

PLANNING COMMITTEE AGENDA

Tuesday, 28 November 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
Councillor Lady Newton	

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

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk 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.

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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 7th November 2017 (copy previously circulated).

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. 17 00610 OUT - Land South of The Limes, GOSFIELD | 5 - 26 |
| 5b | Application No. 17 01066 OUT - Land to the West of Hedingham Road, GOSFIELD | 27 - 56 |
| 5c | Application No. 17 01067 OUT - Land to the West of Hedingham Road, GOSFIELD | 57 - 77 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5d | Application No. 17 01542 FUL - 62 Pitt Avenue, WITHAM | 78 - 84 |
|-----------|--|----------------|

5e	Application No. 17 01700 FUL - 61 Bridport Way, BRAINTREE	85 - 90
5f	Application No. 17 01843 FUL - 51 Priory Farm Road, HATFIELD PEVEREL	91 - 97

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

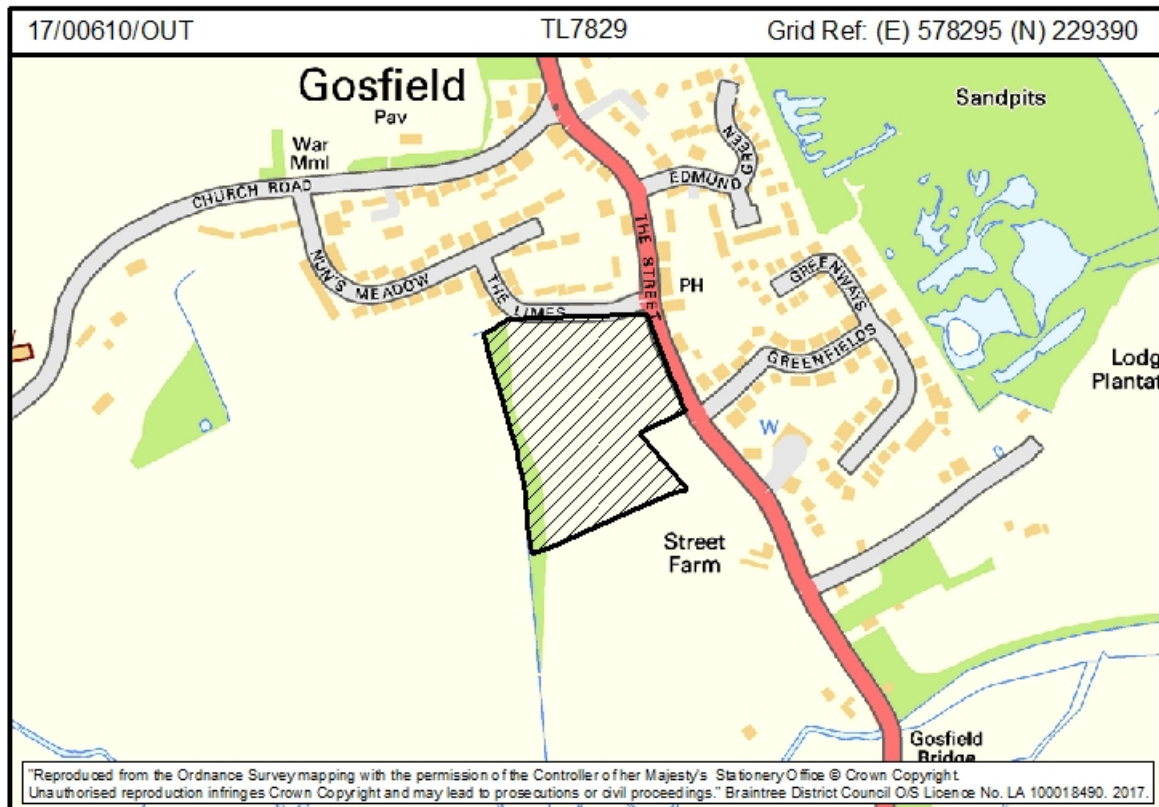
8 Urgent Business - Private Session

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

PART A

APPLICATION 17/00610/OUT DATE 04.04.17
 NO: VALID:
 APPLICANT: Marden Homes Ltd
 Mr P Warner, C/o Strutt & Parker, Coval Hall, Rainsford
 Road, Chelmsford, Essex, CM1 2QF
 AGENT: Strutt & Parker LLP
 Mr James Firth, Coval Hall, Rainsford Road, Chelmsford,
 Essex, CM1 2QF
 DESCRIPTION: Outline planning application for up to 19 dwellings with
 associated access, parking, garaging, landscaping and
 amenity space
 LOCATION: Land South Of, The Limes, 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

00/01111/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 1/65 - Removal of lime tree stump	Refused	02.08.00
87/01667/	Erection of sheltered housing for the elderly comprising 19 bungalows plus wardens bungalow	Refused	19.02.88
88/01753/P	Erection of sheltered housing (19 bungalows plus warden's bungalow)	Refused	06.01.89
93/00742/FUL	Erection of meeting room for scout and guide group	Granted	14.10.93
99/01688/OUT	Erection of two retirement bungalows	Withdrawn	11.01.00

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP54	Transport Assessments
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries

LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given an objection from the Parish Council contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the western side of The Street, Gosfield and comprises 2.71ha of land which is currently unused/undeveloped and is not publicly accessible. The site is located beyond, albeit immediately abutting, the village envelope and is therefore within the countryside for the purposes of planning policy.

Part of the site is within the Conservation Area and contains a number of trees which includes a series of Lime trees which historically formed part of a complete avenue leading to Gosfield Hall. The site is well contained by natural boundaries, although more open on its southern side.

Gosfield presents a mix of housing ages and within the immediate vicinity of the site are older/historic buildings along The Street, post war housing in The Limes and later developments in Greenfields and Nuns Meadow.

PROPOSAL

The application seeks outline permission, with all matters reserved except for access for up to 19no. dwellings with associated car parking, landscaping and amenity space. The application is supported by parameter plans which show the general areas for built development. The location of the proposed access would be towards the southern end of its frontage on to The Street.

CONSULTATIONS

ECC Heritage – No objections in principle, but questions whether 19 units could be realised

ECC Highways – No objections subject to conditions, which require in summary (i) access and visibility (ii) vehicular turning facility (iii) car parking (iv) no unbound material (v) construction management plan (vi) Residential Travel Packs (vii) footway in The Limes.

ECC Flood and Water Management – Object on the basis that sufficient volume for storage up to a 1 in 100 + 40% storm has not been demonstrated within the surface water drainage strategy.

BDC Waste – Roads should be designed to accommodate a refuse vehicle if they are to be adopted by ECC. If they are to be private then bins will need to be presented for collection near to or on the public highway.

BDC Housing Research and Development – Would comply with policy CS2 of the Core Strategy in delivering affordable housing. Type and mix of dwellings subject to a reserved matters application.

BDC Landscapes – Any development should allow the existing trees to flourish and the layout would need to respect the trees. The condition and longevity of the trees across the site varies, however they make a contribution to the local landscape setting which needs to be acknowledged.

The site has value in potential bats roosts and this will need to be controlled by condition, as would any lighting scheme.

BDC Environmental Health – No objections subject to conditions.

REPRESENTATIONS

Parish Council – Do not support the application and consider it was open ended and would significantly change the character of the village.

It is noted that the Parish Council are yet to comment on the most recent plans. Any comments received will be reported to the Committee.

9 letters of objection and 1 letter of support have been received in response to the public consultation (from 3 rounds of consultation). The main contents of which are summarised below:

- The development is not wanted in Gosfield
- It is not sustainable
- Increase in traffic in the Limes
- Loss of trees which add value to the Conservation Area
- Impact on the landscape
- Removal of part of the hedgerow

- Large executive homes do not meet the needs of the village
- Who will be responsible for future management of the trees
- Exacerbate parking problems
- Visual impact
- The village requires starter homes
- There are plenty of brownfield sites
- There is no indicative housing shown
- The development has the potential to meet local housing needs without detracting from the local environment and offering some benefits to the Conservation Area
- Small development is needed in the village
- Traffic would pass easily from the site on to the highway and would not cause any problems

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

The application site is located outside of the village envelope for Gosfield and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 of the Core Strategy states that outside of town development boundaries development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

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

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

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

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

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

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘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’.*

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a

five year supply of housing land, paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Part of the site was considered by the Local Plan Sub Committee in May 2016 (ref: GOSF 251) and was not allocated for development. There is one unresolved objection in relation to this from the agent who considers the site suitable for residential development.

Sustainable Development

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

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

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

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreational ground, social club, tennis club, golf club and a church all within walking distance from the site. The site is also within immediate proximity to a bus stop which is served by the no. 38/38A 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 first bus leaves Gosfield at 06:14am and arrives at Witham train station at 07:22. The no. 352 links to Halstead, Braintree, Great Leighs, Chelmsford (including train station) and Broomfield Hospital. This service runs twice a day Monday – Saturday during the evening (19:00 – 23:00) and every 2 hours on a Sunday between 10:00 and 20:30.

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 acknowledge that future occupiers are unlikely to seek employment within the village and undoubtedly there will be reliance on travel by car as not all needs can be met within the village. 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 access public transport, shop locally or utilise recreational activities within walking and/or cycling distance.

Officers acknowledge that in terms of the settlement hierarchy in both the current development plan and that emerging, the site would not be considered a sustainable location for residential development. Notwithstanding this, the approach taken by Inspectors at recent appeals, given the diminished weight of the development plan, focuses on what is provided within the settlement rather than taking a narrow judgement based solely on the settlement hierarchy. The development of the site as proposed does not accord with the overall spatial strategy, however in light of the weakened position of the current development plan and that the emerging plan can be given only limited weight, the amenities available within the village, which are readily accessible on foot from the site and the regular bus services, must be a factor in the overall planning balance which weigh in favour of the development.

The planning balance is concluded below.

Design, Appearance and Layout

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage.

Notwithstanding this it is prudent to consider whether the number of units proposed can be satisfactorily accommodated on site. A development of up to 19 units on this site area would be relatively low density and therefore officers are satisfied that in principle the number of dwellings proposed can be accommodated.

The site currently contains a number of trees which includes a series of Lime trees which once formed part of a complete avenue leading to Gosfield Hall. This link with Gosfield Hall has however been severed for some time given the removal of trees to accommodate previous development. As such it isn't possible to appreciate this historic reference of the trees when considering the site and its local context. The trees do however provide amenity value to the street and the Conservation Area. Of all the trees within the site 3no. are category A (high value) and 6no. category B (moderate value). The majority of the trees (30no.) are category C (low value) and 2 are category U (unsuitable for retention).

Given the amenity value the trees provide a number of these will be required to be retained and any development principally dictated by the need to protect/retain these. Officers are of the opinion that the removal of some the lower category trees would be acceptable and a successful layout could be achieved whilst respecting the trees to be retained which have the most amenity value, especially given the low density of the scheme. The Council's Landscape Officer advises that any layout will need to ensure that the trees to be retained are not compromised. Landscaping is a reserved matter and a condition could be placed on any grant of consent which requires more detail to be provided of which trees are to be retained and removed and for this to be agreed by the Local Planning Authority.

The Council's Heritage Consultant does not object to the proposal in principle, but advises that any layout/design at reserved matters stage should consider the historic environment and the positive landscape features retained and enhanced.

Officers acknowledge that the site currently provides a soft and undeveloped edge to this part of the settlement, with the countryside meeting with existing development at this point and defined by natural boundaries. This affords a character and setting to the village.

Officers have considered the site from a number of different viewpoints, including from the Public Right of Way (PROW) to the south which traverses agricultural land between The Street to the east and Church Road to the west and also from the allotments on The Street. What is apparent from the site visit is that the site is well related to the existing settlement and any development would be viewed in conjunction with the existing. The site is also well contained by natural boundaries, although noticeably more vulnerable to the south where it abuts the allotment site. The site is not readily visible when viewed from the western end of the PROW, given the land rises up from the PROW and obscures views. The only impression from this viewpoint of the existing development is the ridges of the two storey houses in The Limes and Nuns Meadow, such it is reasonable to conclude this would also be the case for the proposed development, although the application site is less exposed given the existing boundary planting and therefore would be less visible.

From the eastern end of the PROW the site is more visible, however again given the existing boundary planting only glimpses through this to the site are

possible. In addition there is a row of significant poplar trees between the site boundary and the PROW, which also filter views of the site from the PROW. It is reasonable to conclude that although glimpses of the development would be visible from the PROW, it would not dominate views, nor impact upon the landscape character of the settlement.

As mentioned above the site is most vulnerable and open on its southern boundary. In response to this the parameter plan includes an area of proposed woodland which would obscure the development on approaching the village from the south.

Officers acknowledge that in order to accommodate an access from The Street that some 40m (less than 50%) of the existing hedging will need to be removed. This would have an impact upon the character and appearance of this part of The Street. This would weigh against the proposal in the overall planning balance; however its impact would be localised. Officers acknowledge that in order for development on this site to be successful it will need to relate to the existing development in The Limes and draw upon characteristics from this whilst ensure the rural edge is maintained. Opportunity could be taken to integrate the site in to the village by way of mimicking the existing green space just north of the application site. This would open up the site at its northern end and allow for the Lime trees to be more widely appreciated.

