erection of an illuminated sign	Granted	26.09.08
09/01073/FUL	Erection of two storey extension to extend existing service station shop and form offices over	Refused	15.10.09
09/01485/FUL	Erection of single storey extension to extend existing service station shop	Granted	06.01.10
11/01347/FUL	Alteration and extension of existing canopy, with provision of new high level canopy, jetwash bay, pump islands and car parking	Withdrawn	29.12.11
11/01713/FUL	Re-construction of forecourt control building; alteration and extension of forecourt canopy; installation of new HGV lane forecourt canopy; alterations and additions to forecourt pump islands; installation of jet wash bay and associated plant room; provision of additional car parking facilities	Granted	17.02.12
11/01734/FUL	Re-construction of forecourt control building superstructure	Granted	17.02.12
12/00477/FUL	Variation of condition no. 2 of planning approval 11/01713/FUL (Re-construction of forecourt control building; alteration and extension of forecourt canopy; installation of new HGV lane forecourt canopy; alterations and additions to forecourt pump islands; installation of jet wash bay and associated plant room; provision of additional car parking facilities) - Revisions to approved parking	Granted	17.05.12
12/00121/DAC	Application to discharge conditions 5 and 13 of approved application	Granted	03.07.12

	11/01713/FUL - Re-construction of forecourt control building; alteration and extension of forecourt canopy; installation of new HGV lane forecourt canopy; alterations and additions to forecourt pump islands; installation of jet wash bay and associated plant room; provision of additional car parking facilities		
12/00171/DAC	Application for approval of details reserved by condition no. 3, 7, 8, 9 & 12 of approval 11/01713/FUL	Granted	07.09.12
12/01586/ADV	Application to display various signage	Granted	08.03.13
13/01296/FUL	To raise the height of the forecourt canopy by 1 metre	Granted	26.02.14
14/00074/DAC	Application to discharge condition no. 3 of approved application 13/01296/FUL - To raise the height of the forecourt canopy by 1 metre	Granted	07.05.14
16/00901/FUL	Retention of an Automated Teller Machine and 2 no. bollards	Granted	04.08.16
16/00902/ADV	Retention of an Automated Teller Machine and 1 no. illuminated fascia sign	Granted	04.08.16
17/01907/VAR	Application for removal of Conditions 7 and 9 of planning approval 11/01713/FUL - To connect the foul drainage system and jet wash bay (via a silt trap) to the public sewer via a pumping station, which has all been approved by the AWA and Highways England via a Section 106 & Section 50 agreement.	Granted	27.03.18
17/01936/FUL	To provide an additional parking area within the site to facilitate 13no. parking spaces including service and charging bays, with landscaping to the edge of the bays and retention of	Refused	14.05.18

existing screening conifers.
The new parking will have a
designated marked out
pedestrian route to the
sales building located to the
rear of the site beyond the
main through traffic.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP72	Water Quality
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
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
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP65	Local Community Services and Facilities
LPP67	Natural Environment and Green Infrastructure
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee because it has been called in by a Member of the Planning Committee due to the cumulative impact on neighbouring amenity.

SITE DESCRIPTION

Bradwell Service Station is located outside of the Bradwell village envelope, alongside the A120 trunk road. The site is established as a petrol filling station which serves both the local and wider community. The service station canopy and shop has been rebuilt in recent years following a fire. As part of the planning permission for the rebuild a jet wash facility was also granted permission but this is yet to be installed. There is a public right of way alongside the eastern boundary of the site.

PROPOSAL

This application is a revised proposal of a previous application (Application reference 17/01936/FUL) which sought permission for an additional parking area within the site to facilitate 13no. parking spaces. This application was refused planning permission under delegated powers on 14th May 2018. This revised proposal comprises the creation of a parking area on a reduced scale on the same area of grassland which sits on the western edge of the site. The car parking would provide 11 spaces, 3 of which would be dedicated to electric vehicle charging bays and 1 for an air/water bay. The proposal also includes the provision of landscaped planting and a defined, safe route for the existing Public Right of Way which exists along the western boundary of the site.

