

PLANNING COMMITTEE AGENDA

Tuesday, 25 April 2017 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray (Vice Chairman)
Councillor Lady Newton	(Membership subject to confirmation at the AGM)

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.

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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 11th April 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

5a	Application No. 16 00802 OUT - Land at Greenways, Balls Chase, HALSTEAD	5 - 28
5b	Application No. 16 02124 OUT - Land on the South Side of Colchester Road, WHITE COLNE	29 - 54
5c	Application No. 16 02156 OUT - Land North East of Gleneagles Way, HATFIELD PEVEREL	55 - 114
5d	Application No. 17 00119 OUT - 10 and land rear of New Road, GOSFIELD	115 - 135

PART B

Minor Planning Applications:-

5e	Application No. 16 01815 FUL - 13 Coggeshall Road, EARLS COLNE	136 - 144
5f	Application No. 17 00002 FUL - Bakers Cottage, Waltham Road, TERLING	145 - 150
5g	Application No. 17 00029 FUL - Drummonds, The Street, FEERING	151 - 158
6	Public Right of Way Diversion - Footpath 22, GOSFIELD	159 - 168
7	Planning and Enforcement Appeal Decisions - March 2017	169 - 181
8	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.	
9	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

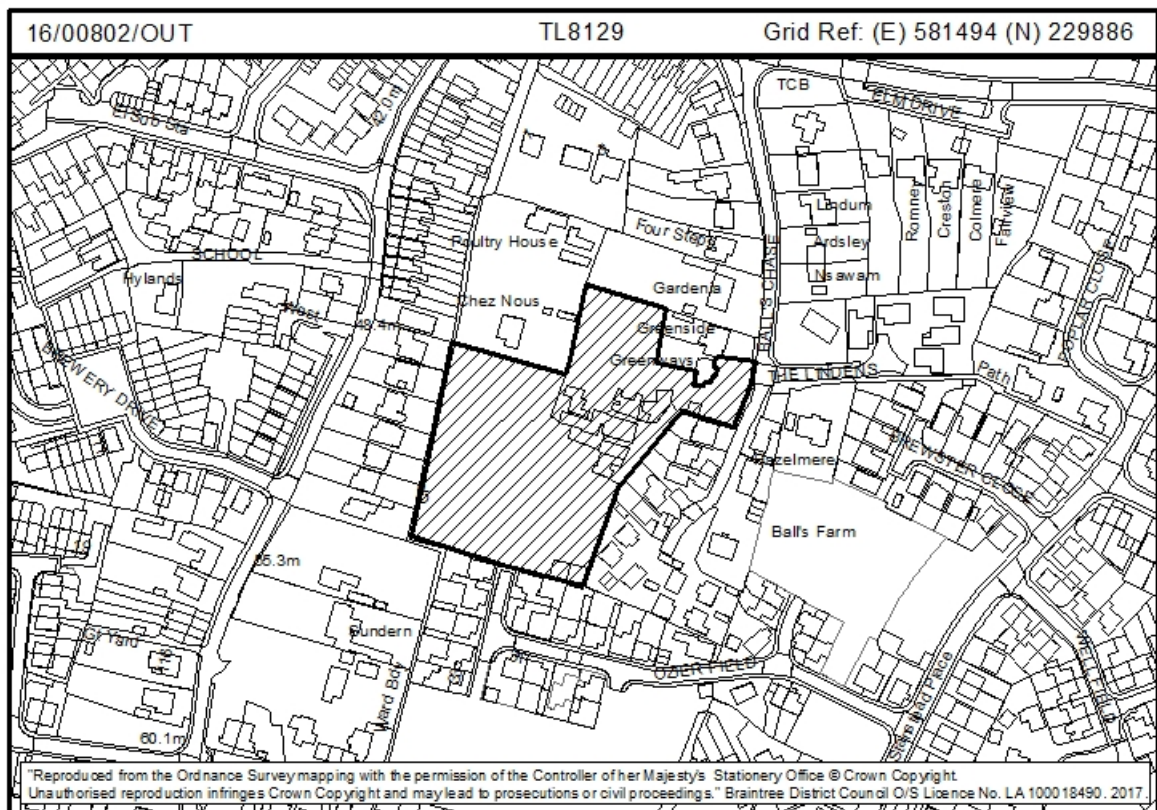
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10	Urgent Business - Private Session To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.
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PART A

APPLICATION NO: 16/00802/OUT DATE: 10.05.16
 VALID:
 APPLICANT: Mr & Mrs R & J Wright
 Greenways, Balls Chase, Halstead, Essex, CO9 1NY
 AGENT: A J Porter (Building Consultant)
 Mr Andrew Porter, 5 Rifle Hill, Braintree, Essex, CM7 1DG
 DESCRIPTION: Outline application for the erection of up to 14 dwellings
 with all matters reserved except for access.
 LOCATION: Land At Greenways, Balls Chase, Halstead, Essex

For more information about this Application please contact:
 Nina Pegler on:- 01376 551414 Ext. 2513
 or by e-mail to: nina.pegler@braintree.gov.uk



SITE HISTORY

15/01390/OUT	Outline application for the erection of up to 25 dwellings including access with all other matters reserved	Refused	18.02.16
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP90	Layout and Design of Development
RLP138	Provision of Open Space in New Housing Developments

Supplementary Planning Guidance

ECC Development Management Policies 2011 (Highways)
Essex Design Guide 2005
Affordable Housing SPD
Open Space SPD and Action Plan

INTRODUCTION

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

NOTATION

The site falls within the town development boundary and is allocated for residential development in the adopted Local Plan Review. It was proposed to be allocated for residential in the draft Site Allocations and Development Management Plan. This allocation has been rolled forward into the draft Local Plan.

SITE DESCRIPTION

The site is located to the southern end of Halstead and falls within the town development boundary. It comprises an area of agricultural land upon which are a number of single storey, low key agricultural buildings/structures. The site is surrounded on all sides by residential development. It is accessed via Balls Chase and a narrow access adjacent the dwelling known as 'Greenways'. A public footpath runs alongside the western boundary of the site. The site slopes downwards in a northerly direction.

PROPOSAL

This application seeks outline planning permission for the erection of up to 14 dwellings. The applicant is seeking approval for the access, but reserves the matters of appearance, layout, scale and landscaping for later approval. An indicative layout plan has been submitted with the application.

The existing access adjacent 'Greenways' would be widened in order to serve the development. This would include the removal of a part of an existing brick wall.

CONSULTATIONS

Town Council – Object. The additional traffic movements would pose risks to footpath users, there is a potential flood risk, neighbouring properties should be protected from possible subsidence from the known underground water courses, Balls Chase is on a steep incline causing further risk in bad weather. The ingress/egress at the bottom of Tidings Hill is an issue; support the Highway Authority's objection. The TC noted that although the number of dwellings has reduced, the size of the dwellings has increased.

Housing Strategy – Request 30% affordable housing provision, in accordance with Policy CS 2 of the Core Strategy.

Environmental Health – No objection subject to a condition for a contaminated land survey.

Waste Services – No response at the time of writing.

Engineers – No response at the time of writing.

Highway Authority – No objection subject to conditions requiring a construction management plan, residential information packs, access to be provided in accordance with specified details.

ECC Education – No response. (The number of dwellings falls below ECC's threshold for requesting contributions).

Public Rights of Way – No response at the time of writing.

Essex Police – No response at the time of writing.

Anglian Water – The foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). If the LPA are minded to grant planning permission, request a condition requiring a drainage strategy to be agreed.

Lead Local Flood Authority (ECC) – Initially objected but removed objection following the submission of additional information.

Ramblers Association – No response at the time of writing.

REPRESENTATIONS

A site notice was displayed and neighbouring properties were notified by letter.

16 letters of objection were received following the initial public consultation period. Additional information was then provided in respect of drainage and the proposed access. An additional consultation was undertaken and 9 letters of objection were received in response to this. The following points were raised in the letters of objection:

- The proposal does not overcome previous reasons for refusal;
- The site is designated in the Local Plan as suitable for development but this was based on the access being from Ozier Field. Query whether the application is an infringement or breach of the initial approval by changing the access;
- Although the number of houses has been reduced from the previous application, the size of the houses has increased. Only 1 parking space per dwellings is shown;
- It may not be possible to connect to the various services authorities such as electric, water, sewers, gas, drainage. This may cause disruption;
- Affordable housing is not included in the proposal;
- The existing road (Balls Chase) is too narrow and inappropriate for the increase in traffic proposed. Concerns regarding highway safety;
- Changes to the access/visibility splays does not alleviate the visual and safety dangers of the access proposed;
- If the access from Ozier Field was also opened it would create a rat run;
- There is an underground spring on the site which percolates northwards and causes pooling of surface water and flooding. The

development will impact upon the hydrogeology of the area and may cause subsidence to reoccur/occur;

- If development is permitted the road layout at Balls Chase/Ravens Avenue would need to change which could result in more cars parking further up Balls Chase;
- Will add to congestion at the exit of Balls Chase and the roundabout at the bottom of Tidings Hill and give rise to highway safety risks;
- An application for residential development was refused in 1988 due the narrow width of Balls Chase and highway safety reasons;
- Concern about sight lines from proposed access;
- Would cause conflict with the junction of The Lindens;
- The existing hill is hazardous in extreme winter conditions;
- There is only a pavement on one side of the road;
- Access and visibility is often restricted due to parked vehicles. Vehicles often have to park on the pavement;
- Planning/Highways Officers have no concerns over parking problems;
- If approval is granted it will be simple to re-apply and add more houses or increase the size of the site. Query what measures can be taken to prevent future applications;
- Access could be taken from Ozier Field where this already an access which appears to have been constructed with this intention;
- Infrastructure concerns regarding overhead cables, low gas pressure, sewerage and drain flooding;
- There are bats in the area;
- Demolition of the wall will have an impact in terms of noise, air pollution and headlights on the property opposite;
- The siting and scale of the houses would impact upon existing amenity;
- Concerned about complaints from future occupants regarding birds kept at neighbouring site;
- The gradient of the site will present drainage issues;
- Halstead has an open space deficit; the area is already overdeveloped;
- Query whether the applicant/neighbour has control over the land as there is an area of common land to the front of the site.

REPORT

Relevant History

A previous planning application for this site was submitted in 2015 for the development of the site for up to 25 dwellings. This was refused by the Planning Committee in February 2016 for three reasons, as set out below:

1. *In this case it has not been demonstrated that adequate visibility splays of 2.4 metres by 43 metres in both directions can be provided over land within the applicant's control can be provided. Accordingly, the proposal is not considered acceptable in highway safety terms and fails to accord with the policies referred to above.*
2. *The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case*

insufficient information has been submitted with regard to a surface water drainage strategy to demonstrate that the proposed development will not give rise to an increased flood risk on site or beyond the site. The proposal fails to accord with the policies referred to above.

3. *The proposed development would trigger the requirement for the delivery of affordable housing and a financial contribution towards public open space and education provision which would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to the above policies and adopted SPD.*

This decision is a material planning consideration relevant to the determination of the current application. Consideration must be given as to whether the application overcomes the previous reasons for refusal. It should be noted that the principle of development was considered acceptable at that time and did not form a reason for refusal.

The previous application included the front garden and a square area of land to the rear of the dwelling known as Greenways and was for up to 25 dwellings. This land has been excluded from the current application and the number of dwellings has been reduced. The land is however outlined in blue on the submitted plans and therefore falls within the control of the applicant.

Principle of Development

This is an outline planning application with all matters reserved except for access. The applicant is therefore seeking approval for the principle of the development of the site for housing and for the access. The layout, scale, appearance and landscaping of the site would form part of a reserved matters application at a later date and are therefore not matters which can be determined at the current time.

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local planning authorities should seek to deliver a wide choice of quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The site falls within the town development boundary and is allocated for residential development in the adopted Local Plan and the draft Local Plan.

The Council is currently unable to demonstrate a five year housing land supply as required by paragraph 47 of the NPPF. Therefore relevant policies relating to the supply of housing are out of date. In such circumstances Paragraph 14 of the NPPF is engaged. This promotes a presumption in favour of sustainable development and directs that 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. Sustainable development has three dimensions, as set out in Para.7 of the NPPF. These being an economic role, a social role, and an environmental role. These roles should not be considered in isolation, because they are mutually dependent. Conclusions with regard to the planning balance are set out in the final paragraph of this report.

Design and Layout

Both the NPPF and Planning Practice Guidance refer to the importance of good design. Policy CS 9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development. Policies RLP 3, 10 and 90 of the Local Plan Review seek to ensure that new development relates well to the site and surrounding development in terms of layout, density and design. Policy RLP3 also states that new development should satisfy amenity, environmental and highway criteria and is subject to compliance with other relevant Local Plan policies.

As set out above, these are matters which would be considered in detail at a later date if outline planning permission were granted. However, an indicative plan has been submitted. The plan shows 14 dwellings with what appears to be an integral garage with a parking space in front. The dwellings are all detached and of the same size. It is unlikely that a layout such as this would be considered acceptable as the Council would be seeking a range of types and sizes of dwellings. It is likely that if the proposal progressed to a reserved matters application, the layout and scale of the proposed dwellings would be different. However the indicative plan shows that the site could accommodate 14 dwellings.

The concerns raised in the letters of representation regarding the density of the development and proximity to neighbouring dwellings are noted. A detailed layout, which would be submitted at a later date, would need to take account of the need to provide adequate garden sizes, parking, on site amenity space and appropriate relationships with the surrounding development, in accordance with adopted guidance. The development is for 'up to' 14 dwellings and it could be the case that when a reserved matters application is submitted it would be for less than 14 dwellings, depending upon their size. It could be the case that the development may include, for example, terraced, semi-detached dwellings or bungalows. Given that the applicant is not seeking permission for the layout, which is illustrative only, it would be unreasonable to refuse permission based on this concern.

Impact on Neighbouring Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies RLP 3 and RLP 90 of the Local Plan Review seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

As stated above, as permission is not being sought for the scale and layout of the development it is not possible to consider the impacts upon neighbouring residential amenity in detail at this stage. This is a matter which would be considered at the time that a reserved matters application is submitted.

Concerns have been raised in the letters of representation about impacts arising from the construction such as parking, dust, mud and noise. Conditions can be imposed to control such matters and to protect neighbouring amenity during construction.

Highway Issues

Policy RLP 3 of the Local Plan Review states that development will only be permitted where it satisfies, inter alia, highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP90 (viii) promotes safe and secure designs and layouts.

Policy DM1 of the Highway Authority's Development Management Policies seek to ensure that new access points are designed and constructed in accordance with the current standards for the category of road having regard to the capacity, safety and geometry of the highway, and that proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

The applicant is seeking approval for the access to the site. This would be taken off Balls Chase in the approximate location of the driveway which currently serves 'Greenways'. The existing driveway would be enlarged. Part of the brick wall which currently serves as a boundary enclosure along the frontage would be removed and part would be lowered to a maximum height of 600mm. In this location, the Highway Authority would normally require visibility splays of 2.4 metres by 43 metres. The Highway Authority may, on occasion, support lesser visibility splays but only where this is supported by a speed survey. The applicant has carried out a speed survey and this has been submitted with the application. Having regard to the speed survey, the Highway Authority has advised that visibility splays of 2.4m x 25m would be acceptable.

The splays shown on the submitted plans measure 25 metres in both directions. The applicant has control over the land to the north. However, to the south, the visibility splays would pass over a small part of the frontage of No.24 Balls Chase. The applicant does not currently have control of this land. However, the owners of No.24 Balls Chase have entered into a S106 Agreement whereby they agree that the land (identified by a plan within the S106 Agreement) will be kept free of obstruction at all times. This would also be binding on any successors in title if the property was to be sold.

The Highway Authority has reviewed the plans and the S106 Agreement and is satisfied that a safe and satisfactory access can be achieved and this therefore overcomes the previous highway related reason for refusal.

The use of Balls Chase as a means of access has raised a significant amount of local objection. The allocated site abuts the end of the road at Ozier Field and it would appear that it was presumed that the site would be accessed from here. However, this is not proposed in the current planning application and the Council must determine the application based upon the submission. The allocation of the site indicates an acceptance of the principle of residential development; it does not approve any details such as the location of the access.

A number of concerns have been raised about the adequacy of Balls Chase and the surrounding road network to accommodate traffic from the proposed development. The Highway Authority has not raised any concerns in this regard. If the Highway Authority considered that any improvements were required, these could be secured by condition or through a S106 Agreement. It has not made any such requests. Whilst the proposal would result in increased traffic using Balls Chase, it is not considered that this would have an unacceptable impact upon residential amenity to the extent which could substantiate withholding permission.

It is stated in the letters of representation that vehicles parking within the public highway often cause problems with obstruction or visibility. However, this is not a matter which can be controlled by the LPA. This is a matter for the Highway Authority. If there is a persistent and unacceptable problem residents can make a request to the Highway Authority for yellow lines. On-street parking occurs in many roads across the District where there are no parking controls and Balls Chase is not unusual in this respect. It is noted that some of the dwellings in the lower part of Balls Chase do not benefit from off-road parking. This may be giving rise to some of the problems. Any new development cannot be expected to remedy existing problems but would need to comply with the Council's adopted Parking Standards with off-road parking being provided within the site. This requires dwellings with two bedrooms or more to be provided with a minimum of two off road parking spaces. Visitor parking within the site is also required. This would be assessed as part of a reserved matters application.

Whilst there is only pavement on one side of the lower part of Balls Chase, it does provide pedestrian connectivity between the site and the wider area.

Flood Risk and Drainage

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

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

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

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

Paragraph 086 of the Planning Practice Guidance (PPG) states that when considering major development (i.e. developments of 10 dwellings or more) the local planning authority should consult the Lead Local Flood Authority (LLFA).

Policy RLP 69 of the Local Plan Review states that where appropriate, the District Council will require developers to use sustainable drainage techniques. Policy RLP 71 states that planning permission will not be given where there is inadequate water supply, sewerage or land drainage systems available to meet the anticipated demands of the development, unless there is an agreed phasing arrangement between the developer and the relevant service provider, for the provision of the necessary infrastructure.

The Lead Local Flood Authority (Essex County Council) became a statutory consultee on planning applications from 15th April 2015. The issue with the previous application was that the LLFA considered that the submitted documents did not provide any details for the surface water drainage strategy. At that time it advised that the objection could be overcome if adequate information on the flood risk and surface water drainage strategy were submitted demonstrating that the development will not increase flood risk elsewhere and where possible reduces flood risk overall. However the information requested was not provided and this therefore formed a reason for refusal.

It is acknowledged that this is an outline planning application and the layout of the proposed development has not yet been determined. However, the LLFA

requests a conceptual drainage plan to demonstrate that the issue of surface water run-off can be adequately dealt with.

The submitted plans show the location of a surface water attenuation tank along the proposed access road.

The site falls within Flood Zone 1 which is defined as an area of lowest risk of flooding. In accordance with national requirements a Flood Risk Assessment (FRA) was submitted with the application as more than ten dwellings are proposed. A revised version was later submitted in order to address concerns raised by the LLFA. Any increased flood risk associated with this site would be as a result of surface water run-off from the roofs of dwellings and the impermeable area of the access road. The Flood Risk Assessment indicates that infiltration or discharging surface water to a local watercourse would not be possible and that the only option would be to discharge the surface water to public sewers. There is a public sewer in Balls Chase which runs in a northerly direction. Due to the increase in impermeable area, on-site attenuation will be required to control the flow/volume of water to the sewer. The run-off rate would be restricted to greenfield rates. It is proposed that the attenuation would be in the form of on-site storage in an underground sealed tank/crates with a flow restrictor (hydrobrake). The calculations for the volume of this take into account future expansion (urban creep eg from extensions on the proposed dwellings) and climate change (40%). The conveyance and exceedance route is via the site access road leading to the manhole within the public highway in Balls Chase. Detailed drawings of the proposed attenuation tank, drainage pipes, inspection chambers, hydrobrake and sewer connection have been provided.

A management plan within the FRA includes an annual inspection of the hydrobrakes along with a CCTV survey of the attenuation tank. Access points at each end of the attenuation tank and the location of the hydrobrake chambers are shown on the submitted drawings.

The LLFA considers that the information within the Flood Risk Assessment and the proposed drainage strategy (including the proposed mitigation measures) are appropriate. It has been demonstrated to the satisfaction of the LLFA that surface water could be disposed of in a satisfactory manner without increasing flood risk on site or elsewhere. The LLFA has requested conditions requiring the submission of a detailed drainage strategy (once the detailed layout is known), a scheme to minimise off site flooding during construction works and a Maintenance Plan.

Comments made in the letters of representation indicate that there is an underground spring which surfaces within the site and percolates downwards following the contours of the land through the gardens of properties to the north. It is stated that this causes localised pooling of surface water and, on occasion, flooding. Concerns are raised that the development will impact on the hydro-geology of the area and that this may increase the risk of a renewed subsidence to existing properties. The LLFA is aware of this concern and has addressed this in the recommended conditions. It has requested that

seasonal groundwater testing and investigation for springs takes place. If these are found, the drainage strategy should be amended to include appropriate measures if high groundwater or springs are found.

With regard to sewerage, Anglian Water has advised that the foul sewerage network and Halstead Water Recycling Centre has capacity to accommodate waste from the development. The submitted plans indicate that there is a public sewer connection point to the front of the site. The developer would need to liaise with Anglian Water directly in terms of connecting to the system.

S106 Agreement

Paragraph 73 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.

Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a wide range of recreation, outdoor sport and amenity needs in District.

The Council has adopted the Open Space Supplementary Planning Document (SPD) in accordance with Policy RLP 138 of the Local Plan Review. The SPD states that, in this case, a financial contribution in lieu of on-site provision is required for public open space.

The Council's Open Spaces Action Plan identifies a number of improvements required to existing public open spaces within the Ward. It is therefore considered that the Council is justified in seeking a financial contribution for the enhancement of public open space. The contribution required for each dwelling is based upon the number of bedrooms in each dwelling. This is unknown at this stage and therefore an appropriate formula would be included within the S106 Agreement.

Policy CS2 states that affordable housing will be directly provided by the developer within housing schemes. 30% affordable housing provision is required on sites in Halstead. This is based on a threshold of 15 dwellings or 0.5ha. The District has a high level of need for affordable homes and such provision would be secured through a S106 Agreement.

Clearly this development would trigger the need for a S106 agreement to secure affordable housing provision and a contribution towards public open space. A S106 Agreement has been prepared and has been signed by the relevant parties.

Other Matters

The following points address other matters raised in the letter of representation:

Utility Connections – With the exception of drainage (which is set out in the NPPF), these are not material planning considerations or matters which can be controlled by the planning system. It is the responsibility of the developer to ensure that these can be provided in consultation with the relevant statutory undertaker.

Habitats – A habitat survey would be required to determine whether there are any protected species on the site. This could be required at the time of a reserved matters application and could, conceivably constrain the scale of development possible at the site. Such surveys are only valid for a limited period of time.

Previous Planning Application – Reference is made to a planning application which was submitted in 1988. This was for the residential development to the east of the site. Although planning permission was refused by the Council, it was allowed on appeal.

Concern has been raised about an area of land in front of the existing boundary wall. Essex County Council records show that this area of land appears to be maintainable by the Highway Authority. Any works within this area to create the access would require the consent of the Highway Authority but their advice on this application indicates that they would not resist such consent. The applicant would need to apply to the Highway Authority for a licence.

Concern is raised that a planning application could be submitted for a larger site area or larger number of dwellings at a later date. The Council is not able to prevent this from happening; a landowner is entitled to submit a planning application and the Council would not be able to refuse to validate it. If this were to happen, the Council would have to consider the application on its individual merits.

CONCLUSION

This is an outline planning application which is seeking permission for the principle of a residential development of up to 14 dwellings and the access to it. The site is located within the Town Development Boundary and is allocated in the Local Plan Review for residential development. The principle of new residential development is therefore acceptable.

As part of this application the applicant/agent has undertaken a significant amount of work in order to demonstrate that the previous reasons for refusal relating to drainage and safety of the access can be overcome. The County Council in its capacity as the Lead Local Flood Authority and Highway

Authority is the relevant statutory consultee and expert on such matters. Both the LLFA and Highway Authority have advised that the information submitted with this application is acceptable and therefore the previous reasons for refusal have been overcome.

Turning now to the planning balance. The site is located in a sustainable location as many of the town's facilities and amenities are within walking distance of the site, along with access to public transport. The proposal would have a number of benefits. It would deliver additional housing that would help address the Council's current shortfall. The proposal would also assist in delivering additional housing choice, including affordable housing, and make an efficient use of land. The proposal would also make a financial contribution towards public open space provision or enhancement. The construction of the proposed dwellings would provide some economic benefits to the construction industry but these would be moderate in scale and for a limited time. These are social and economic benefits which should be given considerable weight. Having regard to the environment, the site is not located in an area of high landscape value. It is not located within a Conservation Area and there are no heritage assets within the vicinity of the site.

Having regard to Para.14 of the NPPF, when weighing the planning balance, it is considered that there are no adverse impact impacts of the development which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal would be sustainable development for which the NPPF provides a presumption in favour.

RECOMMENDATION

It is RECOMMENDED that subject to the applicant and other relevant parties entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover a financial contribution towards public open space, the on-site provision of affordable housing and the provision of visibility splays that the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below.

APPROVED PLANS

Location Plan	Plan Ref: 131208/10/A	
Proposed Site Plan	Plan Ref: 16040801/12/B	
Highway Plan	Plan Ref: 15-5760-305	Version: B
Highway Plan	Plan Ref: 15-5760-307	Version: A

- 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 3 years from the date of this permission.

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

Reason

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

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

Reason

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

- 3 Construction of any buildings shall not be commenced until samples of the materials to be used on the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples and permanently maintained as such.

Reason

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

- 4 No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

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 unneighbourly development with problems of overlooking and loss of privacy.

- 5 The landscaping scheme required by Condition 1 of this permission shall

incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

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

- 6 Development shall not be commenced until a survey of the application site has been carried out to establish the presence of any protected species or any other ecological implications which could be affected by the proposed development. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within one month of the completion of the survey.

Should the results of the survey indicate that protected species are present within the application site, then details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on protected species;
- (b) a scheme of translocation to be submitted if necessary;
- (c) a programme of timings for the works referred to in a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

Where protected species are not present, details of the means of

enhancing biodiversity of the site by mitigation / compensation works to include a method statement shall be submitted to and approved in writing prior to the commencement of development.

Reason

In order to assess whether there are protected species in the locality.

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

Reason

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

- 8 The vehicular hardstandings shall have minimum dimensions of 2.9 metres by 5.5 metres. All single garages shall have a minimum internal measurement of 7m x 3m. Any garage erected with its vehicular door(s) facing the highway shall not be set back more than 1.5m from the highway boundary, unless a full 6m parking space is provided in front.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 9 Prior to construction a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
 - (a) Details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
 - (b) Details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Reason

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

- 10 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.

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

Reason

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

- 12 No 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 parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routeing of construction traffic;
- The storage of plant and materials used in constructing the development;
- Vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase;
- 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.

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

written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason

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

- 14 No development 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 shall subsequently be implemented prior to occupation and should include but not be limited to:

- Surface water run-off from the development restricted to 1l/s.
- Surface water managed on site up to the 1 in 100 inclusive of climate change (40%) storm event. An allowance in storage provisions should also be made for 'urban creep'. Any exceedance flows should be clearly labelled with any flood water directed away from properties.
- Final detailed modelling of the whole pipe network on site. Modelling and calculations should also be submitted to show that any storage is sized so that it can manage a 1 in 100 event inclusive of climate change event plus a subsequent 1 in 30 event within 24 hours.
- Further seasonal groundwater testing and investigation into whether springs are present on site. Appropriate measures should be

- applied if high groundwater or springs are found.
- An appropriate amount of treatment for all areas of the site which is demonstrated to be in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan highlighting conveyance and exceedance routes, location and sizing of storage features, FFLs and ground levels, outfalls and discharge rates from the site.

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.

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

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.

- 16 No development 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.

- 17 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the 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 the approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 18 No occupation of the development shall take place until the following has been completed:
 - A bell-mouth access off Balls Chase to provide access to the proposal site. The access shall include but not limited to a minimum 5.5 metre carriageway with two 2 metre footways or a minimum 6 metre shared surface, two 6 metre radii, amendments to existing footway and shared footway (dropped kerbs and tactile paving where necessary) and a 25 x 2.4 x 25 metre visibility splay.