It is considered that it would be possible to bring a development forward which would ensure the rural character of the village is retained, by taking reference from the existing village.

To conclude, the site has a rural context however it is immediately adjacent to the existing settlement boundary and relates well to existing development. The site is well contained by natural boundaries such it is not highly visible nor would it dominate in long distance views. The development would undeniably alter the rural character afforded to the site and the contribution this makes to the village and this weighs against the proposal. Nonetheless it is Officer's opinion that its impact is localised and limited.

Impact on Neighbour Amenity

The scheme is in outline so it is not possible to consider the impacts on residential amenity at this stage. This assessment would be undertaken at the reserved matters stage. Nevertheless given the local context the relationship with neighbouring dwellings would result in a front-to-front orientation and Officers are satisfied that a scheme could be brought forward which does not give rise to unreasonable impacts upon residential amenity.

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.

Access has not been reserved and is for consideration at this outline stage. The application proposes a vehicular access from The Street. The Highway Authority has considered the introduction of an access at this point and raise no objections, subject to a series of conditions being placed on any grant of consent. The Highways Authority are agreeing to an access from The Street given they acknowledge that an access to serve this number of units from The Limes would prove difficult given the trees that are required to be retained. The majority of the conditions suggested are appropriate for an outline application, however for example conditions in respect of car parking, given layout is reserved, would be best placed on reserved matters permission. In addition a condition is recommended requiring a footway along the northern boundary, such there would be a footway on either side of The Limes. The applicant has confirmed that such a footway would not be possible given that there is a strip of land between the highway and the site which is not in the applicant's ownership. If necessary a footpath could be accommodated inside the site and this would be secured at the detailed design stage.

OTHER MATTERS

Surface Water Drainage

The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy.

This strategy confirms that with the development a 1 in 1 greenfield runoff rate can be achieved such the level of surface water runoff would not increase. The strategy also considers surface water storage in a 1 in 100 +40% storm event and acknowledges that the preferred option for this is by infiltration. Given that the application is in outline form and there is no layout, it is not known whether this can be achieved by infiltration alone. As such the strategy includes an alternative viable option by way of discharging to an existing small watercourse along the western boundary of the site.

Essex County Council, as Lead Local Flood Authority, currently objects on the basis that it has not been confirmed that surface water storage in a 1 in 100 +40% storm can achieved by infiltration in the first instance. Officers acknowledge however that without a development layout, this cannot yet be determined. In any event there is another viable option to control surface water drainage from the site. It is considered reasonable that a condition be placed on any grant of consent requiring a detailed drainage strategy, based on sustainable urban drainage principles, to be submitted for approval. This would enable a layout to be designed and the most appropriate drainage strategy for that layout could then be determined.

S106

Paragraph 2-4 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably

related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identified those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant it permission and the applicant has agreed to enter in to a S106 agreement in respect of these matters.

Affordable Housing – Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make a financial contribution in respect of open space enhancement associated with the added demand placed on existing open space provision within the village. The contribution is based upon a formula set out in the SPD and is not currently determined given the application is in outline form. The Open Spaces Action Plan (2017) sets out several sites which the Parish Council would like to see improvements to existing facilities or the provision of new facilities. The contribution could be utilised to progress a specific project set out in the Action Plan.

The applicant has agreed to enter in to a S106 agreement in respect of the above.

CONCLUSION & PLANNING BALANCE

The application site is located outside of the Village Envelope for Gosfield and is therefore within the countryside for the purposes of planning. The development therefore conflicts with Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy.

Notwithstanding the conflict with the above mentioned policies of the adopted development plan, the presumption in favour of sustainable development sits at the heart of the NPPF. The NPPF is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus the weight afforded to Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy (in so far as they restrict the supply of housing) must be reduced. It should be noted however that the principal purposes of Policy CS5 of the Core Strategy is to limit development in the countryside in order to protect and enhance its landscape character and

biodiversity, geodiversity and amenity. This must therefore be afforded weight in the any balancing of the adverse impacts and benefits of the proposal.

In this case Officers have concluded that specific policies of the NPPF do not indicate that development at this site should be restricted.

Accordingly the LPA must apply the 'tilted balance' for which there is a presumption in favour of sustainable development, to the consideration and determine and assess whether any adverse impacts of granting consent would demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. In terms of economic and social sustainability the development would bring public benefits including the provision of housing and affordable housing, the generation of jobs at the construction stage and would help to support the continuation of the services/amenities which are available in the village. Furthermore the village does provide some amenities within walking distance to the site, which would benefit future residents and is also served by a regular bus service to larger centres.

Environmentally the site is rural in its context, although well related to the existing settlement and defined by existing natural boundaries and is well contained. It is not a site that is highly visible beyond the immediate locality and development of the site, in a manner which respects the current parkland character would not impact adversely upon the landscaping setting of the village. Furthermore although part of the site is located within the Conservation Area this does not preclude development and the Heritage Consultant does not object in principle.

To conclude, it is officer opinion that in this case there are no significant or demonstrable impacts which outweigh the benefits and therefore the planning balance falls in favour of granting planning permission.

RECOMMENDATION

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

Affordable Housing – 40% of units on site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage, but with 70/30% ratio of affordable rent over shared ownership.

Open Space Contribution – A financial contribution towards open space, based upon a formula set out in the SPD.

The Development Manager be authorised to GRANT planning permission under delegated powers subject to 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 with 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Location Plan

Photograph

Plan Ref: 14038-10

Parameter Drawing

Plan Ref: 14038-13

Version: F

Highway Plan

Plan Ref: DR1

- 1 Details of the:-
 - (a) scale,
 - (b) appearance
 - (c) layout of the building(s); and the
 - (d) 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 (as amended).

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 19 dwellings and an area of woodland within the areas shown on drawing no. 14038-13 Rev F.

Reason

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

- 3 Construction of any buildings shall not be commenced until samples of the materials to be used in the external finishes has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 4 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 unless otherwise agreed in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the Local Planning Authority.

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

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

Reason

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

- 5 Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the

Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To control the trees to be removed and to ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

- 6 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

- 7 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by full details of the location and design of the refuse bins and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

In order to ensure sufficient provision for refuse storage and collection in the interests of amenity.

- 8 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 visual and residential amenity and to ensure the protection of bats.

- 9 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme as approved shall be that implemented on site prior to first occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 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.

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

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 11 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 12 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 as required in condition 11 of this permission. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

- 13 During development, should any evidence of ground contamination be found, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed 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') and a report and remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed, and a validation report provided to the Local Authority from a competent person confirming this, prior to the first occupation of any parts of the development.

Reason

In the interests of residential amenity.

- 14 Prior to its first use the access from The Street, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the North and 2.4 metres 90 metres to the South, as measured from and along the nearside edge of the carriageway and retained free of any obstruction at all times.

Reason

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

- 15 Prior to the occupation of any of the proposed dwellings, the proposed private drive shared access from The Street shall be constructed to a width of a minimum of 6 metres for at least the first 15 metres from the back of Footway and provided with an appropriate dropped kerb crossing of the footway/verge as shown in drawing DR1 as contained within the Transport Statement (June 2017).

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with

policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

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

- 17 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Reason

In the interests of residential amenity.

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

Reason

In the interests of residential amenity.

- 20 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 residential amenity.

- 21 Prior to first occupation of the dwellings hereby approved, details of a Residential Travel Information Pack, promoting sustainable transport shall be submitted to and approved in writing by the Local Planning Authority. The approved packs shall be provided to the first occupiers of each dwelling at the expense of the developer.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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 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. 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.

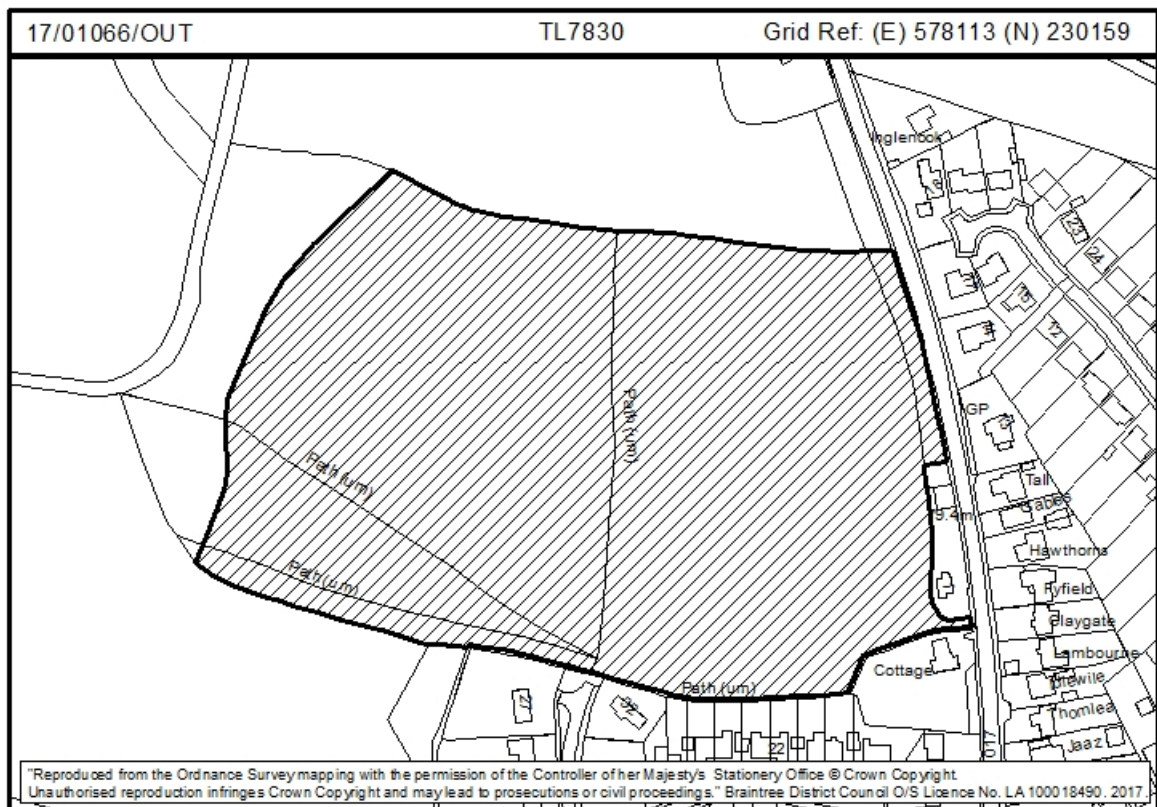
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 17/01066/OUT DATE: 21.06.17
 VALID:
 APPLICANT: Baylight Ltd
 c/o Agent
 AGENT: Phase 2 Planning
 Mr Michael Calder, 250 Avenue West, Great Notley, Essex,
 CM77 7AA
 DESCRIPTION: Outline application with all matters reserved except for
 access for the erection of up to 35 dwellings - Access via
 Meadway
 LOCATION: Land To The West Of, Hedingham Road, Gosfield, Essex

For more information about this Application please contact:
 Mrs Fiona Bradley on:- 01376 551414 Ext. 2519
 or by e-mail to: fiona.bradley@braintree.gov.uk



SITE HISTORY

17/01067/OUT	Outline application with all matters reserved except for access for the erection of up to 35 dwellings - Access via Hedingham Road	Pending Decision
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP54	Transport Assessments
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection

LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee as the development is considered to be significant and represents a departure from the development plan.

SITE DESCRIPTION

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

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

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

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

PROPOSAL

The application seeks outline permission, with all matters reserved except for access for up to 35no. dwellings. Detailed permission for access from Meadway is sought. The application is supported by an illustrative layout plan and elevations to demonstrate that the site area is capable of accommodating the quantum of housing proposed, in a form that will meet parking, garden size, highway and public open space standards and policy requirements.

The application was supported by the following documents:

- Design and Access Statement (D&A)
- A Planning Statement
- Statement of Community Involvement
- Archaeological Desk Based Assessment
- Heritage Statement
- Landscape Visual Assessment
- Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal)
- Landscape Strategy and Open Spaces Management Plan
- Arboricultural Report
- Transport Statement – Intermodal
- Flood Risk Assessment including Drainage Strategy

A second application ref. 17/01067/OUT (also for consideration in this Committee agenda) was submitted at the same time as this application. It is also an outline application with all matters reserved except access, in that application the proposed access is via Hedingham Road.

CONSULTATIONS

ECC Heritage – Having considered the two applications it is believed both would cause a degree of harm to the conservation area and Grade II listed 1 Hedingham Road. However, this harm would be less than substantial and considered moderate rather than significant. Application 17/01066/OUT with access via Meadway would cause less harm out of the two applications as introducing a junction to Hedingham Road (17/01067/OUT) would seem to elongate the settlements form and the necessary removal of trees/vegetation to achieve the required junction visibility would dilute the character of the northern approach to the conservation area which is defined to a degree by the sense of enclosure.

ECC Highways – No objection is raised to the proposed access subject to a condition requiring the loss of the existing turning head and the continuation of the carriageway and footways into the site. Conditions are requested for works to upgrade two bus stops in the area, residential travel packs and a construction management plan. It is also noted that the access would cross a public footpath and that any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation.