CONSULTATIONS

Highways Agency – No objection

ECC Highways – Raise no objections, but suggest that *an informative bringing the PROW to the applicant's attention and that it should be safeguarded and open for use at all times.*

BDC Environmental Services – Supportive of the intention to provide electric charging bays as part of the proposal which also includes customer operated air and water servicing units with additional parking spaces. Recommended conditions concerned antisocial behaviour, lighting and hours of working.

BDC Landscape Services – No comments or objections to make regarding this application.

PARISH / TOWN COUNCIL

Bradwell Parish Council state that they support the application if the electric charging points are installed and are available for use from the time the alterations are complete and also, if there are fixed conditions to ensure that the area is used solely for short periods of parking and the charging of vehicles and that this is enforced.

The Parish Council recognises the need for additional parking spaces at the site, restricted to ten spaces including electric vehicle charging points, but would caution against the "car park" becoming a "meeting area" and would ask that a condition be placed on the applicant to ensure this does not happen at any time of day.

Whilst drawings show low level lighting, the Parish Council would like a condition placed to ensure that no additional higher level lighting is permitted and that the lumen of all lights remains sufficiently low to provide adequate lighting for people using the site, whilst not causing any disturbance to residents.

The application states no materials are required in the build. The land concerned is currently laid to grass and as such allows water to drain easily. Covering the area with some form of tarmac or other impermeable covering will cause the surface water to run off into the "existing water course" thereby introducing pollutants from the garage forecourt into the natural water courses in the area. If possible the Parish Council would like to see a condition which mitigates the surface water runoff into the existing water course by the use of a permeable surface.

The Parish Council is pleased to note the applicant will accept a condition in regard to the maintenance of the PROW and would be grateful if BDC would impose a suitable condition.

In order to avoid unnecessary disturbance to residents, the Parish Council would like to see a permanent condition applied to the site preventing any overnight parking.

REPRESENTATIONS

1 letter of support has been received with regards the proposal. A further 152 signature petition has also been received supporting the application.

REPORT

Principle of Development

The application site is located outside of any defined settlement boundary and as a result, relevant countryside policies apply. Developments outside of settlement boundaries are required to comply with Policy CS5 of the Adopted Core Strategy, Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, which seek to restrict development to uses appropriate to the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS5 of the Adopted Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Similarly, 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 where it can take place without material adverse detriment to the existing character and historic interest of the settlement. Development outside development boundaries will be strictly controlled to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside.

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. In addition to this, Policy RLP90 of the Adopted Local Plan requires a high standard of design and materials, and use of appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development.

Policy RLP128 of the Adopted Local Plan provides support for the continuance of services and facilities, in order to maintain community life.

Policy RLP40 of the Adopted Local Plan states that small scale commercial development in the countryside may be acceptable, where: it is on a small scale compatible with the surrounding area or if it represents a small scale proposal which would secure significant improvements to the local environment. Policy RLP40 states that in order to be considered favourably, proposals should not be detrimental in terms of visual impact, noise, smell, or other pollution, or excessive traffic generation, health or safety or loss of conservation interests. The policy goes on to state that proposals will also be subject to high standards of design, landscaping and other such requirements as may be necessary to reduce the impact of development.

In this case it is acknowledged that Bradwell Service Station is recognised locally as a rural service and facility. As such, and in accordance with the above policies, proposals which would allow continuance of services and facilities are considered to be acceptable in principle, provided that the proposal would not have a detrimental impact upon the character and appearance of the area and subject to other material considerations which are discussed in more detail below.

Design, Appearance and Impact on the Character and Appearance of the Locality

The former refused application (17/01936/FUL) sought permission for an additional parking area to facilitate 13 car parking spaces of which 3 were allocated for electric charging points and 1 was allocated for air and water. The remaining 9 spaces were proposed to support the retail element of the petrol station. In this regard Officers were concerned that the size of the proposed parking area was not sufficiently justified to a degree whereby the benefit of the parking provision would outweigh the impact that the loss of the grassed area and the impact this would have on visual appearance of the site in this rural location.