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

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 19 Prior to the first occupation of each dwelling, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason

To ensure the site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

INFORMATION TO APPLICANT

- 1 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.

- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 3 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.
- 4 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 5 You are advised of the following:
 - All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
 - Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway

works.

- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible.)
- All highway related details should be agreed with the Highway Authority.

- 6 You are advised that, in accordance with the Council's Open Space Supplementary Planning Document, provision should be made within the site layout for amenity green space. This should be included within any plans submitted as part of a reserved matters application.

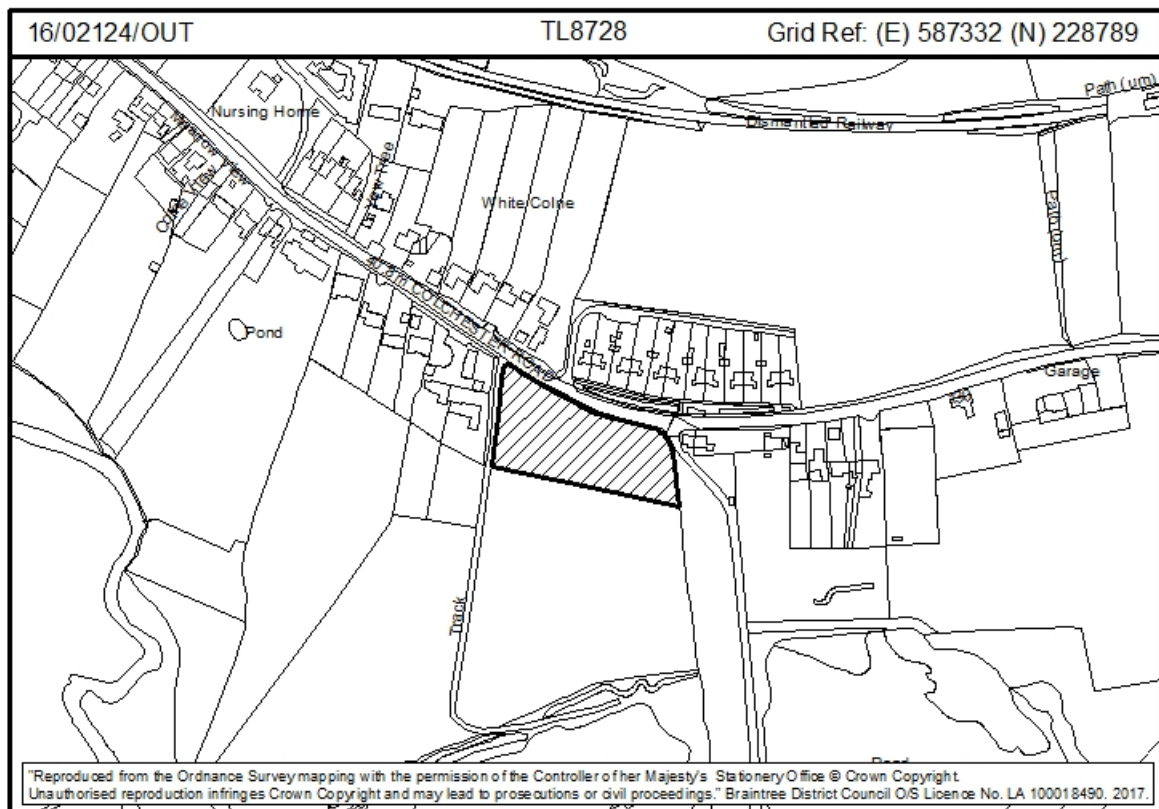
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 16/02124/OUT DATE: 14.12.16
VALID:
APPLICANT: Mr Richard Browning
Granville Developments, C/o Agent
AGENT: Mr Edward Gittins
Edward Gittins & Associates, Unit 5 Patches Yard,,
Cavendish Lane, Glemsford, Sudbury, CO10 7PZ
DESCRIPTION: Outline planning application for the erection of up to 8no.
dwellings and associated garages
LOCATION: Land On The South Side Of, Colchester Road, White
Colne, Essex

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



SITE HISTORY

15/00388/AGR	Application for prior notification of agricultural or forestry development - erection of poly tunnel	Permission not Required	20.04.15
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP10 Residential Density
RLP56 Vehicle Parking
RLP69 Sustainable Urban Drainage
RLP81 Trees, Woodland Grasslands and Hedgerows
RLP90 Layout and Design of Development

Braintree District Draft Local Plan

SP1 Presumption in favour of Sustainable Development
LPP28 Housing type and density
LPP37 Parking Provision
LPP41 Broadband
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development
LPP50 Alterations, Extensions and Changes of Use to Heritage Assets
 and their Settings
LPP56 Natural Environment
LPP59 Landscape Characters and Features
LPP65 Surface Water Management Plan
LPP66 Sustainable Urban Drainage Systems

Supplementary Planning Guidance/Other Documents

Essex Design Guide
ECC Parking Standards – Design and Good practice
White Colne Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation due to a Parish Council objection contrary to the Officer's recommendation.

SITE DESCRIPTION

The site extends to approximately 0.44 hectares and is located on the south side of Colchester Road, outside of the defined village envelope and thus within the countryside as defined by the Braintree District Local Plan Review. The site is not located within White Colne Conservation Area and is not within the setting of any Listed Buildings.

The site is linear in form and roughly rectangular in shape, comprising low intensity agricultural land. It has an extended frontage to Colchester road, spanning approximately 90m. This frontage comprises an established hedgerow that screens the site from wider views from Colchester Road. The site slopes downwards in an easterly direction and is bounded by linear residential development to the west and east, and residential development on the other side of Colchester Road north of the site. To the rear of the site lies a hedge that separates the site from agricultural land and the Colne Valley beyond. The site is also in close proximity to a Public Right of Way to the East of the site.

An existing entrance to the land is on the westernmost aspect of the site.

PROPOSAL

This is an outline planning application, with all matters reserved, for the erection of up to 8no. dwellings. All matters have been reserved and therefore this application is simply seeking to establish the principle of residential development on the site. The application is supported by two alternative indicative layouts; one (shown on plan no.3244:001) which shows 8no. detached dwellings in a more circular form fronting on to London Road, the other, (shown on plan no.3244:001A), which shows 8no. detached dwellings in a straighter linear form fronting on to London Road. The proposal would be in-filling a gap between existing development. In addition, the indicative layout shows that the development would not build in-depth; instead the development would follow a linear form reflecting the lower-density existing character of White Colne.

In either indicative layout, each property is shown to be served with a private amenity space and car parking. Both layouts are also shown to utilise a new access off of Colchester Road at the middle point of the site. The majority of boundary trees and hedging on the site are to be retained, but the removal of some hedging is necessary to facilitate safe access to the site.

The proposal also includes a new public footpath (footway) that would run along the northern boundary of the site. It would also relocate the existing bus stop from the east aspect of the site westwards towards the core of the village.

CONSULTATIONS

Essex County Council Highways Officer

No objection to the application subject to conditions relating to:

- Parallel band visibility splay
- Bellmouth entrance size
- Details of construction and future maintenance of drainage ditch/watercourse
- Carriageway dimensions
- Footway dimensions
- Garage distance / orientations
- Vehicular accesses at right angles to highway
- No unbound materials
- Bicycle storage details
- Vehicular turning facility
- Residential travel information packs
- Bus stop relocation to outside of site
- Boundary hedge behind visibility splays

And design informative relating to:

- No vehicular access over radius kerbs
- Radius bend for new carriageway
- Trees within adopted highway fee
- Street lighting columns
- Refuse freighters unlikely to move over private drives

Essex County Council Archaeology

No objection to the application subject to conditions relating to:

- Archaeological evaluation
- Mitigation / excavation strategy
- Fieldwork on deposit sites
- Post – excavation assessment

Braintree District Council Engineers

No objection.

Braintree District Council Environmental Services

No objection to the application subject to conditions relating to:

- No site clearance, demolition or construction outside of specific hours
- No burning
- Dust and Mud management scheme
- No pilling

- Comprehensive site survey to notify of contamination on the site

Braintree District Council Operations

No objection to the proposal.

Landscape Services

No objection.

White Colne Parish Council

Object to the application for the following summarised reasons:

- Outside of village envelope – contrary to Village Design Statement and emerging Local Plan as was taken out for development
- Dangerous access to site – speed survey data collected shows speeds on this road are excessive

REPRESENTATIONS

9 representations have been received from No's 75, 78, 80, 83, 89, 91, 100, 114 and 120 Colchester Road objecting to the proposed development for the following summarised reasons:

- Outside of village boundary – current use is agricultural land
 - Contrary to views of Village Design Statement
 - Contrary to emerging Local Plan – inconsistent with settlement hierarchy
 - Removed from site allocation historically
- Council can demonstrate 5 year land supply
- Increase in properties put strain on existing services in Earls Colne – already stretched – no services or facilities in White Colne
- Development should be concentrated on brownfield sites as opposed to greenfield sites
- Dangerous access –
 - 30pmh speed limit not adhered to
 - Blind bend
 - Recent accidents at bend
 - Impact upon pedestrian safety
 - Further damage to Colchester Road
- Relocation of bus stop would cause additional danger to vehicles and pedestrians
- Not enough parking
- Detrimental noise impact on nearby neighbouring properties
- Detrimental impact due to overlooking regarding No.s 78, 80 and 100 Colchester Road
- Loss of habitat
- More light pollution
- Disruption relating to construction traffic and HGVs

- Dust and mud
- Piling would cause excess vibration and ground disturbances
- No information regarding dwelling elevation – should be in keeping with village
- Indicative number of units would appear to be overdevelopment of the site
- Houses would not be affordable
- The site sits within the Colne River Valley Landscape Character Area- the development of this site would harm views to the River Colne from dwellings and for members of the public
- Property devaluation
- Detrimental impact upon sewerage network and drainage

REPORT

Principle of Development

Site Allocation History

The site was formally accepted for residential development in the Site Allocation and Development Management Plan 2013 by the Local Plan Sub-Committee. This document however was not submitted to the planning inspectorate in favour of a new Local Plan, to take into account the most up-to-date Government guidance. In the emerging Local Plan, this site was removed from the site allocation list.

However, notwithstanding the site allocation history of the land, planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). This is also set out in paragraph 11 of the National Planning Policy Framework. The proposals compliance with development plan policies is explored below.

Site Location

As referred to above the application is made in outline form with all matters reserved, for the erection of up to 8no. dwellings. The assessment below will consider the principle of development only, with matters pertaining to appearance, landscaping, access, layout and scale at the reserved matters stage should permission be granted.

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). In addition the Council consider that the development management policies of the Pre-Submission Site Allocations and Development Management Plan (ADMP) which are now subsumed within the draft Local Plan are also relevant in the determination of planning applications.

Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside of 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 Council is currently preparing a new Local Plan which will replace the Core Strategy and Local Plan Review and will be used to guide development up to 2033. The plan will set out the housing requirements for the District, allocate sites for new housing development and set out strategic and detailed planning policies. This it seeks to achieve by concentrating growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. It is anticipated that it will be submitted to the Planning Inspectorate later in 2017, followed by public examination. Having regard to Para.216 of the NPPF, it is considered that some weight should be afforded to the principles and strategies set out in the draft Plan.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. They do also refer to the supply of housing. Para.49 of the NPPF states that relevant policies for the supply of new housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites. The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF.

It is considered (and acknowledged on appeal) that Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy are broadly consistent with the NPPF, which seeks to encourage development that supports the vitality of rural areas, recognising the intrinsic character and beauty of the countryside and promotes travel choice. These policies however relate to the supply of housing as they aim to restrict new homes outside of settlement boundaries and as the Council cannot demonstrate a five year housing land supply, the policies relating to the supply of housing in the development plan are out of date. Accordingly applications must be determined in accordance with Paragraph 14 of the NPPF which indicates that in such circumstances 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. It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development that are outweighed by any identified adverse impacts of the proposed development. In this regard the 'planning balance' must be undertaken.

Para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Para.55 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances. In a recent appeal an Inspector noted that the NPPF does not define or limit the meaning of 'isolated' but considered that there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.

The hierarchy within the draft Local Plan also identifies 5 Service Villages which act as local centres for their surrounding rural areas. White Colne is not one of these villages, but the West aspect of White Colne village is in close proximity to Earls Colne, a Key Service Village. The Village Design Statement for White Colne states that development should be contained within the existing village envelope.

The application site is located in the countryside, which is at the bottom of the settlement hierarchy identified in the Core Strategy and draft Local Plan. Although the site is not adjacent to a defined settlement boundary, the site is relatively self-contained and would develop a gap between residential built form to the west and east, and would be opposite linear residential development to the north of the site.

This application must however be considered on its merits. The site is located adjacent to the defined Village Envelope of White Colne. Although the site is connected to the village by a footpath, it is unlikely to be a reasonable walking distance to serve daily needs (approx. 2km to services in Earls Colne). The village also has limited facilities and thus residents will be reliant on travelling to larger centres for many of their day to day needs.

Colchester Road is a main road that forms a link between the Main Town of Halstead and Colchester, serving both Earls Colne and White Colne. There are therefore bus services that are available which could be utilised by future occupiers of the proposed development. The site is within close proximity to a bus stop along Colchester Road which is proposed to be moved closer to the entrance of the site, and a little closer to the centre of the village. Bus services are regular in this location and provide the opportunity for residents to travel to larger centres by sustainable means of transport. However, while the bus service would provide some connectivity, due to the site's location and limited facilities in White Colne, most journeys to services would be required to utilise the private car.

Officers acknowledged that future occupiers are unlikely to seek employment within the village and for example, weekly food shopping would have to be undertaken in a larger town, such there will undoubtedly be reliance on travel

by car in order to carry out such activities. Officers consider that the use of a private car should be expected to some degree, especially within a District such as Braintree which is predominantly a collection of villages in a rural setting. The need to use a car to access services and facilities does not necessarily suggest that a village does not provide the opportunity for its residents to take sustainable means of transport, shop locally or utilise recreational activities within walking distance.

Officers acknowledge that the site is not within the most sustainable location for development of this nature, however it is within proximity to some local services and there is the opportunity for residents to travel by sustainable means by way of the regular bus service. The sustainability of the location will be a factor when applying the planning balance, which is concluded below.

Sustainable Development

In addition to the sustainability of the location of the site it is also recognised that sustainable development has three dimensions, as set out in Para.7 of the NPPF. This being, an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting 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 role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependant.

The proposal would not 'boost significantly' the supply of housing by itself, but the introduction of 8no. dwellings would contribute to the District's 5 year housing supply. The development would see some benefit to existing local services and facilities including a relocated bus stop and the extension of the roadside footway, in addition to some short term benefits that would be secured during the construction phase. As such the development would deliver economic and social benefits, albeit these benefits would be moderate due to the scale of the development.

Landscape Character and Visual Impact

In terms of an environmental role, the site lies within Colne Valley in which the analysis in the 2015 Braintree Landscape Character Assessment (LCA) concluded has a medium landscape capacity to accommodate residential development (sites being rated from low; medium-low; medium; medium-high and high in category).

It notes that any development should consider the river valley and should be screened with 'a strong landscape buffer of trees and hedging'. In terms of the adopted Braintree District Council Local Plan 2005, the site is not covered by

any particular landscape designation. The illustrative site plan demonstrates how the site could accommodate the proposed quantum of development whilst retaining the existing landscape buffer around the periphery of the site, allowing the retention and bolstering of existing tree and hedge lines and the provision of areas of strategic landscaping. The only hedgerow to be removed would be in the centre of the northern boundary of the site to facilitate the proposed access (note this is only indicative as access is a reserved matter). This would enable the site to remain self-contained and minimise any potential impacts of the development.

Design, Appearance and Layout

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

The 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 bedrooms should be provided with 100sq.m or more. Furthermore, policy RLP56 of the Braintree District Local Plan Review requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009. These Standards indicate that for 2-bed+ properties, a minimum of 2 parking spaces, measuring 5.5m x 2.9m, should be provided.

The current application is an outline application with all matters reserved. The applicant has submitted a site location plan and illustrative street scenes demonstrating two ways that the site could be developed. It is proposed that up to 8 dwellings would be erected on the site in a low density pattern (18 dwellings per hectare), to reflect existing development in White Colne.

Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered acceptable and would be in keeping with the site's location. Existing trees and hedging on the boundary of the site should be retained except where the front boundary hedgerow is to be removed to ensure the provision of the access and stated visibility splays. The retention of this boundary hedging/trees can be secured by condition.

Furthermore, at the density shown, sufficient land would be available to achieve the above amenity space and car parking requirements. These particulars would be secured via condition. In addition, the proposal would not constitute development in a Conservation Area or affect the setting of a heritage asset.

As such, it is considered that 8no. dwellings could reasonably be achieved at the site with all required amenity and parking for new development.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

As stated above, the siting and size of the dwellings is only indicative at this stage and detailed elevations are not required to be submitted. Therefore it is not possible to assess the impact on neighbouring amenities at the present time. This will be a matter for consideration at the detailed application stage. However, due to the characteristics of the site, it would be possible to ensure that the amenities of No's 78, 80 and 100 Colchester Road are protected by way of attention to window placement, internal arrangement and landscaping in the reserved matters stage.

Highway Issues

Access is a reserved matter for later approval. However, at this outline stage, the Local Planning Authority needs to be satisfied that safe vehicle and pedestrian access can be achieved to the site.

The development proposes to utilise a new access from Colchester Road from the middle point of the application site. The highways officer has no objection in principle to an access in this location. As such, it is considered that the development would be able to achieve safe access to the site. In addition, it has been confirmed by the applicant that all highway conditions can be complied with, and that there should be no further loss of hedgerow to achieve visibility splays for the proposed access (as indicatively shown on submitted plans).

OTHER MATTERS

Ecology

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

The application is supported by a Phase I Ecology Survey. The site largely comprises an arable field with a hedgerow boundary. All trees and the vast majority of the hedgerow length is proposed for retention. It is determined that

the hedgerow is a UK priority habitat type though not an Important Hedgerow under the Hedgerow Regulations 1997.

The report concludes that signs or evidence of protected, priority or rare species were not identified. The risk of presence of such species was low. The proposal for retention of the majority of hedgerow length and trees would protect the primary features of ecological value on the site. The survey concludes that the site is of low ecological value and no further surveys in respect of any protected species are required. However, impact avoidance precautionary measures are recommended for birds and bats. Compensation for hedgerow loss is also recommended. Conditions and informatives are therefore suggested which have been attached to the report.

Construction Activity

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

Sewage and Drainage

Concerns have been raised with regard to the sewage capacity and potential drainage in the area. However, this would be agreed at the reserved matters stage. In addition, the applicants would require the approval of the relevant utility company to connect to the sewage network. A recent capacity study for the emerging Local Plan showed that the nearest sewage treatment plant was at Earls Colne, where there was capacity to receive growth from neighbouring Local Authorities.

Impact on Property Values

Although the potential detriment to property values has been raised in representations, this is not a material consideration that can be taken into account when determining a planning application.

Timescales for Reserved Matters

It should be brought to Members attention that the applicant has agreed to lower the standard three year reserved matters submission condition to one year. This is a positive aspect of the proposal as it gives an indication that development will come forward quickly and help boost housing numbers.

CONCLUSION

As set out above the development of new housing will always bring benefits but those benefits do not always outweigh all other considerations. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that

relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted.

It is acknowledged that the provision of market housing would bring social and economic benefits which would also contribute towards the District's 5 year housing supply. In addition the development would provide jobs during the construction and stage and some increased demand for local services. Furthermore, the development would also provide a new footpath at the front of the site and relocate the existing bus-stop further into the village core. Such benefits would be consistent with the social and economic dimensions of sustainable development; however they would be moderate due to the scale of the development.

With regards to its impacts the development is within the countryside, although given its location between and opposite existing built development, due to its self-contained nature and proposed hedging, it has been concluded that it would not give rise to any significant visual harm to the landscape. The site is not within the most sustainable location for this type of development, but would have some public transport opportunities through the bus services available.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the harm of residential development within the countryside and its location adjacent to the settlement boundary do not significantly and demonstrably outweigh the acknowledged benefits which have been discussed above. On this basis planning permission should be granted.

As such, when conducting the planning balance in the context of Paragraph 7 and 49 of the NPPF, it is considered that the principle of development in this case is acceptable. Furthermore, it is considered 8no. units could be accommodated on site in a manner which will deliver an acceptable standard of amenity for prospective residence, safeguard the amenity of existing residence and would not prejudice the character of White Colne.

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: 3244:002

1 Details of the:-

- (a) scale, appearance and layout of the building(s);
- (b) access thereto; and the
- (c) 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 1 years from the date of this permission.

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

Reason

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

- 2 The landscaping scheme required by Condition 1 of this permission shall provide for the retention of an existing boundary tree/hedging (except as required to provide the proposed access) and shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

Landscape planting will add character to the development and it is

considered desirable for these to be dealt with concurrently with the other details.

- 3 No above ground works shall commence 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 be implemented in accordance with the approved details.

Reason

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

- 4 No above ground works shall commence until details of all gates/fences/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of any dwelling hereby approved and shall be permanently maintained as such.

Reason

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

- 5 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.

- 6 Development shall not be commenced until an investigation and risk assessment, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include the following:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

- ecological systems,
 - archaeological sites and ancient monuments;
- (iii) A remediation strategy (if required). The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason

To ensure the satisfactory drainage of surface water in the interests of sustainability. This matter must be dealt with prior to commencement of development as it will include works that need to be undertaken prior and during construction.

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

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

Reason

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

- 8 Prior to the commencement of development a dust and mud control management scheme shall be submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

Reason

During construction, the creation of dust and the displacement of mud is commonplace. These details are required prior to the commencement of development to ensure that a scheme is in place to mitigate the dust and mud created at the site, to prevent it being transferred onto the highway and also in the interests of residential amenity.

- 9 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 in consultation with the Head of Environmental Services and shall be adhered to throughout the

construction process.

Reason

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

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

- 11 Prior to the proposed access being brought into use, vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason

To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 12 Prior to the first occupation of the development, a proposed estate road, at its bellmouth junction with Colchester Road shall be provided with 10.5m radius kerbs returned to an access road carriageway width of 5.5m straight for at least the first 6m within the site and flanking footways 2m in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development.

Reason

To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

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

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the

- development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

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

Reason

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

- 14 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011. These details are required prior to the commencement of development because they are inextricably linked to the layout of the development which is a reserved matter.

- 15 All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is to be provided without kerbing.

Reason

To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 16 All footways should be provided at no less than 2.0m in width.

Reason

To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 17 Any garage provided with its vehicular door facing the highway, shall be sited a minimum of 6m from the highway boundary.

Reason

To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

- 18 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason

To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 19 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or proposed highway / throughout.

Reason

To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 20 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:

- a minimum of 1 car parking space per 1 bedroom dwelling;
- a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
- a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and
- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 21 Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason

To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 22 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport. These packs will include information about local services and transport alternatives for future residence of the site.

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 February 2011.

- 23 Prior to the first occupation of any of the proposed dwellings the 2 No. bus stops east of the proposed development site shall be relocated to adjacent to and opposite the proposed development site in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the provision of a shelter on the northern side of Colchester Road and for both relocated bus stops the provision of level entry kerbing, new posts and flags, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel.

Reason

To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

- 24 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays in perpetuity.

Reason

To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway

safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 25 No development or preliminary groundworks can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

Reason

This information is required prior to the commencement of development as the site is considered to be of potential archaeological importance, as such any investigative works would need to be completed prior to the commencement of development as not to disturb any potential archaeological remains.

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

Reason

This information is required prior to the commencement of development as the site is considered to be of potential archaeological importance, as such any investigative works would need to be completed prior to the commencement of development as not to disturb any potential archaeological remains.

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

Reason

This information is required prior to the commencement of development as the site is considered to be of potential archaeological importance, as such any investigative works would need to be completed prior to the commencement of development as not to disturb any potential archaeological remains.

- 28 Rear garden amenity space across the development shall be provided in accordance with the minimum standards set out in the Essex Design Guide (2005) which requires the following garden sizes for dwellinghouses:

- a minimum of 25sq.m per flat
- a minimum of 50sq.m for 1-2 bedroom dwellings
- a minimum of 100sq.m for 3+ bedroom dwellings

Reason

To ensure future occupiers of the development can enjoy sufficient levels of amenity.

- 29 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 8 dwellings, parking, landscaping and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 30 Prior to first occupation the footway specified on the Location Plan shall have been implemented in accordance with details which shall have been previously submitted to and approved by the Local Planning Authority.

Reason

To ensure that the footway outside of the applicants ownership is provided prior to the commencement of development.

- 31 Prior to construction a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:
- (a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
 - (b) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Reason

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

- 32 No building erected on the site shall exceed two storeys in height.

Reason

To ensure that the development does not have a detrimental impact upon the wider character and appearance of the area.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Please note that 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.
- 4 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 5 Highway Design:
 - There should be no vehicular access over any radius kerbs.
 - The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.
 - Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.
 - The applicant should be requested to consider the provision and location of street lighting columns, particularly at road junctions, these should be within the adoptable areas.
 - Refuse freighters are unlikely to manoeuvre over Private Drives.

- 6 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.
- 7 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.
- 8 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.
If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk or by 'phone on 0845 603 7631. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.
- 9 The applicant should be advised to contact the Essex County Council travel plan team on travelplanteam@essex.gov.uk to make the necessary arrangements for the provision of the Residential Travel Information Packs.
- 10 To ensure no net loss of hedgerows, the length of hedgerow proposed for removal for new access should be replaced on the site. The new hedgerow should be a mixture of a least five different native species and be a double planted staggered row to ensure thickness. Any proposed landscaping should include only native and wildlife attracting species. Grouping trees and shrubs, or creating a hedgerow, would increase the value of the planting for native wildlife such as birds, bats and other mammals. It is also recommended that fruit bearing trees and shrubs should be prioritised to provide a foraging resource for local wildlife.
- 11 Any proposed external lighting should be minimised. Where external lighting is required it should be LED with glass glazing, rather than plastic, as these produce the least amount of UV light possible, minimising the attraction effects on insects and minimising disturbance to local bats;
 - Any external lighting proposed for the development should be aimed carefully, to minimise illumination of boundary habitats and avoid light spillage into the sky, or horizontally, by using hoods or

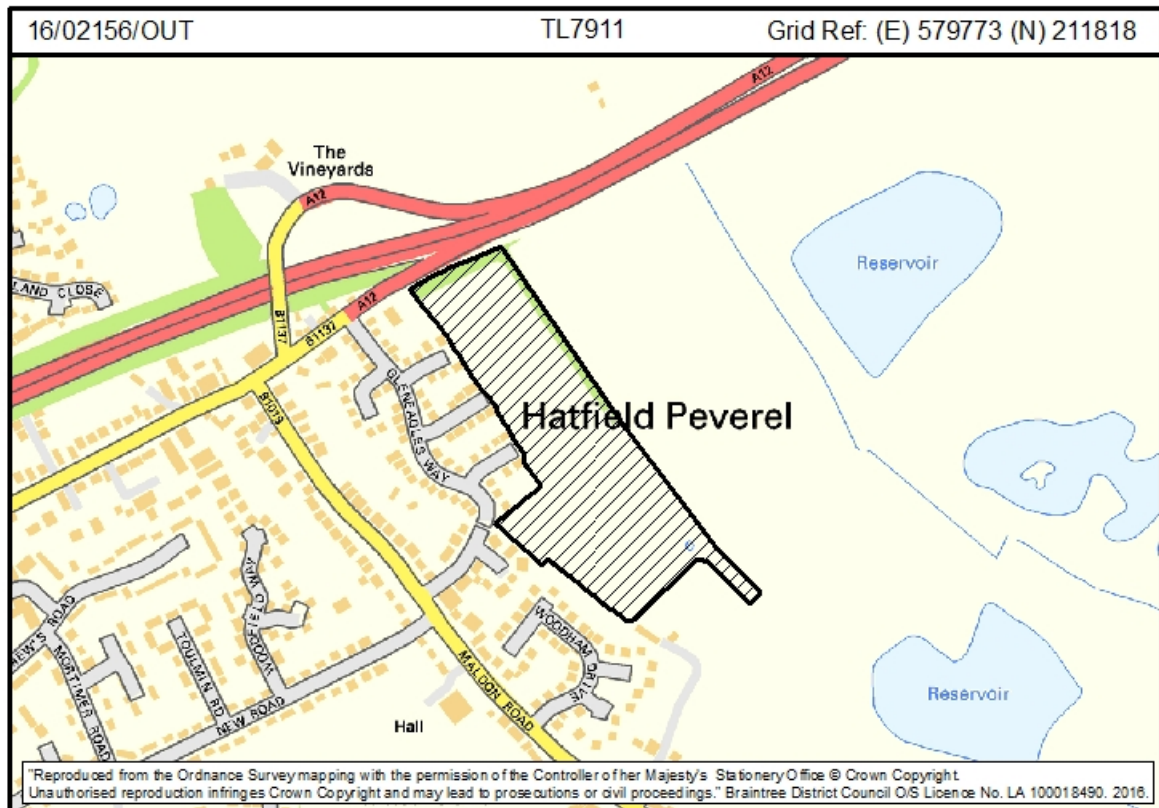
- directional lighting;
 - External security lighting should be set on short timers and be sensitive to large moving
- 12 It is recommended that to prevent harm to nesting birds, any necessary clearance or reduction of shrubs and trees should be conducted outside of the main bird breeding season (March until the end of August). If this timescale is not possible then an ecologist should check the site for active bird nests before vegetation clearance. If an active bird nest was found, it would be necessary to protect the nest from harm or disturbance until the bird had finished nesting.
- 13 The addition of bat and bird boxes on new houses would increase the potential roosting and nesting sites for local bats and birds. Should this enhancement be undertaken, it is recommended that the following boxes would be suitable; general purpose bird box- Schwegler 1B, open fronted bird box- Schwegler 2H and Schwegler 1FF and 2F bat boxes. Both bird and bat boxes should be Schwegler types as these have been found to attract both bats and birds and to be durable.
- The boxes should be installed high on buildings (above 4m) and should be free from obstruction and light sources. Bat boxes should ideally be positioned facing a southerly aspect, while bird boxes should be positioned facing a northerly aspect, or otherwise be out of direct sunlight. Bat and bird boxes can be purchased on-line through suppliers such as The Wildlife Shop and NHBS
- 14 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/02156/OUT DATE: 23.12.16
 VALID:
 APPLICANT: David Wilson Homes Eastern
 Mr Jonathan Dixon, 7 Springfield Lyons Approach,
 Chelmsford, CM2 5EY, United Kingdom
 AGENT: Savills (UK) Ltd
 Mr J Dixon, Unex House , 132-134 Hills Road, Cambridge,
 CB2 8PA
 DESCRIPTION: Application for outline planning permission with all matters reserved except for access for the erection of up to 120 dwellings, public open space, landscaping, new vehicular and pedestrian access, highway work, and drainage infrastructure works
 LOCATION: Land North East Of, Gleneagles Way, Hatfield Peverel, 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



SITE HISTORY

15/00011/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential development of approximately 140 dwellings	Screening/ Scoping Opinion Adopted	28.08.15
15/01361/OUT	Erection of up to 145 dwellings public open space landscaping new vehicular and pedestrian accesses highway works foul and surface water drainage infrastructure and all ancillary works	Refused	26.04.16

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP63	Air Quality
RLP65	External Lighting
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
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
LPP16	Housing Provision and Delivery
LPP24	Affordable Housing
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP41	Broadband
LPP42	Built and Historic Environment
LPP43	Health and Wellbeing Impact Assessment
LPP44	Provision for open Space, Sport and Recreation
LPP46	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of use to Heritage Assets and their Settings
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP68	External Lighting

Supplementary Planning Guidance

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

Landscape Character Assessment (2006)

Braintree District Settlement Fringes – Evaluation of Landscape Analysis
(June 2015)

Draft Hatfield Peverel Neighbourhood Plan 2015 – 2033

HPE1	Prevention of Coalescence
HPE2	Natural Environment and Biodiversity
HPE5	Sport & Recreation Provision
HPE6	Protection of Important Views
HPE7	Flooding & SUDS
HPE8	Heritage
T1	Sustainable Modes of Transport
T2	Transport Contributions
P1	Parking Provision
P2	Electric Charging Point Provision
EPD2	Safe Routes to School
PCH1	Health & Wellbeing
HPD1	Developer Contributions
HO1	Design of New Developments
HO3	Affordable Housing
HO4	Minimum Garden Sizes
HO5	Creating Safe Communities

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

Hatfield Peverel Parish Council has also raised objection to the proposals.

NOTATION

The application site lies outside the Hatfield Peverel village envelope as designated in the Braintree District Local Plan Review (2005). There are no other specific designations on the site in the current Development Plan.

The application site is not allocated for development in the Emerging Draft Local Plan.

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

SITE DESCRIPTION

The application site measures approximately 5.2 ha and is situated on the north eastern side of Hatfield Peverel. The majority of the land within the site is currently in use as arable farmland together with associated field margins.

The site sits adjacent to the current Hatfield Peverel village development envelope so it is bordered to the west by existing residential development. Three cul-de-sacs accessed off Gleneagles Way all terminate at the western site boundary – Wentworth Close, Birkdale Rise and Ferndown Way. Residential properties continue south-west of the site along Vicarage Crescent and Woodham Drive. Backing onto the site along these boundaries are the rear, or side boundaries of dwellings. To the north of the site is The Street / A12 slip road with countryside / agricultural land to the north-east.

The land within the site is generally flat. The applicant reports a slight change in levels across the site with levels rising up towards the north by approximately 4m from around 40m AOD at its south-eastern end.

There is a Public Right of Way – an unmade path running from Maldon Road south-west of the site to the fields and open countryside to the North West – which runs along the south eastern tip of the site just beyond its boundary.

PROPOSAL

This is an outline planning application, with all matters reserved except access, for the erection of up to 120 dwellings; associated public open space, landscaping, highways & drainage infrastructure works.

The application has been accompanied by a suite of plans and reports including: Site Location Plan; Proposed Access arrangement off Birkdale Rise; and Parameters Plan.

Details of the appearance; landscaping; layout and scale are all 'Reserved Matters' which means that approval is not sought for these matters at this stage and details are not required. If the application were granted permission then the applicant would need to submit Reserved Matters applications to the Local Planning Authority Council for approval.

Other documents submitted in support of the application include: Affordable Housing Statement; Air Quality Report; Archaeology Report (Desk Top Study); Design & Access Statement (DAS); Flood Risk Assessment (including Surface Water Drainage); Foul Water Drainage Strategy; Housing Needs Assessment; Landscape & Visual Impact Assessment; Levels; Noise Assessment; Phase 1 Desk Top Study Contaminated Land; Phase 1 Habitat Survey; Planning Statement; Protected Species Surveys; Transport Assessment; Tree Report; Statement of Community Involvement; Sustainability Assessment and Utilities Report.

CONSULTATIONS

Anglian Water

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

A drainage strategy should be required by condition to ensure that flows from the development do not result in flooding downstream.

BDC Engineers (Land Drainage)

Based on the information supplied and records held by this authority, this department is unaware of any surface water issues affecting this site.

BDC Environmental Services

Environmental Health Officers have provided advice during the life of the application, with a focus on noise and air quality conditions for perspective residents. The full text of their observations will be forwarded as an addendum to this report prior to planning committee.

BDC Housing Research and Development

In accordance with policy CS2 of adopted Core Strategy to seek affordable housing on schemes of 15 or more units, the proposal for 120 residential dwellings requires 40% of the homes to be for affordable housing. Based on scheme of 120 units this would equate to 48 affordable homes.

It is acknowledged that details concerning the type and mix of dwellings will be subject to a reserved matters application. However, it would be expected that the affordable mix should be broadly reflective of the open market dwellings and be tailored to meet recorded housing need. Although an indicative mix has not been provided in the application, the affordable housing mix proposed is considered appropriate.

BDC Operations

No objection but concern expressed that proposals indicate that an equipped play area could be sited next to a pond within the central open space as this could pose a safety risk to young children unless physically separated by fencing or some other barrier.

Recommended that the development include a “bring bank site”, with the location preferably close to the main road to minimise noise disruption when servicing. Recommend consideration of parking restrictions opposite road entrances plus at least 5 metres into each access road to allow refuse vehicles to access the development. Financial contribution of £50 per property towards cost of providing new bins to residential properties.

ECC Education

Initially no financial contribution towards education provision was requested. Subsequently ECC indicated that a financial contribution towards Early Years & Childcare provision would be required as there is insufficient provision within the ward currently.

No financial contribution towards Primary and Secondary school capacity is requested due to restrictions on pooling contributions contained within legislation.

ECC Flood & Water Management

Having reviewed the Flood Risk Assessment and the associated documents no objection is raised to the granting of planning permission, subject to a number of planning conditions.

ECC Highways

The Highway Authority has considered the above planning application, visited the site on several occasions and thoroughly assessed the supporting highways and transportation information and has concluded that the proposal is not contrary to current National/Local policy and safety criteria.

Since the previous application for a similar land use the applicant has carried out additional work in respect of the visibility splay from Gleneagles Way to the A12 off-slip. This has included a series of speed surveys and investigation of the highway boundary and this has culminated in works contained in the following recommendation that are acceptable to both the Highway Authority and Highways England.

Therefore the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network, subject to conditions concerning Construction Management; provision of vehicular, pedestrian and cycle access to the site; improved signage on the A12 southbound off-slip and on The Street; a parking survey of The Street and Gleneagles Way to inform a strategy for a parking remedial scheme to be implemented to improve highway safety along The Street/Gleneagles Way; improvements to the visibility splay from Gleneagles Way towards the A12 southbound off-slip, to include trimming/removal of vegetation/trees, relocation/replacement of signs/street furniture/lamp column(s), regrading/hardening of highway land; a footway and (A12) road signage improvements at The Street/A12 north bound on-slip junction; improvements to the (A12) road signage, kerb alignment and road markings at The Street/Maldon Road; the provision of dropped kerbs and associated works where the footway from Hatfield Peverel to Witham crosses the A12 northbound on-slip to the south of the Petrol Filling Station (former Lynfield Motors site), Hatfield Road, Witham; electric vehicle charging points shall be incorporated within all garages; provision of Residential Travel Information Pack promoting sustainable transport to all new residents; prevention of surface water being discharged onto the Highway.

ECC Historic Buildings & Conservation

No objection. There are 3 listed (Grade II) buildings in relatively close proximity to the site – White Hart Cottage; the Bakery; and Salvador, Hooks and Sheaves however there is modern housing development in between the site and the listed buildings. As a result the proposed development could not be considered to be detrimental to the setting of listed buildings.

ECC Historic Environment Officer

The application included a Desk Based Assessment (DBA) which provides a summary of the known archaeological evidence in the surrounding area. The Historic Environment Officer recommends that because it is likely that the site could contain archaeological deposits, detailed archaeological investigation is required prior to commencement of development.

Hatfield Peverel Parish Council

Object on similar grounds to those set out in their recommendation for the previous Outline Planning Application No 15/01361/OUT.

- The proposed site is outside the village envelope.
- Planning history i.e. refusal of Outline Application Number referred to above,
- It is still the Parish Council's view that the location of this site is inappropriate with its close proximity to the A12 does not allow for the provision of a suitable living environment for the residents in relation to noise and pollution.
- The already existing traffic and safety issues with excessive speed from traffic exiting the A12 into Hatfield Peverel particularly for residents entering and exiting Gleneagles Way.
- Concern in relation to the existing inadequate infrastructure including Schools and the Doctors Surgery.
- Loss of Grade 2 Agricultural Land.
- Contrary to policies RLP 2 Town Development Boundaries and Village Envelopes; RLP 10 Residential Density; RLP 54 Transport Assessment; RLP 63 Air Quality; RLP 65 External Lighting; RLP 71 Water Supply Sewage and Land Drainage; RLP 90 Layout and Design of Development; CS5 The Countryside; CS8 Natural Environment & Biodiversity;
- The emerging Neighbourhood Development Plan:
 - Policy HPE1 Prevention of Coalescence
 - Policy HPE2 Natural Environment & Biodiversity
 - Policy HPE6 Protection of Important Views.
- Hatfield Peverel Landscape Character Assessment October 2015 Area 4.
- The site not being included in BDC's new Local Plan by the Sub Committee on 15th December 2016.

- The imminent Planning Applications on the three sites included in the new Local Plan on 15th December 2016 at the old Arla Dairy site, Sorrells Field and Bury Farm which could provide in excess of 250 new dwellings.

Health & Safety Executive

Although the application site is within the consultation distance of a major pipeline HSE do not advise, on safety grounds, against the granting of planning permission in this case.

Highways England

Recommend that conditions should be attached to any planning permission that may be granted. Recommended a condition that there be no beneficial occupation of the development unless and until the works shown in outline on drawings 45604-P-SK202 and SK20 have been carried out, including cutting the vegetation from the existing visibility splay as shown on the above drawing. These works are required to ensure that the A12 continues to serve its purpose and to satisfy the reasonable requirements of Road Safety.

National Grid

There is a High or Intermediate pressure Gas Pipeline in the vicinity of the site – following the alignment of the PROW immediately to the south east of the site.

National Grid has confirmed they have no objection to the proposed development.

NHS England

No objection, subject to a financial contribution being made to help fund capacity improvements in GP facilities within the village as the surgery that would serve residents of this development has insufficient capacity to meet demand arising from the development.

Based on 120 dwellings being constructed the financial contribution required to mitigate the impact of the development would be £45,425.

REPRESENTATIONS

94 letters of objection have been received, with some residents / households submitting multiple letters. A summary of the main issues raised in these representations is listed below:

Principle of Development

- This greenfield site was not allocated for development in the Draft Local Plan;
- There are better options available within the village to meet demand for new housing, such as the ARLA dairy site / Bury Farm / Sorrells Field which are proposed to be allocated;
- Development should be directed to brownfield sites and to more sustainable locations such as Witham and Braintree
- Proposed allocations within the village would meet the housing needs of the village;
- The development is outside the designated village development boundary and development would result in the loss of countryside;
- Demand for new housing should be reassessed and reduced following the BREXIT decision;
- Other than a small reduction in the proposed number of dwellings the revised application fails to address the concerns highlighted by councillors when the initial application was rejected on 26th April 2016, with councillors emphasising the "completely inappropriate" site of the proposal;
- The land is greenbelt and should not be built upon;
- High quality agricultural land will be lost, increasing the number of houses and population will reduce our ability to be as far as possible self-sufficient in food production;
- The proposal is contrary to the wishes of local people, as demonstrated by the fact that it was not included as a site for development in the Neighbourhood Plan that is being prepared.

Layout, Design and Appearance

- The scale and density of the development is not in keeping with existing properties / the adjoining estate;
- The density of development here would be much higher than in the rest of the village – double density of the adjoining estate;
- The number of dwellings proposed for the site is too great and should be reduced;
- Sceptical as to how a "landscape buffer" specifically prevents further development to the north east of the site and coalescence with Witham;
- The proposed density and height of the buildings is not in keeping with the village - properties are also generally of low rise 2 storey dwellings and in the case of Gleneagles estate and Woodham Drive the dwellings have low pitched roofs. No details regarding their height have been given, and 3 storey dwellings are even pictured in the David Wilson Homes marketing materials;
- Proposals indicate very limited planting and green screening. New plans should enhance character and our village's semi-rural 'sense of place', using greenery, building materials and design character;

Landscape and Ecology

- The application at Land South of Stonepath Drive, for 80 houses, was refused on the grounds of preserving the outstanding views across the Baddow valley and views across this site are just as precious;
- The visual impact as you approach Hatfield Peverel from the A12 could be harmed as it would provide a hardened fringe to the edge of Hatfield Peverel;
- The proposed development will affect the habitats & feeding habits of many species including bats. Insufficient surveys and consideration has been given to impact on bats;
- The development will totally change the character of the village. One of its great charms is its rural feel as you approach it from its main access points. This over developed scheme will spoil one of the village's charming rural approaches forever;
- Badgers remain active within the area.

Highways

- The previous application on this site was rejected in the main part because of the safety issues concerning the junction of the site to the A12 slip road and the new application does not seem to resolve that;
- Proposal is contrary to Paragraph 32 of the NPPF which states that in making planning decisions Council's must be satisfied that amongst other things 'safe and suitable access to the site can be achieved for all people';
- Proposals to upgrade the A12 to create 3 lanes in both directions have been announced by Government. The widening of the A12 could impact on the site, possibly requiring demolition of properties when the work is carried out. A decision on this site should not be taken until the implications of the A12 widening are known;
- No development should be allowed near the A12 until issues with additional traffic being generated by significant housing growth in that district;
- Concerns about construction traffic and its impact on local residents' amenity and safety concerns regarding the use of large vehicles;
- Access to this site is totally inadequate through what is currently a narrow cul-de-sac comprising 9 properties;
- The highway network around Hatfield Peverel is already facing significant increases in traffic as a result of developments inside and outside the district – for example at Wood End Farm, Witham and Heybridge, and Wickham Bishops;
- The Duke of Wellington junction (The Street/B1019) is one of the busiest in Essex. This junction already takes most traffic heading to Maldon from the North & East & will be further congested by traffic from the nearest developments in Witham and the proposed housing expansion programme in Maldon. With traffic coming from both Maldon along Maldon Rd to this junction & from Witham up the A12 slip,

- residents of this development will find it very difficult to even exit the Glenegales estate;
- Emergency access from Ferndown Way is impractical and unnecessary;
 - There are parking problems in Gleneagles Way already and in many other roads in the village because of commuters using the train station. Yellow lines should not be the solution, as this affects local businesses and restrict the ability of local residents to park;
 - Closures on the A12 also cause severe traffic problems in the village already. There is a need for a by-pass to take traffic away from the village;
 - Inadequate provision for cycle parking. Many authorities use 1 space per bedroom as a more realistic provision and in this location should be adopted;
 - The application suggests that only a few accidents have taken place at the junction with The Street but this does not take into account the many that happen but do not get reported;
 - Alternative access off the A12 should be formed;
 - Parking and bus stops on The Street restrict visibility and the safe flow of traffic;
 - The revised application fails to address concerns about how residents would access these key facilities by foot or cycle that concluded in an increased reliance on the private car. Local conditions make walking and cycling relatively unappealing options for most residents;
 - Estimates of car journeys in the application are too low;
 - There are insufficient safe pedestrian crossing points in the village, particularly to safely cross Maldon Road;
 - Removal of barriers between Gleneagles Way & Glebefield Road would create rat running, parking problems and cause greater safety issues at the junction with The Street;
 - The application claims that various services / facilities are closer to the site than they actually are.

Living Conditions

- Increases in traffic will result in local residents facing additional congestion / journey times and a deterioration in air quality and noise conditions;
- There will be a loss of privacy for the existing residents with insufficient consideration given to a buffer to existing housing and concerns that flats could overlook existing properties;
- Children will be unable to play outside safely in adjoining streets;
- Development could take up to three years to complete and residents would have to put up with the noise, traffic and inconvenience during this time;
- Living on an estate right next to the A12, even with an acoustic barrier, will dramatically reduce the quality of life of the residents of this proposed development;
- Health concerns for residents living near a busy road;

Other matters

- The Affordable Housing report does not refer to the Housing Needs Assessment carried out for the Neighbourhood Development Plan and only refers to Braintree and sometimes Braintree District
- Coalescence with Witham - The development would result in Hatfield Peverel being only one field away from the edge of Witham when developments in Witham are completed;
- The village school, local childcare provision and doctors' surgery are already over-subscribed, and the railway station and trains over-crowded, so a large increase in the number of residents cannot be accommodated;
- The doctor's surgery is not accepting new patients;
- New community infrastructure should be provided before more houses are built;
- Permission by Hay and Croft to build 60 properties was rejected (Application P/BTE/1423/86/OTW);
- It is unclear the extent of financial contributions that the development would make towards community infrastructure provision;
- This development would increase the number of dwellings in the village by approx. 8% with a similar percentage increase in population;
- The number of "affordable" properties has fallen since the original proposal - David Wilson Homes in December 2016 states 48 affordable homes (40%), but this planning application now states 36 homes (30%).

Cllr David Bebb - objects to the Planning Application on the following grounds:

- It is illogical and inappropriate to consider or allocate development in this location until the A12 road widening scheme is finalised;
- unsuitable site access and it is extremely doubtful that introduction of any minor road markings might have any significant effect;
- Capacity issues at the Duke of Wellington junction. At the Duty to Co-operate meeting held at Maldon Council Offices on Dec 17th 2013, ECC Highways provided details of its traffic surveys carried out showing traffic count and queue lengths for the 3 arms of the Duke of Wellington junction at Hatfield Peverel, then remodelled to account for the increased housing build in the Maldon LDP. At peak times the ECC Highways figures show that there is an existing overcapacity problem for one of the 3 arms of the junction. In the remodelled situation there is serious overcapacity for all arms and considerable queuing implications and impacting beyond the junction. There is no immediate ameliorating solution available as there is no space to improve the junction and traffic lights are not an option.
- When the A12 is closed due to an accident the B1137, The Street, is the official A12 deviation route, which again has a significant safety and convenience impact of users of the Gleneagles/ The Street junction;

- The new Local Plan has excluded this site and this decision was again supported by the Local Plan Sub-Committee in December 2016 as there were more suitable sites for development;
- The emerging Hatfield Peverel Neighbourhood Plan, which is now at a very advanced stage, does not support development at this site;
- Coalescence with Witham South;
- Development not in keeping with surroundings as the new development would be garage less houses and have properties with no frontage;
- Deficit in infrastructure – the Local Plan report on allocations for Hatfield Peverel highlights infrastructure deficits in road capacity as well as overstretched primary health provision; capacity issues at the junior school, which is likely to lead to residents driving to Witham facilities which is not a sustainable option

One letter made a general comment that the provision of Affordable Housing was for the benefit of Braintree and not Hatfield Peverel.

No letters have been received in support of the application.

REPORT

Principle of Development

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

As set out at the beginning of this report, the Council is currently working on a new Local Plan and Officers consider that some limited weight can be afforded to the policies in the emerging Draft Local Plan.

The application site is located immediately adjacent to but outside the Village Envelope of Hatfield Peverel and is situated in the countryside. Hatfield Peverel is identified in the adopted Core Strategy as a 'Key Service Village', one of six within the District. 'Key Service Villages' sit below the main towns but above 'Other Villages' within the settlement hierarchy, and are defined within the Core Strategy as *'large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*. The designation of Hatfield Peverel as a key service village has been carried forward into the draft Local Plan.

It is therefore accepted that at the strategic level the village of Hatfield Peverel is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding rural area, in common with the other key service villages. Members will be aware that the Draft Local Plan states *'That the broad spatial strategy for the District should concentrate*

development on Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead'.

5 Year Housing Land Supply

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing '*...that meets the full objectively assessed needs for market and affordable housing*', together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at the time of writing is, therefore, that its forecast supply for the period 2017 - 2022 is 4.12 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.

The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

This does not mean that sites outside of existing development boundaries are automatically appropriate for new development, however, the above is reinforced at NPPF paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means "*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted*".

It is therefore necessary, in accordance with the requirements of the NPPF to assess the specific merits of the application site in detail to allow an evaluation of it to be made in terms of its potential to accommodate the proposed development in a sustainable manner.

Draft Local Plan Assessment

The application site has been put forward several times to be allocated for residential development through the Council's Call for Sites. This site was submitted through the 'Call for Sites' process for the Site Allocations and Development Management Policies Plan (ADMP) (site ref. HAT1Halt & HAT5Halt). When changes to the Hatfield Peverel development boundary were reported to the LDF Sub-Committee the Officers comments were:

2.57 HAT1Halt & 2.61 HAT5Halt – "*development of this site would reduce the separation between Hatfield Peverel and Witham. The visual impact as you approach Hatfield Peverel from A12 could be harmed, as it would provide a*

'hardened' fringe to the edge of Hatfield Peverel although landscaping could be provided."

Officers recommended that these sites should not be allocated for residential development in the ADMP. The LDF Sub-Committee accepted the officer recommendation and the sites were not proposed for allocation at that time.

The site has been submitted again during the 'Call for Sites' process as part of the development of the new Local Plan and the Local Plan Sub-Committee considered the site at meetings on 13th April & 15th December 2016. The Officer report to the Sub Committee on 15th December stated:

Land at Gleneagles Way

6.30 Site HATF 317 Gleneagles Way (and HATF 321 Land between Hatfield Peverel and Witham) have attracted comments concerning coalescence between the village and Witham.

6.31 The Parish Council did not support this allocation.

6.32 HATF 317 was refused permission however no appeal was lodged. Allocation of this site was considered at the Local Plans sub-committee on the 13th April where officers recommended exclusion. Comments from residents have noted that permission was refused on traffic grounds.

6.33 The proposed development is on an area of medium landscape capacity and the site is highly visible from the A12. The Hatfield Peverel Neighbourhood Development plan has identified the location as a green wedge for the prevention of coalescence and an Important View. While the NDP is in the early stages of adoption and carries little weight, officers recommend members have regard to landscape and coalescence concerns.

6.34 Regarding highways, the Local Planning Authority are in receipt of a Highways England statement confirming that they have no objections regarding strategic highways. For local highways, the developers have stated that they are in discussion with ECC on highways issues in relation to matters of visibility and access however no new evidence has been submitted at the time of writing. ECC have not submitted a new response regarding highways and this matter remains unresolved.

6.35 The proposed allocation would be well connected to a range of local services and facilities, and the delivery of housing could be achieved within the first five years. Development would inevitably negatively impact on 'very good', flat, agricultural land and a landscape which has medium sensitivity to change. An allocation would be in conflict with the policies in the emerging Neighbourhood Development Plan. There are outstanding unresolved highways concerns which may mean that the site is undeliverable or not deliverable until matters on the A12 are resolved later in the plan period. Due to its allocation within the Draft Neighbourhood Plan, the concerns regarding

landscape and uncertainty regarding highways, officers recommend that this site is not allocated'.

Members agreed the Officer recommendation that the site should not be allocated.

Members will be aware that the Local Planning Authority has two distinct roles; as plan-maker and decision-taker. As plan-maker the Council can consider the relative merits of different sites and can allocate sites that are considered preferable for development. As decision-taker on planning applications the Council cannot give weight to alternative proposals that may or may not come forward. Each application must be determined on its own merits following consideration of the detailed information that has been submitted in support of an application.

This application should not be refused simply because in its plan-making function the Council considered that there were preferable sites that would meet the District's housing demand over the Plan period. However in assessing the relative merits of the site and the proposal specific attention should be paid to the issues that Officers and Sub Committee Members identified when considering the allocation of the site in the new Local Plan - namely highway issues; the emerging Neighbourhood Plan; and landscape issues. These matters are considered in detail in the body of this report.

Previous Planning Application

Planning permission was recently sought for the development of up to 145 dwellings (ref.15/01361/OUT). This application was refused by Planning Committee on 26.04.2016. No appeal was lodged against the decision.

Four reasons for refusal were listed-

1. The development would be an unjustified intrusion into the countryside - harmful to the rural setting of the village and the separation between the settlement and Witham.

The adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In particular the excessive scale and character of the development taking into the character and appearance of the surrounding development and take account of the roles and character of the area by compromising the significance of the separation between Witham and Hatfield Peverel; failure to demonstrate that all future residents would be provided with a high standard of amenity in respect of external noise levels; highway safety at the junction of The Street and Gleneagles Way; lack of availability or capacity of local services to meet the additional demands that would arise from it, including early years/childcare services and primary school places within the village.

These adverse impacts of the proposed development are considered to significantly outweigh the benefits arising from the development.

2. Failure to demonstrate that the development would not be to the detriment of highway safety and other highway users as all vehicles accessing the site would need to enter / leave via the junction of Gleneagles Way and The Street.
3. The failure to complete a S106 legal agreement to secure planning obligations in accordance with the Council's policies and the adopted SPD.
4. The proposed housing development would be harmful to the amenities and health and well-being of future occupiers of the proposed dwellings by way of an excessive exposure to significant noise disturbance from the A12 Trunk Road.

A number of residents have referred in their objections to a previous outline planning application for residential development on part of the current application site in 1986. That application was refused and the resulting appeal was dismissed by a Planning Inspector following a Public Inquiry in 1987 (Application ref. BTE/1423/86/OT/W).

In dismissing the appeal the Planning Inspector acknowledged that the development would have helped meet demand for housing that existed at that time around the A12 corridor and that the scheme would have provided wider benefits by delivering a '*positively landscaped scheme*'. However on balance the Inspector concluded that the harm they identified would outweigh these benefits. The Inspector identified harm arising from the fact that '*The appeal site was outside of the village, both physically and as defined*' and that the '*The proposal would represent an unstructured extension to the rural scene*'. The Inspector also gave significant weight to the fact that the development would result in the loss of Grade 1 agricultural land.

These issues are all material considerations in the determination of this application and are considered in detail in the body of this report.

Hatfield Peverel Neighbourhood Plan

Hatfield Peverel's Neighbourhood Area was designated in March 2015. The Neighbourhood Development Plan can establish general planning policies for the development and use of land in the village. However this Neighbourhood Plan cannot be created in isolation and the District Council remains responsible for producing a Development Plan that will set the strategic context within which Neighbourhood Development Plans will sit.

The application site is not proposed to be designated for residential development under the draft Neighbourhood Plan. Indeed the site forms part of Hatfield Peverel Landscape Character Assessment Area 4.

In the Draft Hatfield Peverel Neighbourhood Development Plan, Policy HPE1 'Prevention of Coalescence' states *'A green wedge will be created along the eastern development boundary of Hatfield Peverel and at the eastern boundary of the Parish with Woodend Farm to avoid coalescence with Witham. (See map page 25)*

A similar green wedge will be created that will preserve the open space between the built area of Hatfield Peverel and the hamlet of Nounsley.

In these areas the following development will be permitted provided it maintains the open nature of the area.

- ☐Agricultural purposes
- ☐Outdoor recreation and sports facilities
- ☐Cemeteries
- ☐Replacement of existing building
- ☐Redevelopment of previously developed land
- ☐Transport infrastructure
- ☐Utilities (e.g. power, water, gas, sewage)
- ☐Developments brought forward under a Community Right to Build Order'

Draft Neighbourhood Plan Policy HPE6 seeks to protect the landscape setting of the village. It states *'The Plan seeks to protect the landscape setting of the village through preservation and enhancement of views identified by the community (see pages 33-37) and the Hatfield Peverel Landscape Character Assessment (2015).*

Any proposed development, or alterations to an area within these views, must ensure their key features can continue to be enjoyed including distant buildings, areas of landscape and open agricultural countryside'.

The view from Gleneagles Way area looking towards Witham is one of 11 important viewpoints identified in the Draft Neighbourhood Plan.

The proposed development is therefore in conflict with the Neighbourhood Plan, in particular with draft Policy HPE1 and HPE6.

Neighbourhood Plans also have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). They must be approved by an independent qualified person who checks the relevant conditions are met before a referendum can be held. Neighbourhood Plans must have regard to national planning policy; they must be in general conformity with strategic policies in the Development Plan for the local area; they must be compatible with EU obligations and human rights requirements. As the Neighbourhood Plan remains at a relatively early stage in development it is not considered to carry significant weight in determining any planning application.

The draft Neighbourhood Plan has been the subject of a public consultation under Regulation 14 of the Town and Country Planning Act with the

consultation ending on 30th September 2016. A number of objections were submitted to the initial draft of the Plan, including an objection to Policy HPE1 and the proposed designation of the site in the Draft Neighbourhood Plan. At the time of writing the Draft Neighbourhood Plan has been submitted to Braintree District Council and is currently being reviewed to ensure that it satisfies the legal requirements and conditions to allow the District Council to authorise the draft Plan for the second formal consultation process (Under Reg. 15). Once the District Council authorises the second round of public consultation this can proceed to be publicised and open for comment for a 6 week period. There is the possibility of further objections being received during this period.

The NPPF sets out specific guidance on how Local Planning Authorities should deal with emerging plans. Para 216 of the NPPF states 'From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according 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).

As the Neighbourhood Plan remains at a relatively early stage in the process and has unresolved objections and has not been through its second public consultation, examination or referendum process Officers consider that it can only be given very limited weight as a material consideration in the determination of the current planning application. The limited weight that can be afforded to the emerging Neighbourhood Plan must be weighed against the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF. In making an assessment of the planning balance for the current application the NPPF must be given significantly greater weight than the draft Neighbourhood Plan and the application must be considered accordingly.

Alternative Sites for Development

Some local residents have argued that a development of this size should not be considered in advance of the new Local Plan, whilst reference is also made to proposed development sites that some residents consider are preferable for development – namely the old ARLA dairy site and Bury Lane / Sorrels Field.

Whatever the relative merits of these alternative sites, the Local Planning Authority cannot unreasonably delay consideration of the current application without increasing the risk of an appeal on grounds of non-determination.

Moreover, Officers do not recommend that the application is refused as being premature in advance of the new Local Plan being developed and adopted. A development of this scale is unlikely to be prejudicial to the spatial strategy of the new Local Plan and as such arguments regarding prematurity are considered to be of limited merit. Weight cannot be afforded to alternative proposals that may or may not come forward. The Council, when making a decision on a particular application, must consider it on its own merits and could not refuse a planning application purely on the basis that other sites might be preferred. This application should be determined on the planning merits of this site and this proposal.

Site Assessment

Access

Part 4 of the NPPF indicates that all development that could generate significant amounts of movement should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. The NPPF is clear (paragraph 32) that *'Development should only be prevented where the residual cumulative impacts are likely to be severe'*. Saved Policy RLP54 and RLP55 require that a Transport Assessment is submitted with all proposals for major new development.

The assessment of planning applications and proposed developments by the Local Highway Authority (LHA) is always undertaken with reference to NPPF paragraph 32. The following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. Site visits were undertaken, the concerns of local residents were noted and safety records checked with the Essex Highways Road Safety Team.

Many of the objections which the Council have received have been from local residents on highway grounds, with many highlighting the fact that one of the reasons for refusal for the first application was the fact that the development would have led to the intensification of use of the junction of The Street / Gleneagles Way. The Highway Authority objected to this intensification on the grounds that visibility at the junction was below the standard they considered appropriate for this location.

For ease of reference this report considers the distinct issues under separate headings.

A12 Widening

Members will be aware that the Government has committed to increasing capacity on the A12 by increasing the carriageway to 3-lanes in both directions between junction 19 (Boreham interchange) and junction 25 (Marks

Tey interchange). Since the initial announcement by the Chancellor Highways England have started to investigate how this could be delivered and have recently launched the first public consultation exercise. The project remains at an early stage and the consultation is seeking views on a range of options which help inform further work that will need to be undertaken to assess the feasibility of all the options, including traffic modelling, environmental survey work and economic assessments.

The consultation literature proposes that the majority of the widening work will be undertaken along the existing A12 corridor (the online option). This would require land within the existing highway boundary and could require land immediately next to it. All four options out to consultation propose that this particular stretch of the A12 is widened in this manner.

At this stage Officers are unaware of how the proposed widening would affect specific junctions. The consultation literature states that the 8 existing junctions between junction 19 (Boreham interchange) and junction 25 (Marks Tey interchange) suffer from a number of problems including short distances between some junctions; some slip roads do not conform to current design standards; historic private accesses on several slip roads; insufficient room for drivers to accelerate onto the A12; and insufficient slip road capacity which can cause tailbacks.

Junction improvements could range from a partial upgrade to a total re-design. The initial assessment work undertaken by Highway England has shown that there may be a benefit in merging junctions 20a (Hatfield Peverel South) and 20b (Hatfield Peverel North) into a single new junction but the exact location of a new junction still needs to be determined. Further detailed design work and technical assessment is required to determine the final strategy.

The final design solution could potentially impact on the application site and the proposed development, depending on the outcome of the further assessment work being undertaken by Highways England.

Highway England Officials are aware of the current planning application and its proximity to the existing A12 slip road, however as there are no firm plans in place it would be premature for them to object to this development on the grounds that it might affect their future plans. On this basis Officers do not recommend that the application be refused because of the A12 widening scheme.

A12 Slip-Road

It is acknowledged that the slip road off the A12 is by modern standards relatively short and requires drivers to reduce their speed sharply, from the 70mph limit on the A12, to a 30mph limit on The Street at a point approximately 54m east of the Gleneagles Way junction.

Many of the letters from local residents objecting to the application refer to accidents, near misses and problems with traffic exceeding the speed limit past the Gleneagles Way junction. With regards to accidents Officers note that there is no recorded Accident History data at the junction.

Having carefully assessed the first application the Highway Authority recommended that the application be refused as the proposal would lead to the intensification of use of a substandard access by reason of inadequate visibility, and as a result the proposal was to the detriment of highway safety and other highway users.

Members will recall that whilst this was the view of the Highway Authority (Essex County Council) Highways England did not object to the first application. Indeed having assessed the highway works proposed as part of the first application to improve visibility at the junction Highways England concluded '*Taking all these considerations into account, it is difficult to see how an objection to this development could be sustained*'. However as Highways England acknowledge their primary concern is on the safe and efficient operation of the A12 and that as the Gleneagles Way / The Street junction is on the Local Road Network this is of primary importance to Essex County Council as Local Highway Authority.

Following refusal of the first application the applicant has been in extensive discussions with the Highway Authority to agree a package of works which addressed the Highway Authority's concerns.

Currently visibility of approximately 68m is achieved at the junction. The applicant has undertaken speed surveys on the slip road to ascertain the average speed of vehicles at different points approaching the Gleneagles Way junction.

The applicant has proposed a package of works (to include trimming/removal of vegetation/trees, relocation/replacement of signs/street furniture/lamp column(s), regrading/hardening of highway land) near the junction and along the slip road to improve visibility splays and this will improve visibility 98m from the junction. There has been discussion between the applicant and Highway Authority over the appropriate requirements for visibility splays in this location and which set of Highway design standards should be applied.

Since the first application there has also been further investigation and site visits undertaken by the applicant and the Highway Authority have established the extent of highway land and that works can be undertaken to regrade the highway verge and clear vegetation to achieve a significantly improved visibility down the A12 slip road.

Having carefully assessed the extent of highway land; the feasibility of the works to improve visibility; the extent of the betterment; and speed survey information has led the Highway Authority to conclude that subject to a planning condition the works are acceptable to both the Highway Authority and Highways England.

The Local Planning Authority relies on the Highway Authority (and Highways England) for specialist technical advice on highway safety. As ECC Highways are now satisfied that the intensification of the use of the Gleneagles Way / The Street junction is acceptable in highway safety terms Officers consider that highway safety can no longer be a valid reason for refusing this application.

The Street

At present 61 dwellings are served by the junction of Gleneagles Way / The Street. The proposed development could see this figure increase up to 181 dwellings and local residents have highlighted the increase in vehicular movements within the Gleneagles Way estate, including at the junction with The Street.

A particular concern has been highway safety given the presence of parked vehicles on The Street opposite Gleneagles Way. A number of properties along The Street do not have off-road parking and this along with other people parking, including it is reported commuters using the train station, means that there is often a solid row of parked cars on the northern side of The Street. This is reported to cause problems for residents trying to access Gleneagles Way from the village as they often have to cross onto the wrong side of the road to pass the parked cars. These problems are exacerbated when a bus stands at the bus stop on the southern side of The Street, opposite cars parked on the northern side of the road.

The applicant has suggested that vehicular parking restrictions could be introduced along the northern side of The Street as well as a length of approximately 10m into Gleneagles Way (from the junction with The Street) where a car was frequently observed, again causing passing traffic to pass on the wrong side of the road. The Highway Authority requires the applicant to fund a further parking survey in this area, the findings will then be used to agree necessary parking restrictions to improve highway safety. The applicant would be required to pay for the required Traffic Regulation Order (TRO).

Junction The Street & B1019 Maldon Road and Junctions of The Street & B1137/A12 north bound on-slip

The applicant acknowledges that given current / projected volumes at both these junctions it would be desirable for this development to provide mitigation for the additional movements that will arise from this proposed development.

The junction of The Street / Maldon Road in particular is noted to already have capacity issues with observed queuing on Maldon Road in excess of 20 vehicles during the AM peak. Local residents and the ward Member have concerns that existing conditions will significantly deteriorate if this development proceeds along with planned developments in Maldon.

As part of the first application the applicant proposed that a roundabout be created at the junction of The Street / A12 north bound on-slip. Having assessed the proposals ECC Highways stated that they did not support the proposed mini roundabout at the junction of The Street and the B1137 as it would not improve the capacity of the junction.

The potential to improve The Street/Maldon Road junction has previously been investigated by Essex Highways, including the potential signalisation of the junction. Essex Highways concluded that due to the constraints of the existing highway, there is limited scope to deliver major improvement measures.

Cllr Bebb in his representation has specifically referred to discussions that have taken place as part of the Maldon Local Plan examination. The Highway Officer has confirmed that discussions have included issues at this junction, although they relate largely to long term concerns about the impact of growth across the region, and not specifically the Maldon Local Plan.

Upgrades to the A12, identified in the Road Building Strategy (2014) regarding potential widening to 3 lanes of the A12, would be likely to improve its reliability and this is likely to relieve pressure on the local road network and should help to relieve queuing at this junction. In addition the public transport improvements proposed to support the Maldon District Council (MDC) Local Plan are being progressed through the emerging planning applications including local and wider public transport connections. The work undertaken for Braintree Local Plan supports the findings from the MDC Local Plan work.

The applicant has proposed a package of minor works including modifying the existing junction geometry, by making changes to existing road markings on the affected arms, and realigning a section of kerbline on the eastern side of Maldon Road, extending north eastwards into The Street. These modifications would also improve the turning manoeuvre for southbound vehicles turning left into Maldon Road.

When assessing highway impacts Officers and the Highway Authority are mindful of the content of the NPPF which directs that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

The Highway Authority have assessed the Transport Assessment submitted by the applicant and the proposal will not be detrimental to highway safety, or that any adverse impact on highway capacity and efficiency - at this location and on the wider highway network - would be so severe that it would warrant refusal of the application.

Construction Traffic

A significant number of representations have highlighted concerns over construction traffic accessing the site whilst the development is being built out, potentially over several years. The number and type of construction vehicles

accessing the site will vary through the development period but as a guide the applicant has indicated at its peak approximately 32 waste vehicle movements per day (rigid 3-axle tipper trucks); approximately 16 HGV deliveries per day (typically larger 5-axle rigid vehicles); vans around 10- 15 per day. There could also be 30-40 employees working on the site.

Birkdale Rise is approximately 5.5m wide. Whilst the road, and adjoining streets, which would provide access to the site were not designed to accommodate this level and type of traffic the construction activity would not be permanent – taking place over a number of years.

It is noted that houses in the roads leading directly to the site have off-street parking which limits the necessity to park within the carriageway; however parking restrictions could be considered by the North Essex Parking Partnership if this was necessary for safety reasons. Whilst Officers note concerns raised by some residents over the operation of large construction vehicles the safe and responsible operation of these vehicles rests with the drivers and operators and Officers do not consider that this would form a justifiable reason for refusing the application.

Access Summary

The applicant has demonstrated to the Highway Authority and Highways England that a development of this size can be provided with suitable vehicular, cycle and pedestrian access and that the traffic generated as a result of the development can be accommodated on the Strategic and Local Highway network.

As with any new development, it is inevitable that road traffic would be generated; however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means. The applicant has proposed a number of improvements to footways and pedestrian crossings near the site to encourage residents to make short journeys by foot. Cycling is also to be encouraged within the site and a connection provided to the cycle path adjoining the site.

One objector has highlighted what they term 'optimistic references' within the Design and Access Statement to distances from the application site to local facilities, for example the applicant states the railway station is 0.8km from the site but the objector considers from the centre of the site its closer to 1.5km. Similar discrepancies are referred to in respect of distances to the school; bus stop and shops. It may be that some of the discrepancies are due to differences on where journeys start from – the edge of the; the middle of the site, etc. Officers own assessment is that from the middle of the site the actual distances have been under-stated in the Design and Access Statement, but remain within a reasonable walking distance of the site.

Therefore, from a highway and transportation perspective the impact of the proposal is considered acceptable to the Highway Authorities subject to the imposition of a number of obligations and conditions as set out in their

consultation responses and at the end of this report. Whilst all matters raised by the Parish Council and third parties with regard to highways have been taken into account, Officers do not consider that these represent a basis for refusal on the basis of highway grounds.

Overall, it is considered that the site is positioned in a relatively sustainable location with reasonably good public transport and access to the services and facilities within this Key Service Village and of larger settlements within the District and beyond.

Layout, Design and Appearance

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

Policy CS9 of the 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 Local Plan Review and these sentiments are also reflected in Draft Local Plan Policies SP5, LPP28, LPP42 and LPP46 which are concerned with place shaping principles, housing type and density, the built environment and the layout and design of development respectively.

The current application is an outline application with all matters reserved except access. The applicant has submitted a site location plan and a Parameter Plan, the latter setting out the applicant's vision for developing the site. The applicant describes this as a residential development, built to a maximum of 2 storeys with areas of public open space at the south-eastern end of the site and along the north-eastern boundary of the site as well as further parcels of public open space within the residential area, and landscaping planting along the north-eastern and south-western boundaries and the south-eastern tip of the site. It also indicates the primary access points for vehicles, pedestrians and cyclists and the intended road layout.

The Design and Access Statement contains a number of further plans which indicate the arrangement of building frontages and blocks of development.

The only detailed plan submitted for approval is the access drawing which identifies the proposed main vehicular access into the site from Birkdale Rise.

Policy CS10 of the 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 development would include structural landscaping; amenity space and an equipped play area. Officers have some concerns about the manner in which this is shown in the Illustrative Layout and this is discussed in more detail below. It is however indicated that 1.6ha of the 5.2ha site will be used for landscaping and Public Open Space. This level of provision is in excess of the level of Public Open Space provision that is required under the Council's Public Open Space standards, but this is considered to largely be a response to the sites numerous constraints.

It is proposed that up to 120 dwellings would be erected on the site, within a development area of 3.6ha. If 120 dwellings were built this would be at an average net residential density of approximately 33 dwellings per hectare (dph) and an average gross residential density of 23 dph. The Council's new 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'*.

Officers expressed concerns about the number of dwellings proposed in the first application and how this would relate to the site's characteristics and surroundings. After the first application was refused the applicant arranged for a Design Review to be undertaken by Design South East - an independent, not-for-profit organisation. The Design South East Review Panels aim to support local planning authorities, developers and communities through impartial, constructive and expert design review of policies, plans and projects. The purpose of design review is to improve the design quality of new development. In this instance the Design Review Panel included an Urban Designer, Architects and Landscape Architects.

Planning Officers attended and contributed to the Design Review and were able to highlight a number of concerns with the original application. Design South East produced a short report summarising the Panels thoughts on the proposal and the applicant has included that report within their planning application.

The report summary stated *'given the constraints and densities proposed, an outline proposal needs to have sufficient detail to demonstrate that an acceptable quality of place will be created and that issues that impact on liveability, such as car parking, can be successfully resolved. As it is, the illustrative masterplan shows that some basic urban design principles have been followed but has insufficient detail to argue the case that the number of dwellings can be accommodated. From what we can see we believe that the main green space should be in a more central position and that the nature of the western edge (both the buffer and the space behind it) needs more detailed resolution'*.

The applicant's Design & Access Statement (DAS) states that the scheme has been designed having regard to the comments received in the Design Review response to the original application. It is not immediately obvious what design changes have been made in response to the Design Review. The number of

dwelling proposed has been reduced to a maximum of 120 dwellings and all buildings are to be a maximum of two storeys. However the parameters plan shows a largely similar layout. Officers remain concerned about the location of the primary open space and the less than functional scale of the smaller spaces within the layout – something that was raised through the Design Review process. Some additional space has been provided in the centre of the site although the scale, at 25 metres wide, will limit the extent to which it is a particularly useable space. The most useable open space remains in a remote part of the site. As stated elsewhere in this report there are a number of issues which will need to be resolved at Reserved Matters stage, including the set-back for development at the northern end of the site to provide a suitable environment for future residents; how neighbour (existing & future) privacy / amenity will be protected through the application of Essex Design Guide Standards; the distribution of Open Space and the relationship of new dwellings to those spaces.

To some degree the mix of dwellings proposed will dictate how the development will feel when constructed and occupied. It is noted that the applicant considers that the development should 'predominantly comprise a mix of 2, 3, 4 and 5 bedroom houses, with the potential for some one and two bedroom flats' but the reality is that a larger number of smaller units is likely to be required to achieve up to 120 dwellings on the site. Officers consider that if the site is to accommodate up to 120 dwellings in an acceptable manner then the housing mix is likely to include a larger number of 1 and 2 bed dwellings than the applicant indicates, however the housing mix will be the subject of the Reserved Matters application.

The Design Review Panel commenting on the first application stated '*an outline proposal needs to have sufficient detail to demonstrate that an acceptable quality of place will be created and that issues that impact on liveability, such as car parking, can be successfully resolved*'. It is unfortunate that the applicant has chosen not to provide a greater level of information with this application. Providing this information would have evidenced how concerns expressed by Officers could be addressed at Reserved Matters stage, however the applicant has chosen to argue that concerns, such as how back to back distances can be achieved, '*can be addressed at reserved matters stage*'.

Whilst Officers have some concerns about how 120 dwellings could be achieved in an acceptable manner on the site the application is for up to 120 dwellings and Officers would not recommend that the application should be refused simply due to design concerns which could be addressed at Reserved Matters stage. It will be for the applicant to demonstrate at Reserved Matters stage that they will deliver a suitable, high quality development and environment for future residents to live in, and which complies with relevant Council policies.

Given the concerns that remain Officers do not recommend that the Illustrative Layout and associated information within the DAS form part of the approved plans. Furthermore Officers would recommend that the Council commission a

further Design Review prior to submission of any Reserved Matters application.

Agricultural Land

Policy CS8 of the Core Strategy states that 'Development should protect the best and most versatile agricultural land'. Natural England has published Agricultural Land Classification maps, showing the quality of agricultural land at a regional level. The map for the Eastern Region identifies the general area in which this site is located as being Grade 2 ('Very Good'). The applicant's Planning Statement says 'The Application Site is of no greater agricultural value than that in the surrounding area; the Site is likely to be of good quality (grade 2); however, the surrounding area is likely to be of similar quality'.

The Inspector in the 1986 planning appeal gave significant weight to the fact that the development would result in the loss of what at the time was reported as Grade 1 agricultural land – the highest quality agricultural land.

The NPPF states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

However as Members will be aware the majority of agricultural land within this part of Essex falls within grade 2 or grade 3 agricultural land, which means that the majority of the agricultural land in the District will fall within the definition of Best and Most Versatile Agricultural Land (Grade 1, 2 & 3a). In such circumstances, the loss of this particular site to agricultural use is not considered to represent a sufficient basis for resisting the development.

Landscape

Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 Natural Environment and Biodiversity states that 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'. 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 Policies RLP80 and RLP84 of the Local Plan Review.

It is noted that the Inspector in the 1986 appeal decision considered landscape impact to be a significant issue, however over 30 years have passed since that decision and a lot has changed in the intervening period so this application must be determined on its own merits. For example it is likely that the planting along the eastern boundary was not in place or would not have provided the same degree of screening in the 1980's.

In terms of the adopted Local Plan, the site is not covered by any particular landscape designation. Policy CS8 relies on the landscape character assessments set out in the 2006 Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn). The latter is finely grained to the point where it deals with specific land parcels.

The Braintree District Settlement Fringe Landscape Capacity Analysis (Chris Blandford Associates 2007) identifies the site as being within setting area (HP4) which was assessed to have a 'Medium' capacity for accommodating development.

The LCAn (The Landscape Partnership 2015) provides a finer grained analysis of the settlement fringe around Hatfield Peverel. It again places the site in an area of Medium capacity for accommodating development and the study did not re-assess the findings of the 2007 report.

The parameter plan shows the narrow woodland belt and hedgerows adjoining the farmland to the east as being retained and new landscape buffers are created to the NW boundary with the A12 and the southern boundary where one of the two Locally Equipped Areas of Play is shown. These factors need to be considered when considering the potential landscape and visual impact of the development.

Officers highlighted concerns arising from the Landscape and Visual Impact Assessment (LVIA) submitted with the first application. The applicant has submitted a more detailed LVIA with this application and the Council has obtained advice from a Landscape consultant on this study. The site is assessed by the applicant as having low / community level value and the Council's consultant agrees with this assessment.

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

The presence of having 'valued' landscape characteristics can be given more weight when assessing if a planning application can be refused on landscape grounds. This site does not have the characteristics of a 'valued landscape' in this context even though it may be valued by local people for visual amenity.

The Council's landscape consultant concludes that whilst there would be an impact of the development on the local landscape this would be a visual impact rather than a landscape character impact, as the character of the site is already heavily impacted by the A12 corridor and the close proximity of the housing on the eastern edge of Hatfield Peverel.

The impact of the development is considered to not be substantial and in any event would be fairly localised and restricted largely to the footpaths to the east of the site.

Officers were concerned when assessing the first planning application about the potential impact that the development would have on the separation between Hatfield Peverel and Witham. These concerns arose from the fact that the first application proposed 3 storey buildings and on visualisations provided as part of that application.

The current application proposes that building heights will not exceed two storeys and includes a more detailed Landscape and Visual Impact Assessment (LVIA). This more detailed assessment provides information on the visual impact of the proposals and includes an assessment of the effectiveness of proposed landscaping to further mitigate the impact.

Whilst it remains factually correct to say that the development of the site would result in the two settlements coming closer together the new development would only bring the two settlements closer by around 110m or approximately 5.5% of the distance (approximately 2km between the built up edge of Hatfield Peverel and the built up edge of Witham (as the crow flies). Whilst the new Local Plan proposes the allocation of land at Wood End Farm Officers consider that the two settlements will remain distinctly separate. The other factor which must be considered in terms of perception of the distance between the two settlements is that Witham is quite clearly to the north of the A12 corridor, whilst Hatfield Peverel is perceived as being to the south (from the A12). Officers don't consider that it can be successfully argued that the development would result in coalescence between the settlements, or that the revised proposals would result in a significant change to the perception that the two settlements are visually separated.

The applicants LVIA argue that the buffer planting on their illustrative layout will assist in reducing inter-visibility of the two settlements (which is currently very limited). The buffer, if well designed, could be effective in screening the new development and create a stronger structured landscape edge to Hatfield Peverel than exists currently. Of course, there will be a period of time when the development is more visible than the existing housing, but the existing vegetation around the field margin will have some value in alleviating this.

In conclusion, having made their own assessment of the site; the amended proposals for the site, and having considered both the applicant's Landscape and Visual Impact Assessment (LVIA) submitted in support of the application and the Council's own Landscape Capacity Analysis study of the site, Officers do not consider that the landscape harm (either on character or visual impact) would be of sufficient magnitude to refuse the development on landscape grounds.

Ecology

Policy RLP80 states that proposals or new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Policy RLP84 states that planning permission will not be granted for development, which would have an adverse impact on protected species' and where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats.

The application is accompanied by a Phase One Habitat survey. This identified a number of potential habitats and recommended further species specific surveys to ascertain the presence/absence of protected species (reptiles, badgers and great crested newts). The site was assessed as not containing habitats suitable for other protected species. However, habitats that may be affected by the proposed works include those that may have value to legally protected species, particularly foraging bats, birds, and reptiles.

Badgers - Two setts have been identified within the application site – one is considered to be an outlier sett whilst the other appears to be a main sett. It is not clear from the ecology reports how active these setts are, or whether the main sett is a breeding colony.

The report states that any development/machinery disturbance should not come within 30m of the sett entrances. Further monitoring is required to clarify the extent that the setts are used and this would then inform the layout of the development, with suitable landscape buffers / open space retained around the sett(s).

Reptiles - Two grass snakes were observed on-site by the applicant's ecologist. The applicant's parameter plan indicates that suitable habitat for grass snakes will be retained / provided on-site.

A condition controlling how the site is cleared to reduce the risk to protected species would be recommended if planning permission were to be granted.

Great Crested Newts - Identified water bodies were tested for signs of Great Crested Newts but none were found.

Although some time has now passed since the Phase One Habitat survey was undertaken Officers are unaware of any changes to the site's characteristics that would cause that survey to be out of date. It is however noted that the more detailed species specific surveys - for Great Crested Newt; reptile and badgers are dated July and August 2015. The Council's Landscape Officer has advised that he would usually expect surveys to be updated if more than

two years had elapsed. To ensure that reliable and up-to-date information is available to inform the Reserved Matters applications it is recommended that updated surveys are submitted as part of the Reserved Matters application. The submission of updated surveys will ensure that when the Reserved Matters applications for landscaping and layout are considered this will be in the context of protected species / wildlife constraints.

The retention of tree belts and hedgerows and other elements of the proposal such as the buildings and new areas of open space and landscaping all offer the potential to add to the ecological value of the site. Whilst further survey work is required to ascertain how this should be achieved it is considered that the proposal need not give rise to demonstrable harm to interests of ecological importance.

The Conservation of Habitats and Species Regulations (2010,as amended) requires the Competent Authority (in this case Braintree District Council) to undertake an Habitat Regulations Assessment (HRA) before making a decision about permission for any plan or project that may result in a likely significant effect upon a Natura 2000 (European) Site. Members will recall this issue arose recently as part of the consideration of the Stonepath Drive application.

This site is sufficiently close to the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary Special Protection Area and Ramsar site. The Council is required to prepare a HRA Screening Report to consider the potential impact that residential development will have on these protected habitats and to employ measures to mitigate that impact.

Where sites are allocated through the Local Plan the Council will plan appropriate mitigation with Natural England, however where unallocated sites are proposed for development, such as this one, a site specific HRA screening report must be completed setting out the anticipated impact of the proposed development and how this can be mitigated. For the Stonepath Drive application this involved offsite mitigation embedded within the application providing additional greenspace for new residents along with the promotion of the local footpath network and a proportionate financial contribution towards visitor monitoring on the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA.

The required HRA screening report is being prepared at the time of writing this report and will be submitted to Natural England. Officers consider that is unlikely to demonstrate that a significant likely effect (which would trigger the need for further 'Appropriate Assessment') would be caused by the proposed development on Natura 2000 sites in terms of the Habitat Regulations Assessment, but recommend that Committee pass a resolution to grant planning permission subject to the outcome of this Screening exercise.

Arboriculture

The Council's Landscape Officer has raised no significant concerns regarding trees on this site. The main concern is the presence of a line of 33 nos. hybrid black poplar trees G23 – these do not make good neighbours for residential properties since they are very prone to wind damage and are fairly short-lived.

Residential properties should be outside the falling distance of these trees and the landscape proposals should include suitable replacement trees of a more appropriate species/variety to maintain the feature in the longer term. This would form part of the Reserved Matters application for Landscaping.

Built Heritage

There are no heritage assets within the site boundary, but there are three Listed Buildings in relatively close proximity to the development site; White Hart Cottage, the Bakery and Salvador, Hooks and Sheaves, all of which are listed Grade II.

The Council's Historic Buildings Adviser has raised no objection to the application on the grounds that whilst the application site is relatively close to these buildings, there is a modern development between these buildings and the application site. This curtails the setting of these Listed Buildings and severs any views between the heritage assets and the proposed development. There would also appear to be no historic association between the land and these Listed Buildings. The existing built-up nature of Hatfield Peverel also means that the addition of further houses will not harmfully alter the environment in which these Listed Buildings are appreciated.

Residents' Amenities

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

This is an outline application with all matters reserved except access. At this stage there are no firm details on precisely where dwellings would be constructed and this means that it is not possible to assess whether the proposed dwellings would have an acceptable relationship to existing dwellings adjoining the site.

In the event that outline planning permission was granted then the Council would expect the design standards from the Essex Design Guide to be adhered to in order that neighbours are afforded a reasonable level of privacy.

Whilst matters of layout and scale are reserved for future determination, with regard to sunlight and privacy, the Essex Design Guide states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”*. Adherence to these standards would ensure that the living conditions of existing residents are protected from overshadowing and overlooking.

The Parameter Plan shows a landscape buffer along the south eastern boundary (closest to Wentworth Close, Birkdale Rise and Ferndown Way). The Planning statement also refers to *‘A landscape buffer, 3m in diameter, will also be provided along the south eastern boundary (closest to Wentworth Close, Birkdale Rise and Ferndown Way), to ensure that the impact of any future development on existing residents is reduced’*. (Officers have assumed that the proposed strip would be 3m in depth and not diameter). This is to ensure that the impact of any future development on existing residents is reduced. It is assumed that this 3m wide strip of land would be ‘managed’ by a Management Company established by the developer, along with the other areas of public open space. There are some concerns about the long term management of a relatively narrow landscape belt which could be sandwiched between existing residents gardens but this is a detailed matter which could be considered at Reserved Matters stage. It is noted that the landscape buffer does not appear clearly on the Illustrative Layout on page 29 of the Design and Access Statement but the layout and landscaping of the site are reserved matters. Whilst the illustrative layout does not show definitively confidence that the proposed number of dwellings could be accommodated within the site in an acceptable manner, Officers do not consider that this omission is fundamental to the determination of this application, particularly as the application relates to a development of up to 120 dwellings.

In addition to concerns about highway safety local residents have expressed concerns about the noise and disturbance that they would face during construction. This included the impacts arising from construction traffic accessing the site along The Street, Gleneagles Way and Birkdale Rise. Officers accept that a development of this scale will result in local residents suffering noise and disturbance however it is generally accepted that this type of disturbance is for a relatively short period of time and that planning conditions can be applied which seek to control construction activity to minimise disturbance and inconvenience.

There is no ability within the planning system to protect an existing view and therefore such a matter is not a material planning consideration.

With regard to environmental protection for future residents of the development the Council's Environmental Services Officer (ESO) previously raised concerns about noise levels and air quality, given the proximity of the site to the A12. One of the reasons for refusal for the previous application was *'the failure to demonstrate that all residents of the proposed development would be provided with a high standard of amenity in respect of external noise levels'*.

The applicant's technical consultants has discussed noise and air quality issues at the site with the Council's ESO and further information has been submitted with this application.

In respect of noise the application has increased the extent of an acoustic barrier along the north-eastern and north western site boundaries. It is proposed that along the north-eastern boundary a 1.8 metre high acoustic fence is erected for over 160 metres. Along the north-western boundary, adjacent to the A12 slip road a 3.2 metre high acoustic fence is proposed along the entire boundary, save for an opening to allow pedestrian / cycle access to the north of the site.

The applicant has produced a Noise Map showing modelled daytime noise levels within the site with the 3.2m / 1.8m high acoustic barriers on the site boundaries. This demonstrates that the attenuation provided by the noise barrier results in external noise levels below the maximum level that the Council consider should be permissible- 55 dB LAeq 16 hour. The ESO is satisfied that with suitable glazing and ventilation design the proposed residential scheme could be developed so that the noise levels inside the properties do not exceed levels considered acceptable to the Council. Full details of measures required to achieve these levels should be covered by condition and be submitted as part of the Reserved Matters application.

It is accepted that this enclosure, particularly along the north-western boundary, could be stark and not make a positive contribution to this approach to the village. However there is existing vegetation which the applicant should be required to supplement which could reduce the visual impact of this enclosure. Part of the enclosure could also be formed from a bund, rather than an acoustic fence which could also be beneficial and details can be required as part of the Reserved Matters application. Officers do not consider that the reliance on this acoustic barrier would constitute a reason for refusal if this results in an acceptable living environment for future residents.

In respect of air quality the report submitted with the application suggested that a 10-15m buffer be allowed along the north-western boundary within which there should be no built development, having carried out a diffusion tube survey to determine the safe buffer distance to ensure there are no exceedances of the air quality objectives on the site.

The Council's ESO has expressed concerns about relying on that survey information as it relies on one diffusion tube result for comparison. Diffusion tubes are not accurate and with only one reading the ESO considers that this

is not a safe verification method to rely on and as such they are not prepared to agree that the layout as shown can be relied upon to ensure that future residents are not exposed to unacceptable air quality conditions at their properties. The applicant has agreed that there are uncertainties in the evidence provided within the air quality assessments to finalise the exact width of an air quality buffer protection zone, and that more data would be required for this purpose. A six month programme of diffusion tube surveys are being undertaken to provide a more appropriate data set to establish the exact width required for the buffer protection zone.

The applicant has suggested that a planning condition is attached to the outline permission which requires submission of information with the first Reserved Matters application to demonstrate that the location of dwellings and private amenity spaces is arranged to ensure suitable air quality for future residents.

Subject to conditions requiring additional surveys and details at Reserved Matters stage, to ensure a satisfactory living environment for future residents, the ESO has no objection to this outline application. Conditions are also recommended in relation to construction activity, controlling hours of working, details relating to any piling to be carried out on site and the submission of a dust and mud control scheme for approval.

Drainage and Flood Risk

Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the 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.

The proposed development is located within Flood Zone 1 (low probability risk), and having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the proposed development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could potentially be accommodated without significant adverse impacts.

Planning Obligations

Policy CS11 Infrastructure Services and Facilities of the Core Strategy states that the Council will work with partners, service delivery organisations and the development industry 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.

The following identifies planning obligations that the District Council would seek to secure through a S106 agreement.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in the countryside adjacent to the village of Hatfield Peverel where the provision of 40% affordable housing accords with the requirements of Policy CS2.

Policy RLP 3 of the Local Plan Review 2005 requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP 7 and RLP 8 require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

In accordance with policy CS2 of adopted Core Strategy the proposal for up to 120 residential dwellings requires 40% of the dwellings to be provided as Affordable Housing. Based on scheme of 120 units this would equate to 48 affordable homes. The Council would require a 70/30 tenure mix (Affordable Rent over Affordable Intermediate Housing, such as Shared Ownership).

The Affordable Housing proposed as part of the previous planning application was not acceptable to Officers, however the applicant has taken those concerns on board and the proposal is now considered acceptable in principle.

It is acknowledged that details concerning the type and mix of dwellings will be subject to a reserved matters application. However, it would be expected that the affordable mix should be broadly reflective of the open market dwellings and be tailored to meet recorded housing need. Although an indicative mix has not been provided in the application, the Council's Housing Enabling Officer has advised that the affordable housing mix below is considered appropriate:

- 6 x 1 bed 2 person flats
- 12 x 2 bed 4 person flats (no objection to these being houses)
- 1 x 2 bed 4 person wheelchair bungalow – compliant with Part M Cat3 of Building Regulations

- 20 x 2 bed 4 person houses
- 1 x 3 bed 5 person wheelchair bungalow - compliant with Part M Cat3 of Building Regulations
- 5 x 3 bed 5 person houses
- 3 x 3 bed 6 person houses

It is normal practice with Outline applications for the precise mix of housing and its distribution within a development to be agreed at Reserved Matters stage. The Council's Housing Enabling Officer goes on to state that the Affordable Housing secured through the S106 should include:

- A tenure mix of 70% Affordable Rent and 30% Shared ownership
- Affordable units should be proportionately delivered and clustered in three areas of the site
- Affordable dwellings should be deliverable without reliance on public subsidy.
- House types and bungalow units plus ground floor flats should meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations

It is noted that a letter objecting to the application indicated that the number of Affordable dwellings to be provided has fallen since the original application which proposed 40%, down to 36 homes (30%) on this application. However the Planning Statement' Affordable Housing Statement and Heads of Terms submitted by the applicant all refer to Affordable Housing provision on-site of up to 40%, subject to viability. Subject to the Affordable Housing being secured on acceptable terms through a S106 legal agreement the proposed development would comply with the Council's policies.

Community Building

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

The Heads of Terms submitted by the applicant acknowledge this and include a contribution towards improvements to Community Facilities, such as a Community Halls. Based on schemes of comparable scale, in the District, the contribution sought would be £50,600.

Education

On the basis of 120 dwellings, all with 2 bedrooms or more, a development of this size can be expected to generate the need for up to 10.8 early years and childcare (EY&C) places, 36 primary school and 24 secondary school places.

Essex County Council (ECC) in their role as the Education Authority have stated that there is insufficient capacity within existing Early Years and

Childcare settings to accommodate the demand for additional places arising from residents of the proposed development.

A financial contribution is sought towards expanding the provision of Early Years and Childcare to meet the increased demand arising from the proposed development. The consultation response provides a guide figure of £150,444 as to the level of contribution that would be sought; however the actual figure would be calculated using standard formula once the exact number and mix of housing is determined at Reserved Matters stage.

When consulted on the first planning application for this site the County Council recommended that a financial contribution be sought for primary education, however no financial contribution was requested for this application. Education Officers have advised that a financial contribution should not be requested from this development as Council's are restricted by the Community Infrastructure Levy Regulations to 'pooling' no more than 5 financial contributions for a specific item of infrastructure, such as the expansion of a school. The County Council consider the development to be relatively small and take the view that it would be better not to request a contribution from this development which precludes them from seeking a contribution from a larger development in the future.

There is no secondary school in Hatfield Peverel so children in the village need to travel outside the village to get to school. ECC Education advised on the first application for this site that there was sufficient capacity within the group of schools that serves the village so no financial contribution was sought towards additional secondary school capacity.

Healthcare

NHS England has advised the Council that there is insufficient capacity at the village's GP surgery to accommodate the number of residents that would arise from a development of this size. As a result the development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at the existing practice, a proportion of which would need to be met by the developer.

NHS England recommends that a developer contribution be sought to mitigate the impacts of this proposal. They calculate the level of contribution required to be £45,425, based on a development of 120 dwellings and assuming that the occupancy level of dwellings will match the district average. If a contribution were to be sought it would need to be linked to the actual number of dwellings that would be built.

The initial consultation response from NHS England requested that the contribution be spent at either the Sidney House Surgery in Hatfield Peverel, or the practice's main surgery at The Laurels in Boreham. Officers sought clarification on this point and NHS England has revised their recommendation and now specifies that the contribution should be allocated to capacity improvements at Sidney House.

Access to GP services was an issue which was highlighted in many representations received from local residents. Some of these representations highlighted difficulty in recruiting and retaining GP's. Whilst Officers are aware of the problems facing practices and the NHS in recruiting GP's this cannot be grounds for refusal.

NHS England is only able to seek financial contributions for capital projects to increase the capacity of facilities to accommodate future residents of the development. Developers cannot be required to provide contributions to meet revenue expenditure needs.

Highways and Transport

The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. Most of these works can be covered by planning condition however there is a need for the S106 agreement to create an obligation which will see a parking survey undertaken of The Street and Gleneagles Way which will then be used to inform a strategy for a parking remedial scheme to be implemented to improve highway safety along The Street/Gleneagles Way.

It is also recommended that the applicant be required to provide Residential Travel Information Packs by condition. The packs will seek to promote more sustainable forms of transport for future occupants of the development. The packs will include bus tickets for use with the relevant local public transport operator.

Public Open Space

Policy CS10 of the 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 Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and amenity open space on site. The applicant's Design and Access Statement proposes 1.6ha of the 5.2ha site will be used for landscaping and Public Open Space. The applicant envisages that this provision will make provision for formal and informal recreation, including the provision of equipped play areas. Whilst some of the 1.6ha will consist of landscaped areas, as previously stated, overall this level of provision is in excess of the level of Public Open Space provision that is required under the Council's Public Open Space standards.

For this scale of development the policy set out in the Open Spaces SPD does not require provision of allotments within the development site. Instead the Council would usually seek a financial contribution towards the provision

or improvement of allotments in the area. The contribution would be calculated once the number and size of dwellings are known, using the Council's standard formula. As a guide, and for information purposes, only Officers estimate that the financial contribution could be circa £3,100. Similarly there is no requirement for outdoor sports provision to be made within the development and a financial contribution towards provision / improvements offsite will be required. Again the financial contribution would be calculated on the number and size of the dwellings constructed, to be determined at the reserved matters stage/s. As a guide, Officers estimate that the contribution would be in the region of £98,000.

The Heads of Terms submitted by the applicant as part of their application refers to a financial contribution to Essex County Council towards Youth and Children's Facilities. Planning Officers have sought advice from ECC Officers but in this instance they have advised that they will not be seeking a financial contribution for this purpose.

PLANNING BALANCE/ CONCLUSION

NPPF paragraph 14 stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

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

It has been acknowledged that the site is situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. The site was put forward for residential development through the recent 'Call for Sites' but as previously stated the site was rejected by the Local Plan Sub-Committee. However, whilst the Council in its plan making role has rejected the site the applicant has proceeded to make a planning application and this application must be determined on its own merits, based on the current circumstances. Because the Council cannot currently demonstrate a five year supply of housing land, relevant policies are deemed out of date and therefore the presumption in favour of sustainable development applies. This is a factor which must be given significant weight in the determination of this application.

Clearly in times where there is significant pressure to increase the delivery of developable housing land, the granting of planning permission for up to 120 houses would go some way in meeting the Council's Objectively Assessed Housing Needs. This, along with the provision of much needed affordable housing, of an appropriate dwelling type mix to meet social needs, also falls in favour of the proposal.

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

The proposal would also give rise to the provision of public open space and children's play space on site. Financial contributions towards the off-site provision of outdoor sports facilities would also be provided. The scheme would also generate a significant number of construction jobs during the build phase, in addition to providing new residents to the village who will provide further support for existing services and facilities.

The Highway Authority and Highways England have not objected to the application and both are content that improvements to visibility down the A12 slip road from the Gleneagles Way junction along with the introduction of new signage and parking restrictions will all combine to ensure that highway safety is not compromised. The Authorities are also satisfied that the proposal would not give rise to a material increase in traffic, nor would it give rise to conditions that would be detrimental to highway safety elsewhere.

The site is capable of providing strategic landscaping and public open space in accordance with Braintree District Council's adopted policy requirements, whilst ensuring that SUDS techniques can be employed to minimise off-site surface water flooding. The site is well positioned for access to the facilities of the village with opportunities to provide good pedestrian links to/from the site, as well as to both bus and rail services connecting to the local towns, service centres, and beyond.

Officers consider that the site has the capacity to accommodate this level of residential development without material detriment to the character of the countryside and the settlement.

To address the reasons for refusal cited on the previous application the applicant has either submitted further information, or made amendments to their application. Officers consider that the reasons for refusal have been adequately addressed. Whilst the lack of a 5-year supply cannot mean that all applications for residential development should be approved, Officers have weighed the specific merits of the application against the potential adverse impacts of permitting the proposed development and conclude that the harm would not significantly and demonstrably outweigh the benefits and should therefore be approved, subject to conditions and a S106 legal agreement.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The Habitat Regulations (HRA) Screening Report concluding that no likely significant effect will be caused and;

2) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered in three areas of the site; delivered without reliance on public subsidy; with house types and ground floor flats meeting either Lifetime Homes Standards or Part M Category 2 of the Building Regulations.
- **Allotments** – financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage
- **Community Facilities** – financial contribution of £50,600 towards improvements to Community Hall(s).
- **Education** - financial contribution toward Early Years and Childcare required based on the County Council's standard formula, index linked to April 2016.
- **Habitat Regulations Screening Mitigation** – a financial contribution may be required to finance off-site mitigation of potential impacts to be agreed with Natural England.
- **Health** - financial contribution of £378.54 per dwelling, to be spent at Sidney House Surgery, Hatfield Peverel.
- **Outdoor Sports Facilities** - financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage.
- **Public Open Space (On-Site)** – to be a minimum of 1.6ha and to include the provision of Equipped Play Areas to a minimum value specified in the Open Spaces SPD (updated figures).
- Management of on-site open space and play areas to be transferred to a Management Company. Submission and approval of Landscape Strategy required prior to submission of first Reserved Matters application.
- **Parking Survey & resulting strategy for a parking remedial scheme** – to improve highway safety along The Street/Gleneagles Way.
- **Site Wide Housing and Phasing Strategy** - to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan.

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application. Members are advised that if the HRA Report concludes that a likely significant effect is expected and

further appropriate assessment is required in this regard the application will need to be brought before the Planning Committee again after due consideration by Officers.

APPROVED PLANS

Location Plan Plan Ref: 1296/01 Version: FINAL
Access Details Plan Ref: 45604-P-SK205

Access Details Plan Ref: 45604-P-SK201 Prelim Highway Mitigation
Highway Plan Plan Ref: 45604-P-SK202 Gleneagles Way / The Street
Highway Plan Plan Ref: 45604-P-SK200 Preliminary Access Plan

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

Reason

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

- 2 Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason

In order to comply with Section 92 of the Town and Country Planning Act 1990 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

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

development.

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

Reason

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

- 4 Prior to first occupation of the development hereby permitted the provision of the following works shall have been completed, details of which shall have been submitted to and approved in writing with the Local Planning Authority prior to implementation:

- The access to the application site shown in principle on drawing 45604-P-SK205
- The cycle/pedestrian access between Gleneagles Way and Glebefield Road as shown in principle on Drawing 45604-P-SK200
- Improved no entry signage at the end of the A12 southbound off-slip for drivers on The Street, plus improved speed limit signs and road markings for drivers leaving the A12 as show in principle on Drawing 45604-P-SK202
- Improvements to the visibility splay from Gleneagles Way towards the A12 southbound off-slip shown on Drawing 45604-P-SK20 to include trimming/removal of vegetation/trees, relocation/replacement of signs/street furniture/lamp column(s), regrading/hardening of highway land.
- A footway and (A12) road signage improvements at The Street/A12 north bound on-slip junction as shown in principle on Drawing 45604-P-SK201.
- Improvements to the (A12) road signage, kerb alignment and road markings at The Street/Maldon Road as shown in principle on Drawing 45604-P-SK201.
- The provision of dropped kerbs and associated works where the footway from Hatfield Peverel to Witham crosses the A12 northbound on-slip to the south of the Petrol Filling Station (former Lynfield Motors site), Hatfield Road, Witham.

Reason

To ensure the access is constructed to an acceptable standard and in the interests of highway safety and efficiency and to provide suitable pedestrian and cycle links, both on the site and within the surrounding area.

- 5 Electric vehicle charging points shall be incorporated within all garages and shall be available for use prior to the first occupation of any associated dwelling.

Reason

To provide residents with access to more sustainable forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) and paragraph 35 of National Planning Policy Framework (2012).

- 6 There shall be no discharge of surface water onto the highway.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety.

- 7 Prior to first occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 8 No development shall take place, including any ground works or site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall provide for the following all clear of the highway:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. safe access to/from the site, including the routeing of construction traffic and delivery times, for construction traffic in connection with the site clearance or construction of the development
 - d. storage of plant and materials used in constructing the development
 - e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - f. wheel and underbody washing facilities
 - g. measures to control the emission of dust and dirt during construction
 - h. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - i. a scheme to control noise and vibration during the construction phase, including details of any piling operations
 - j. Public relations, e.g. provision of telephone numbers for

complaints, pre-warning of noisy activities, sensitive working hours

The approved Plan shall be adhered to throughout the construction period.

Reason

In the interests of highway safety and to ensure vehicles can enter and leave the highway in a safe and controlled manner and to protect the amenities of the occupiers of nearby residential properties and the surrounding area. These details are required prior to commencement of development because they relate to construction arrangements.

- 9 No building erected on the site shall exceed two storeys in height.

Reason

To ensure that the development does not have a detrimental impact upon the setting of the village and does not have an unacceptable landscape impact.

- 10 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels. The details shall be provided in the form of 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 provide details regarding the levels of buildings and private amenity spaces hereby permitted and the alterations of ground levels within the site to ensure that there is no unneighbourly development with problems of overlooking and loss of privacy.

- 11 Together with any submission of reserved matters, details of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate that internal noise levels do not exceed 35 dB LAeq 16 hour in living rooms during the daytime (07:00 - 23:00) and also do not exceed 30 dB LAeq 8 hour in bedrooms during the night-time period (23:00 - 07:00) as set out in BS 8233: 2014. In addition, the details must demonstrate that maximum night-time noise levels in bedrooms should not exceed 42 dB LAmax more than 10 to 15 times per night. The development must be carried out in accordance with the approved details.

Reason

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

- 12 Together with any submission of reserved matters, details of the proposed boundary mitigation (noise barrier) must be submitted to and approved in

writing by the Local Planning Authority. The details must demonstrate that external noise levels will not exceed 55 dB LAeq 16 hour in any of the private residential gardens. The development must be carried out in accordance with the approved details.

Reason

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

- 13 Prior to the submission of the first reserved matters application, details of the proposed boundary mitigation (air quality) must be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate that ambient concentrations of nitrogen dioxide will not exceed the UK annual mean objective concentration of 40 µg/m³ at any residential property location within the development.

Reason

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

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

Reason

To ensure a satisfactory method of foul drainage and to prevent environmental and amenity problems arising from flooding. This information is required prior to the commencement of development as the foul water strategy will involve preliminary groundworks within the site.

- 15 No development or preliminary groundworks can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

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 on the site is recorded before construction works start.

- 16 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion

of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

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 archaeologically on the site is recorded before construction works start.

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

Reason

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

- 18 No above ground works shall commence in the relevant phase of the development until a schedule and samples of the materials to be used on the external finishes 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.

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

Reason

In the interests of visual amenity.

- 20 All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

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

Reason

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

- 23 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

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

- 24 The Reserved Matters application for Layout shall include a site-wide design guide for all areas of public realm and character areas, including the incorporation of public art, which shall be submitted to and approved in writing by the local planning authority prior to the approval of any reserved matters. All reserved matters submissions shall accord with the approved site wide guidance, unless otherwise agreed in writing by the local planning authority. The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

Reason

In the interests of good design and ensuring a development that is of a high quality and has character and promoting social and cultural well-being.

- 25 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.

- 26 Prior to the commencement of development hereby permitted, a wildlife protection plan shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats within that Phase. The plan shall include:
- a) an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
 - b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) capturing and translocation of common lizards and slow-worms away from these areas will be implemented to mitigate injury or destruction. The plan will identify the receptor site. The capture and translocation of animals will be undertaken following best practice guidelines
 - d) details of how development work will be planned to mitigate potential impacts on protected species, as informed by the project ecologist;
 - e) a person responsible for:

- (i) compliance with legal consents relating to nature conservation;
- (ii) compliance with planning conditions relating to nature conservation;
- (iii) installation of physical protection measures during construction;
- (iv) implementation of sensitive working practices during construction;
- (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- (vi) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason

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

- 27 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 badgers, bats, reptiles 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 when assessing detailed proposals for the development and to allow potential impacts resulting from development to be taken into account and mitigated.

- 28 Prior to the commencement of development hereby permitted a Landscape and Ecology Management Plan (LEMP), to specify long term habitat management prescriptions, and based upon the approved detailed landscape scheme, has been submitted to and approved in writing by the local planning authority. The LEMP shall include the extent and location of proposed works; aftercare and long term management; the personnel responsible for the work; the timing of the works; and monitoring.

The LEMP shall include for the provision of nest/roost sites for bats and birds and to enhance reptile habitats, through features such as log piles and reptile hibernacula.

The development shall be implemented in accordance with the approved details and thereafter so maintained.

Reason

To protect and enhance the ecological value of the site. It is necessary for these details to be agreed prior to commencement of development as failure to do so could result in the loss of potentially valuable habitats.

- 29 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and shall include but not be limited to:

- Limiting discharge rate to 1.25l/s/ha
- Providing sufficient storage to manage the 1 in 100 year + 40% climate change storm event on site with no flooding of the formal drainage system during the 1 in 30 year event. Provide sufficient storage so that no flooding will occur during the 1 in 30 year event in the case of pump failure.
- Provide adequate treatment across all elements of the development

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SUDs features over the lifetime of the development, to reduce the risk of flooding from overloading the surface water pipe network and to mitigate environmental damage caused by runoff during a rainfall event. The Surface Water Drainage Scheme is required prior to the commencement of development to avoid a system being installed that is not sufficient to deal with surface water occurring during rainfall events which may lead to increased flood risk and pollution hazard for the site.

- 30 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 has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

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.

- 31 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.

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.

- 32 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.

- 33 Any Reserved Matters application relating to layout or landscaping shall contain details of any proposed external lighting to the site. 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 and minimise impact on ecology.

- 34 Any Reserved Matters application relating to layout or appearance shall contain details of the location and design of refuse bins, recycling materials storage areas and collection points and the route of refuse collection vehicles. The development shall only be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

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

- 35 Prior to the commencement of above ground construction of the development details of a scheme for the provision of nest and roost sites for birds and bats shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so retained.

Reason

In order to ensure that appropriate provision is made for birds and bats on the site.

- 36 Prior to the first occupation of the development hereby permitted the overhead electricity cables crossing the site east / west shall be diverted underground.

Reason

To ensure that dwellings are not adversely affected by overhead powerlines and associated apparatus and to ensure a high quality development.

INFORMATION TO APPLICANT

- 1 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath 40 Hatfield Peverel shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- 2 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 (Essex Highways) by email at development.management@essexhighways.org or by post to Essex Highways (SMO1), 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.
- 3 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 With regard to those matters for which the submission of further details/particulars are required, you are invited to consult with the local planning authority prior to formal submission.
- 5 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 6 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.
- 7 Your attention is drawn to condition 15 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).
- 8 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)
- 9 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.
- 10 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems,

maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

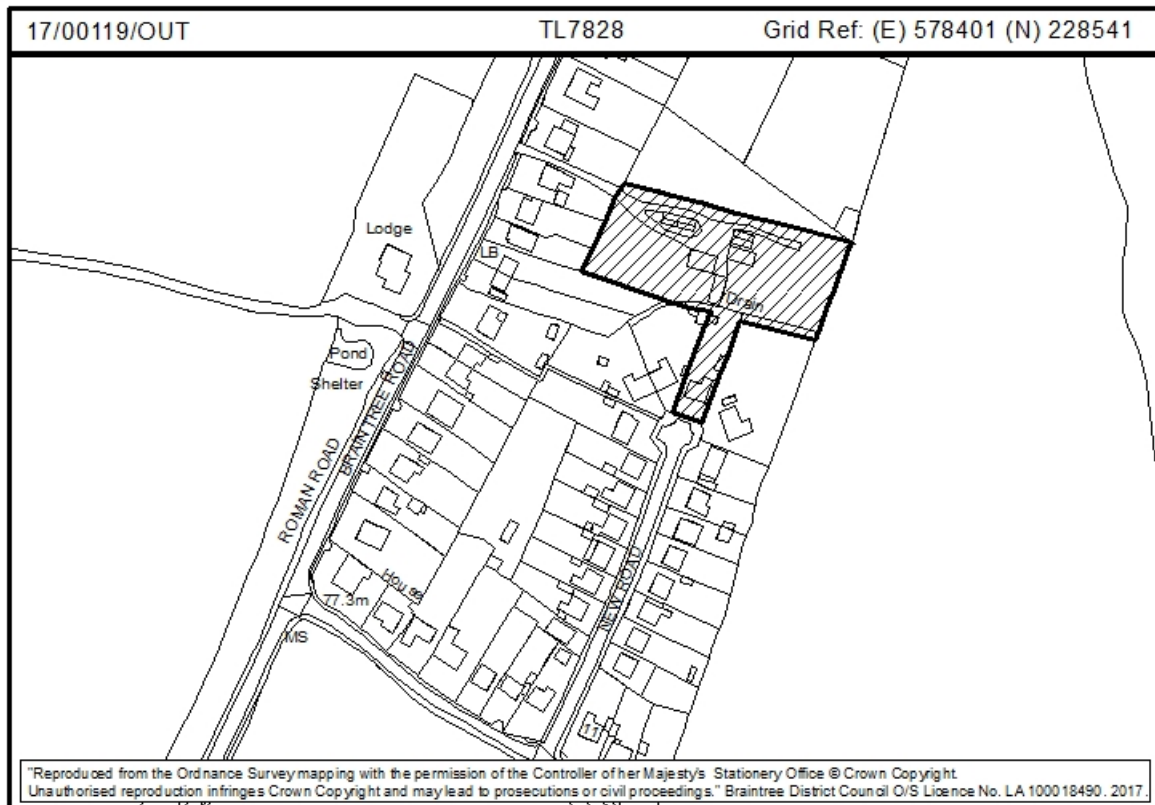
- 11 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 12 Please 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.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00119/OUT DATE: 26.01.17
 VALID:
 APPLICANT: Mr Antony Wood & Paul Archer
 10 New Road, Gosfield, Halstead, CO9 1PT
 AGENT: Phase 2 Planning
 Mr Matthew Wood, 250 Avenue West, Skyline 120, Great
 Notley, Braintree, CM77 7AA, UK
 DESCRIPTION: Application for outline planning permission with some
 matters reserved - Demolition of existing buildings and
 hardstanding and construction of 8 no. new dwellings
 together with new vehicular access onto New Road and
 associated development
 LOCATION: 10 And Land Rear Of, New Road, Gosfield, Essex

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



SITE HISTORY

None.

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP41	Broadband
LPP46	Layout and Design of Development
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP68	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as the Parish Council has raised an objection contrary to Officer recommendation.

SITE DESCRIPTION

The application comprises no. 10 New Road (residential) and land immediately to the north. The site (other than no. 10) has been in long term industrial/commercial use, including lawn mower servicing/repair, carpenters, builders storage, car repairs and also the storage of caravans. The use has been established over time and the site would be considered to be previously

developed/brownfield for the purposes of the NPPF. The general industrial use is therefore unrestricted and could be intensified without control.

The site is located immediately adjacent existing residential development in New Road and Braintree Road, which is located outside of the Village Envelope of Gosfield. Vehicular access is currently provided to the site from Braintree Road between no. 25 and 27 via a single track driveway of limited width. Visibility when exiting the site on to Braintree Road is poor.

The site is bound on its boundaries by tree planting. Beyond the site to the north and east is agricultural land.

PROPOSAL

The application seeks outline planning permission for the erection of 8no. detached dwellings. The application is made with some matters reserved. This application will consider the principle of the development, access, layout and scale. Appearance and landscaping are reserved and are not to be considered as part of this application.

The application proposes the demolition of no. 10 New Road and all the buildings relating to the existing/former industrial uses in order to accommodate the proposed housing. Vehicular and pedestrian access to the site would be taken from New Road. The existing access driveway does not form part of the application site.

The application proposes 8no. detached houses, 5no. at 1.5 storey height and 3no. at 2 storey height. Each property is served with off street car parking and visitor car parking is provided.

CONSULTATIONS

Essex County Highways – No objection subject to conditions

BDC Environmental Health – No objections subject to conditions

BDC Landscapes – No objections

BDC Engineers – A SuDS scheme should be required

REPRESENTATIONS

Gosfield Parish Council – Objects to the application for the following reasons:

1. The site is outside the Village Envelope
2. The site is not in a sustainable location
3. Access via Petersfield Lane is unsuitable
4. The proposal does not conform to Parish Council Policy

1 letter of support and 19 letters of objection have been received in response to the public consultation, the main points of which are summarised below.

Letter in support

- No objection subject to drainage is maintained by the owners of new site or the Council

Letters in objection

- Increase in traffic
- Increase in parked cars
- Increase in noise and disturbance
- Road is in poor state of repair and will only get worse during construction
- The road is not suitable for family housing. Family housing and retirement homes do not complement each other
- No cycle parking
- No facilities for children in this area
- Not within walking distance to the village
- Unnecessary to disturb the landscape to allow this development
- Impact during construction phase
- Outside village envelope
- Not sustainable development
- Too many houses and design not in keeping with bungalow in New Road
- Will encourage further development on fields north and east of the site
- Who will own/maintain footpath to Braintree Road
- Impact on wildlife
- Impact on residential amenity – overlooking and overshadowing
- Visitor parking in unacceptable location
- Does not address local housing need
- Mature trees should be retained

The public consultation was still ongoing at the time of writing this report. Any further comments received will be reported to the Committee.

REPORT

Principle of Development

Site Location

As referred to above the application is made in outline form with some matters reserved. This assessment below will consider the principle of residential development and also access, layout and scale. Matters pertaining to appearance and landscaping would be considered at the reserved matters stage should planning permission be granted.

In accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, the starting point when considering development proposals is the adopted development plan. It states "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is also set out in paragraph 11 of the National Planning Policy Framework.

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). In addition the Council consider that the development management policies of the Pre-Submission Site Allocations and Development Management Plan (ADMP) which are now subsumed within the draft Local Plan are also relevant in the determination of planning applications.

Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside of 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 Council is currently preparing a new Local Plan which will replace the Core Strategy and Local Plan Review and will be used to guide development up to 2033. The plan will set out the housing requirements for the District, allocate sites for new housing development and set out strategic and detailed planning policies. This it seeks to achieve by concentrating growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. It is anticipated that it will be submitted to the Planning Inspectorate later in 2017, followed by public examination. Having regard to Para.216 of the NPPF, it is considered that some weight should be afforded to the principles and strategies set out in the draft Plan.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. They do also refer to the supply of housing. Para.49 of the NPPF states that relevant policies for the supply of new housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites. The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF.

It is considered (and acknowledged on appeal) that Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy are broadly consistent with the NPPF, which seeks to encourage development that supports the vitality of

rural areas, recognising the intrinsic character and beauty of the countryside and promotes travel choice. These policies however relate to the supply of housing as they aim to restrict new homes outside of settlement boundaries and as the Council cannot demonstrate a five year housing land supply, the policies relating to the supply of housing in the development plan are out of date. Accordingly applications must be determined in accordance with Paragraph 14 of the NPPF which indicates that in such circumstances 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. It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development that are outweighed by any identified adverse impacts of the proposed development. In this regard the 'planning balance' must be undertaken.

Consideration should also be given to one of the core principles of the NPPF which is to *'encourage the effective use of land by reusing land that has been previously developed'*.

Para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Para.55 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances. In a recent appeal an Inspector noted that the NPPF does not define or limit the meaning of 'isolated' but considered that there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.

The hierarchy within the draft Local Plan also identifies 5 Service Villages which act as local centres for their surrounding rural areas. Gosfield is not one of these villages. The application site is located in the countryside, which is at the bottom of the settlement hierarchy identified in the Core Strategy and draft Local Plan. Although the site is not adjacent to a defined settlement boundary, it would be well connected to the existing group of housing on Braintree Road, Petersfield Lane and New Road.

This application must however be considered on its merits. The site is located outside of the defined Village Envelope of Gosfield by some 800m. Although the site is connected to the village by a footpath, it is unlikely to be a reasonable walking distance to serve daily needs. The village also has limited facilities and thus residents will be reliant on travelling to larger centres. The site is within immediate proximity to the Gosfield Shopping Village which provides a range of niche shops which includes a farm shop. This is of benefit to local residents.

The site is within immediate proximity to a bus stop along Braintree Road which is served by the no. 38 and no. 352. The no. 38 provides links to Halstead, Braintree, Witham, Cressing, Silver End and Rivenhall and is a ½ hourly service Monday to Saturday. The no. 352 provides links to Halstead, Braintree, Great Leighs, Chelmsford and Broomfield Hospital. This services runs twice a day Monday – Friday and every 2 hours on a Sunday.

These bus services are regular and generally provide the opportunity for residents to travel to larger centres by sustainable means. They also provide the opportunity for commuters to connect to rail services; although it is appreciated that this would not be suitable for all travellers.

Officers acknowledged that future occupiers are unlikely to seek employment within the village and for example, weekly food shopping would have to be undertaken in a larger town, such there will undoubtedly be reliance on travel by car in order to carry out such activities. Officers consider that the use of a private car should be expected to some degree, especially within a District such as Braintree which is predominantly a collection of villages in a rural setting. The need to use a car to access services and facilities does not necessary suggest that a village does not provide the opportunity for its residents to take sustainable means of transport, shop locally or utilise recreational activities within walking distance.

Officers acknowledge that the site is not within the most sustainable location for development of this nature, however it is within proximity to some local services and there is the opportunity for residents to travel by sustainable means by way of the regular bus service. The sustainability of the location will be a factor when applying the planning balance, which is concluded below.

Sustainable Development

In addition to the sustainability of the location of the site it is also recognised that sustainable development has three dimensions, as set out in Para.7 of the NPPF. This being, an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting 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 role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependant.

The proposal would not 'boost significantly' the supply of housing by itself, but the introduction of 8no. dwellings would contribute to the Districts 5 year housing supply. The development would see some benefit to existing local services and some short term benefits would be secured during the construction phase. As such the development would deliver economic and

social benefits, albeit these benefits would be limited due to the scale of the development. In respect of the environmental role the proposal would redevelop an existing brownfield site which would see the removal of the existing use, buildings and open storage and provided an acceptable development can be achieved (discussed further below) the proposal could protect and enhance the natural and built environment. The scheme also has the opportunity to improve biodiversity by way of new planting and the introduction of ecology boxes, both of which could be secured by condition.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'. Policy CS9 of the Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'. Policy RLP90 of the Local Plan Review requires all development to meet high standards of design and layout. This policy emphasises the need for development to reflect the character of the local area.

This is an outline application where appearance and landscaping are reserved matters. The application includes a proposed site layout which would be fixed should permission be granted. The drawings also show the scale of the proposed dwellings in terms of their footprint and storey heights. This would also be fixed if permission was granted, providing assurance at the reserved matters stage.

Although the site is located within the countryside, it is adjacent to and thus well connected to existing residential development and as a result wouldn't appear as an isolated development. The proposed development would somewhat extend the existing cul de sac, providing an access between no. 9 and 11 New Road (with the demolition of no. 10 New Road) and introducing 8 no. dwellings accessed off a single 'U' shaped driveway. The development would not however be viewed directly in conjunction with the existing residential properties in New Road given its siting and in this regard it can form its own character without compromising the existing development. The front elevation of plot 5 would be readily visible from New Road looking north, but its 1 ½ story form would ensure it does not appear incongruous. The design/appearance of the property would be considered at the reserved matters stage.

New Road comprises a collection of predominantly detached bungalows, which largely remain unaltered upon their original form and thus the street has a particular character afforded to it for this reason. The proposed development will be seen beyond the existing and thus will alter the appearance of the street, however given its distance from the nearest properties it is not

considered that it would visually dominate the existing cul de sac such it would lose its established character entirely or appear overbearing on the existing bungalows. It is not considered that the proposed development would harm the character of the street scene such to justify withholding planning permission for this reason.

The development is likely to be visible from Braintree Road, between the existing properties, however given the distance of the properties from Braintree Road and the 1 ½ storey form, they would not be visually prominent in this street scene, such to be detrimental.

The layout of the development is considered acceptable. The dwellings are of a size to make best use of the plot width and although this results in the properties being positioned quite close to one another, this isn't to an extent that the development appears cramped or out of character with the form of New Road or Braintree Road. Each dwelling is served with a useable private garden area and off street car parking to meet the adopted standard. The properties also have front garden areas, some more generous than others, which allow the opportunity for soft landscaping to be incorporated and for the layout to appear locally reflective.

The development would be contained by the existing planting on the site boundaries, which could be reinforced if considered necessary at the reserved matters stage for landscaping. Although the development is likely to be visible to some extent from the wider countryside to the north and east, it is not considered that the proposed development would impact upon its character to an extent that would warrant a refusal of planning permission.

The site is currently accessible from Braintree Road, but this access driveway does not form part of the application site. As it is land within the applicant's control, it would be possible to condition that the access to Braintree Road is closed off and the footway reinstated so that no vehicular or pedestrian access could be taken to the development from Braintree Road. This is considered to be beneficial in highway safety terms.

The proposed development is considered to satisfy the abovementioned policies as far as have been considered for this outline application.

Impact on Neighbour Amenity

The NPPF states that new development should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings", whilst policies RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District 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."

The site currently operates with a use falling within a general industrial use class. The existing business on site is relatively low key and only two

complaints have ever been made to Environmental Health and both were resolved. As such it cannot be argued that the existing businesses on site are particularly unneighbourly, such to weigh significantly in favour of the development. Notwithstanding this, the current use is unrestricted in planning terms and thus could intensify without any control and this could more significantly harm the amenities of neighbouring residential properties.

The proposed dwellings are well distanced from neighbouring properties and the back to back distances advised by the Essex Design Guide are exceeded. It is not considered that the proposed development will give rise to unreasonable overlooking, loss of privacy, nor would it be an overbearing development on existing residential properties.

In order to access the development no. 10 is to be demolished and the access driveway situated between no. 9 and 11. The occupiers of these neighbouring properties will undoubtedly experience a greater level of activity, in particular by way of vehicle movements and it must be considered as to whether this would result in harm that would justify planning permission being withheld.

The access driveway is 4.8m wide but there is intervening land between this and each boundary, which is shown on the drawings to be landscaped and incorporate some tree and hedge planting. As such the width of this part of the site means that the access driveway would not directly abut the site boundaries. As acknowledged above to the immediately adjoining neighbours the proposed access driveway will be a noticeable change and noise from vehicles will increase to some extent given the closer proximity; however Officers do not consider that it could be demonstrated that the activity generated from 8no. properties would give rise to such an unreasonable impact on residential amenity that a refusal of planning permission for this reason could be robustly defended. The reserved matters for landscaping could ensure that planting and boundary treatments are used to lessen any visual and/or noise impact that would be experienced.

It is appreciated that some disturbance/inconvenience is likely to result during the construction phase. This is however only for a limited period of time and cannot be a reason to preclude development.

A number of local residents have commented that the street is not suitable for family housing and that most occupiers of New Road are of retirement age. Although this may be the case, the properties in New Road are not allocated in planning terms as retirement accommodation and thus there is no restriction on who may occupy them.

Highway Issues

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

The site is to be accessed via New Road and would be achieved with the demolition of no. 10. The drawings show the introduction of a 4.8m wide carriageway which will traverse between no. 9 and 11 New Road. Either side of the access road would be landscaped to provide a buffer between the access and the immediate neighbouring properties.

The Highway Authority has been consulted and raise no objections to the proposal, subject to condition(s) which would secure for example, the closure of the Braintree Road access, the introduction of a 2m wide footway alongside the proposed access, internal road junction visibility splays, bound surface materials, car parking, the layout, levels, gradients, surfacing and surface water drainage for the new road and footway and a construction method statement. The Highways Authority also recommends improvements to the northbound bus stop on Braintree Road by way of the provision of level entry kerbing, new timetables, adjustments to levels and hard surfacing and any works to the verge and carriageway as required. Officers consider that this level of work could not reasonably be required from the scale of the development proposed and is not required to make the development acceptable.

The development can accommodate car parking to meet the adopted car parking standards.

OTHER MATTERS

Contamination

The application is supported by an Environmental Assessment Report. This report advises that given the previous uses on site it is possible that oils and fuels could have entered the surface soils. Further investigation of this would be necessary. It is also advised that an asbestos survey is undertaken.

The Environmental Health Officer has considered the report and is critical of its content, especially as it would appear that no site visit was undertaken and thus conclusions drawn from photographs alone. It is considered that the report is insufficient in terms of identifying potential contamination at the site. As such should planning permission be granted a condition requiring a comprehensive survey to assess the nature and extent of any contamination on the site, and a remediation scheme, if necessary, will be required. This can reasonably be sought by condition.

Ecology and Trees

The application is supported by an Extended Phase I Habitat Survey. This concludes that there were no protected species found on site and thus no further surveys are required. The report does highlight the need for an appropriate lighting strategy (sensitive to foraging bats) which can also be controlled by condition. The Council's Landscapes Team raise no objections to the proposal, but agree with recommendations for a sensitive lighting strategy.

A condition can also be placed on any grant of consent requiring biodiversity enhancements, such as habitat boxes.

In respect of trees, the site is currently bound by natural planting and it would be Officers' preference for the trees of quality to be retained to ensure a rural edge to the development. This is alluded to on the layout drawing, but no tree survey has been submitted with the application. It would be possible through the reserved matter for landscaping and by way of a condition requiring a tree survey, to ensure that the natural boundaries are retained as far as possible. Consideration would be needed to be given at the reserved matters stage to the boundaries to the rear gardens of the plots to the north and east, to ensure a balance between adequate security and an appropriate edge to the undeveloped countryside beyond.

CONCLUSION

As set out above the development of new housing will always bring benefits but those benefits do not always outweigh all other considerations. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted.

It is acknowledged that the provision of market housing would bring social and economic benefits which would also contribute towards the District's 5 year housing supply. In addition the development would provide jobs during the construction stage and some increased demand for local services. Such benefits would be consistent with the social and economic dimensions of sustainable development; however they would be limited due to the scale of the development. In this case the development also brings about other benefits, those being the development of brownfield land, which is advocated by the NPPF, the loss of an unrestricted general industrial use within close proximity to residential properties and improvements to highway safety with the removal of the access on to Braintree Road.

With regards to its impacts the development is within the countryside, although given its containment it does not give rise to any significant visual harm to the landscape. The site is not within the most sustainable location for this type of development and there will be some impact on residential amenity.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the harm of residential development within the countryside, its location distant from the

settlement boundary and the harm that would be caused to residential amenity do not significantly and demonstrably outweigh the acknowledged benefits which have been discussed above. On this basis planning permission should 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

Location Plan	Plan Ref: 679.001.01
Existing Block Plan	Plan Ref: 679.002.01
Proposed Block Plan	Plan Ref: 679.101.03
Site Selection Plan	Plan Ref: 679.102.00
Access Details	Plan Ref: 679.103.00

1 Details of the:-

- (a) appearance 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 [3] years from the date of this permission.

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

Reason

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

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

Reason

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

- 3 Construction of any buildings shall not be commenced 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

be implemented in accordance with the approved samples.

Reason

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

- 4 The garage(s) for plots 1, 2, 4, 5, 6, 7 and 8 and the car parking space(s) for all of the plots as shown on drawing no. 679.101.03 shall be kept available for the parking of motor vehicles at all times. The garage(s) / car parking space(s) shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

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

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

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

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

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

Reason

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

- 6 The landscaping scheme required by Condition 1 of this permission shall incorporate a Tree Survey, which shall include:
 - A detailed survey plan drawn to an adequate scale indicating the height, girth, spread, species and exact location of all existing

trees, shrubs and hedges on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed in accordance with BS5837:Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced);

- A schedule in relation to every tree identified listing details of any proposed pruning, felling or other work;
- Details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area.

The development shall be carried out in accordance with the approved details.

Reason

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

- 7 Prior to first occupation details of a scheme for the provision of nest/roost sites for bats and birds shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so maintained.

Reason

In order to ensure that appropriate provision is made for bats and birds on the site and to enhance biodiversity.

- 8 Prior to the commencement of development 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. This matter must be dealt with prior to commencement of development as it relates to measures that will need to be in place before construction works takes place.

- 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

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

- 11 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 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. This matter must be dealt with prior to commencement of development as it relates to measures that will need to be in place before construction works takes place.

- 12 Prior to construction of any part of the development, details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. No house shall be occupied until the road[s] have been constructed in accordance with the approved details.

Reason

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

- 13 Prior to first occupation of any of the dwellings, details shall be submitted to and agreed in writing by the Local Planning Authority of a 2m wide footway alongside the access road which connects to the existing footway on the eastern side of New Road. The footway shall be constructed and made available for use prior to first occupation of any of the dwellings and thereafter retained.

Reason

In the interests of highway safety and sustainable development.

- 14 No unbound materials shall be used in the finished surfacing of any vehicular access or driveway.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 15 Prior to the first occupation of any of the dwellings hereby approved, details shall be submitted to and agreed in writing by the Local Planning Authority of the permanent closure of the access to Braintree Road and the reinstatement of the footway to full height. The details as agreed shall be those undertaken on site prior to the first occupation of any of the dwellings and thereafter retained in the approved form.

Reason

To enable the Local Planning Authority to retain adequate control over the Braintree Road access, in the interests of highway safety.

- 16 All access to the site from first occupation of any of the dwellings shall be taken from New Road in accordance with approved drawing no. 679.101.03 and 679.103.00. No pedestrian, vehicular or other means of access shall be taken or formed from Braintree Road once the first dwelling is occupied and thereafter.

Reason

To prevent access to the site from Braintree Road, in the interests of highway safety and amenity.

- 17 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

In the interests of protecting residential amenity and in the interests of protected species that are sensitive to light.

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

Reason

In the interests of visual and residential amenity.

- 19 Prior to construction details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity. This matter must be dealt with prior to commencement of development as it relates to details that will need to be known at the construction stage.

INFORMATION TO APPLICANT

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

Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.

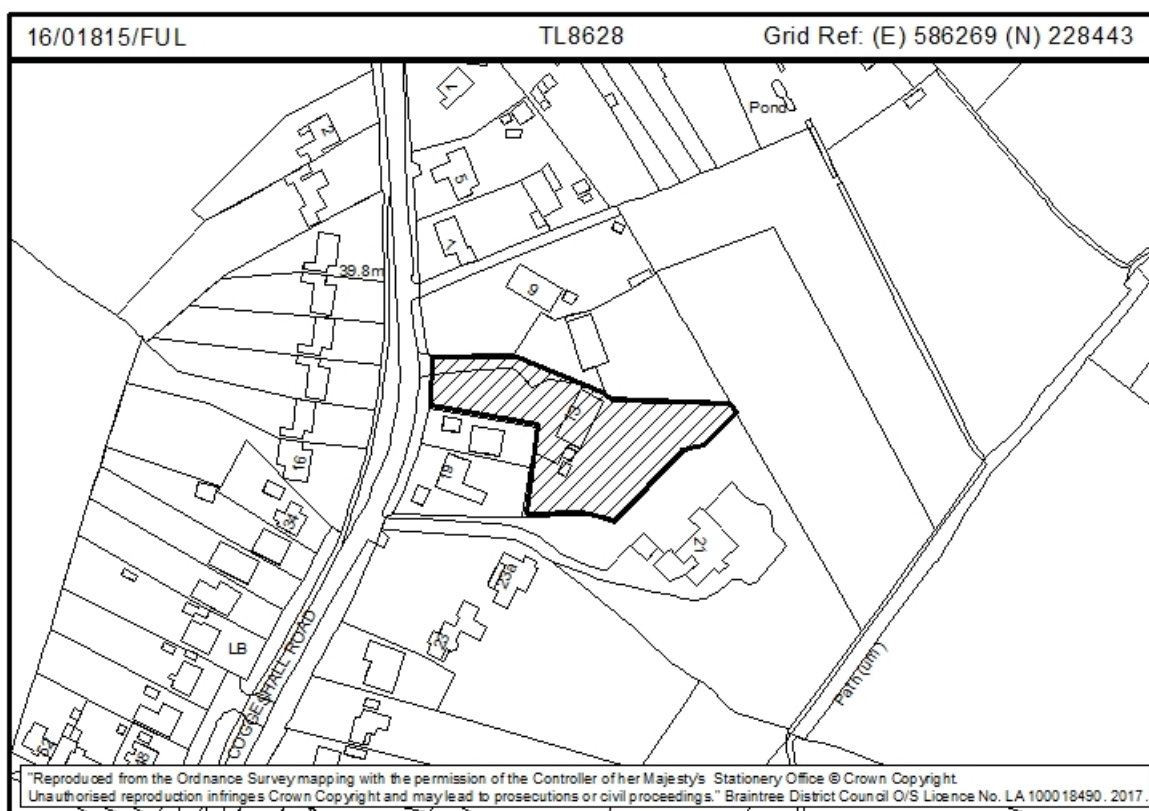
- 5 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.
- 6 The applicant is advised that all new roads should be of a construction such to accommodate all types of vehicles. For example, the new roads will likely need to be used by HGV's, such as refuse vehicles.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01815/FUL DATE: 03.11.16
 VALID:
 APPLICANT: Mr & Mrs James Anderson
 13 Coggeshall Road, Earls Colne, Essex, CO6 2JP
 AGENT: Mr Ian Harrington
 Harrington's Architecture And Design Ltd, Truro House, 2
 Burrows Road, Earls Colne, Colchester, CO6 2RZ,
 DESCRIPTION: Conversion of integral garage and study to annexe and
 erection of proposed car lodge building with home office &
 gym in loft space.
 LOCATION: 13 Coggeshall Road, Earls Colne, Essex, CO6 2JP

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



SITE HISTORY

04/00378/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 19/00	Refused	
15/00199/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 19/00 - Fell diseased Lime tree, Reduce another Lime tree by 3 metres approx and remove dead wood, Reduce height of Lime tree to match height of T2 and remove deadwood and Reduce height of last lime tree in the row to match neighbours pollard points and remove deadwood	Granted	29.08.15

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
SP5 Space Shaping Principle
SP6 Spatial Strategy for North Essex
LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP37 Parking Provision
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The site is located within the Earls Colne development boundary. It is not within a Conservation Area or subject to any listing. No.13 is one of a group

of three contemporaneous dwellings, access to which is made via a private drive off Coggeshall Road. The land falls away to the east with the group sitting lower than Coggeshall Road; from which the house is set back approximately 50 metres. Connaught House (19A) is situated to the west of the house/proposed car lodge and sits above the level of No.13, as does No.19. No.13 sits within a generous plot. There are a number of protected trees on the site, the closest to the proposed development being located beside the southern site boundary. There is an existing integral double garage at the southern end of the house, the turn into which is quite tight when parking a vehicle.

PROPOSAL

It is proposed to convert the existing integral garage, to provide annexe accommodation for a relative of the applicant. The garage door openings would be infilled and windows and patio doors inserted. A new bay window would be inserted in the front elevation to match the existing windows. Materials and finishes would match existing.

It is also proposed to provide a replacement area of covered vehicular parking in a new car lodge to be sited to the south west of the house. The new car lodge building would also provide: a workshop/garden store and a log store at ground floor level; and a home office, gym/playroom, and shower at the first floor. The dimensions of the proposed car lodge are 12 metres long x 7 metres wide by approximately 6.7 metres tall.

CONSULTATIONS

Landscape Services

(Submitted proposal) – The line of proposed tree protective fencing cuts through the retaining wall and path to the south of the car lodge. This means that if the barrier were installed correctly the retaining wall could not be built. The tree protection must be installed on site prior to commencement of construction and remain in place until construction is completed.

The building is set lower than the surrounding ground level to the south. The Arboricultural Method Statement should set out what will happen if any roots are found when the ground is dug out and levelled off, or during any below ground works. This is also true for the method of dealing with any roots that may be found from the neighbouring copper beech during the driveway works.

(Revised Proposal) – No response received in respect of subsequent Arboricultural Impact Assessment consultation.

Earls Colne Parish Council

(Submitted proposal) Objection: Overall dimensions of the car lodge appear disproportionate to the existing dwelling. Members would also wish there to be restrictions on future use.

(Revised Proposal) – Abovementioned objection maintained.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties. In response, letters of representation have been received from Ms S Farrow, 19 Coggeshall Road, and Mr D Salt, Connaught House, 19A Coggeshall Road, that have objected to the application on the following grounds:

- Size of the proposed car lodge.
- Increased density of buildings; current outlook of open space
- Loss of privacy.
- Proximity to the boundary.

A letter of representation has also been received from 11 Coggeshall Road that raises general comments in respect of:

- Issues with access and parking during construction.
- Any damage to the communal areas during construction being made good.

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. In this location, as set out in Policies RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

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

The adopted Development Plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in policy RLP17 of the Braintree District Local Plan Review. This policy requires that extensions should respect the bulk, form and materials to the host property and should not detract from the amenity of

neighbouring premises or the character of the area. It also states that there should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling.

In this case, the principle of development in this location is considered to be acceptable, subject to consideration of the aforementioned policy criteria. The Braintree District Local Plan Review provides support for annexe accommodation for dependent relatives, however to be considered as an annexe, the building must have both a physical and a functional relationship with the main dwelling.

In this instance, the annexe would be physically contained within the existing dwelling. Furthermore, the amount of accommodation proposed would not be of a scale incompatible with an annexe. It is material that the proposal is for an annexe as opposed to a separate unit of accommodation. Notwithstanding the above, a condition is recommended, to ensure that the annexe accommodation remains ancillary to the main house and not be used or occupied on a commercial basis or let/disposed of as a separate self-contained residential dwellinghouse.

The proposed car lodge building is large, however, given the size of the plot it is considered to be acceptable in this regard. Furthermore it is noted that an outbuilding with a larger footprint could be constructed under the permitted development regime albeit the maximum height of the same would be 4 metres (subject to distance from the boundary criteria) as opposed to the approximate 6.7 metres proposed. The ridgeline will be lower than the house. Following discussion with the application the position of the car lodge relative to the boundaries was amended. It is considered that the revised proposal will not be detrimental to the street scene by virtue of the distance from the highway and the lay of the land. A condition is recommended, to ensure that the new car lodge building remains ancillary to the main house and not be used or occupied on a commercial basis or let/disposed of as a separate self-contained residential dwellinghouse.

Design, Appearance and Layout

The proposed changes to the existing dwelling will not increase the overall footprint of the dwelling relating as they do to internal layout changes. The proposed new fenestration arrangement will match existing and is considered to be in keeping with the host. Materials and finishes are proposed to match existing. A condition is recommended to tie the annexe accommodation to the main house.

The proposed car lodge is a 1½ storey building, with a number of dormers in the roof. It is proposed to finish the building in stained weatherboarding with clay plain roof tiles. These materials are considered to be typical and appropriate for an outbuilding. As set out earlier in this report, it is noted that

the proposed car lodge is large. However, it is considered that the revised proposal is in keeping with the host and the character of the area.

Impact on Neighbour Amenity

The new car lodge building would sit gable end on relative to No.19A. It was considered that the proposal as submitted would create an unneighbourly sense of enclosure due to the proximity to No.19A; being set approximately 1 metre away from the boundary with the same. Following discussion with the applicant the proposed car lodge location has been revised to be sited 2.8 metres from the boundary and it has also been set further to the south.

The Essex Design Guide, which is a material consideration for Development Management decision making requires a private sitting out area to the rear of a dwelling. It is considered that there will be no direct overlooking towards the rear of No.19A from the proposed car lodge. It is noted that there may be some indirect overlooking to 19A from the dormer on the northern roof slope of the proposed car lodge. However, there is a degree of indirect overlooking that exists from the first floor of the host to the rear of 19A. Representation has also been received from No.19 in regards to the proximity to the boundary. No.19 is set further to the west of the proposed car lodge than number 19A.

There is a large window proposed at the eastern end of the car lodge at the first floor. No.21 to the south-east is a single storey dwelling. The ground continues to fall away gently to the east from the proposed site of the car lodge. There is existing overlooking to the rear of No.21 from the host.

Taking into account the position of the dwelling, and having regard to the proposed works in respect of both the host and the proposed car lodge, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, or overbearing. It is considered that the increase in indirect overlooking to 19A is not sufficient to warrant refusal.

Highway Issues

A 2+ bedroom house is required to provide two off-street parking spaces. Two substandard garage spaces would be lost through the conversion of the double garage. The spaces in the proposed car lodge would meet the current adopted parking standards to be considered as garage spaces however, even without taking the proposed car lodge into account there is ample space to park two vehicles within the curtilage without detriment to the character of the area. It is considered that there are no highways impacts associated with the development.

Other Issues

There are a number of protected trees on the site. Subsequent to the Landscape Services consultation response which was forwarded to the

applicant, an Arboricultural Impact Assessment has been submitted which includes an Arboricultural Method Statement and Tree Protection Plan. A condition is recommended that the development be carried out in accordance with the same.

Representation has been made in respect of the use of the shared access, parking arrangements during construction, and making good of any construction damage to the access. These are legal issues for the interested parties and are not material planning considerations.

CONCLUSION

In conclusion, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the existing dwelling or the wider area. Furthermore, it is considered that the proposal would not result in an overdevelopment of the plot, or be sufficiently detrimental to neighbouring amenity to warrant refusal in this case. It is therefore recommended that planning permission is granted for the proposal.

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	
Proposed Plans	Plan Ref: 1603-4
Proposed Plans	Plan Ref: 1603-6
Block Plan	Plan Ref: 1603-7B
Tree Plan	Plan Ref: 5874-D

- 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.

- 4 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as "13 Coggeshall Road" as identified on the submitted Location Plan. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

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

- 5 The car lodge building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as "13 Coggeshall Road" as identified on the submitted Location Plan. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

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

- 6 The development shall be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan written by Hayden's Arboricultural Consultants, dated 27th February 2017.

Reason

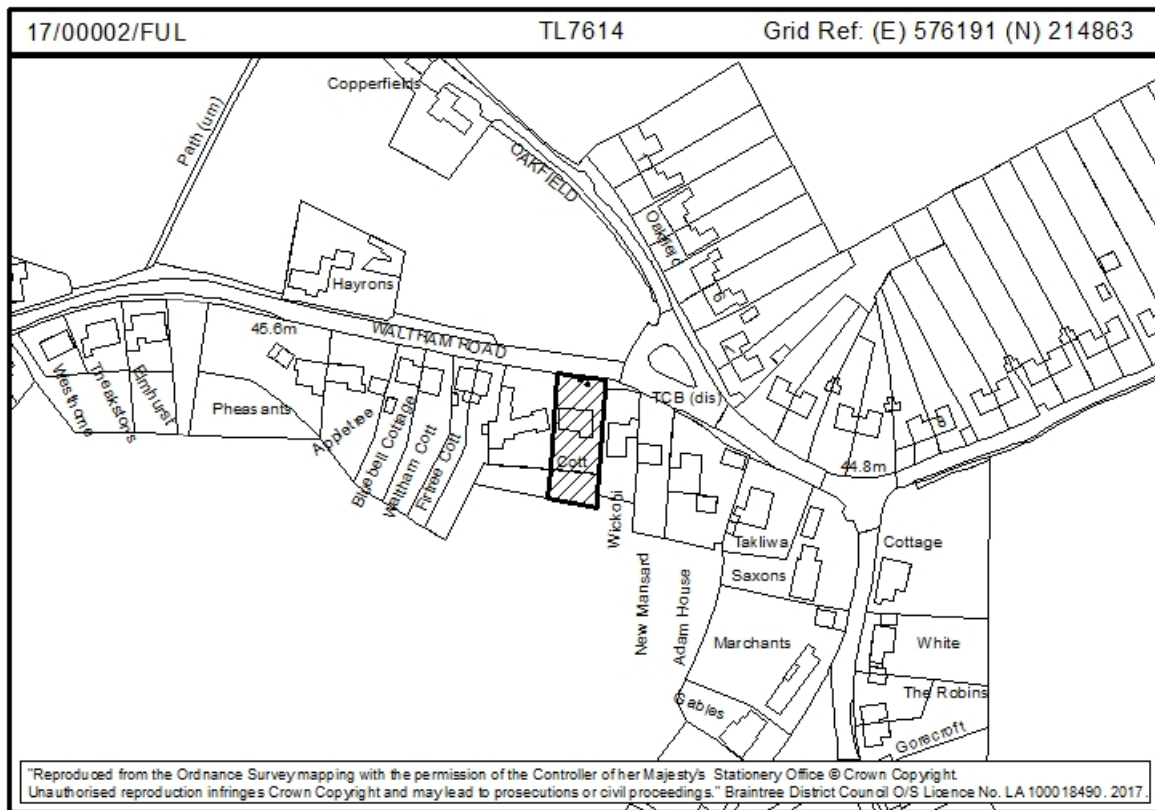
To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/00002/FUL DATE: 03.01.17
 VALID:
 APPLICANT: Mr Darren Noakes
 Bakers Cottage, Waltham Road, Terling, Essex, CM3 2QR,
 AGENT: Mr Simon May
 Simon May Architecture Ltd, 62 Pulteney Road, London,
 E18 1PS,
 DESCRIPTION: Erection of a timber clad garage extension to existing
 detached garage
 LOCATION: Bakers Cottage, Waltham Road, Terling, Essex, CM3 2QR,

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to: liz.williamson@braintree.gov.uk



SITE HISTORY

94/00796/OUT	Proposed dwelling and garage	Granted	11.08.94
95/01229/FUL	Erection of detached dwelling	Granted	13.12.95
06/01816/FUL	Erection of detached garage	Granted	30.10.06

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.

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development

INTRODUCTION

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

SITE DESCRIPTION

The property is a detached two storey dwelling within the Terling village envelope. The host property is set back from the main road with an existing garage at the front of the property adjacent the highway. The property is a mix of brick and render with a tiled roof, with the existing garage designed to complement the host dwelling using materials to match. There is a low level brick wall separating the site from the highway which would remain.

PROPOSAL

The application seeks to extend the existing garage by erecting a timber framed extension measuring 3m in width, 4.7m in length and 2.5m in height with a mono-pitch roof, which will house a vehicle. The extension would be clad in black stained vertical cladding. The roof tiles would match the existing garage. There is currently an electricity pole which would be re-located to the rear of the garage extension by UK Power Network.

CONSULTATIONS

Parish Council

The Parish Council objects to the application stating that the principle of a garage extension is acceptable but they are not supportive of the mono-pitch roof and up and over garage door proposed, as it is at odds with the local Village Design Statement and the local roof style for outbuildings.

In response to the above concerns, officers suggest revisions to the roof line and the installation of double doors to match the existing. Subsequently,

revised plans were submitted by the agent showing a pitched roof more in keeping with the host property. The garage doors remained as stated on the original submission, namely side hung doors.

The Parish Council were re-consulted following the submission of the revised plans and submitted a consultation response which stated they had no comment to make but stated that the Parish Council Committee Members were not supportive of the cedar vertical cladding and would prefer to see horizontal black stained cladding. The agent was notified of Parish Council's consultation response and to address the concerns agreed to an amendment to the design to include the use of black stained cladding but for the cladding to remain in a vertical position and not horizontal.

The Parish Council were again re-consulted but advised that they are still not supportive of the application due to the proposed vertical cladding.

REPRESENTATIONS

A site notice was displayed at the front of the property and neighbouring properties at Wickobi and the Old Bakery, Waltham Road, Terling were notified of the proposal but no representations have been received in connection with this application.

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. In this location, as set out in Policies RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

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

The adopted Development Plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in Policy RLP17 of the Braintree District Local Plan Review. This policy requires that extensions should respect the bulk, form and materials to the host property and should not detract from the amenity of

neighbouring premises or the character of the area. It also states that there should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling.

In this case, there are no objections in principle to an appropriately designed extension in this location, subject to design, impact upon neighbouring residential amenity, and subject to consideration of the impact of the proposal on the character and appearance of the street scene.

Design, Appearance and Layout

The existing garage is located forward of the principal elevation of the main house. The existing garage is accessed from the private drive of the property and it is proposed that the garage extension will be accessed in the same way. The proposed garage extension has been designed to be subservient to the main garage. The use of cladding has been chosen by the applicant to replicate timber barns located in the surrounding countryside. The front elevation of the extension is set back from the existing garage and set away from the boundary wall. Revised plans have been submitted to address the concerns raised by the Parish Council. The revisions to the original proposal show a pitched roof which would be more in keeping with the existing garage and the use of black stained vertical cladding. The design and materials have been chosen to present a more contemporary building whilst still mindful of the surrounding properties within the immediate vicinity.

In this case it is considered that the proposal would appear subordinate and would be sympathetic and in keeping with the character and appearance of the existing garage and property, as well as the wider street scene.

Whilst the comments from the Parish Council are noted the proposal is considered to be acceptable in terms of design and external appearance and compliant with the abovementioned policies.

Impact on Neighbour Amenity

In this case, it is not considered that the proposals would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore, no letters of representation have been received from neighbouring properties.

Highway Issues

There is existing parking at the front of the property as well as the existing garage. The proposed garage extension would not affect the existing parking arrangements at the property. Therefore, it is considered that there would be no highway implications associated with this application and moreover, sufficient parking provision would be retained at the property.

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: 045_PL_001	
Existing Plans	Plan Ref: 045_PL_002	
Proposed Plans	Plan Ref: 045_PL_003	Version: Revised

- 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.

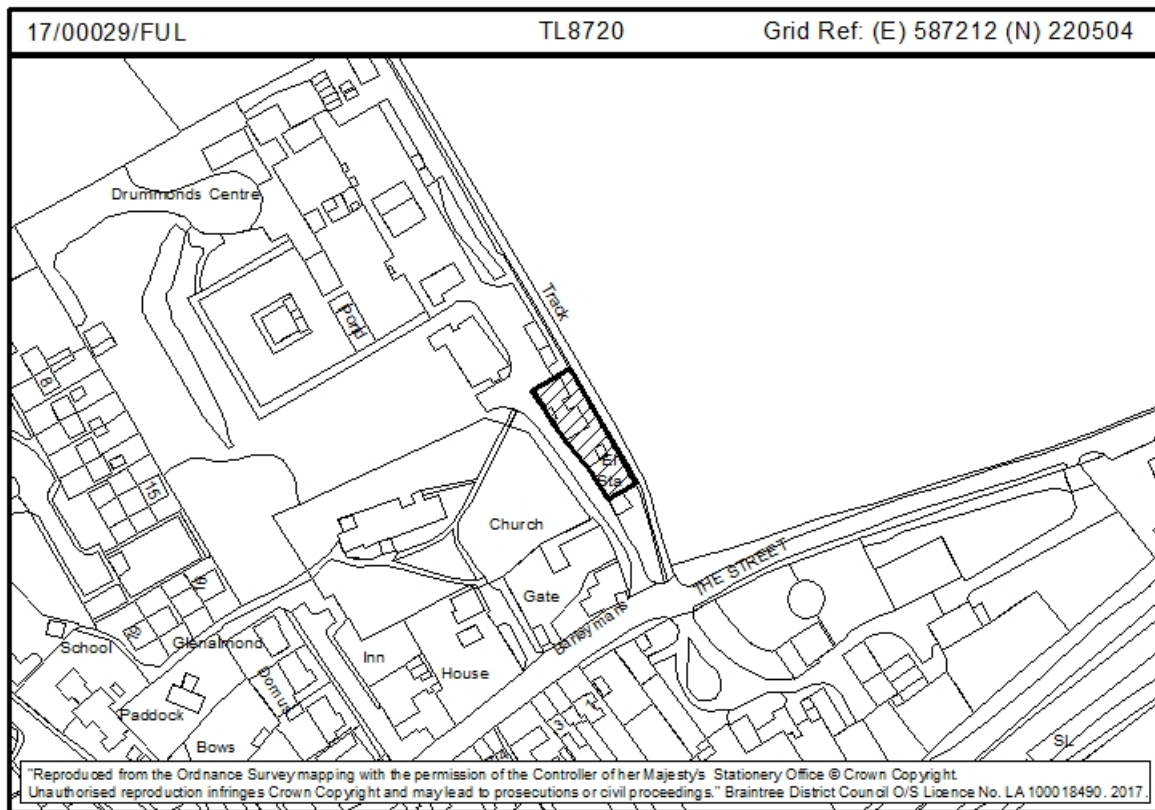
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 17/00029/FUL
DATE: 13.01.17
VALID:
APPLICANT: Mr Tom Lyons
Black Swan Care Group, Drummonds, The Street, Feering,
Essex, CO5 9QJ,
AGENT: Mr Bob Tyrrell
Development Design Consultants Limited, Studio 43,
Albany Road, West Bergholt, COLCHESTER, CO6 3LB,
DESCRIPTION: Erection of single storey study/private living area
LOCATION: Drummonds, The Street, Feering, Essex, CO5 9QJ,

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



SITE HISTORY

84/00200/P	Addition to form laundry and battery charge area	Granted	27.03.84
86/00027/P	Erection of swimming pool cover over existing pool	Granted	19.02.86
16/01513/FUL	Alterations to activities block to provide eight bedrooms	Granted	28.10.16

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP19 Sheltered Housing
RLP20 Residential Institutions in Towns and Villages
RLP21 Institutional Uses in the Countryside
RLP56 Vehicle Parking
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas
RLP100 Alterations and Extensions and Changes of Use to Listed
 Buildings and their settings

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
SP3 Providing for Employment
LPP26 Specialist Housing
LPP37 Parking Provision
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development
LPP47 Preservation and Enhancement of Conservation Areas, and
 Demolition within Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee for determination due to an objection from Feering Parish Council.

SITE DESCRIPTION

The site comprises an existing specialist housing complex which includes numerous associated buildings. The complex is accessed off of a single track access road from The Street which spans the entirety of the east boundary with the Grade 1 All Saints Church and Grade II Listed Church Gate House.

The majority of the specialist housing complex is located behind the Grade I Listed Church, however the application site is located closer to The Street adjacent to the single track access road. Feering Conservation Area extends the length of the east boundary with the church but does not go beyond into

the existing specialist housing complex to the rear. The application site is therefore located just inside of the Conservation Area.

PROPOSAL

The application proposes to erect a single storey rear extension to one of the existing detached buildings adjacent to the access road. The extension would propose an additional study area for residence of the care home measuring 6.1m in depth and 4.2m in width. It would be designed so that it was of flat roof construction to mimic the appearance of the existing building.

CONSULTATIONS

Essex County Council Historic Buildings Advisor

No objection. Comments that the existing building complex is of poor modern design that makes a detracting contribution to the setting of the Grade I Listed Church, but states that the harm caused proposed extension by virtue of its size and screening from the Listed Church would be comparatively low to the overall building complex. Therefore does not object to the application.

Historic England

No objection.

Braintree District Council Environmental Health Officer

No objection subject to conditions regarding hours of working during construction.

Feering Parish Council

Object to the application:

- Increased harm to Conservation Area and nearby Listed Buildings
- Building in question inside Conservation Area boundary

REPRESENTATIONS

No comments were received.

REPORT

Principle of Development

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

design fails to improve the character and quality of an area. Moreover, Paragraph 133 stipulates that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

The site is located just beyond the identified village envelope of Feering and relates to an existing sheltered housing complex. As such, Policy RLP19 stipulates that proposals for sheltered housing should be considered against; the provision of car parking and amenity open space in accordance with the Council's standards; the proximity of facilities including shops, health facilities and public transport; the provision of adequate facilities and amenities including lifts to upper floors, communal meeting areas, washing and drying facilities; provision for the storage of and recharging facilities for wheelchairs and carriages belonging to disabled persons. It states that any proposals which fail to meet this criterion will not be permitted.

Furthermore, emerging policy LLP26 reiterates the above, and outlines inter alia that minor extensions to or the expansion of existing specialist housing in the countryside may be acceptable if all the following criteria are met; the scale, siting and design of proposals is sympathetic to the landscape character and host property; the Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings; and a travel plan should be provided, which sets out how additional staff, visitors and residents will access the site and ways to minimise the number of journeys by private vehicle.

The specialist/sheltered housing complex in this case already exists at the site. The proposed extension would not increase the number of persons at the care home and would not incur the need for additional staff. It is therefore considered that in accordance with the above policies the principle of development is acceptable, subject to matters of design, impact upon heritage assets, neighbouring amenity and parking provision. These are discussed in more detail below.

Design, Appearance and Layout

Policy CS9 of the Braintree District 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 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.

In addition, Policy RLP95 of the 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 Conservation Areas will only be

permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Furthermore, Policy RLP100 of the Local Plan states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure); and do 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 Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

This application relates to one of the first modern buildings on the entrance to the wider specialist housing complex to the rear. The layout of the existing building is H-Plan in shape and comprises a small area of private rear garden which runs adjacent to the single track entrance road. The existing building is constructed from breezeblock and has a flat roof. The proposed extension aims to replicate the appearance of the building, and would project out to a depth of 6.1m at the rear of the building, encompassing a 1.2m smaller element and 4.9m wider element (to mimic the design of the existing building). As such, while the extension would also not be of particularly attractive appearance, its design would be appropriate in the context of the existing building.

The site is located adjacent to the access road and the Grade I Listed Church. However, the boundary treatment is strong on the West aspect of the Church. Consequently, the site has very limited visibility into the Church grounds. In addition, due to the height of the extension (flat roof), it would not project much further above an existing 1.8m high fence that spans some distance adjacent to the entrance road of the site. It is therefore considered the extension would be relatively self-contained within the existing building complex and boundary treatment.

As such, due to all of the above, it is considered that the proposed extension by virtue of its size, siting and design would not have a detrimental impact upon the character and appearance of the Conservation Area, setting of Listed Buildings or the wider specialist housing complex. The Historic Buildings Advisor does not also object to the application. It is therefore considered the proposal is acceptable in this regard.

Impact on Neighbour Amenity

Policy RLP90 states that there should be no undue or unacceptable impact upon neighbouring residential amenity. The extension due to its size and location would not be prominent to any neighbouring residential properties. Furthermore, as the proposal is not increasing staff or resident numbers, it is considered there would not be a material change at the site with regards to increases in activity or noise. As such, due to the above factors, it is

considered that the amenity of neighbouring properties will not be detrimentally impacted upon by virtue of the development.

Highway Issues

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009.

There would not be any material changes with regard to parking or access requirements at the site. As such, it is considered the proposal is acceptable in this regard.

CONCLUSION

The proposed rear extension would be of a small size and scale that would mimic the appearance of the existing building complex. It would not therefore have a detrimental impact on the setting of nearby Listed Buildings or the wider Feering Conservation Area. The extension does also not include a material change in staff or resident numbers at the site, and as such it is considered neighbouring properties and highways aspects will not be detrimentally affected by the proposal.

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: 1702-PP1
Floor Plan	Plan Ref: 1702-PP2
Elevations	Plan Ref: 1702-PP3

- 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.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER

Public Right of Way Diversion – Public Footpath 22 Gosfield		Agenda No: 6
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Report Prepared by: Juliet Kirkaldy		
Background Papers: <ul style="list-style-type: none"> Planning application and decision notice 96/00011/FUL Planning application and decision notice BTE/682/78 Section 257 of the Town and Country Planning Act 1990 		Public Report: Yes Key Decision: No
Executive Summary: <p>Under the Service Level Agreement between Braintree District Council (BDC) and Essex County Council (ECC), ECC are processing an application under Section 257 of the Town & Country Planning Act to divert part of Footpath 22 in Gosfield (<i>see attached Order Map Appendix B</i>).</p> <p>The diversion is required as the existing alignment of the Footpath is directly affected and obstructed by the implemented permission granted (96/00011/FUL and BTE/682/78) to allow the whole park to be used for residential mobile homes (see Appendix C).</p> <p>The proposed diverted route has been constructed and is in use.</p> <p>The proposed Order includes the required width of two metres for the new section of the path.</p> <p>The applicant will defray all costs associated with the diversion.</p> <p>In accordance with Section 257 of the Town and Country Planning Act 1990, the District Council, as Planning Authority, can make an Order diverting a footpath if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with a planning permission that has been granted.</p> <p>It is considered that the diversion satisfies the legal tests for the making and confirming of a Diversion Order under section 257 of the Town and Country Planning Act 1990 (see Appendix A).</p>		

Once the Order is made, there will be a formal consultation process where the Order is advertised for a 28 day period. If no objections are received the Order can be confirmed by Braintree District Council. If the Order receives objections it must be forwarded to the Secretary of State for confirmation.

In accordance with Braintree District Council's Constitution, any matters which change the Public Rights of Way network must be considered by the Planning Committee.

Recommendation: To approve the processing and making of an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of a public footpath at Footpath 22 Gosfield.

Purpose of Decision:

To agree the diversion of a public footpath at Footpath 22 Gosfield as necessary to legalise the situation following the construction of development.

Corporate Implications

Financial:	The applicant will defray all costs associated with the diversion. There is an SLA in place with Essex County Council to process the application under Section 257 of the Town & Country Planning Act 1990.
Legal:	To comply with Section 257 of the Town & Country Planning Act 1990.
Equalities/Diversity	That the scheme maintains pedestrian access.
Safeguarding	None
Customer Impact:	Subject to the approval of Planning Committee and the Order being granted, the Order will be made as soon as practicable. After the Order is made there will be a 28 day objection period.
Environment and Climate Change:	None
Consultation/Community Engagement:	Subject to the approval of Planning Committee and the Order being granted, the Order will be made as soon as practicable. After the Order is made there will be a 28 day objection period. Should objections be received that cannot be resolved the matter is determined by the Secretary of State.
Risks:	None

Officer Contact:	Juliet Kirkaldy
Designation:	Development Management Planner
Ext. No.	2558
E-mail:	Juliet.kirkaldy@braintree.gov.uk

1 Background

1.1 The current line of Footpath 22 (see *Order Map in Appendix B*) is of undefined width and commences from point **A** where it connects to Park Hall Road and runs in a south-easterly direction across the access road to Gosfield Lake Park Homes for a distance of 99 metres to point **B** where it connects with Footpath 15 Gosfield.

1.2 It can be seen on the plan in Appendix C that the existing alignment of the Footpath is directly affected and obstructed by the implemented permission granted (96/00011/FUL) to allow the whole park to be used for residential mobile homes. It is therefore necessary for part of Footpath 22 to be diverted to legalise the situation.

1.3 It is proposed to divert a length of Footpath two metres in width and shown by a bold black dashed line on the Order map (see Appendix B) commencing from point **C** where it connects to Park Hall Road and running in a south easterly direction along the access drive and then through a gap in the fencing and in a north-easterly direction via wooden steps up the bank, for a distance of 33 metres to point **D** where it connects to the aforementioned Footpath 15 Gosfield. This diversion route has been constructed and is in use.

1.4 The applicant will defray all costs associated with the diversion.

1.5 It is considered that the legal tests for the making of a diversion Order under s.257 of the Town and Country Planning Act 1990 (see Appendix A) have been satisfied.

1.6 Subject to the approval of Planning Committee, once the Order has been made it does not take effect until and unless it has been confirmed. If no objections are received to the formal consultation process when the Order is advertised for a 28 day period (a copy of the draft Order can be seen at Appendix D) Braintree District Council may confirm the Order themselves. In the event that the Order receives objections it must be forwarded to the Secretary of State for confirmation.

Recommendation: To approve the processing and making of an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of a public footpath at Footpath 22 Gosfield.

Appendix A – Extract from Section 257 of Town and Country Planning Act

Braintree District Council may make a Diversion Order under Section 257 of the Town and Country Planning Act 1990:

257 Footpaths and bridleways affected by development: orders by other authorities.

(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under Part III or section 293A , or

(b) by a government department.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

(a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;

(b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;

(c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;

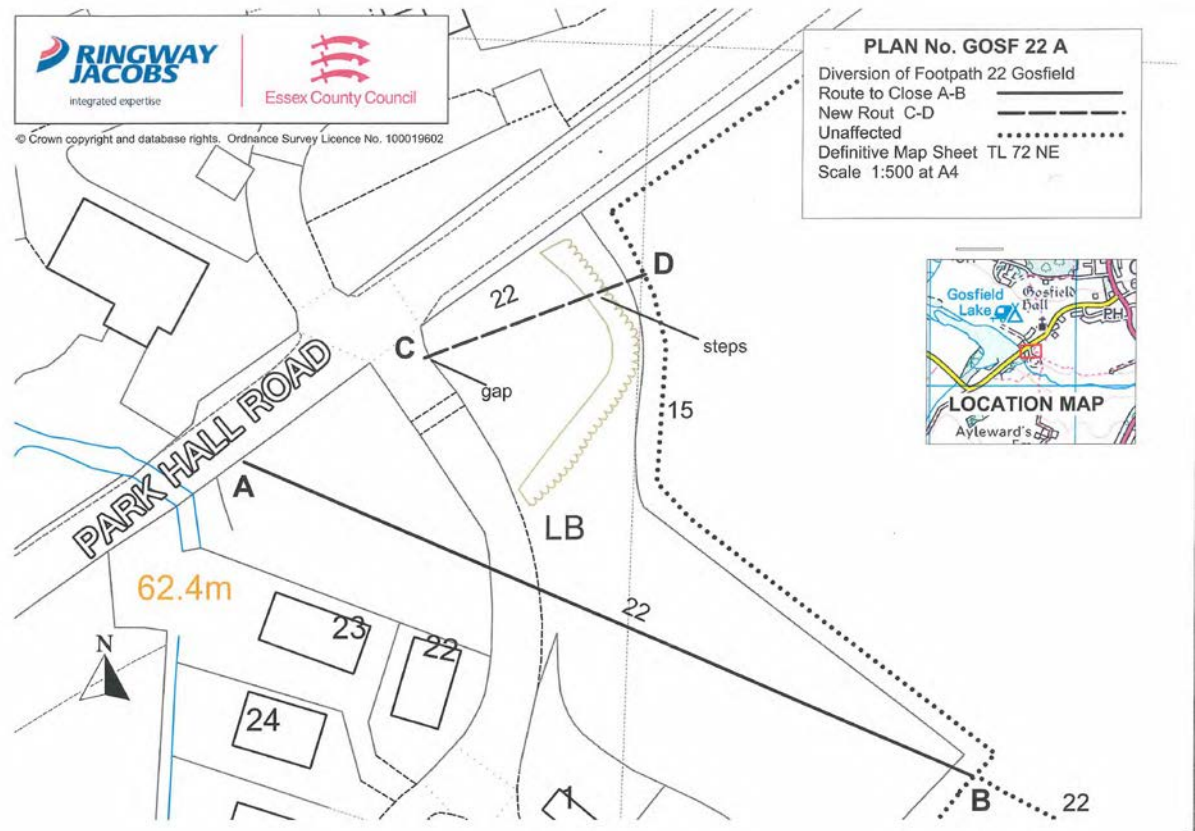
(d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

(3) An order may be made under this section authorising the stopping up or diversion of a footpath or bridleway which is temporarily stopped up or diverted under any other enactment.

(a) in this section “competent authority” means—

(b) in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State, who would have had power to grant it; and in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made.

Appendix B – Order Map



Appendix C – Development and existing/diverted Footpath



GOSFIELD LAKE PARK HOMES

Appendix D – Draft Order

BRAINTREE DISTRICT COUNCIL
TOWN & COUNTY PLANNING ACT 1990 SECTION 257
PUBLIC PATH DIVERSION ORDER 2017
FOOTPATH 22 GOSFIELD

This Order is made by Braintree District Council under section 257 of the Town & Country Planning Act, 1990 (“the 1990 Act”) because it is satisfied that it is necessary to divert part of Footpath 22 Gosfield on land belonging to Gosfield Lake Park Homes in the ownership of Mrs Marie Simmons in Braintree District to which this order relates, in order to enable development to be carried out in accordance with planning permission granted on 4th March, 1996 by Braintree District Council under the Town and Country Planning Act 1990 namely under planning permission number 96/00011/FUL

BY THIS ORDER:

1. The footpath over the land situated at Gosfield known as Footpath 22 and described in Part 1 of the Schedule to this Order and shown by a bold black continuous line on the order plan numbered GOSF 22 A contained in this Order shall be diverted from the date on which certification is given under Article 3 below.
2. There shall be created to the reasonable satisfaction of Essex County Council as highway authority, an alternative highway for use as a replacement for the said footpath as provided in part 2 of the Schedule and shown by a bold black broken line as shown on the attached order plan numbered GOSF 22 A

3. The diversion of the footpath shall have effect at the date on which Essex County Council as highways authority certify that the terms of article 2 above have been complied with.

4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule:

- (a) The construction of steps on the new route to ascend the bank
- (b) The proposed new route to be delineated by way-markers as agreed with public rights of way Essex County Council local highways office.

5. Mrs Marie Simmons who is the landowner and the applicant seeking planning permission is hereby required to pay the full costs of seeking the diversion Order and for carrying out the above mentioned works; this to include costs of advertising and administration, accommodation costs for any resulting hearing or inquiry, and the removal or abandonment of any apparatus, including the cost of providing any telecom apparatus rendered useless under, in, on, over, along or across the path to be stopped up.

6. Where immediately before the date on which the footpath is diverted, there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

[PART 1]

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

A part length of Footpath 22 Gosfield of undefined width and shown by a bold continuous line on the Order Map commencing from point **A** where it connects to Park Hall Road at grid reference 57765,22924 and running in a south-easterly direction across the access road to Gosfield lake Park Homes for a distance of 99 metres to point **B** at grid reference 57774,22921 where it connects with Footpath 15 Gosfield.

[PART 2]

DESCRIPTION OF THE SITE OF THE ALTERNATIVE HIGHWAY

A length of Footpath two metres in width and shown by a bold black dashed line on the Order Map commencing from point **C** where it connects to Park Hall Road at grid reference 57767,22926 and running in a south easterly direction along the access drive and then through a gap in the fencing and in a north-easterly direction via wooden steps up the bank, for a distance of 33 metres to point **D** at grid reference 57770,22927 where it connects to the aforementioned Footpath 15 Gosfield.

Given under the Common Seal of the Braintree District Council this day of
2017

The common seal of)
BRAINTREE DISTRICT COUNCIL)
was hereunto affixed in the)
presence of:-)

Dated: day of 2017

PUBLIC PATH DIVERSION ORDER

TOWN & COUNTY PLANNING ACT 1990 SECTION 257

**FOOTPATH 22 GOSFIELD
THE DISTRICT OF BRAINTREE**

Braintree District Council
Causeway House
Bocking End
Braintree
Essex.
CM7 9HB

Monthly Report of Planning and Enforcement Appeal Decisions Received		Agenda No: 7
Portfolio Planning and Housing Corporate Outcome: A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure Report presented by: Report prepared by: Liz Williamson – Planning Technician		
Background Papers:		Public Report
Appeal decisions summary		Key Decision: No
Executive Summary: This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Recommended Decision: That the report be noted.		
Purpose of Decision: To note a report on appeal decisions.		
Corporate Implications		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Planning Technician	
Ext. No:	2506	
E-mail:	lizwi@braintree.gov.uk	

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

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

1.	Application No/Location	16/001670/FUL Rose Cottage Poole Street Great Yeldham
	Proposal	Erection of two storey rear extension
	Council Decision	Refused under delegated authority RLP2, 18, 56, 90
	Appeal Decision	DISMISSED
	Main Issue(s)	1. The effect of the development on the character and appearance of the existing property and surrounding area
	Inspector's Conclusion	<p>Rose Cottage is located in the countryside on the edge of Great Yeldham and is set away from neighbouring properties. The existing property is relatively modest in scale with an attractive thatched roof, brick chimney and dormer windows, set within a large plot, it has a pleasing character and appearance. The proposed two storey extension would roughly double the footprint and volume of the existing property. Whilst it would not overwhelm the size of the plot it would alter the scale and character of the existing property with a large projecting extension. The proposal would be noticeable from the road not only because of the alterations to the existing roof but also due to the scale and depth of the extension along either flank elevation. The inset of walls from each flank elevation and the screening effect of existing vegetation would only partially hide the extension in such views. Thus, there would be harm to the character and appearance of the surrounding area through the considerable enlargement and alteration of the existing property.</p> <p>The Inspector concludes by stating that the proposed development would have a harmful effect on the character and appearance of the existing property and surrounding area and would not accord with Policies RLP2, RLP18 and RLP90 of the Braintree District Local Plan Review 2005 or Policies CS5 and CS9 of the Braintree District Core Strategy 2011.</p>
2.	Application No/Location	16/01293/FUL Rose Cottage, Poole Street, Great Yeldham
	Proposal	Demolition of existing annex and garage block and rebuild to create ancillary accommodation to Rose Cottage

	Council Decision	Refused under delegated authority – RLP2, RLP18, RLP56, RLP90
	Appeal Decision	ALLOWED
	Main Issue(s)	<ol style="list-style-type: none"> 1. The effect of the development on the character and appearance of the main property and surrounding area 2. Whether the proposal would be an appropriate use in the countryside; and 3. The effect of development on flood risk and the safety of future occupants
	Inspector's Conclusion	<p>Rose Cottage is located in the countryside on the edge of Great Yeldham and is set away from neighbouring properties. The existing property is relatively modest in scale with an attractive thatched roof, brick chimney and dormer windows, set within a large plot, it has a pleasing character and appearance. The existing annexe and two garages to the south occupy a larger footprint than the main property, but the overall height of the buildings is noticeably less than the main property ensuring a subordinate scale and character. As such, they do not detract from the attractive rural surroundings.</p> <p>The proposed development would have a similar footprint area to the existing annexe and garages, but a smaller width and footprint due to being one less structure. The development would be more visible from the road due to the increased height, but not to the extent that it would detract from the prominence of the main property. Thus, the positive contribution made by the main property and the overall rural surroundings would endure.</p> <p>The Inspector concludes that the proposed development would have an acceptable effect on the character and appearance of the main property and surrounding area and would accord with Policies RLP2, RLP18 and RLP90 of the Braintree District Local Plan Review 2005 and Policy CS5 of the Core Strategy 2011.</p> <p><u>Appropriate Use</u></p> <p>The annexe living accommodation would include all of the rooms required to be effectively self-contained and independently occupied from the main property. The intention is for the annexe to be used by two occupants; one as a medical carer for the appellant's wife and the other as a housekeeper. The occupants would form part of the household in the main property while living independently. They would also be meeting the needs of a dependent relative. There is still the potential for the building to become a separate planning unit given that it can become independently occupied. However, such an</p>

		<p>arrangement can be avoided via the use of an appropriate planning condition which would ensure the use remains ancillary.</p> <p>In conclusion the proposed development would be an appropriate use within the countryside.</p> <p><u>Flood Risk</u> The proposed development would lie within Flood Zone 2. The appellant has submitted a Flood Risk Assessment which provides a suitable assessment of all sources of potential flooding and includes an allowance for climate change in line with national guidance. The FRA considers surface water drainage and suggests future drainage techniques. The Inspector states that an appropriately worded planning condition would ensure that the right technique is used.</p> <p>The Inspector concludes that the development would have an acceptable effect on flood risk and the safety of future occupants. Therefore, it would accord with Policy CS8 of the Core Strategy.</p> <p>Concluding on the main issue, the Inspector stated that the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, the proposal accords with Policies RLP3 and RLP90 of the Braintree District Local Plan Review and Policy CS9 of the Braintree District Core Strategy.</p> <p>The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Applying paragraphs 49 and 14 of the NPPF as a consequence there are no adverse impacts arising from the proposed development that significantly and demonstrably outweigh the benefits of an additional dwelling, or any policies in the NPPF that indicate development should be restricted. Thus, the presumption in favour of sustainable development applies in granting planning permission.</p>
3.	Application No/Location	16/00721/FUL Land between 31 and 33 Greenfields Gosfield
	Proposal	Erection of a dwelling
	Council Decision	Refused under delegated authority – RLP2, RLP3, RLP9, RLP10, RLP56, RLP74, RLP90
	Appeal Decision	ALLOWED
	Main Issue(s)	1. The effect of the proposed development on the character and appearance of the area.
	Inspector's Conclusion	Greenfields contains a mixture of detached and semi-detached properties that are predominantly one or one

		<p>and a half storeys in height, with a few two storey houses. Plot and house widths, along the gaps between properties vary considerably from narrow to generous .The overall character and appearance of the area is mixed.</p> <p>The proposed scheme would occupy a narrow plot but would not be excessively narrower than other buildings and plots along Greenfields. Thus the footprint of the proposed development would be acceptable.</p> <p>The scheme would utilise a pitched roof on the front elevation similar to the adjoining properties on either side, with an overall ridge height between the heights of Nos 31 and 33. The front dormer would reflect the dormers on the front of No 33 and other properties on Greenfields, thus the design and form of the proposed development would not look particularly odd within the overall streetscene.</p> <p>Concluding on the main issue, the Inspector stated that the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, the proposal accords with Policies RLP3 and RLP90 of the Braintree District Local Plan Review and Policy CS9 of the Braintree District Core Strategy. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Applying paragraphs 49 and 14 of the NPPF as a consequence there are no adverse impacts arising from the proposed development that significantly and demonstrably outweigh the benefits of an additional dwelling, or any policies in the NPPF that indicate development should be restricted. Thus, the presumption in favour of sustainable development applies in granting planning permission.</p>
4.	Application No/Location	16/01421/FUL Land between 31 and 33 Greenfields Gosfield
	Proposal	Erection of a dwelling
	Council Decision	Refused under delegated authority – RLP2, RLP3, RLP9, RLP10, RLP56, RLP74, RLP90
	Appeal Decision	ALLOWED
	Main Issue(s)	1. The effect of the proposed development on the character and appearance of the area.
	Inspector's Conclusion	<p>Greenfields contains a mixture of detached and semi-detached properties that are predominantly one or one and a half storeys in height, with a few two storey houses. Plot and house widths, along the gaps between properties vary considerably from narrow to generous .The overall character and appearance of the area is mixed.</p> <p>The proposed scheme would occupy a narrow plot but</p>

		<p>would not be excessively narrower than other buildings and plots along Greenfields. Thus the footprint of the proposed development would be acceptable.</p> <p>The proposal would present a gable end elevation to the road in contrast to its immediate neighbours, but gable end front elevations exist elsewhere on the road. Side dormers are not a common feature in existing properties, but the scale and siting of the two dormers proposed would not be overly prominent, thus the design and form of the proposed development would not look particularly odd within the overall streetscene</p>
5.	Application No/Location	16/00168/FUL 65 Brain Valley Avenue, Black Notley
	Proposal	Demolition of existing dwelling and erection of a pair of semi-detached dwelling
	Council Decision	Refused under delegated authority – RLP2, RLP3, RLP9, RLP56, RLP90, RLP138
	Appeal Decision	ALLOWED
	Main Issue(s)	1. The effect of the proposed development on the character and appearance of the surrounding area.
	Inspector's Conclusion	<p>Brain Valley Avenue consists of two storey semi-detached properties up to and including no. 63 and then becomes a line of bungalows from the appeal site at No. 65 onwards. Properties along the entire road are closely sited to each other and are set back from the road with a generally consistent building line. Car parking to the side of each property is commonplace along Brain Valley Avenue, along with large areas of hard surfacing in front of some properties. The proposed development would result in a marked change on the character and appearance of the appeal site in terms of the height of building. However, the development would closely follow the front and rear building lines of Nos 61 and 63 with similar sized gap to the side as existing. The scale and design of the proposed development would be similar to Nos 61 and 63 and would not look odd in the street scene when viewed from the south-east. Although the two semi-detached properties would have less garden space each than the existing bungalow, a reasonable and similar amount of open space would remain around the proposed development. While the parking provision for both properties would be to one side of the development only, this is no different to the layout of parking at the existing bungalow and so the negative effect this would have on the street scene would be small. In summary, the proposed development would have an acceptable effect on the character and appearance of the surrounding area.</p>

		<p>Therefore, it would accord with Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan and Policy CS9 of the Braintree Core Strategy.</p> <p>The Inspector notes that the Local Planning Authority accepts that it cannot demonstrate a five year supply of deliverable housing sites. Applying paragraphs 49 and 14 of the NPPF as a consequence, there are no adverse impacts arising from the proposed development that significantly and demonstrably outweigh the benefits of providing net gain of one dwelling, or any policies in the NPPF that indicate development should be restricted. Thus, the presumption in favour of sustainable development applies to grant planning permission.</p>
6.	Application No/Location	16/01015/FUL – The Tythings, Halstead, Essex
	Proposal	Erection of 7 no. 1 bed flats and 6 no. 2 bed flats
	Council Decision	Refused under delegated authority – RLP2, RLP3, RLP4, RLP10, RLP51, RLP56, RLP69, RLP74, RLP80, RLP90, RLP138
	Appeal Decision	DISMISSED
	Main Issue(s)	<ol style="list-style-type: none"> 1. The effect of the proposed development on the character and appearance of the area; 2. Whether the proposed development would provide adequate living conditions for future occupants with particular reference to privacy; 3. The effect of the proposed development on highway safety, with particular reference to parking; and 4. Whether, in a planning balance, any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
	Inspector's Conclusion	<p>The appeals site encompasses an informal parcel of open space and garaging between Abels Road and The Tythings. The terraced and semi-detached properties to the east, south and west of the appeal site are broadly arranged to overlook and enclose the site. In this respect the appeal site is a feature in the street scene and estate that acts as a visual focus. The Inspector agrees that this site was a deliberate and planned feature of the original composition of the estate. As such the appeal site is an important feature in the estate that contributes positively to the character and appearance of the area. Therefore, the Inspector concludes that the appeal scheme would significantly harm the character and appearance of the area.</p> <p><u>Whether the proposed development would provide adequate living conditions</u></p>

		<p>As the gardens of the proposal would be communal the adverse impact from the overlooking from adjoining upper floors would not be as great as if the proposed properties were designed as individual units. Therefore, the adverse impact would be no more than limited. In conclusion, the proposal would have some limited adverse impact on the sense of privacy of future occupants of the flats. This would result in some limited conflict with Paragraph 17 of the Framework, which seeks to secure a good standard of amenity for all future occupants.</p> <p><u>The effect of the proposed development on highway safety</u> The appeal scheme would provide 25 parking spaces. The figure includes a new parking court broadly in the position of the existing garages, three new parking spaces along Abels Road and the inclusion of the existing parking area currently on the Western appeal site. The two parking spaces proposed north of the cycle shelter would be difficult to get in and out of and could result in user of these spaces having to reverse long distances. The Inspector therefore shared the concerns of the Council regarding the usability of these spaces. As such, The Inspector considered the number of usable spaces to be 23, which would not leave off street parking provision for existing residents. In conclusion, the Inspector stated that the proposal would adversely affect the highway safety through a displacement of vehicles onto the street.</p> <p><u>Planning Balance</u></p> <p>The Inspector notes that the Council are currently unable to demonstrate a five year housing land supply. The Inspector concludes that the appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would not amount to sustainable development for which the Framework carries a presumption in favour.</p>
7.	Application No/Location	15/00280/OUT – Land off Western Road, Silver End
	Proposal	Erection of 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.
	Council Decision	Refused at Committee – RLP2, RLP3, RLP4, RLP7, RLP8, RLP9, RLP10, RLP22, RLP49, RLP50, RLP51, RLP52, RLP54, RLP56, RLP65, RLP69, RLP70, RLP71, RLP72, RLP74, RLP77, RLP80, RLP81, RLP90, RLP91,

		RLP92, RLP93, RLP94, RLP95, RLP100, RLP105, RLP106, RLP138
	Appeal Decision	ALLOWED
	Main Issue(s)	<ol style="list-style-type: none"> 1. The extent to which the services and facilities needed to serve the proposed development would be available, would have sufficient capacity and would be accessible by sustainable modes of transport. 2. The effect of the proposal on the character and appearance of the area. 3. The effect of the proposal on the historic environment 4. The effect of the proposal on the mineral resources
	Inspector's Conclusion	<p>The Council and the appellant agreed that the Council is not able to demonstrate a five year supply of housing sites, as require by the Framework.</p> <p><u>Summary of main issue no. 1</u> Silver End has a range of local facilities, sufficient to meet most day to day needs, which can be reasonably accessible on foot. The UU would secure appropriate and proportionate contributions to mitigate the impact of the proposal on early years/childcare facilities, primary education and health care. Although the availability of employment in Silver End is more limited than it was at the time it was designated as a Key Service Village, there is reasonable accessibility to employment opportunities in a range of higher order settlements.</p> <p>The need for some children to travel out of Silver End to attend a primary school in a nearby village is a disadvantage, as is the lack of bus services in the evenings and on Sundays. However, drawing together all of the above factors, I consider that the services and facilities needed to serve the proposed development would be available, would have sufficient capacity and would be reasonably accessible by sustainable modes of transport. The proposal would accord with CS Policy CS11 which seeks to ensure that the infrastructure, services and facilities required to meet the needs of the community are delivered in a timely manner.</p> <p><u>Summary of main issue no. 2</u> The proposal would result in moderate harm to landscape character and there would be some significant adverse visual impacts particularly for user of Footpath No 53. However, the visual impacts would be localised and mitigation could be achieved as part of the detailed design of the scheme.</p>

		<p>CS Policy CS8 seeks to ensure that development proposals have regard to the character of the landscape and its sensitivity to change. Amongst other matters proposal should enhance natural environment by creating green networks to link urban areas to the countryside. Policy CS9 promotes good design and the protection of the historic environment, requiring development to respect and respond to its local context. Policy RLP80 seeks to protect distinctive landscape features and to ensure that development is integrated into the local landscape. Policy RLP81 encourages the retention and planting of native trees and hedgerows and Policy RLP90 seeks a high standard of layout and design. Ultimately, compliance with these policies could only be secured at reserved matters stage. On the basis of the information received the Inspector concluded that there is no reason why the policies could not be complied with.</p> <p><u>Summary of main issue no. 3</u></p> <p>The main impact on the historic environment would be minor harm to the significance of Bowers Hall and barns. In terms of the Framework this would be less than substantial harm. There would be no harm to the significance of the Bowers Hall moat. The harm to the significance of the Silver End Conservation Area (resulting from a change in its setting) would be so limited that it should attract little weight in the planning balance.</p> <p><u>Summary of main issue no. 4</u></p> <p>It is common ground that a mineral deposit of economic importance would be sterilised by the appeal scheme. However, the requirements of EMLP Policy S8 to consider prior extraction have been satisfied. If the proposal is found to be acceptable in principle then Policy S8 would not provide a reason for withholding planning permission.</p> <p>The Council places emphasis on paragraph 144 of the Framework, together with related advice in Planning Practice Guidance. This paragraph states the local planning authorities should give great weight to the benefits of mineral extraction. It is important to bear in mind that the EMLP was adopted in 20154 ad post-dates the Framework. It can therefore be assumed that it is consistent with the Framework and that the EMLP does indeed give great weight to the benefits of mineral extraction. I return to the interaction between paragraphs 144 and 14 of the Framework in the concluding section of the appeal decision.</p>
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		<p><u>Conclusion</u></p> <p>The scheme would bring economic benefits in terms of investment and employment during the construction phase. The new residents would generate additional expenditure within the local economy. Whilst there would be a loss of productive agricultural land, this would not be the best and most versatile land as defined in the Framework. The Inspectors overall assessment is that that the proposal would bring significant social and economic benefits to which the Inspector attaches substantial weight.</p> <p>The Inspector concludes by stating that there would be substantial social and economic benefits of the delivery of housing, including affordable housing. The provision of land for an early years/childcare facility would also be a benefit which some weight would be attached. The Inspectors overall assessment is that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, material considerations indicate that permission should be granted notwithstanding the conflict with the development plan.</p>
8.	Application No/Location	<p><u>Appeal A</u> – 16/00370/OUT – Land to the north of Church Road Bulmer</p> <p><u>Appeal B</u> – 16/01491/OUT – Land to the north of Church Road Bulmer</p>
	Proposal	<p><u>Appeal A</u> – Erection of 15 no. dwellings with associated garages</p> <p><u>Appeal B</u> – Erection of 10 no. dwellings with associated garages</p>
	Council Decision	<p><u>Appeal A</u> – Refused under delegated authority – RLP2, RLP8, RLP9, RLP10, RLP49, RLP51, RLP54, RLP56, RLP64, RLP69, RLP71, RLP74, RLP80, RLP84, RLP90, RLP94, RLP100, RLP100, RLP104, RLP138</p> <p><u>Appeal B</u> – Refused under delegated authority - RLP2, RLP8, RLP9, RLP10, RLP49, RLP51, RLP54, RLP56, RLP64, RLP69, RLP71, RLP74, RLP80, RLP84, RLP90, RLP94, RLP100, RLP100, RLP104, RLP138</p>
	Appeal Decision	<p><u>Appeal A</u> - DISMISSED</p> <p><u>Appeal B</u> - DISMISSED</p>
	Main Issue(s)	<p>1. Whether for both appeals the site would be an appropriate location for housing in respect of providing reasonable access to services and facilities, having regard to national and local planning policies.</p>

	<p>Inspector's Conclusion</p>	<p>Bulmer is a relatively small village situated in the countryside around 2 miles west of Sudbury. The site of the appeals comprises farmland and the dwellings proposed would extend the existing small amount of housing along the northern side of Church Road. The existing housing is of a varied character and age, including a mixture of houses and bungalows, all built to a comparable scale and pattern which the indicative layouts of the two appeal schemes would reflect.</p> <p>There is little evidence of adequate services in this village to support either the 15 or 10 dwellings that are proposed, and the likelihood that these amounts of residential development would support the provision of such. Furthermore, the relatively few village services that do exist are split between the three parts of Bulmer, separated by relatively long lengths of road without lighting or footpaths.</p> <p>There is only the primary school within convenient walking distance of the appeal site and the other parts of the village offer only a public house, a post office open part of the week, a village hall and allotments. Whilst there is a bus service to Sudbury, having considered the timetables and taken account of the fact the busses are to become demand responsive, there is little to support a conclusion other than that occupiers of the housing would be mainly reliant on private car use to conveniently reach jobs and regularly required services.</p> <p>Although visual harm might be mitigated by landscaping neither scheme would protect and enhance the character or the amenity of the countryside. The proposals would both remain in clear conflict with Policy CS5 as supported through Policy RLP2, in respect of the strict control placed on development outside village envelopes.</p> <p>Economic benefits would include the construction and servicing of the housing and the support given to the vitality of local services, both of which attract moderate weight. Further moderate weight is given to the particular social benefits of Appeal A scheme in respect of the 6 affordable houses and contribution to local open space provided. Whilst no part of the appeal the offer to provide the road lay-by is considered genuine but offers only a small relatively small benefit.</p> <p>The harm resulting from both proposals would significantly and demonstrably outweigh any benefits found from either development.</p>
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9.	Application No/Location	16/01148/FUL – Primrose Cottage, Chapel End Way, Stambourne
	Proposal	Proposed rear first floor extension to build on existing flat roof extension
	Council Decision	Refused under delegated authority
	Appeal Decision	DISMISSED
	Main Issue(s)	1. The effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or overshadowing)
	Inspector's Conclusion	<p>The appeal site is located on the southern frontage of Chapel End Way, within a ribbon of development that forms a small hamlet surrounded by agricultural land in a rural landscape.</p> <p>The property has been previously extended to include a rear extension with a flat roof which is out of keeping with the original dwelling. It is proposed to construct a first floor extension at the rear of Primrose Cottage above the earlier flat roof extension. The proposed first floor extension would add significantly to the bulk of the building at the rear. It would increase the amount of overshadowing of some windows of the neighbouring property and it would dominate the adjacent garden space to a significant degree. The scheme would have an adverse effect on Jasmine Cottage (the neighbouring property) to some extent. The proposal would provide useful accommodation but nevertheless, the Inspector does not consider that the benefits outweigh the harm that would be done to the amenities of the neighbouring house.</p>