ECC Education – There is sufficient capacity at early years level. Gosfield Primary School is at capacity in most year groups and temporary accommodation is required to meet current demand. This equates to £12,734 per places so based on the proposal a contribution of £133,707 index linked is sought. Demand for places at secondary level can be met however a secondary transport contribution of £24,272.50 is sought.

BDC Waste – The access road needs to accommodate turning movements for waste collection vehicles up to 26 tonne and offered to ECC for public

adoption. If there are to be private roads then bins will need to be presented for collection near to or on the public highway.

BDC Housing Research and Development – Would comply with policy CS2 of the Core Strategy in delivering affordable housing. Type and mix of dwellings are subject to a reserved matters application.

BDC Landscapes – No objection subject to a number of conditions regarding protected species, ecological enhancement of the site and biodiversity. It is noted that the preferred access option would be via Meadway as there is an existing access to the site. This would allow the majority of the trees and boundary features to be retained ensuring the retention of wildlife corridors, foraging and commuting routes together with enhancement through additional planting.

BDC Environmental Health – No objections subject to conditions which seek to minimise impact on the amenity of neighbouring residents and investigating the potential for contamination.

Anglian Water – No objections.

ECC SuDS team – Initially raised a holding objection. Following the submission of further information this objection has been removed subject to a number of conditions being imposed.

NHS – no comments received. The case officer has discussed the proposal with the NHS representative who confirmed no contribution would be sought due to the size of the proposal i.e. under 50 dwellings.

REPRESENTATIONS

Parish Council – A motion was proposed to support the application. 40% affordable housing. A S106 agreement to secure the remainder of the land. Construction traffic from the airfield. The motion did not find support and fell. There were no other motions proposed for this application.

33 letters of objection have been received in response to the public consultation. The main contents of which are summarised below:

Highways and access

The roads are already congested and often gridlocked especially at school drop off/pick up times.

Meadway is already reduced to single lane due to parked cars.

Meadway is often a chicane due to parked cars.

Construction traffic will cause major problems; be a danger to school children, make a mess of the roads.

Road safety is a huge concern especially for school children and the elderly.

Emergency vehicles won't be able to access the roads due to parked cars.

The transportation information submitted gives a false representation of parking on Meadway and other roads.

The road already has many potholes which aren't repaired.
Access via Hedingham Road is preferred.

Countryside and wildlife

Displacement of wildlife, birds and flowers along the Hedingham Road frontage and the site itself.

Erosion of unspoilt greenbelt land.

This is an unsustainable use of agricultural land.

The footpath along the southern side of the site forms a natural boundary.

Development is outside the village envelope.

Field is home to barn owls, badgers, bats, deer and buzzards.

Loss of a lovely field, currently MAFF Countryside Access Scheme.

Utilities and Services

There are limited facilities in the village, little local employment to sustain an increase in population.

This together with the application at The Limes will put additional strain on infrastructure.

No doctors surgery in Gosfield, the development will put pressure on surgeries also oversubscribed.

Getting utilities to the site would be a major disruption to the village

Major works for drainage required including a new pumping station.

Impact on sewerage system.

Regular telephone cable faults in the area.

Other matters

Noise and smell from traffic generated by the scheme (including construction traffic) will harm amenity.

A speculative scheme which offers nothing favourable to the village.

The development is the tip of the ice berg as the site is much larger and future development will be wanted.

Double standards of the Council wanting residents to recycle but then allowing this development with a huge carbon footprint.

The type of housing proposed is not what Gosfield needs.

Brownfield site further up the road would be more suitable.

Not in accordance with Gosfield's Parish Plan.

Impact on Gosfield Hall.

Site gets waterlogged.

Village can't cope with extra people.

Development offers nothing favourable to the village.

In addition, a petition with 125 signatures was submitted opposing the development for the following reasons:

1. Loss of natural habitat for animals and birds.
2. If accessed via Hedingham Road, potential for more accidents as line of sight could be impaired.
3. If accessed via Meadway, there would be major congestion in Meadway and Hall Drive. Hall Drive is the only road to Meadway, Woodland Way,

Chestnut Avenue, the local primary school, Gosfield Hall, Gosfield Golf Club and St. Margaret's School.

4. Local healthcare is already overstretched, local utilities are old and near capacity.

Two letters of support have been received and are summarised below:

Significant and tangible benefits for the village in providing substantial area of public access land. This site is better located and offers more to the village than other proposed developments in Gosfield.

Application fits with the Parish Council's own plan for the village.

Satisfied the listed cottage will not be harmed due to distance from cottage to the proposed houses.

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

The application site is located outside of the village envelope for Gosfield and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 of the Core Strategy states that outside of town development boundaries development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

The site was considered by the Local Plan Sub Committee in May 2016 (reference numbers GOS5 and GOSF253) and was not allocated for development. Representations were made on the site through the Draft Local Plan consultation process and these were reported to Members on 31st October 2016. The site was not supported for allocation. There is an unresolved objection to this from the agent who considers the site suitable for residential development.

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

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

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. 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’.*

Moreover paragraph 14 of the NPPF 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’.*

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September

2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

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

Sustainable Development

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

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

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

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreation ground, social club, golf club and a church all within walking

distance from the site. Gosfield also has a tennis club located to the south of the village.

The closest bus stop to the development site lies approximately 350m from the site and is served by the no. 38/38A 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 first bus leaves Gosfield at 06:14am and arrives at Witham train station at 07:22. The no. 352 links to Halstead, Braintree, Great Leighs, Chelmsford (including train station) and Broomfield Hospital. This service runs twice a day Monday – Saturday during the evening (19:00 – 23:00) and every 2 hours on a Sunday between 10:00 and 20:30.

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 acknowledge that future occupiers are unlikely to seek employment within the village and undoubtedly there will be reliance on travel by car as not all needs can be met within the village. 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 access public transport, shop locally or utilise recreational activities within walking and/or cycling distance.

Officers acknowledge that in terms of the settlement hierarchy in both the current development plan and that emerging, the site would not be considered a sustainable location for residential development. Notwithstanding this, the approach taken by Inspectors at recent appeals, given the diminished weight of the development plan, focuses on what is provided within the settlement rather than taking a narrow judgement based solely on the settlement hierarchy. The development of the site as proposed does not accord with the overall spatial strategy, however in light of the weakened position of the current development plan and that the emerging plan can be given only limited weight, the amenities available within the village, which are readily accessible on foot from the site and the regular bus services, must be factors in the overall planning balance.

The planning balance is concluded below.

Design, Appearance, Layout

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage.

Notwithstanding this it is prudent to consider whether the number of units proposed can be satisfactorily accommodated on site. A development of up to

35 units on the part of the site that is proposed for development would be relatively low density, at 15 dwellings per hectare. It is considered that this level of density would be in keeping with the edge of village location and the surrounding residential development. Officers are satisfied that the number of dwellings proposed could be accommodated in a way in which amenity space, car parking, impact on neighbours and density would be acceptable. At the same time, incorporating open space in the south eastern corner of the site to serve the proposed development would also serve to separate the developed area from the listed building thereby safeguarding its setting.

Landscape and Visual Impact

Paragraph 215 of the Framework is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. Core Strategy Policy CS 8 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 RLP 80 states that development that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

The site is well enclosed on all sides. To the north and west of the site are well established woodland blocks. To the south, the site is enclosed partly by an adjacent field, separated by a field hedge and mature trees and by the existing residential development on Meadway and Chestnut Avenue. The dwellings in this area predominantly comprise two storey detached dwellings on generous plots. To the east of the site is Hedingham Road. Along the northern section of this boundary is a well-established thick field hedge with mature trees. Along the southern part of this boundary are two residential dwellings, one of which is Grade II listed (1 Hedingham Road).

Public Footpath, PROW 82_11 is located within the site and runs along the site's southern boundary from Hedingham Road heading west to the airfield which links to another footpath which continues around the airfield.

The site is within the Gosfield Wooded Farmland (F1) landscape character as identified in the Braintree District Landscape Character Assessment (Chris Blandford Associates 2006) (Braintree LCA). Suggested landscape planning guidelines for LCA F1 identified by the Braintree LCA are;

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

The application was supported by a Landscape and Visual Appraisal. Whilst in outline form with layout being a reserved matter the report assumed two basic layout arrangements namely: the retention of open space to the western half of the site, and the reservation of an area of village green style open

space in the south-east corner near to the adjacent listed cottage. Access to the site would be via an extension to Meadway.

The study included a detailed appraisal and found that landscape effects would be minor in nature “with no notable loss of existing landscape fabric and the development would fit into the context with minimal influence or change to the landscape character of the area. This is primarily because the site field is highly contained by woodland blocks to the north and west and sits against developed edges of Gosfield to the east and south. It is also largely contained against the nearby Hedingham Road behind a dense hedge and tree belt”. The study also found that the proposed development would have no effect on the character and setting of the Gosfield Hall Registered Park and Garden and that the development would be in keeping with the existing pattern of settlement in the village. The reason for this is due to the highly contained nature of the site.

Officers have undertaken visits to the site and have considered the landscape and visual impacts of the proposal in some depth and concur with the findings of the Landscape and Visual Appraisal in terms of the limited wider impact of the proposal.

It is considered that the most significant visual impact would be experienced by users of the PROW and residents in the adjacent properties on Meadway, Chestnut Avenue and the properties on Hedingham Road immediately adjacent to the site. The illustrative site plan shows a layout which could be achieved on the site which would minimise visual impact from these neighbouring properties through setbacks from the adjacent properties and the large green area in the south eastern part of the site. In addition, the western part of the site is indicated as public open space. The reserved matters application would confirm the exact position and extent of the green adjacent to the listed building. On site open space together with the larger area to the west of the land shown to be developed would be secured via a S106 agreement.

In order for development on this site to be successful it would need to relate to the existing development on Meadway and Chestnut Avenue and draw upon characteristics from this whilst ensuring the rural edge is maintained. This application does not require the removal of any hedgerow or trees, thus maintaining the site’s natural boundaries. It is considered that it would be possible to bring a development forward which would ensure the rural character of the village and settlement edge is retained, by taking reference from the existing village.

To conclude, the site has a rural context however it is immediately adjacent to the existing settlement boundary and relates well to existing development. The site is well contained by natural boundaries such it is not highly visible nor would it dominate in long distance views. The development would undeniably erode some of the rural character afforded to the site and this weighs against the proposal.

It is Officers opinion that the impact of the residential development would be localised and limited and would not outweigh the benefits of housing and affordable housing.

Impact on Neighbour Amenity

The scheme is in outline therefore is not possible to consider the impacts on residential amenity at this stage; this assessment would be undertaken at the reserved matters stage. However, Officers are satisfied that a scheme could be brought forward which does not give rise to unreasonable impacts upon residential amenity from the development itself given the relationship with the neighbouring properties, the size of the site and the density of development.

The introduction of the access from Meadway would generate traffic movements which would have some impact on the immediately adjacent properties, in terms of general disturbance and noise. However the adjacent houses are set back from the edge of the road and such impact is not considered to be so harmful as to warrant refusal of the application. Odour from traffic has also been raised by an objector in terms of a detrimental impact however the any odour generated by 35 houses would be minimal.

Some objectors have raised concerns about impacts on amenity and the wider village during construction. Whilst this would be inevitable such impacts would be short term. Furthermore, the Council's Senior Environmental Health Officer has considered the application and, due to the proximity of residential properties, has recommended a number of conditions be attached to any permission to minimise impact on neighbouring residential properties during the construction of the development.

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.

Access has not been reserved and is for consideration at this outline stage. The application proposes a vehicular access from Meadway. It is proposed that the first part of the new access road would be adopted and would include a turning head.

Most letters of representation have raised concerns about congestion on Hall Road and Meadway, particularly at school drop off/pick up times, and issues with parking on Meadway. Due to the level of objection raised the case officer has visited the site at different times of the day including at the end of the school day. It is acknowledged that the proposal would increase traffic in the area to a degree, however the Highway Authority have not raised an objection to the application and in these circumstances Officers do not consider that there are any highway grounds to justify the refusal of the application.

The Highway Authority has requested a condition be imposed on the application if approved to ensure the continuation of the carriageway and footways into the site which is considered necessary and relevant to the development. In addition, the conditions requiring residential travel information packs and construction management plan are also relevant to the development and necessary. However, the condition requested for the upgrading of two bus stops would not meet the tests for planning conditions in that it does not specify which bus stops would be upgraded nor are Officers satisfied the condition is necessary and would be reasonably related to the development. However, a condition requiring the detailed design of the point where the proposed new access would cross the public right of way is considered necessary and this can be secured through a condition.

It was noted by the Highways Authority that the access would cross a public footpath and that any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation.

Heritage Impact

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses.

The site is adjacent to the boundary of the Gosfield Conservation Area. There is a Grade II listed cottage adjacent to the eastern boundary of the site at 1 Hedingham Road. The Council's Historic Buildings Advisor considers that the application would cause a degree of harm to the setting of the conservation area and the listed building. However, this harm would be less than substantial and considered moderate rather than significant.