In the current proposal, the applicant has reduced the number of parking spaces to 11 spaces, 3 of which are allocated for electric charging points and 1 is allocated for air and water. Low level planting is proposed along the car park boundary in an attempt to remedy concerns in terms of its visual impact, however, it is considered that the reduction in the parking area by the amount now proposed would still result in intensification of the built form on the site.

The use of this area of grassland as a car park at the extent proposed would be to the detriment of the rural character of the area, contrary to the abovementioned policies.

In terms of justification for the proposed development Officers consider that the proposal to provide a parking area of 11 spaces, goes beyond what is considered reasonably necessary for the parking of cars for visitors to this petrol station shop.

Officers accept that there will be times where people visit the shop to purchase groceries and not visit the fuel pumps, however, it is generally the case that visitors to the site purchase petrol which is paid for within the shop. Visitors may purchase fuel and then groceries, which can cause delays at the pumps, but Officers are of the view that providing a dedicated parking provision for these customers is unlikely to change the way in which they use the site. In fact, given the in/out access which exists on the site, to suggest that drivers reverse away from the pumps and then park in the dedicated parking area would be dangerous and create further conflict with vehicles entering the site. The parking area is likely to be used by people who visit the shop only, and those who use the electric charging points.

The proposed introduction of electric charging points is welcomed and this weighs in favour of the proposal as this would promote the use of greener, cleaner fuel options. However, the current parking provision on the site could be better arranged and reconfigured to allow for the provision of electric charging points and a more efficient layout of the site without causing harm to the character and appearance of the locality.

Impact on Neighbouring Residential Amenities

In terms of impact on residential amenity, the proposed parking provision does have the potential for increased noise, smell, and disturbance from visitors to the site. The introduction of a parking area could encourage visitors to the site to stay longer than normally expected and without adequate enforceable controls to manage the parking area, could have a negative impact when the site is used 24 hours a day. However, taking into account the established use of the site as a petrol station, and the location and size of the parking area relative to the nearest residential properties, a reason for refusal could not be substantiated on these grounds. Moreover, no objections have been raised by the Council's Environmental Health department.

Highway Considerations

In terms of impact on highway safety, that the proposed parking provision would not have an impact on highway safety given its location away from the entrance to the site. Moreover, no objections have been raised by the Highways Agency.

There is a Public Right of Way which runs along the East of the site, and the applicant proposes, as part of this application, to safeguard the route which

runs across the land. It is, however, the responsibility of the owner or the occupier of land to keep the route visible and unobstructed. Therefore, refusing planning permission would not jeopardise the safeguarding of the public right of way as a public amenity.

PLANNING BALANCE AND CONCLUSION

As set out in Paragraph 8 of the NPPF, sustainable development has three objectives; an economic objective (to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social objective (to support strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change). These objectives should not be considered in isolation, because they are mutually dependant.

The proposal would deliver some economic and social benefits, including the provision of electric charging points, although these are considered to be relatively limited in this case. However, the proposal would result in environmental harm arising from the design and appearance of the parking area at the scale proposed which would lead to an intensification of the built form on the site and result in the removal of an area of grassland which serves as a landscape buffer between the petrol station and the Blackwater Valley located to the East and South of the site. The use of this area of grassland as a car park at the extent proposed would be of further detriment to the rural character of the area. As such, and when considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts arising from the development in this case would not be outweighed by the benefits.

RECOMMENDATION

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

- 1 The proposed development would lead to an intensification of the built form on the site and remove an area of land which forms an intrinsic landscape buffer between the petrol station and the Blackwater Valley beyond, which would be detrimental to the rural character of the area, contrary to the NPPF, Policies RLP2, RLP40 and RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS9 of the Braintree District Core Strategy and Policies LPP1, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

Parking Strategy
Photograph

Plan Ref: 42

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER