

# PLANNING COMMITTEE AGENDA

**Tuesday 3rd August 2021 at 7.15pm**

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

**THIS MEETING IS OPEN TO THE PUBLIC**

*(Please note this meeting will be broadcast via the Councils YouTube Channel,  
webcast and audio recorded) [www.braintree.gov.uk](http://www.braintree.gov.uk)*

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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 J Abbott	Councillor F Ricci
Councillor K Bowers	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor N Unsworth
Councillor A Munday	Councillor J Wrench
Councillor Mrs I Parker (Vice Chairman)	

**Substitutes:** Councillors T Cunningham, A Hensman, D Hume, P Thorogood,  
Mrs S Wilson, Vacancy (*Substitutes who wish to observe the  
meeting will be required to do so via the Council YouTube  
Channel*).

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

Any Member who is unable to attend a meeting is able to appoint a  
Substitute. Written notice must be given to the Governance and Members  
team, no later than one hour before the start of the meeting.

A WRIGHT  
Chief Executive

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

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday).

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, and then Applicant/Agent.

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

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

**Substitute Members:** Only the named Substitutes on this agenda can be appointed by a Member of the Committee to attend in their absence. The appointed substitute becomes a full member of the Committee with participation and voting rights.

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

**Public Attendance at Meeting:** Public attendance is welcomed but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors' safe.

Public attendance is limited and will be on first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Councils YouTube Channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast or to contact the Governance and Members team to reserve a seat within the public gallery.

### **Health and Safety/COVID:**

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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

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

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

**Comments and Suggestions:** We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

**1 Apologies for Absence****2 Declarations of Interest**

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 20th July 2021 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

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

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

**PART A Planning Applications**

<b>5a</b>	<b>App. No. 20 00038 REM – Land North of Colchester Road, COGGESHALL</b>	<b>6-34</b>
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<b>5b</b>	<b>App. No. 20 01264 OUT – Land North of Maldon Road, HATFIELD PEVEREL</b>	<b>35-88</b>
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**PART B Minor Planning Applications**

There are no applications in Part B

**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**

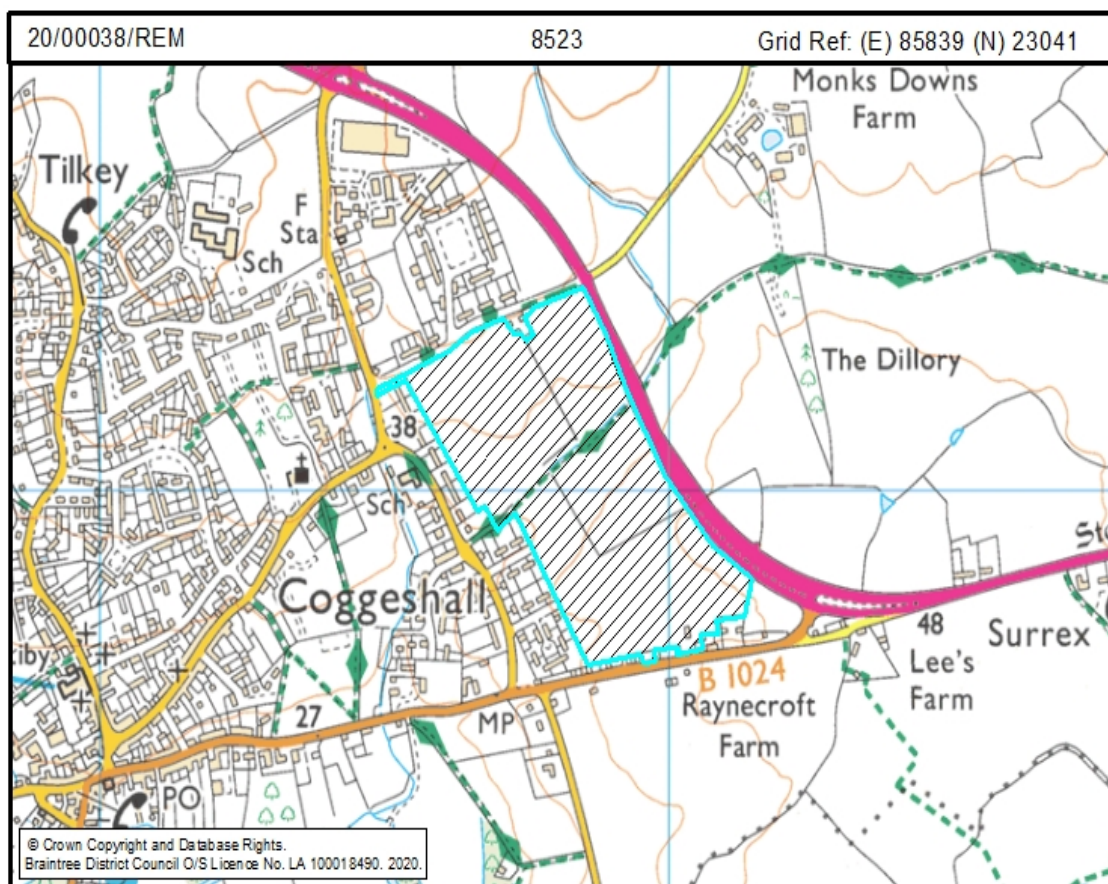
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00038/REM  
DATE: 16.09.20  
VALID:  
APPLICANT: Bovis Homes Ltd.  
C/O Boyer  
AGENT: Boyer  
Miss Libby Hindle, 15 De Grey Square, De Grey Road,  
Colchester, CO4 5YQ  
DESCRIPTION: Application for approval of Reserved Matters for scale, layout, appearance and landscaping of outline planning consent 19/02072/VAR in relation to the erection of 300 dwellings (including 40% affordable), a community building, and associated internal roads, parking, drainage infrastructure, open space and strategic landscaping.  
LOCATION: Land North Of, Colchester Road, Coggeshall, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q3SPTUBFK8P00>

## SITE HISTORY

17/02246/OUT	Outline application for the construction of up to 300 dwellings (including up to 40% affordable) nursery/community facilities (420m2) and provision of access, roads, drainage infrastructure, open space and strategic landscaping. Demolition of existing garage/ workshop building.	Granted with S106 Agreement	12.04.19
18/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Outline application for the construction of up to 335 dwellings (including up to 40% affordable) without a Class C2 care home or up to 318 dwellings with a Class C2 care home (up to 80 beds); nursery/community facilities (420m2) and provision of access, roads, drainage infrastructure, open space and strategic landscaping. Demolition of existing garage/ workshop building.	Screening/ Scoping Opinion Adopted	22.02.18
19/02072/VAR	Application for variation of Condition 2 (Approved Plans) of permission 17/02246/OUT granted 12/04/19 for: Outline application for the construction of up to 300 dwellings (including up to 40% affordable) nursery/community facilities (420m2) and provision of	Granted with S106 Agreement	16.09.20

	access, roads, drainage infrastructure, open space and strategic landscaping. Demolition of existing garage/ workshop building. Variation of condition would allow for: - Alterations to approved parameter plans.		
20/00419/DAC	Application for approval of details reserved by condition 13 (Archaeological evaluation) of approval 17/02246/OUT	Granted	21.04.20

### POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.



## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

## Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

### Braintree District Draft Section 2 Local Plan (2017)

LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP65	Local Community Services and Facilities
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

### Coggeshall Neighbourhood Plan

Policy 1	Housing Need
Policy 4	Allocated Site
Policy 6	Green/Blue Infrastructure and Natural Environment
Policy 11	Preventing Pollution
Policy 12	Flood Risk
Policy 13	Heritage
Policy 14	Design
Policy 16	Transport and Accessibility
Policy 17	Infrastructure and Developer Contributions
Policy 18	RAMS

## Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document  
Essex Design Guide  
Open Spaces Supplementary Planning Document  
Essex Parking Standards Design and Good Practice 2009  
Coggeshall Village Design Guide

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

## SITE DESCRIPTION

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

It measures approximately 17 hectares and consists primarily of agricultural fields and associated boundary hedging and trees. There is a commercial property (garage) located on the site's southern boundary with the B1024 (Colchester Road).

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

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

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

## PROPOSAL

Outline planning permission (Application Reference 17/02246/OUT) was granted on 12th April 2019 for the residential development of the site for up to 300 dwellings (including up to 40% affordable), nursery/community facilities (420m<sup>2</sup>) and the provision of access, roads, drainage infrastructure, open space and strategic landscaping with the demolition of the existing garage/workshop building.

All matters except access were reserved, meaning that the detailed appearance, landscaping, layout, and scale of the proposed development

must be considered at the Reserved Matters stage with the access being fixed at the outline stage.

A subsequent minor variation (Application Reference 19/02072/VAR) to this permission was granted on 16th September 2020 to facilitate alterations to the Parameter Plans.

The current Reserved Matters application seeks permission for all the matters reserved at the outline permission stage. The proposed development would consist of 300 dwellings with vehicular access being taken from Colchester Road in accordance with the approved outline consent.

The layout adheres to the approved Parameter Plans with 3 development parcels separated by substantial areas of open space. SUDs features are incorporated within these areas and a landscape buffer runs around the periphery of the site. This buffer includes a noise attenuation bund along the eastern site boundary. The Essex Way crosses the site from east to west and is incorporated within the largest area of open space. There are a number of children's play areas located across the site and the community building is situated at the southern end of the site in accordance with the approved Parameter Plans.

The proposed dwellings would consist of a mixture of detached, semi-detached and terraced units, maisonettes and bungalows.

The applicant has also submitted, as part of the Reserved Matters details of proposed finished floor levels of the new dwellings and details of a strategy for electric car charging and broadband provision as required by Conditions 3 and 23 of the outline planning permission. In addition, details of the Landscaping scheme have been submitted in accordance with Condition 20.

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

- Planning Statement
- Ecology Report
- Ecological Enhancement Strategy
- Noise Impact Assessment
- Arboricultural Report
- Landscape Strategy
- Surface Water Drainage Strategy
- Statement of Community Involvement
- Design and Access Statement
- Full set of layout and design drawings

## CONSULTATIONS

Two main consultations were carried out, the second following the submission of revised plans which sought to address a number of design and layout concerns raised by Officers and by the Parish Council. A third very limited

consultation was carried out following minor revisions to the position of the community centre.

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

### Sport England

The proposed development does not fall within either our statutory or non-statutory remit. Therefore no detailed response has been provided. If the proposal involves new housing then new/improved sports facilities should be secured. Consideration should also be given to how new development will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this.

### Police Architectural Liaison Officer

No concerns with the layout of the proposed development. We would welcome the opportunity to consult on this development to assist the developer with their obligation under Policy RLP90 to promote a safe and secure environment and at the same time achieving a Secured by Design award thus further mitigating any crime risk or fear of crime.

### Natural England

This development site falls within the Zone of Influence of one or more of the European Designated Sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Under the provisions of the Habitat Regulations it is anticipated that without mitigation new residential development in this area and of this scale is likely to have a significant effect on these coastal European sites.

Braintree District Council must therefore undertake a Habitat Regulations Assessment in relation to this application prior to the grant of any planning permission in order to ensure that any necessary mitigation is secured.

### Essex Fire and Rescue

No objection. Access for fire appliances is acceptable provided that the details are in accordance with Building Regulations. More detailed observations will be provided at the Building Regulations stage.

Due to the excessive distance between the nearest existing statutory fire hydrants and the site additional fire hydrants will need to be installed on the site. Upon receipt of the new water main design for the site from the Local Water Authority Essex Fire and Rescue will liaise with them directly to ensure that the necessary Hydrants are provided. The Applicant is also urged to utilise automatic water suppression systems for buildings. (These matters also relate to Building Regulations).

### ECC SUDs

No objection having reviewed the submitted Flood Risk Assessment and associated documents. The information submitted appears to be in line with the principles of the previously submitted drainage scheme. However a finalised drainage report should be submitted as part of a discharge of conditions application to discharge the surface water drainage conditions put on at the outline planning stage.

### BDC Housing Officer

No objection following revisions to the affordable housing mix.

This application seeks Reserved Matters approval for a scheme that comprises 300 residential dwellings including 120 affordable homes. This meets the requirements of Affordable Housing Policy CS2.

The affordable unit and tenure mix confirmed by the applicant is considered appropriate to match evidence of housing need and provides opportunity for a significant number of new affordable homes to be delivered which will compliment local existing social housing stock and assist the Council in addressing housing need.

### Highways England

No objection following a review of further information submitted in relation to the Surface Water Drainage Strategy flood calculations in relation to the A120. We are content the development will not result in a severe impact on the Strategic Road Network.

### BDC Waste Services

Roads and any private driveways will need to be adopted by ECC Highways or built to an adoptable standard to ensure waste collection vehicles can make collections. BDC will need written assurances (an indemnity) that they will not be liable for any damage caused to private access roads as a result of driving on them to carry out collections.

Bin operatives should not walk with bins for more than 20 metres. Some sections in the centre of the development exceed this distance. This will need to be reduced to 20 metres with door to door collections preferred rather than communal collection points. Door to door collection rather than communal points are preferred.

Maisonettes are scattered around the development and should have individual collection points.

### Anglian Water

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

We request that we are consulted on any forthcoming application to discharge Condition 16 of outline planning application 17/02246/OUT, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

The submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) does not relate to Anglian Water owned assets.

Request that an informative is added to the Decision Notice to advise the Developer that there are Anglian Water assets within or close to the site boundary.

### Historic England

Do not wish to offer any specific comments and advise that the LPA seeks the advice of its own Conservation and Archaeological advisors as relevant.

### ECC Highways

No objection following minor revisions to the scheme layout.

### BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures. Require conditions relating to a) mitigation license for Badgers and b) Badger Method Statement and c) Biodiversity monitoring.

The submitted Ecological Enhancement Strategy (JBA Ltd, November 2019) requires further information detailing the locations, number and positioning of the proposed reptile hibernacula/habitat piles, the locations and orientations of bird and bat boxes on trees and buildings and a plan detailing the proposed hedgehog friendly fence locations. Further the persons responsible for implementation must be identified in order to discharge Condition 27 of the outline planning permission.

The ecological management proposals as detailed in the Landscape Management and Maintenance Plan, (JBA Ltd, November 2019) are acceptable. However, it is recommended that specific monitoring of the biodiversity objectives are detailed and a Condition relating to this is therefore required.

### Historic Buildings Consultant

No objection. There are no designated or non-designated heritage assets within the site. Coggeshall Conservation Area, a designated heritage asset, is to the west of the site, and Lee's Farmhouse, a Grade II listed building is immediately south of the site's south eastern corner (list entry number: 1123138) whilst Brae Cottage is located at the western corner (GII, 1169257). All three designated heritage assets have a limited relationship with the site and the proposed planting will minimise the appearance of the development from the heritage assets. Therefore, I have no objection to the proposals, which will have a negligible impact upon built heritage in the surrounding area.

The local authority should refer to their Urban Design specialist to ensure the developments meets the requirements of section 127 of the NPPF, in particular section 127(C) which stipulates that developments are 'sympathetic to local character and history'.

### BDC Environmental Health Officer

No objection. The applicant has submitted the WSP noise assessment dated December 2019 which accompanied that 19/02072/VAR application. The report confirms compliance with the relevant noise criteria for internal and external locations.

No information is presented which alter the conclusions for air quality and contaminated land matters. Therefore subject to appropriate controls being in place at the time of construction to minimise adverse effects due to noise and air pollution and unforeseen land contamination and in accordance with conditions on 19/02072/VAR then Environmental Health raises no adverse comments.

### BDC Landscape

The BDC Landscape Officer issued comments which are summarised below, which the applicant then responded to in their revised scheme.

A robust range of vegetation is proposed that should show resilience to climate change but with sufficient native species to maintain a quantum of biodiversity for supporting established/new wildlife corridors.

Some species changes are requested to the planting palette.

The Acoustic bund needs to have the right planting medium and species selection as it is a tough environment for planting to thrive in. Some species changes are requested plus sign off from the applicant's Landscape Architect should be sought. A much larger proportion of hawthorn, blackthorn, field maple and hornbeam is required.



A larger amount of native planting is required along the Essex Way with greater placemaking needed. Planting should flow into and around the basins so that there is a sense of linkage to the pathway corridor.

The use of more extensive natural play provision with some orthodox equipment could make more use of the dry SuDS features and create more of a destination play facility in the centre of the development.

Overall the proposals include a significant number of native high forest (long term) trees and with the requested amendments should satisfy the prescription in the Neighbourhood Plan.

## PARISH / TOWN COUNCIL

### Coggeshall Parish Council

The Parish Council issued two consultation responses. The first was a very detailed objection which recognised elements of the scheme which were supported but highlighted a number of key objection points which are summarised below. The second stated the following:

*Following a series of constructive meetings with the developer regarding this allocated site, Coggeshall Parish Council is happy to see that the developer is adhering to the policies within the Coggeshall Neighbourhood Plan and supporting Coggeshall Design Code, passed at referendum on May 6th, 2021.*

Original objection (summarised):

Significant improvements could be made to the proposed development, particularly in terms of design and ecology.

Recommend that the affordable houses are scattered throughout the development rather than concentrated along the A120 side.

Tighter frontages should be created to increase character within the development. The building materials do not respond to the site's context in terms of built heritage. The materials proposed are largely brick and uniform in appearance which is not representative of Coggeshall.

The scheme would not minimise its impact on the natural world or maximise opportunities for wildlife. Object to the loss of established hedgerows within the site. Private garden boundary treatments should be hedgerows wherever possible, rather than the fences currently shown. The tree palette should include fruit trees and the shrub palette is boring and could be improved.

The development should meet the BREEAM 5 Star Home Quality Mark, recycle grey water and use solar and ground source heat pumps to generate energy. Green walls and roofs could also be used.

There are no designated access routes on the site for horse riders. There is no explanation of the landscape treatment at the point where the Essex Way meets the A120. Unclear how the southern boundary's thin buffer area is to be accessed or maintained.

The number of swift bricks and sparrow terraces is very low and could easily be raised significantly as could the number of bat boxes and tree mounted nest boxes.

Additional information in relation to flood risk is requested. No mention is made of the proposed foul drainage outfall or the current capacity of the Anglian Water Recycling Plant which is at 98% already.

There is no local demand for the community building in a nursery capacity. The removal of activity from the existing village hall to this location would also be detrimental to the village centre. The re-designation of this building for use as a resource centre for individuals (Policy 5 of Neighbourhood Plan) and small businesses with meeting rooms, hot desking, printing facilities etc would have a real sustainable function and serve people working from home.

#### Feering Parish Council

Remain concerned that there is only one site entrance for this development. We cannot see any detailed plans for the site entrance as to how the entrance will cope with in and out traffic from 300 dwellings.

We are also concerned that those dwellings will be using the roads through Feering and Kelvedon to access the A12 so there will be an increased traffic on country roads.

#### REPRESENTATIONS

In total 20 objections and 3 general comments have been received at the time of writing.

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

The representations received are summarised below:

- Layout does not appear to reflect recent boundary changes to rear of 15 St Peters Road
- Would like confirmation of what the Developer is proposing to make the houses greener e.g. are they using solar panels; collecting/storing rainwater/grey water to help alleviate flood risk and drought
- Loss of green space/fields
- Loss of trees/hedges
- Ecological impact

- Scale of development is too large for the village
- Cumulative impact with other approved developments is too great
- Brownfield sites should be developed instead
- Detrimental impact upon character of Coggeshall Village
- Impact on existing adjacent dwellings (overlooking, overbearing, noise, security, community building use/operating hours; loss of light; impact of any piling; pollution)
- Seek clarification as to the plans to the Essex Way Ditch to the south of 17 St Peters Road
- Request that the buffer between 9 Hill Road and Plot 20 is reinstated to the correct previously agreed specification and that trees are planted here. Also that a bungalow is considered. Object to Plot 20 being angled toward 9 Hill Road
- Object to the locating of community centre behind existing dwellings.
- Insufficient information submitted to determine if layout, landscaping and appearance is acceptable
- Insufficient information relating to the detail of the SUDS scheme which has been partly revised
- Potential for standing water in SUDs scheme with associated mosquito, waterborne diseases and odour risk
- Insufficient detail relating to proposed ecological mitigation/enhancement measures
- More established plants should be used rather than the seeds/Wips proposed
- Unclear how bank along Tey Road and its hedgerow will be impacted
- Object to location of foul water pump station and potential impact upon adjacent existing residents
- All houses should have an electric vehicle charging point
- Objections to proposed design/layout including:
  - poorly conceived and fails to respond to local context
  - Community building located adjacent to Colchester Road with poor pedestrian connections to the rest of the site/village. Lacks enough parking/electric vehicle charge points/open space
  - Proposed car parking overly prominent
  - Active elevations not provided on key frontages/routes/vistas
  - Linear park is broken to the north side
  - Grass verged pavements and blockwork streets on one level not in keeping with Coggeshall
  - Mount Hill and Hill Road have not been recognised/responded too
  - Minimally raised block paving from tarmac road surface looks too modern and gives gated estate appearance which is out of context
  - Development is no less out of keeping with the village than the adjacent 1960's development
  - Design and Access Statement selects the dullest and most modern existing village houses and multiples that approach
  - Proposed development would be cheap and nasty like a Disney set/American dream type design, building materials are cheap and dull
  - New dwellings should back not front onto Tey Road to shield existing dwellings more

- Essex Way should be retained as a green path
- Wider variety of native tree species required
- Community building is located far too close to existing residents' houses with associated noise, lighting and visual impact and traffic pollution impact. Should be located elsewhere on the site or if it must remain moved further away with a better green buffer and landscaping and the building reduced in size.
- Coggeshall's unique character is underpinned by its continuous frontages giving enclosure, principles of the Essex Design Guide reflect this. Proposal is suburban and bland and fails to respond to its context. Scope for character areas; a more urban central square incorporating the community building and a mix of house types
- Highway safety (vehicles; pedestrians; existing residents accesses are adjacent to new access; only one access point to site)
- Air pollution and congestion
- Noise pollution
- Second vehicle access to development required
- Existing infrastructure cannot cope and is already over capacity including:
  - Schools
  - Doctors
  - Highway network capacity
  - Local amenities/services
  - Parking
  - Public Transport
- Seek assurance that there will not be increased flood risk caused by the development to existing adjacent properties
- Security and amenity issues caused by Plot 20 and adjacent proposed boundary treatment to 9 Hill Road

#### Kelvedon and Feering Heritage Society

Development of this size requires several entrances/exits. It also lacks sports/recreational facilities.

Question whether the Essex Way goes under the A120.

Noise and visual concerns in relation to the A120 from the new dwelling upper floors.

Essential that the Developer builds to the highest standards of the Essex Design Guide and uses materials appropriate for future climate change.

### REPORT

#### Principle of Development

The principle of the residential development of the site has been established under the original outline planning permission (Application Reference 17/02246/OUT) which was issued on 12th April 2019. This included the

detailed site access points. Minor variations to the approved Parameter Plans were subsequently permitted under application reference 19/02072/VAR.

The current application seeks approval only for the reserved matters pursuant to the outline planning permission consisting of:

- Appearance;
- Landscaping;
- Layout; and
- Scale.

It is therefore these reserved matters which must be assessed in detail.

### Appearance, Layout and Scale

Policy RLP90 of the Adopted Local Plan requires a high standard of design and layout in all developments. Policy SP7 of Section 1 Plan states that all new development must meet high standards of urban and architectural design.

The Coggeshall Neighbourhood Plan sets out how it requires a high standard of design and layout in Policies 5 and 14, and is accompanied by the Coggeshall Village Design Guide.

At the national level, the NPPF is also clear in its assertion at Paragraph 126 that:

*‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.*

There is therefore a strong policy basis for achieving a high degree of quality in terms of the appearance, layout and scale of the development whilst ensuring that it complies with the outline planning permission for the site.

In accordance with the outline planning permission the applicant proposes a 300 unit scheme. The site layout adheres to the previously approved Parameter Plans with the vehicular access being taken from Colchester Road; 3 linked parcels of development with associated public open space; landscape buffers and a noise attenuation bund to the periphery of the site and SUDs attenuation features. Within these set parameters the applicant has proposed a carefully considered and well-designed layout which has been revised to address Officers concerns and the Parish Council’s concerns in relation to a number of matters including for example elements of neighbour impact and layout quality.

The site is divided into 4 character areas identified as the ‘northern quarter’; ‘central area’; ‘southern quarter’ and ‘principal corridor’. The southern quarter

has been designed to respond to the existing character of Colchester Road, with varied house types and materials to create 'an eclectic mix of materials, building designs and housing forms to create a varied and interesting pocket of character'. The central area seeks to respond to existing brick dominated development at Mount Road and Hill Road and in turn uses brick as the dominant material with limited render and cladding interspersed. The northern area emphasises brick and render tying in with the adjacent Tey Road. Finally the centrally located principal corridor has been designed to 'link all of the other character areas architecturally, with a more varied mix of design and materials along this key route'.

The street hierarchy is based around higher order streets as the principal route, leading to lower order streets which in turn lead to a third tier of private driveways. Dwelling types vary but are based primarily upon 2 storey pitched roof designs often with projecting gables, or pitched roof bungalows. There are also a small number of 2.5 storey dwellings spread across the site. Materials and building design details give a more modern angle to the proposals with features such as contrasting projecting window surrounds; contemporary porch designs and a contemporary materials palette being selected.

Internally, all house types meet the Nationally Described Space Standards (NDSS) which set out the required internal space standards for new dwellings of all tenures.

The development is also compliant with the Essex Design Guide in terms of proposed garden sizes and back to back distances between new dwellings.

In terms of the proposed housing mix, the scheme consists of the following dwelling mix with 180 market dwellings and 120 affordable dwellings:

#### Market Mix

37no. 2 bed  
84no. 3 bed  
44no. 4 bed  
15no. 5 bed

#### Affordable Mix

8no. 1 bed  
60no. 2 bed  
48no. 3 bed  
4no. 4 beds

The dwelling mix covers a range of sizes for both private and affordable tenures, including a total of 17 bungalows (4 of affordable rented tenure). The Council's Affordable Housing Officer has confirmed his agreement with the proposed affordable mix in terms of meeting identified need.

The outline planning permission includes permission for 420m<sup>2</sup> of nursery or community facilities. Following discussions with the Parish Council the applicant has designed a community building rather than a nursery building as they advise there is a lack of demand for the latter. The proposal is for a two storey building which has been designed in a barn like style with feature brick work and large glazed openings. It would contain a multi-use hall with associated facilities at ground floor level and office/meeting room space with associated facilities at first floor level and is of a high quality design rather than being of a bland and utilitarian appearance.

Overall the layout, appearance and scale of the proposal are considered to be acceptable. Layout in relation to green infrastructure and landscaping is discussed in more detail below.

In addition, Officers note the publication of the revised NPPF (NPPF 2021) on 20 July 2021 with its further increased emphasis on achieving high quality design. At paragraph 134 it states that 'development which is not well designed should be refused' and that conversely 'significant weight should be given to development which reflects local design policies and government guidance on design'. Whilst the revised NPPF was published too late in the process to be applied to the proposed development, the scheme is the result of extensive positive engagement with Officers on design and layout grounds, in addition to genuine and constructive engagement with the Parish Council. Local Design Policies from both the Braintree Local Plan and the Coggeshall Neighbour Plan have helped to shape the proposal and Officers consider that the design orientated aims of the revised NPPF have been met.

### Landscaping

The applicant proposes a hard and soft landscaping scheme across the site which has been reviewed by the Council's Landscape Officer and Urban Design Consultant and is considered to be acceptable following a number of minor revisions.

The site's green infrastructure accords with the approved Parameter Plans for the outline planning permission. At the northern end of the site a pedestrian footway connects the proposed development to Colne Road and a pedestrian/cycle link is provided to Tey Road. These links are set within an area of open space which also contains a Children's play area (LEAP) in addition to providing a set back from the proposed developable area to Tey Road. The eastern edge of the site contains a landscaped acoustic bund, on the inside of which runs a pedestrian trail set within a linear area of open space which runs parallel to the bund.

The southern and eastern site boundaries contain the landscape buffer zones established at the outline application stage. The northern half of the site contains two areas of linear green infrastructure which lead into the first of two large areas of open space. The northern most incorporates the Essex Way, a second children's play area (LEAP) and 4 SUDs features, two wet and two dry. The southern half of the site contains another large area of open space

including a third children's play area (LEAP) and 2 dry SUDS features. There is also a small area of open space adjacent to the proposed community building which contains a smaller play area (LAP) and a pedestrian and cycle link (in addition to the main site access) onto Colchester Road which terminates in another small area of open space.

Tree planting is proposed across the site and in particular plays an important part in the street hierarchy, in terms of helping to formalise the main spine road with rhythmic planting employed along its route through the southern two development parcels. Additional tree planting has also been achieved throughout the layout with planting being used to visually soften parking areas by breaking up longer lines of spaces. Extensive wildflower planting is proposed alongside grassed areas to ensure a mix of biodiversity value, visual attractiveness and usability of the site's open spaces.