As the harm identified is less than substantial as referred to in Framework paragraph 132, paragraph 134 of the Framework applies. This identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

The site would provide up to 35 new homes in the District where we do not have a deliverable 5 year supply of housing. 40% of these homes would be affordable. These social benefits are significant and are therefore given considerable weight. The proposal would generate economic benefits, both short term during the construction process and longer term with new residents contributing to the vitality and viability of the village's businesses and participation in community activities. These economic benefits are given moderate weight. The proposal would also result in the provision of public open space, available to new and existing residents.

When weighing the less than substantial harm identified from development including the new access on the setting of the conservation area against the

identified benefits it is considered that the public benefits would, in this case, outweigh the harm provided a satisfactory separation is maintained to safeguard the setting of the listed building. Accordingly, refusal on the grounds of impact on the setting of the listed building and conservation area cannot be justified.

OTHER MATTERS

Surface Water Drainage and Flood Risk

The application is supported by a Drainage Strategy and Flood Risk Assessment. Essex County Council as the Lead Local Flood Authority raised an objection to the application due to insufficient information being submitted with the application. Further information was submitted by the applicant which has resulted in this objection being removed subject to a number of conditions being imposed on any approval.

Ecology

The Council's Ecology and Natural Environment Officer has considered the application and its supporting information and does not raise an objection however a number of conditions are suggested to minimise the impact of the proposal on wildlife, protected species and biodiversity and for ecological enhancements. The Officer does however state that the preferred access option would be via Meadway due to the existing access as this would allow the majority of mature trees and boundary features to be retained thus ensuring the retention of wildlife corridors, foraging and commuting routes which could also be enhanced with additional planting.

Impact on infrastructure and facilities

A number of representations have raised concerns regarding the impact of this development on infrastructure and facilities in and around the village. In terms of drainage and sewerage concerns no objection was raised by Anglian Water and the Lead Local Flood Authority is satisfied with the proposal subject to conditions.

The NHS was consulted on the proposal but did not respond. The case officer contacted the NHS and was advised that as the proposal is for less than 50 dwellings a contribution would not be sought. The case officer was also advised that S106 contributions have already been secured from other larger sites in the wider area which are being pooled to improve the GP service in Halstead which would serve this site.

It is considered the proposal would assist in supporting local businesses, services and community facilities through the increase in people accessing these.

Contaminated Land

The Council's Senior Environmental Health Officer has requested conditions be attached to any permission to require the developer to undertake a survey prior to commencement to identify any potential contamination on the site.

Archaeology

A desk based assessment was submitted with the application and concluded that the site has low potential for archaeology remains. No comments have been received by ECC Archaeology to counter this information.

S106

Paragraph 2-4 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council, were it to grant permission, would seek to secure through a planning obligation. The applicant has agreed to enter into a S106 agreement in respect of these matters.

Affordable Housing – Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. The western part of the application site, approximately 2.6 hectares, is proposed as public open space and this would be secured through the S106 as would arrangements for its ongoing management and maintenance. Additional open space, together with ongoing arrangements for its management and maintenance, would also be required within the developable area to meet the needs for public open space and safeguard the setting of the listed building. Furthermore development of this size would be expected to make a financial contribution towards allotments and sports provision. The contribution is based upon a formula set out in the SPD and is not currently determined given the application is in outline form. The Open Spaces Action Plan (2017) sets out several sites where the Parish Council would like to see improvements to existing facilities or the provision of new facilities. The contribution could be utilised to progress a specific project set out in the Action Plan.

Education - Essex County Council seek a contribution of £133,707 index linked for primary school places and £24,272.50 as a secondary transport contribution. As the application is in outline form these contributions would be sought in accordance with ECC's formula to ensure the appropriate level of contribution is sought.

The applicant has agreed to enter in to a S106 agreement in respect of the above.

CONCLUSION & PLANNING BALANCE

The application site is located outside of the Village Envelope for Gosfield and is therefore within the countryside for the purposes of planning. The development therefore conflicts with Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy.

Notwithstanding the conflict with the above mentioned policies of the adopted development plan, the presumption in favour of sustainable development sits at the heart of the NPPF. The NPPF is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus the weight afforded to Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy, insofar as they restrict the supply of housing, must be reduced. It should be noted however that the principal purpose of Policy CS5 of the Core Strategy is to limit development in the countryside in order to protect and enhance its landscape character and biodiversity, geodiversity and amenity. This must therefore be afforded weight in the any balancing of the adverse impacts and benefits of the proposal.

In this case Officers have concluded that specific policies of the NPPF do not indicate that development at this site should be restricted.

Accordingly the LPA must apply the 'tilted balance' for which there is a presumption in favour of sustainable development, to the consideration and determine and assess whether any adverse impacts of granting consent would demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. In terms of social sustainability, the proposal would introduce up to 35 new dwellings, 40% of which would be affordable. When considered against the lack of a deliverable 5 year supply and the need for affordable housing across the District significant weight is attached to these social benefits.

The proposal would result in the generation of jobs at the construction stage and future residents would help to support the continuation of the

services/amenities which are available in the village which would provide some economic benefits and weight is attached to this.

Environmentally the site is rural in its context, although well related to the existing settlement and defined by existing natural boundaries and is well contained. It is not a site that is highly visible beyond the immediate locality and development of the site, in a manner which respects the current character would not impact adversely upon the landscaping setting of the village. Less than substantial harm to the listed building and conservation area was identified, however it is considered the benefits of the scheme outweigh this identified harm to the heritage assets, providing there is sufficient separation maintained between any new development and the listed building.

The village does provide some amenities within walking distance to the site, which would benefit future residents. The site is served by a regular bus service to larger centres which would connect with train services and would allow for commuter travel to Chelmsford and beyond.

The continuation of Meadway as the access to the site would result in minimal visual impact and although this part of Meadway would experience more vehicle movements, the impact is not considered unacceptable in terms of amenity of neighbouring residential properties. The Highways Authority has not raised an objection to the proposed access. Accordingly, a reason for refusal on the grounds of highway safety could not be substantiated.

To conclude, it is officer opinion that in this case there are no significant or demonstrable impacts which outweigh the benefits and therefore the planning balance falls in favour of granting planning permission.

RECOMMENDATION

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

Affordable Housing – 40% of units on site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage, but with 70/30% ratio of affordable rent over shared ownership.

Open Space Contribution – A financial contribution towards allotments and sports provision, based upon a formula set out in the SPD. The provision of public open space on the developable area, between the development and listed building. The land on the western part of the site (approx. 2.6 hectares) shall be public open space. Provision for ongoing arrangements for the management and maintenance of all open space provided.

Education - A contribution towards primary school places and a secondary transport contribution in accordance with ECC's formula.

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Access Details	Plan Ref: IT1283 TS 03
Existing Site Plan	Plan Ref: 255_PL_010

- 1 Details of the:-
 - (a) scale,
 - (b) appearance
 - (c) layout of the building(s); and the
 - (d) 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 (as amended).

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 35 dwellings.

Reason

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

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

Reason

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

- 4 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 unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

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

Reason

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

- 5 Prior to occupation of the first dwelling the existing turning head on Meadway shall be removed and the carriageway and footways from Meadway shall be extended into the site to provide access to the development in accordance with the details shown on drawing no. IT1283TS03.

Reason

In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 6 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

- 7 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by full details of the location and design of the refuse bins and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

In order to ensure sufficient provision for refuse storage and collection in the interests of amenity.

- 8 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 submitted shall include a lighting strategy that:
 - i. Identifies areas/features that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging: and
 - ii. Identifies how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.

The details also 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 and maintained as such thereafter. There shall be no other sources of external illumination.

Reason

To ensure there is no harm or disturbance to a protected species and to ensure an acceptable level of lighting in this edge of village location.

- 9 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has

been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to the 1 in 1 greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. The run-off should be based on the area draining to the surface water drainage network.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Surface water storage on site should account for urban creep and have a suitable half-drain time.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753. This includes any proposed access road to the development.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall be implemented in accordance with the approved details prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 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.

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

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 11 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the

Local Planning Authority.

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 12 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 as required in condition 11 of this permission. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

- 13 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.

- 14 Development shall not commence until a pre-construction badger survey has been undertaken on the proposed development site and land up to 30m from the boundary to identify any new setts and if badger activity has changed. A statement to include the results of the badger survey and whether a development licence will be required from Natural England for the closure of a sett together with details of proposed ecological enhancement and appropriate mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be undertaken in accordance with the approved details.

Reason

To safeguard any protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken into account and mitigated. 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.

- 15 Development shall not commence until a biodiversity method statement (BMS) has been submitted to and approved in writing by the Local Planning Authority. The BMS shall include protection plans for badgers and other mammals during construction. The plan shall include:
 - a) An appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;

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

All construction activities shall be implemented in accordance with the approved details.

Reason

Measures should be used to protect badgers from becoming trapped or harmed on site. This information is needed prior to commencement of development to ensure there is no harm caused to a protected species during construction.

- 16 Development shall not commence until the further bat surveys that have been recommended to identify the location of any roosts on trees identified as having roost potential and activity surveys to inform species of bat using the site and how the site is being utilized for foraging and commuting have been undertaken. The results should inform the design and layout of the site, will determine if an EPS licence is required and will also inform appropriate mitigation.

The surveys must be completed and submitted to and approved in writing by the Local Planning Authority prior to any development taking place.

Reason

To safeguard any protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken into account and mitigated. 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.

- 17 Development shall not commence until details of the proposed ecological enhancement of the site are submitted to and provided in writing by the Local Planning Authority. It should include new habitat creation, particularly the proposed SUDs scheme which should be enhanced for biodiversity, and detail the proposed habitat improvement/retention including buffer zones and green infrastructure/wildlife corridors (hedge lines), and refuge sites. The provision of bird and bat boxes which where appropriate should be integrated into the building design. Hedgehog friendly fencing installation should also be considered to allow movement between foraging habitats. The development shall be undertaken in accordance with the approved details.

Reason

This information is needed prior to commencement of the development, in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures which would need to be considered prior to any works being undertaken.

- 18 Prior to the commencement of construction of the approved access road from Meadway details of any pedestrian safety measures required at the crossing point of the Public Right of Way over the new road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and maintained as such thereafter.

Reason

In the interests of pedestrian safety.

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

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

Reason

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Reason

In the interests of residential amenity.

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

Reason

In the interests of residential amenity.

- 23 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 residential amenity.

- 24 Prior to first occupation of the dwellings hereby approved, details of a Residential Travel Information Pack, promoting sustainable transport shall be submitted to and approved in writing by the Local Planning Authority. The approved packs shall be provided to the first occupiers of each dwelling at the expense of the developer.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 25 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.

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 It is noted that the proposed access at Meadway crosses public footpath number 11 Gosfield. 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 number 11 Gosfield shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- 7 The current mowing regime must continue to ensure the grass is kept short up until the point construction commences to ensure that the vegetation does not become potential habitat for reptiles. Additionally, all vegetation/scrub clearance of the site should be carried out sensitively and with due care and consideration to reptiles. The applicant is reminded that should reptiles be found all works must be stopped immediately and a suitably qualified ecologist must be contacted for further advice.

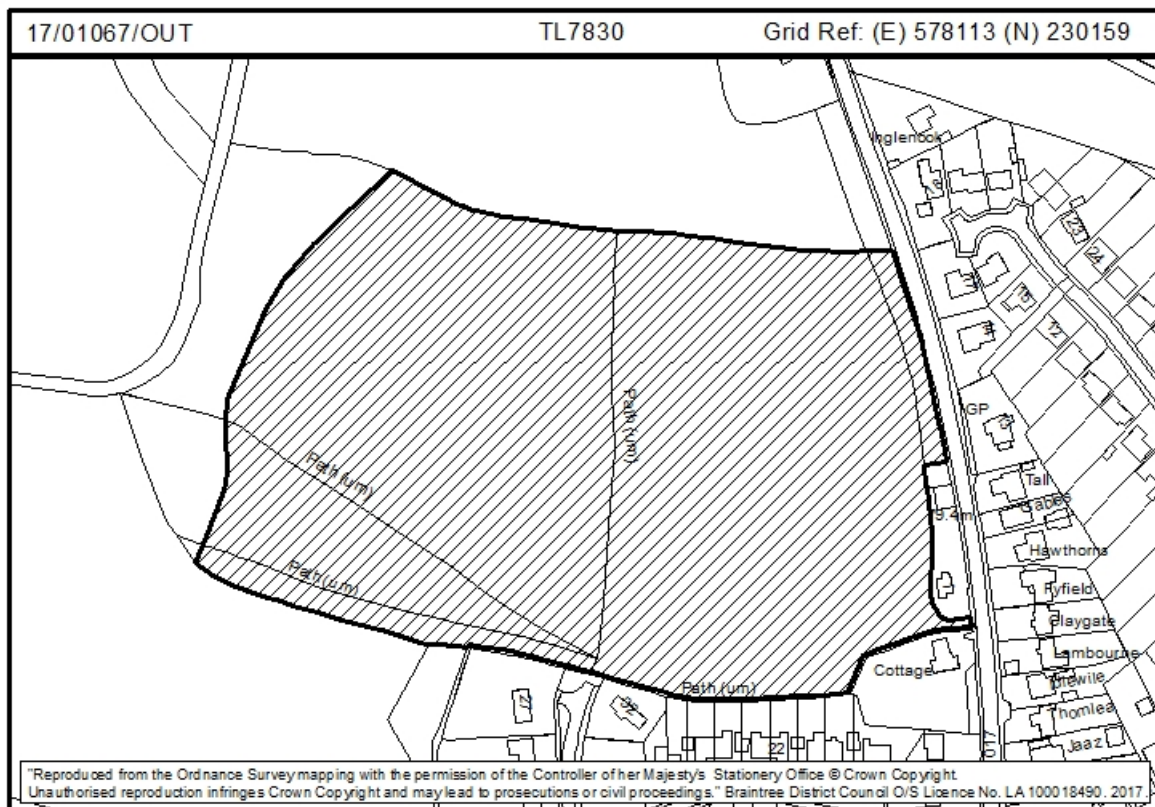
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART A

APPLICATION 17/01067/OUT DATE 21.06.17
NO: VALID:
APPLICANT: Baylight Ltd
c/o Agent
AGENT: Phase 2 Planning
Mr Michael Calder, 250 Avenue West, Great Notley, Essex,
CM77 7AA
DESCRIPTION: Outline application with all matters reserved except for
access for the erection of up to 35 dwellings - Access via
Hedingham Road
LOCATION: Land To The West Of, Hedingham Road, Gosfield, Essex

For more information about this Application please contact:
Mrs Fiona Bradley on:- 01376 551414 Ext. 2519
or by e-mail to: fiona.bradley@braintree.gov.uk



SITE HISTORY

17/01066/OUT	Outline application with all matters reserved except for access for the erection of up to 35 dwellings - Access via Meadway	Pending Decision
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP54	Transport Assessments
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection

LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee as the development is considered to be significant and represents a departure from the development plan.

SITE DESCRIPTION

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

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

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

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

PROPOSAL

The application seeks outline permission, with all matters reserved except for access for up to 35no. dwellings. Detailed permission for access from Hedingham Road is sought. The application is supported by an illustrative layout plan and elevations to demonstrate that the site area is capable of accommodating the quantum of housing proposed, in a form that will meet parking, garden size, highway and public open space standards and policy requirements.

The application is supported by the following documents:

- Design and Access Statement (D&A)
- A Planning Statement
- Statement of Community Involvement
- Archaeological Desk Based Assessment
- Heritage Statement
- Landscape Visual Assessment
- Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal)
- Landscape Strategy and Open Spaces Management Plan
- Arboricultural Report
- Transport Statement – Intermodal
- Flood Risk Assessment including Drainage Strategy

A second application ref. 17/01066/OUT (also for consideration on this Committee agenda) was submitted at the same time as this application. It is also an outline application with all matters reserved except access, in that application the proposed access is via Meadway.

CONSULTATIONS

ECC Heritage – Having considered the two applications it is believed both would cause a degree of harm to the conservation area and Grade II listed 1 Hedingham Road. However, this harm would be less than substantial and considered moderate rather than significant. Application 17/01066/OUT with access via Meadway would cause less harm out of the two applications as introducing a junction to Hedingham Road (17/01067/OUT) would seem to elongate the settlements form and the necessary removal of trees/vegetation to achieve the required junction visibility would dilute the character of the northern approach to the conservation area which is defined to a degree by the sense of enclosure.

ECC Highways – The proposal would lead to the creation of an access on a Main Distributor (A1017 Hedingham Road) where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. The proposal would therefore be contrary to Policy DM1 and DM2 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

ECC Education – There is sufficient capacity at early years level. Gosfield Primary School is at capacity in most year groups and temporary accommodation is required to meet current demand. This equates to £12,734 per place so based on the proposal a contribution of £133,707 index linked is sought. Demand for places at secondary level can be met however a secondary transport contribution of £24,272.50 is sought.

BDC Waste – The access road needs to accommodate turning movements for waste collection vehicles up to 26 tonne and offered to ECC for public adoption. If there are to be private roads then bins will need to be presented for collection near to or on the public highway.

BDC Housing Research and Development – Would comply with policy CS2 of the Core Strategy in delivering affordable housing. Type and mix of dwellings subject to a reserved matters application.

BDC Landscapes – No objection subject to a number of conditions regarding protected species, ecological enhancement of the site and biodiversity. It is noted that the preferred access option would be via Meadway as there is an existing access to the site. This would allow the majority of the trees and boundary features to be retained ensuring the retention of wildlife corridors, foraging and commuting routes together with enhancement through additional planting.

BDC Environmental Health – No objections subject to conditions which seek to minimise impact on the residential amenity of neighbouring residents and investigating the potential for contamination.

Anglian Water – No objections.

ECC SuDS team – Initially raised a holding objection. Following the submission of further information this objection has been removed subject to a number of conditions being imposed.

NHS – no comments received. The case officer has discussed the proposal with the NHS representative who confirmed no contribution would be sought due to the size of the proposal i.e. under 50 dwellings.

REPRESENTATIONS

Parish Council – A motion to support the application from the Hedingham Road access. 40 per cent affordable housing. A S106 agreement to secure the remainder of the land and construction traffic from the airfield and Hedingham Road was proposed. The motion was not supported by the majority of Councillors. No other motions were proposed for this application.

19 letters of objection have been received in response to the public consultation. The main contents of which are summarised below:

Highways and access

The access is in a 40mph area.

Visibility at this point in the road is very poor.

This would be an accident waiting to happen, would put lives at risk.

Traffic speeds in this area up to 50-60mph.

There has been a big increase in traffic in this area over the years.

Walking on the footpaths on Hedingham Road is too dangerous and also very difficult with prams/wheelchairs, they are very narrow.

Noise and pollution from a junction on a fast and dangerous road is not acceptable.

Both access points are unacceptable.

The Transport Assessment Report submitted is inaccurate in its engineering interpretation.

Standards in the Design Manual for Roads and Bridges cannot be achieved.

Countryside and wildlife

Displacement of wildlife, birds and flowers along the Hedingham Road frontage and the site itself.

Erosion of unspoilt greenbelt land.

This is an unsustainable use of agricultural land.

The footpath along the southern side of the site forms a natural boundary.

Development is outside the village envelope.

Utilities and Services

There are limited facilities in the village, little local employment to sustain an increase in population.

This together with the application at The Limes will put additional strain on infrastructure.

Construction traffic and noise will be horrendous.

No doctors surgery in Gosfield, the development will put pressure on surgeries also oversubscribed.

Getting utilities to the site would be a major disruption to the village

Major works for drainage required including a new pumping station.

Impact on sewerage system.

Regular telephone cable faults in the area.

Other matters

A speculative scheme which offers nothing favourable to the village.

The development is the tip of the ice berg as the site is much larger and future development will be wanted.

Double standards of the Council wanting residents to recycle but then allowing this development with a huge carbon footprint.

The type of housing proposed is not what Gosfield needs.

Brownfield site further up the road would be more suitable.

Not in accordance with Gosfield's Parish Plan.

In addition, a petition with 125 signatures was submitted opposing the development for the following reasons:

1. Loss of natural habitat for animals and birds.
2. If accessed via Hedingham Road, potential for more accidents as line of sight could be impaired.
3. If accessed via Meadway, there would be major congestion in Meadway and Hall Drive. Hall Drive is the only road to Meadway, Woodland Way, Chestnut Avenue, the local primary school, Gosfield Hall, Gosfield Golf Club and St. Margaret's School.

4. Local healthcare is already overstretched, local utilities are old and near capacity.

Two letters of support have been received and are summarised below:

Significant and tangible benefits for the village in providing substantial area of public access land. This site is better located and offers more to the village than other proposed developments in Gosfield.

Application fits with the Parish Council's own plan for the village.

Satisfied the listed cottage will not be harmed due to distance from cottage to the proposed houses.

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

The application site is located outside of the village envelope for Gosfield and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 of the Core Strategy states that outside of town development boundaries development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

The site was considered by the Local Plan Sub Committee in May 2016 (reference numbers GOS5 and GOSF253) and was not allocated for development. Representations were made on the site through the Draft Local Plan consultation process and these were reported to Members on 31st October 2016. The site was not supported for allocation. There is an unresolved objection to this from the agent who considers the site suitable for residential development.

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

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

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

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

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘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’.*

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September

2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

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

Sustainable Development

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

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

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

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreation ground, social club, golf club and a church all within walking

distance from the site. Gosfield also has a tennis club located to the south of the village.

The closest bus stop to the development site lies approximately 350m from the site and is served by the no. 38/38A 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 first bus leaves Gosfield at 06:14am and arrives at Witham train station at 07:22. The no. 352 links to Halstead, Braintree, Great Leighs, Chelmsford (including train station) and Broomfield Hospital. This service runs twice a day Monday – Saturday during the evening (19:00 – 23:00) and every 2 hours on a Sunday between 10:00 and 20:30.

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 acknowledge that future occupiers are unlikely to seek employment within the village and undoubtedly there will be reliance on travel by car as not all needs can be met within the village. 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 access public transport and the regular bus services must be a factor in the overall planning balance which weigh in favour of the development.

Officers acknowledge that in terms of the settlement hierarchy in both the current development plan and that emerging, the site would not be considered a sustainable location for residential development. Notwithstanding this, the approach taken by Inspectors at recent appeals, given the diminished weight of the development plan, focuses on what is provided within the settlement rather than taking a narrow judgement based solely on the settlement hierarchy. The development of the site as proposed does not accord with the overall spatial strategy, however in light of the weakened position of the current development plan and that the emerging plan can be given only limited weight, the amenities available within the village, which are readily accessible on foot from the site and the regular bus services, must be a factor in the overall planning balance.

The planning balance is concluded below.

Design, Appearance, Layout

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage.

Notwithstanding this it is prudent to consider whether the number of units proposed can be satisfactorily accommodated on site. A development of up to 35 units on the part of the site that is proposed for development would be relatively low density, at 15 dwellings per hectare. It is considered that this level of density would be in keeping with the edge of village location and the surrounding residential development. Officers are satisfied that the number of dwellings proposed could be accommodated in a way in which amenity space, car parking, impact on neighbours and density would be acceptable. At the same time, incorporating open space in the south eastern corner of the site to serve the proposed development would also serve to separate the developed area from the listed building thereby safeguarding its setting.

Landscape and Visual Impact

Paragraph 215 of the Framework is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. Core Strategy Policy CS 8 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 RLP 80 states that development that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

The site is well enclosed on all sides. To the north and west of the site are well established woodland blocks. To the south, the site is enclosed partly by an adjacent field, separated by a field hedge and mature trees and by the existing residential development on Meadway and Chestnut Avenue. The dwellings in this area predominantly comprise two storey detached dwellings on generous plots. To the east of the site is Hedingham Road. Along the northern section of this boundary is a well-established thick field hedge with mature trees. Along the southern part of this boundary are two residential dwellings, one of which is Grade II listed (1 Hedingham Road).

Public Footpath, PROW 82_11 is located within the site and runs along the site's southern boundary from Hedingham Road heading west to the airfield which links to another footpath which continues around the airfield.

The site is within the Gosfield Wooded Farmland (F1) landscape character as identified in the Braintree District Landscape Character Assessment (Chris Blandford Associates 2006) (Braintree LCA). Suggested landscape planning guidelines for LCA F1 identified by the Braintree LCA are;

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

The application was supported by a Landscape and Visual Appraisal. Whilst in outline form with layout being a reserved matter the report assumed two basic layout arrangements namely: the retention of open space to the western

half of the site, and the reservation of an area of village green style open space in the south-east corner near to the adjacent listed cottage. Access to the site would be via a new junction from Hedingham Road.

The study included a detailed appraisal and found that landscape effects would be minor in nature “with no notable loss of existing landscape fabric and the development would fit into the context with minimal influence or change to the landscape character of the area. This is primarily because the site field is highly contained by woodland blocks to the north and west and sits against developed edges of Gosfield to the east and south. It is also largely contained against the nearby Hedingham Road behind a dense hedge and tree belt”. The study also found that the proposed development would have no effect on the character and setting of the Gosfield Hall Registered Park and Garden and that the development would be in keeping with the existing pattern of settlement in the village. The reason for this is due to the highly contained nature of the site.

Officers have undertaken visits to the site and have considered the landscape and visual impacts of the proposal in some depth and concur with the findings of the Landscape and Visual Appraisal in terms of the limited wider impact of the proposal.

It is considered that a significant visual impact would be experienced by users of the PROW and residents in the adjacent properties on Meadway, Chestnut Avenue and the properties on Hedingham Road immediately adjacent to the site. The illustrative site plan shows a layout which could be achieved on the site which would minimise visual impact from these neighbouring properties through setbacks from the adjacent properties and the large green area in the south eastern part of the site. In addition, the western part of the site is indicated as public open space. The reserved matters application would confirm the exact position and extent of the green adjacent to the listed building. On site open space together with the larger area to the west of the land shown to be developed would be secured via a S106 agreement.

Officers acknowledge that in order to accommodate an access from Hedingham Road an amount of hedge along the extent of the road frontage would be removed, together with the hedge in its entirety where the proposed access would be sited. In addition 8 trees would be removed, one of which is a category A tree, others of which are Category B, C and U trees. This would provide for the necessary visibility splay.

The length, height, depth and maturity of the hedge and trees currently form an attractive landscape feature which merges seamlessly into the mature woodland to the north of the site. This vegetation, together with the vegetation on the opposite side of Hedingham Road, provides a strong sense of enclosure as you arrive/leave the village to the north. It is considered that the loss of part of this hedge together with its reduction along the extent of the road frontage represents an unnecessary and unjustified visual intrusion on this rural edge of the village which would erode the sense of enclosure and the rural nature of this part of the village, particularly as the site can readily be

accessed via an alternative access point, where vegetation loss is minimal. This would weigh against the proposal in the overall planning balance.

In order for development on this site to be successful it would need to relate to the existing development on Meadway and Chestnut Avenue and draw upon characteristics from this whilst ensure the rural edge is maintained.

To conclude, the site has a rural context however it is immediately adjacent to the existing settlement boundary and would relate well to existing development. The site is well contained by natural boundaries such it is not highly visible nor would it dominate in long distance views. The development would undeniably erode some of the rural character afforded to the site particularly due to the tree and hedge loss on Hedingham Road and the contribution this makes to the village and this weighs against the proposal.

It is Officers opinion that the impact of the residential development would be localised and limited and would not outweigh the benefits of housing and affordable housing. However, the formation of the access from Hedingham Road would result in a harmful visual impact due to the loss of trees and hedge to create the access and visibility splays in an edge of village location where this natural boundary feature provides a strong sense of enclosure as you enter/leave the village. An alternative access to the site could be achieved with minimal visual impact. On that basis it is considered that the proposed access off Hedingham Road cannot be justified and would have a harmful impact on the rural edge of the village.

Impact on Neighbour Amenity

The scheme is in outline therefore is not possible to consider the impacts on residential amenity at this stage. This assessment would be undertaken at the reserved matters stage. However, Officers are satisfied that a scheme could be brought forward which does not give rise to unreasonable impacts upon residential amenity from the development itself given the relationship with the neighbouring properties, the size of the site and the density of development.

Some objectors have raised concerns about impacts on amenity and the wider village during construction. Whilst this would be inevitable such impacts would be short term. Furthermore, the Council's Senior Environmental Health Officer has considered the application and, due to the proximity of residential properties, has recommended a number of conditions be attached to any permission to minimise impact on neighbouring residential properties during the construction of the development.

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.

Access has not been reserved and is for consideration at this outline stage. The application proposes a vehicular access from Hedingham Road.

The proposed access junction would take the form of a priority 'T' junction on Hedingham Road. The junction would be located to the north of the existing 30mph speed limit within the 40mph speed limit on Hedingham Road and therefore the appropriate visibility splays have been calculated to be 2.4m x 92m to the left and 2.4m x 91m to the right.

The Highway Authority has considered the introduction of an access at this point and has advised that from a highway and transportation perspective the impact of the proposal is not acceptable for the following reason:

"The proposal would lead to the creation of an access on a Main Distributor (A1017 Hedingham Road) where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. The proposal would therefore be contrary to Policy DM1 and DM2 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011."

In addition, an informative has been added which says that the Highway Authority will protect the function of Strategic Routes/Main Distributors within defined settlement areas by ensuring that where safe access is available to a lower category of road in the Development Management Route Hierarchy, this is used. In the case of this site an application has been submitted which shows that access to the site can be achieved via Meadway which is a lower category road therefore that access should be used.

Heritage Impact

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses.

The site is adjacent to the boundary of the Gosfield Conservation Area. There is a Grade II listed cottage adjacent to the eastern boundary of the site at 1 Hedingham Road. The Council's Historic Buildings Advisor considers that the application would cause a degree of harm to the conservation area and the setting of the listed building. However, this harm would be less than substantial and considered moderate rather than significant. The introduction of the access from Hedingham Road would elongate the settlement's form and the removal of trees and other vegetation to accommodate the required visibility splays would dilute the character of the northern approach to the conservation area which is defined to a degree by the sense of enclosure.

As the harm identified is less than substantial as referred to in Framework paragraph 132, paragraph 134 of the Framework applies. This identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

The site would provide up to 35 new homes in the District where we do not have a deliverable 5 year supply of housing. 40% of these homes would be affordable. These social benefits are significant and are therefore given considerable weight. The proposal would generate economic benefits, both short term during the construction process and longer term with new residents contributing to the vitality and viability of the village's businesses and participation in community activities. These economic benefits are given moderate weight. The proposal would also result in the provision of public open space, available to new and existing residents.

When weighing the less than substantial harm identified from development including the new access on the setting of the conservation area against the identified benefits it is considered that the public benefits would, in this case, outweigh the harm provided a satisfactory separation is maintained to safeguard the setting of the listed building. Accordingly, refusal on the grounds of impact on the setting of the setting of the listed building and conservation area cannot be justified.

OTHER MATTERS

Surface Water Drainage

The application is supported by a Drainage Strategy and Flood Risk Assessment. Essex County Council as the Lead Local Flood Authority raised an objection to the application due to insufficient information being submitted with the application. Further information was submitted by the applicant which has resulted in this objection being removed subject to a number of conditions being imposed on any approval.

Ecology

As set out above, in order to create the new access a number of trees and an area of hedge would need to be removed. In addition, further removal of trees and the hedge would be required along the road frontage to provide for visibility splays. The Council's Ecology and Natural Environment Officer has considered the application and its supporting information and does not raise an objection however a number of conditions are suggested to minimise the impact of the proposal on wildlife, protected species and biodiversity and for ecological enhancements. The Officer does however state that the preferred access option would be via Meadway due to the existing access as this would allow the majority of mature trees and boundary features to be retained thus ensuring the retention of wildlife corridors, foraging and commuting routes which could also be enhanced with additional planting.

Impact on infrastructure and facilities

A number of representations have raised concerns regarding the impact of this development on infrastructure and facilities in and around the village. In terms of drainage and sewerage concerns no objection was raised by Anglian Water and the Lead Local Flood Authority is satisfied with the proposal subject to conditions.

The NHS was consulted on the proposal but did not respond. The case officer contacted the NHS and was advised that as the proposal is for less than 50 dwellings a contribution would not be sought. The case officer was also advised that S106 contributions have already been secured from other larger sites in the wider area which are being pooled to improve the GP service in Halstead which would serve this site.

It is considered the proposal would assist in supporting local businesses, services and community facilities through the increase in people accessing these.

Contaminated Land

The Council's Senior Environmental Health Officer has requested conditions be attached to any permission to require the developer to undertake a survey prior to commencement to identify any potential contamination on the site.

Archaeology

A desk based assessment was submitted with the application and concluded that the site has low potential for archaeology remains. No comments have been received by ECC Archaeology to counter this information.

S106

Paragraph 2-4 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identified those matters that the District Council, were it to grant permission, would seek to secure through a planning obligation.

Affordable Housing – Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for

publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. The western part of the application site, approximately 2.6 hectares, is proposed as public open space and this would be secured through the S106. Additional open space, together with ongoing arrangements for its management and maintenance, would also be required within the developable area to meet the needs for public open space and safeguard the setting of the listed building. Furthermore development of this size would be expected to make a financial contribution towards allotments and sports provision. The contribution is based upon a formula set out in the SPD and is not currently determined given the application is in outline form. The Open Spaces Action Plan (2017) sets out several sites where the Parish Council would like to see improvements to existing facilities or the provision of new facilities. The contribution could be utilised to progress a specific project set out in the Action Plan.

Education - Essex County Council seek a contribution of £133,707 index linked for primary school places and £24,272.50 as a secondary transport contribution.

The applicant has agreed to enter in to a S106 agreement in respect of the above however should the application be refused the absence of an agreement would need to be included as a reason for refusal.

CONCLUSION & PLANNING BALANCE

The application site is located outside of the Village Envelope for Gosfield and is therefore within the countryside for the purposes of planning. The development therefore conflicts with Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy.

Notwithstanding the conflict with the above mentioned policies of the adopted development plan, the presumption in favour of sustainable development sits at the heart of the NPPF. The NPPF is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus the weight afforded to Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy, insofar as they restrict the supply of housing, must be reduced. It should be noted however that the principal purposes of Policy CS5 of the Core Strategy is to limit development in the countryside in order to protect and enhance its landscape character and biodiversity, geodiversity and amenity. This must therefore be afforded weight in the any balancing of the adverse impacts and benefits of the proposal.

In this case Officers have concluded that specific policies of the NPPF do not indicate that development at this site should be restricted.

Accordingly the LPA must apply the 'tilted balance' for which there is a presumption in favour of sustainable development, to the consideration and determine and assess whether any adverse impacts of granting consent would demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. In terms of social sustainability, the proposal would introduce up to 35 new dwellings, 40% of which would be affordable. When considered against the lack of a deliverable 5 year supply and the need for affordable housing across the District significant weight is attached to these social benefits.

The generation of jobs at the construction stage and support to the continuation of the services/amenities which are available in the village would provide some economic benefits and limited weight is attached to this.

Environmentally the site is rural in its context, although well related to the existing settlement and defined by existing natural boundaries and is well contained. It is not a site that is highly visible beyond the immediate locality and development of the site, in a manner which respects the current character would not impact adversely upon the landscaping setting of the village. Less than substantial harm to the listed building and conservation area was identified, however it is considered the benefits of the scheme outweigh this identified harm to the heritage assets provided there is sufficient separation maintained between any new development and the listed building.

The village does provide some amenities within walking distance to the site, which would benefit future residents. The site is served by a regular bus service to larger centres which would connect with train services and would allow for commuter travel to Chelmsford and beyond.

The creation of the new access would create a significant gap in the most highly visible of the site's natural boundaries through the removal of an area of hedge and trees to create the access itself and the removal of further trees and hedge to provide sufficient visibility splays. This would result in a loss of the sense of arrival in the village which is currently achieved through the existence of the vegetation at a significant height and proximity to the road edge. The impact of the access is considered to be visually intrusive and unjustified in this rural location. Whilst not part of this application there is clearly the possibility of an alternative access via Meadway which could be used to serve the development which would have minimal visual impact.

The Highways Authority has objected to the proposal which would lead to the creation of an access onto Hedingham Road, a Main Distributor where its principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. The proposal

would therefore be contrary to Policy DM1 and DM2 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

To conclude, it is Officer opinion that in this case the creation of the new access onto Hedingham Road would result a significant and demonstrable impact on highway safety and adverse impacts upon the rural character of this sensitive edge of village location which together outweigh the benefits of the proposal and therefore the planning balance falls in favour of refusing planning permission. Furthermore, the access results in an unjustified visual intrusion in this edge of village location through the loss of the hedge and trees.

RECOMMENDATION

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

- 1 The proposal would involve the creation of an access on a Main Distributor (A1017 Hedingham Road) where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

Furthermore, the creation of the access would result in a harmful visual impact due to the loss of trees and hedge to create the access and visibility splays in an edge of village location where this significant natural boundary feature provides a strong sense of enclosure as you enter/leave the village. This would result in an unjustified intrusion in the countryside.

The proposal would therefore be contrary to Policy DM1 and DM2 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. The proposal would also be contrary to Core Strategy Policy CS5, Braintree Local Plan Review Policies RLP 81 and RLP 90 and Draft Publication Local Plan Policy LPP 67.

- 2 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:
 - On site public open space
 - On site affordable housing
 - A financial contribution towards allotments and sports provision
 - A financial contribution towards Primary School Provision
 - A financial contribution towards Secondary School Transport

This requirement would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement has not been completed. In the absence of such a planning obligation the proposal is contrary to policies CS10 and CS11 of the Core Strategy (2011), policy RLP138 of the Local Plan Review (2005) and the Open Space Supplementary Planning Document (2009).

SUBMITTED PLANS

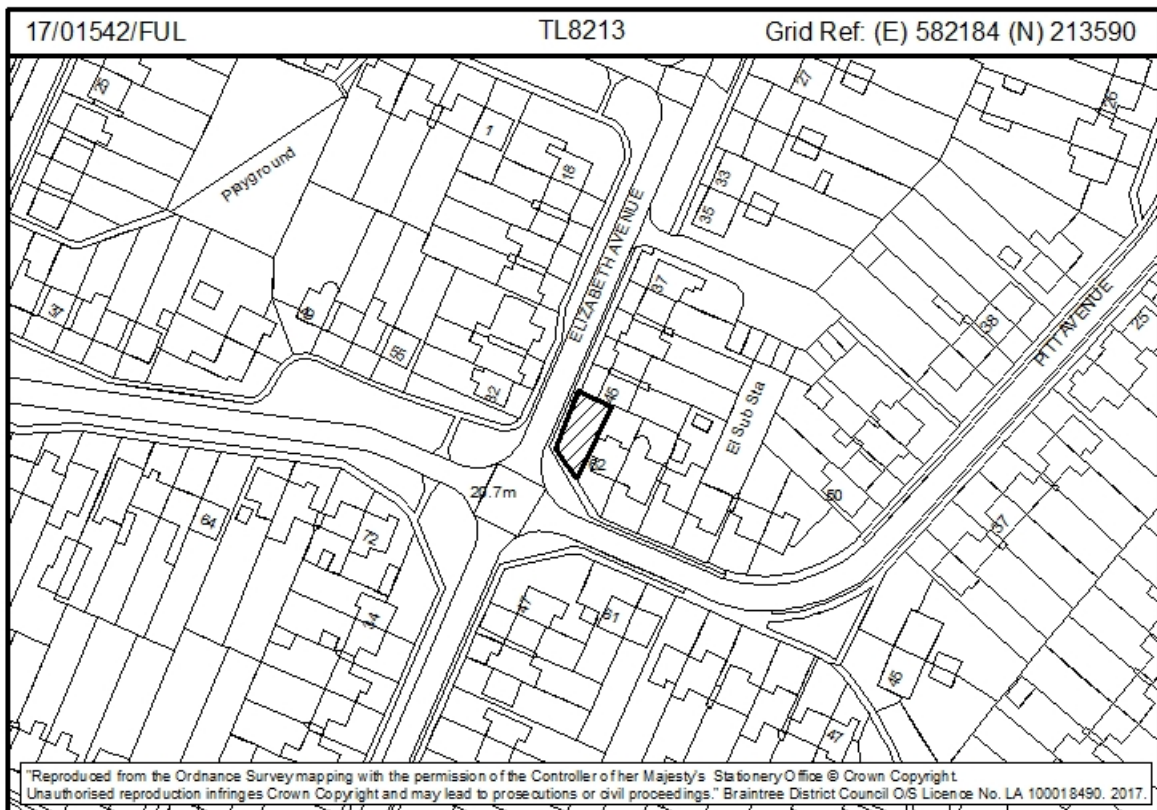
Site Plan	Plan Ref: 255_PL_10_A
Site Plan	Plan Ref: 255_PL_100_A
Existing Site Plan	Plan Ref: 255_PL_010
Tree Plan	Plan Ref: GF054.C.02.TRP
Landscaping	Plan Ref: GF054.C.01.SLP.A
Location Plan	Plan Ref: FIGURE 1
Aerial Photo	Plan Ref: FIGURE 2
Site Plan	Plan Ref: FIGURE 3
Landscaping	Plan Ref: FIGURE 4
Landscaping	Plan Ref: FIGURE 5
Site Plan	Plan Ref: FIGURE 6
Location Plan	Plan Ref: FIGURE 7
Site Plan	Plan Ref: FIGURE 8

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 17/01542/FUL DATE 17.08.17
 NO: VALID:
 APPLICANT: Miss Emily Ramage
 62 Pitt Avenue, Witham, Essex, CM8 1JQ
 DESCRIPTION: Change of use of communal grass area to rear private garden.
 LOCATION: 62 Pitt Avenue, Witham, Essex, CM8 1JQ

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

None.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP25	Garden Extensions within Built-Up Areas
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Garden Extensions
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

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 as the applicant is related to an Elected Member.

SITE DESCRIPTION

The site comprises a parcel of land adjacent to No.62 Pitt Avenue and No.45 Elizabeth Avenue. The land is open and is located at a prominent intersection between Pitt Avenue and Elizabeth Avenue. The land forms part of the wider open character of the estate that would have been planned upon the original construction of the development.

PROPOSAL

The application in this case seeks planning permission to change the use of this land to form garden amenity space for No.62 Pitt Avenue. A 1.8m high fence is proposed to enclose a large section of this land proposing to enclose an area directly beyond No.45, then across the entirety of the frontage of Elizabeth Avenue and coming in to the side of No.62 where the road starts turning a corner for the junction.

CONSULTATIONS

Environmental Health

No objection subject to hours of work condition.

Witham Town Council

Object to the application:

- Adverse impact on street scene
- Direct contravention to local policies on garden extensions

REPRESENTATIONS

One representation of objection has been received from No.45 Elizabeth Avenue detailing the following summarised objection:

- Disrupt view of street with 6 foot fence running along boundary that is currently open - overbearing
- Access to side windows removed
- Lack of visibility on corner of road junction

REPORT

Principle of Development

Policy RLP25 of the Braintree District Local Plan Review states that within settlements proposals for the extension of private gardens will be considered in relation to their likely impact on the surrounding area. Garden extensions onto adjoining areas of public, or visually important open space, will only be permitted if; there would be no loss of areas of wildlife value; it would have no adverse effect on the amenities of neighbouring properties, or the locality; it would not take away open areas originally designed, or intended to function as an amenity open space; it would not mean the loss of, or adverse effect upon, children's play areas; it would not result in the loss of shrub, or tree planting, or flower beds, unless satisfactory arrangements for their reinstatement are agreed; there would be no reduction in highway safety or visibility.

Policy LLP43 of the emerging Braintree District Publication Draft Local Plan Review echoes the above, and also outlines that; the size of the garden extension is proportionate with the size of the dwelling, there is no material adverse impact on the character and appearance of the surrounding countryside or street scene, it would not enclose a public right of way, or impact on highway safety or visibility, It would not interfere with any neighbouring use, including farming.

The totality of the land proposed to change to a residential use would measure approx. 101sq.m. 88sq.m of this land is to be enclosed by a 1.8m high fence, while the remaining 13sq.m would be left open (the triangle section fronting Pitt Avenue). The fence would project 8.2m from the original side of the existing house to go flush with the edge of the footpath on Elizabeth Avenue. It would then span 12m in length along the edge of the pavement on Elizabeth Avenue stopping at the neighbouring boundary. It would then run parallel with the boundary of No.45 Elizabeth Way to a depth of 3.3m. The remainder of the boundary would be the flank wall of No.45.

The proposed change of use of land in this case would not enclose a public right of way or impact upon highway safety (view reached in the absence of an Essex Highways objection). Furthermore, the change of use would not lead to a loss of an area of wildlife value, not remove an area intended for children's play and not result in the loss of tree planting.

It is considered however that other aspects of the above policies need to be carefully considered, namely;

- There is no material adverse impact on the character and appearance of the surrounding street scene & proportionate with the size of the dwelling; and
- It would have no adverse effect on the amenities of neighbouring properties, or the locality.

The Committee Report sets out these considerations below.

Character, Appearance and Proportionality

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.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 55 of the emerging Braintree District Publication Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The parcel of land proposed to change use to residential is located on a prominent position in the street scene, in close proximity to the junction of Pitt Avenue and Elizabeth Avenue. It is understood the estate was originally designed without garden fences or walls abutting the highway, giving it a verdant and open plan character. This is especially evident around the junction with Pitt Avenue and Elizabeth Avenue. It is considered the land in question forms part of this openness and is characteristic of the nearby locality. It is currently segregated by a brick wall but this follows the line of the existing dwelling so that the land remains open.

The change of use of land to residential garden in this case will require the erection of fencing. The proposed fence due to its height, length and positioning would result in almost the complete loss of the openness of the land and erode the sense of spaciousness on this prominent junction. It is considered that this would be detrimental to the open planned character of the estate and its wider setting. Moreover, a close boarded fence in a highly prominent position in the street scene would not represent good design or enhance the quality or character of the area.

As such, taking into account all of the above, it is considered the proposed change of use of land and associated fencing would have a detrimental impact upon the character and appearance of the area, contrary to the above policies.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Braintree District Local Plan Review states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The proposed fence in its current form would run parallel with the boundary of neighbouring property No.45 Pitt Avenue. It would therefore entirely enclose one visible aspect from the front of No.45. It is considered that the erection of a fence in this location would be particularly unneighbourly to No.45 resulting in an unneighbourly sense of enclosure to the detriment of the amenity of the occupiers of No.45. As such, it is considered that there would be an adverse neighbour impact as a result of the fence contrary to the above policies.

CONCLUSION

The application seeks to change the use of land adjacent to No.62 Pitt Avenue to garden amenity space, and erect an associated 1.8m high close boarded fence to enclose the land. As set out in the report, it is considered that the proposed change of use of land, coupled with the associated erection of a 1.8m close boarded fence would have a detrimental impact upon the planned openness of the estate to the detriment of the character of the area

by virtue of its height, length and positioning. Furthermore, the proposed fence due to its size and location would also have unneighbourly impact upon the amenities of No.45 Elizabeth Avenue to the detriment of amenity.

RECOMMENDATION

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

- 1 In this case it is considered that the proposed change of use of land, coupled with the associated erection of a 1.8m close boarded fence would have a detrimental impact upon the planned openness of the estate to the detriment of the character of the area by virtue of its height, length and positioning. Furthermore, the proposed fence due to its size and location would also have unneighbourly impact upon the amenities of No.45 Elizabeth Avenue to the detriment of neighbouring residential amenity. As such, it is considered the proposal would therefore be contrary to the provisions of the National Planning Policy Framework, contrary to Policies RLP3, RLP25 and RLP90 of the Braintree District Local Plan Review (2005), Policy CS9 of the Braintree District Core Strategy (2011) and Policies SP1, SP3, LPP1, LPP43 LPP50, and LPP55 of the Braintree District Publication Draft Local Plan (2017).

SUBMITTED PLANS

Location Plan
Block Plan

TESSA LAMBERT
DEVELOPMENT MANAGER

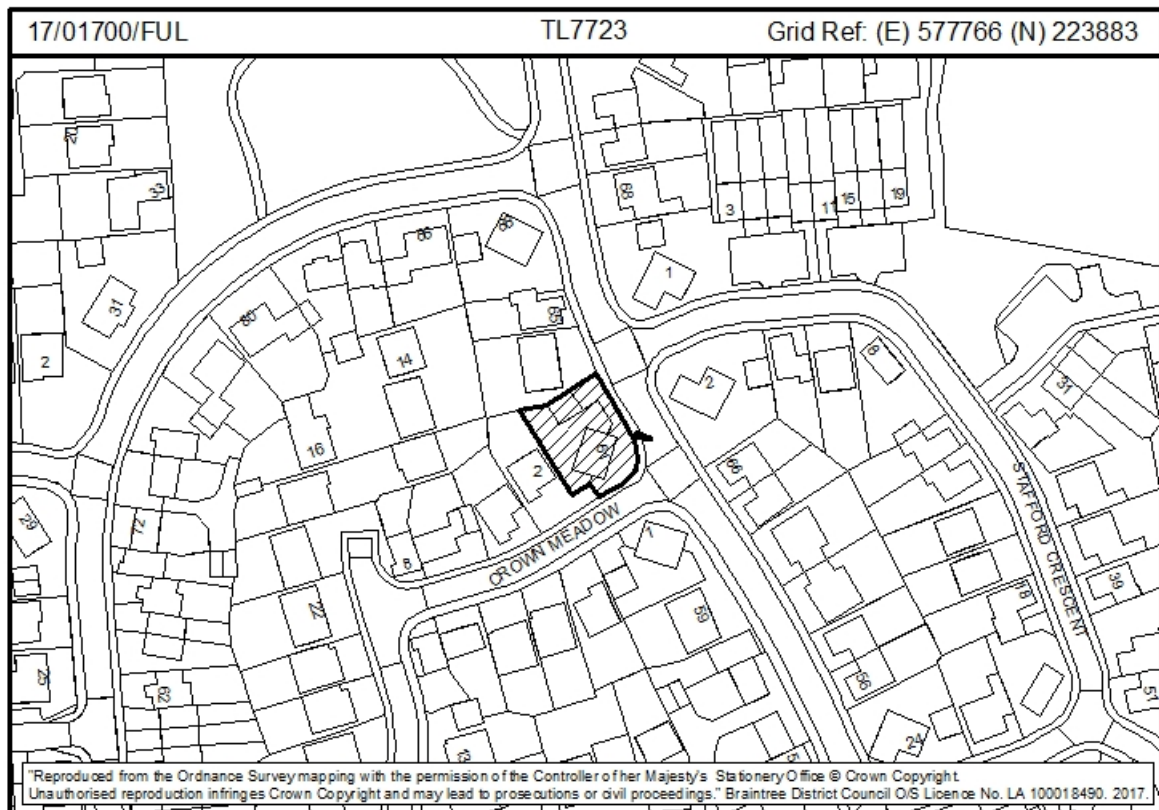
PART B

APPLICATION NO: 17/01700/FUL DATE: 25.09.17
 VALID:
 APPLICANT: Mr Thambirajah Guhasuthan
 61 Bridport Way, Braintree, Essex, CM7 9FP
 AGENT: Mr John Baugh
 John Baugh Ltd, 67 Church Lane, Bocking, Braintree,
 Essex, CM7 5SD
 DESCRIPTION: Extension and enclosure of existing open porch to front of
 property
 LOCATION: 61 Bridport Way, Braintree, Essex, CM7 9FP

For more information about this Application please contact:

Mrs H Reeve on:- 01376 551414 Ext. 2503

or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

88/00759/P	Residential Development, Local Centre, Primary School And Other Associated Uses	Withdrawn	07.08.89
88/00760/P	Residential Development, Local Centre, Primary School And Other Associated Uses	Withdrawn	07.08.89
88/02485/P	Residential Developments (1000 Res. Units, Local Centre, Primary School & Other Associated Uses)	Granted with S106 Agreement	15.08.89
89/01903/P	Proposed Roads, Sewers, Noise Attenuation Measures To Serve Residential Development & Associated Uses	Granted	20.02.90
94/00408/FUL	Erection of residential development - Area 6	Refused	18.05.94
94/00682/REM	Erection of residential development - Area 6	Granted	16.09.94
94/01528/REM	Residential Development comprising 95 dwellings with garaging, parking, estate roads and footpaths	Granted	07.03.95
95/00162/REM	Erection of residential development - Phase 3 (Area 2) plots 102, 105, 106, 111, 116, 124 to 134 inclusive and 163 to 166 inclusive	Granted	10.04.95
06/01148/FUL	Erection of single storey side extension and rear dormer	Granted	24.07.06

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. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee for determination due to the agent being an elected Member.

SITE DESCRIPTION

The site is located towards the eastern edge of Braintree, within the town development boundary and is part of a large modern residential development.

The site comprises a 2 storey detached dwelling with a mix of render and brick finish, a paved front garden area directly in front and garaging to the right of the property. The property is sited on the corner of Crown Meadow and Bridport Way.

At the time of site visit, the porch was partially constructed.

PROPOSAL

The proposal comprises an extension and enclosure of an open porch to the front of the property. The proposal would create a slightly larger enclosed porch measuring 1.6 metres from the main wall, equating to an increase of 1 metre. The width of the porch would not be extended. Materials are proposed to match existing.

CONSULTATIONS

None.

REPRESENTATIONS

No representations have been received.

Neighbours at 1 and 2 Crown Meadow have been notified and the site notice was displayed on a lamp post near to the site.

REPORT

Principle of Development

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to ‘help achieve good design and connected objectives’. Policy RLP 17 re-iterates this stance, stating that the ‘siting, bulk, form and materials of the extension should be compatible with the dwelling and there should be no material impact on the identity of the street scene, scale and character of the area’.

The porch alteration is considered to be acceptable in principle, more detailed consideration is given below.

Design, Appearance and Layout

The property enjoys a prominent, corner position on the junction with Crown Meadow and Bridport Way. Houses in the area are of differing designs and detailing, but with a general design theme running through the area, resulting in a cohesive and harmonious development. The property forms part of a ‘gateway’ to Crown Meadow and the dwelling on the opposite side of the road is almost identical, albeit some different detailing. However, the proposed porch amendment with the enclosure and slight increase in depth is considered to be acceptable; the change is minor and it is not considered it would upset the symmetry of the two properties, neither would it cause any harm to the character of the area. As such, the proposal is considered to be acceptable.

Impact on Neighbour Amenity

Policies RLP 17 and 90 state that development shall not cause undue or unacceptable impact on the amenities of nearby residential properties.

The proposed increase in size to the porch is minimal and given the positioning of the dwelling at an angle facing towards the junction, the development is not near adjacent neighbours. As such, it is not considered that the porch would give rise to detrimental impact on neighbouring residential amenity in terms of overbearing, overlooking or overshadowing issues and is therefore acceptable in this respect.

Highway Issues

Off street parking is available with garaging and parking to the right of the property - as such, the development would not result in a reduction in parking on site and is therefore acceptable in this respect.

CONCLUSION

The porch enlargement and enclosure is considered to meet the necessary policy criteria and is acceptable.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	
Block Plan	Plan Ref: 0707/01
Floor Plan	Plan Ref: 0707/03
Elevations	Plan Ref: 0707/03

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

Reason

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

- 2 The external materials and finishes shall be as indicated on the approved plans.

Reason

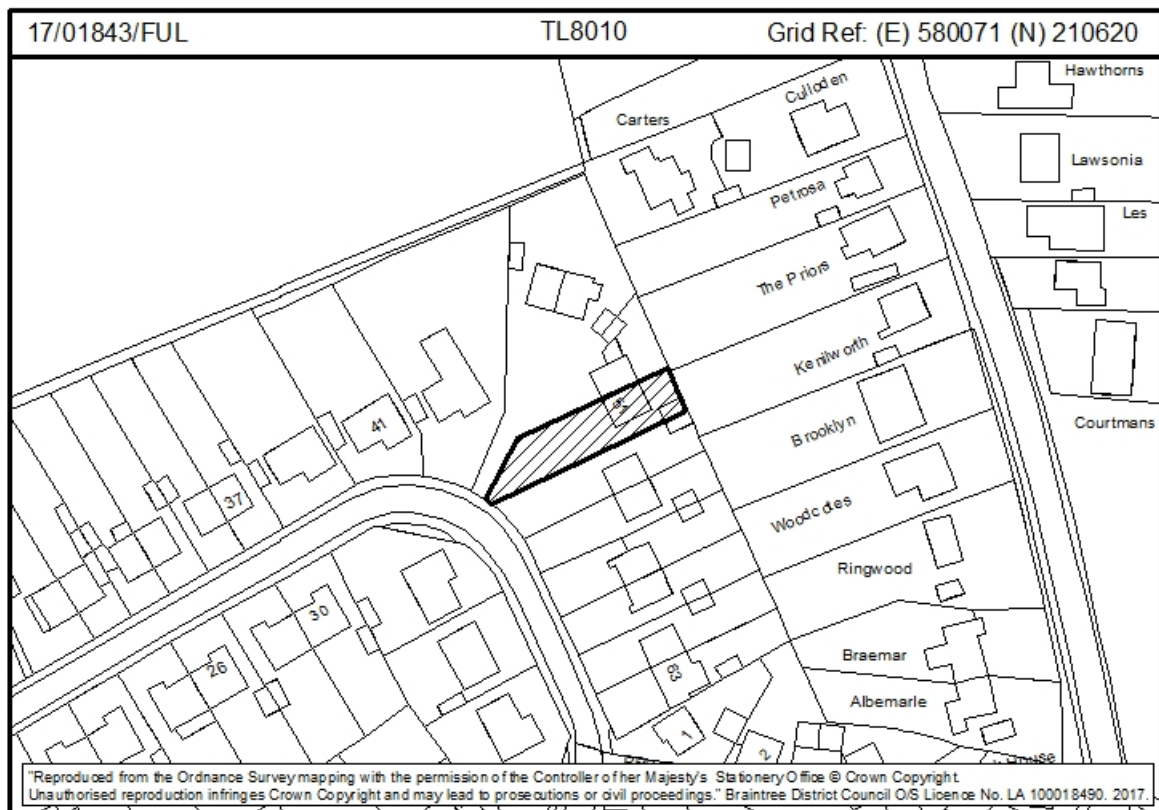
To ensure that the development does not prejudice the appearance of the locality.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 17/01843/FUL DATE 17.10.17
 NO: VALID:
 APPLICANT: Miss Toni Brennand
 51 Priory Farm Road, Hatfield Peverel, Essex, CM3 2NJ
 AGENT: Mrs Gene Spencley
 The Gables, Hedingham Road, Gosfield, Halstead, Essex,
 CO9 1PJ
 DESCRIPTION: Erection of single storey side extension
 LOCATION: 51 Priory Farm Road, Hatfield Peverel, Essex, CM3 2NJ

For more information about this Application please contact:
 Mrs F Fisher on:- 01376 551414 Ext. 2503
 or by e-mail to: fayfi@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee as a result of Hatfield Peverel Parish Council's objection to the proposal which is contrary to Officer's recommendation.

SITE DESCRIPTION

The site comprises a semi-detached dwelling located on a 1970's residential housing estate comprising a mixture of dwelling styles. The plot is positioned on a corner and as a result enjoys a large front garden, but only a small rear garden. The dwelling also has a detached rear garage.

PROPOSAL

The proposal comprises a single storey front and side extension to provide accessible accommodation for a dependant relative. The extension will be of brick and render finish with a flat roof. It will measure a total of 8.1 metres in length with 4.2 metres of this total extending beyond the frontage of the dwelling. The side element of the extension will measure 2.4 metres wide with access remaining down the side of the dwelling measuring 0.7 metres at its narrowest point extended to 0.8 metres at its widest point. The extension will also incorporate a front porch and at its widest point the front element of the extension will measure 4.95 metres in width narrowing down to 3.55 metres.

CONSULTATIONS

None.

REPRESENTATIONS

Hatfield Peverel Parish Council

The response received states that the Parish Council do not support the proposed extension and states that the following policies apply:

1. Policy RLP90 Layout and Design;
2. Policy H01 Design of new developments in the emerging NDP.

49 Priory Farm Road, Hatfield Peverel - Comments

Comments (neither objecting or supporting): Requested that planning officers consider the character and street scene within Priory Farm Road. Commented that many other semi-detached properties have extended their front porches only on the front elevation and all but two have maintained the architecture and character of the area with pitched roofs. Commented that the proposal to extend both the front and side elevations would be out of keeping with surrounding properties and have a detrimental impact on the identity and character of the street scene. Lastly commented that all other properties within Priory Farm Road have a clear definitive space between them providing a suitable divide but the proposals would reduce that area to almost nothing and again be harmful to the character and street scene.

53 Priory Farm Road, Hatfield Peverel - Objection

Objection: The semi-detached dwellings in the immediate vicinity of 51 are in keeping with each other. Some have added small porches and side extensions. There is one single storey converted garage/side extension that does not protrude beyond the front of the property and is in keeping with the original build.

To have such a large forward extension protruding 4.11 meters in front of the original property wall and so close to the next pair of semi-detached houses, this would not be in keeping with the street.

Planning consent, if granted, would set a precedent in the area to build large extensions forward of the original front wall of other properties and also over the existing driveways of any semi-detached dwellings in the street.

Priti Patel MP

A letter of representation has been received from the Rt. Hon Priti Patel MP which makes some observations on the proposed extension. The letter states that the application is being proposed to support the needs of a dependant

relative and as such there are extenuating personal circumstances in this case which justifies the development and the principle of the extension taking place.

The letter comments that the proposals should accord with Policy RLP17 and that the extension proposed is “modest” and that “any concerns raised over the design aspects can be addressed through discussion with the applicant and through conditions”.

In addition, the letter makes reference to a number of extensions that have been granted planning permission in this road.

REPORT

Principle of Development

The site is located within the village envelope of Hatfield Peverel, therefore in accordance with Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, emerging Policies LPP 1, LPP 38, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan and Policy CS9 of the Braintree District Core Strategy 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 and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In this case it is considered that the proposal is acceptable in principle subject to compliance with the abovementioned policy criteria.

Design and Appearance

In terms of design and appearance, the above policies and guidance state that there shall be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The design, siting, form and materials should be compatible with the existing dwelling and there should be no material impact on the identity of the street scene, scale and character of the area.

In this case, one of the key considerations is the impact of the proposed front extension on the character and appearance of the property and street scene. When considering this point, officers noted at the time of the site visit that Priory Farm Road comprises a wide variety of house styles ranging from detached bungalows, semi-detached chalet style bungalows, semi-detached two storey dwellings and detached dwellings. Many of these dwellings have been extended and some dwellings have flat roofed dormers, garages and porches. The dwellings vary in age, but appear to have been constructed over a period of time during the 1960's, 70's and 80's. Owing to this variety in dwelling styles, officers concluded that there is no uniform pattern of development surrounding the site.

In this case the site comprises one of four semi-detached properties, located in a corner position, set back from the street with fairly sizable frontage. Each of these dwellings enjoy long driveways/frontages and small rear gardens. They each have a detached flat roofed garage slightly set back from the dwelling frontages and each of the other 3 dwellings have been extended. Taking into account the above, and the character of the area, officers are satisfied that the use of a flat roof on an extension at this site cannot be considered to be out of keeping within the street scene.

In terms of design and appearance, it is acknowledged by officers that the extension is lacking somewhat in terms of architectural prowess, with its simple design and its flat roof. It is also considered that the extension would introduce new built form onto the frontage of the dwelling, which could be resisted in certain circumstances, however, given the setback position of the host dwelling and the positioning of the neighbours two storey side extension located on the boundary of the site, officers are satisfied that the impact on the street would be less than it would be if the dwellings were situated in a uniform row. Therefore, officers conclude, on balance, that whilst the extension will be visible, it is not considered that the extension would appear as an incongruous feature within the current street scene given the character, appearance and variety of dwellings which exist within the current street scene.

In response to comments made on the application in relation to the terracing effect of the proposal, officers have considered the proximity of the single storey extension in relation to the boundary and are satisfied that sufficient space remains between the property and the neighbouring dwelling. The applicant has been mindful of the proximity of the neighbours' two storey extension located on the boundary and intends to maintain a means of access to the rear of the site.

Officers therefore conclude that the proposed extension would be compliant with the abovementioned policies in terms of design and appearance.

Impact on Neighbouring Amenity

Policies RLP17 and RLP90 of the Braintree District Local Plan Review state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

In this case it is not considered that the proposal would have a detrimental impact upon neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. The proposal is therefore considered to be compliant with the abovementioned policy in this regard.

Other Issues

Reference is made within the application submission and within the representation received from Priti Patel MP to the accommodation proposed

being required for a dependant relative. In addition, the representation from Priti Patel MP goes further to state that “there are extenuating personal circumstances in this case which justifies the development and the principle of the extension taking place”.

While these comments are noted, the personal circumstances of the applicant are not a material consideration in this case. The application has to be considered on its own merits and as highlighted above, officers conclude that the proposed extension is acceptable in terms of its design, layout, impact upon the character and appearance of the existing property and the street scene and its relationship with neighbouring properties.

CONCLUSION

The proposed extension is acceptable in terms of its design, layout, impact upon the character and appearance of the existing property and the street scene and its relationship with neighbouring properties and is therefore recommended for approval.

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 Block Plan

Proposed Plans Plan Ref: 2017/3/01

- 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 schedule.

Reason

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

TESSA LAMBERT - DEVELOPMENT MANAGER