The revised NPPF (NPPF 2021) states at paragraph 130 that new streets should be tree lined and that opportunities should be taken to incorporate trees elsewhere in Developments. Whilst the revised NPPF was published too late in the process to be applied to this scheme Officers had in fact already worked with the applicant to markedly increase tree planting across the proposed development, both in terms of formal street trees and the integration of additional trees in other areas of the site.

The revised NPPF also states that existing trees should be retained wherever possible. Tree loss and retention was assessed and approved at the outline planning stage and proposed losses were carefully balanced against the need to achieve a high quality layout which could incorporate genuine placemaking. A condition attached to the outline permission remains in place requiring details of tree protection measures for trees identified as being retained to be submitted and approved.

The site's hard landscaping varies, with footpaths/cycleways being constructed primarily from a mixture of tarmac and Hoggins surfacing (compacted gravel) in addition to some more informal grassed pathways. Tegular paving is also proposed to provide delineation at two key points, one where the Essex Way footpath crosses the spine road and the other at the site's first internal junction adjacent to the Community Building.

Overall the site's proposed landscaping is carefully considered and is of an acceptable standard.

### Ecology

The Ecological impact of developing the overall site was assessed in full at the Outline Planning application stage and is not for consideration as a reserved matter. The applicant has however submitted an Ecological Enhancement Strategy for the site as required by the outline planning permission.

The Enhancement Strategy includes the following measures:



- Creation of new habitat in the two largest areas of public open space with wildflower grassland planting; tree planting and several wet attenuation basins
- Widening of the existing hedgerow on the site's eastern boundary by extensive planting along the proposed noise bund
- New tree planting to include native species such as Oak, Hawthorn; Field Maple and Beech
- Native hedgerow planting
- Habitat creation for reptiles with the provision of hibernacula and creation of basking sites
- Provision of 25 nesting boxes on retained trees and 15 swift bricks and 15 sparrow terraces on new houses
- Provision of 30 bat tubes on new houses and 20 bat boxes on retained trees

Overall these measures accord with the requirements of the outline planning permission and would ensure that opportunities to provide ecological enhancement and site wide biodiversity were taken.

### Highways

The impact of the development on the highway network and the acceptability of the access was assessed at the outline planning stage and is not a reserved matter. Parking provision and the internal site layout are however for consideration as part of the reserved matters application. The outline permission also included a planning condition requiring a strategy for electric vehicle charging provision to be submitted.

With regard to site layout, ECC Highways have been consulted and following a number of minor revisions have no objection to the site's internal layout in highway terms.

In terms of parking, private provision would be made across the site in accordance with the Essex Parking Standards (2009) with the required 1 space per 1 bed dwelling and 2 spaces per two or more bed dwellings. Visitor parking would be spread around the development with a slight shortfall of 7 spaces with 68 spaces rather than 75 being provided although this is not considered to be materially significant.

The Essex Parking standards do not have a specified requirement for a Community building. For an assembly and leisure use such as a bingo or dance hall a maximum of 1 space per 20m<sup>2</sup> is required which would equate to a maximum of 21 spaces. For a non-residential institution type use such as an exhibition hall or a nursery the maximum standards are 1 space per 25m<sup>2</sup> (17 spaces maximum) and 1 space per staff member plus a drop off area respectively. The layout proposes 12 parking spaces for the community building in its own dedicated parking area. The building is well located within the development for pedestrian and cycle access and is also connected to the existing village via the Essex Way (with surfacing to be upgraded) linking to St

Peters Road; the developments proposed pedestrian link to Colne Road and its proposed pedestrian connection to Colchester Road. The provision of 12 spaces is considered to be acceptable against the maximum standards.

With regard to electric vehicles, Policy LPP44 of the Section 2 Plan requires developments to make appropriate provision for electric vehicles. The Neighbourhood Plan also requires provision to be made for electric vehicle charging points.

The layout includes, as required by the outline planning permission an electric vehicle car charging strategy with a total of 193 charging points being provided, one in every garage and one for every dwelling without a garage where the dwelling has a protected parking space within its own curtilage where there is space for a charge point to be installed. A communal charge point is also provided in the Community building car park. Where charge points are not provided it is because parking spaces are not within a dwellings immediate curtilage.

Overall, parking provision on the site is considered to be acceptable.

#### Impact upon Residential Amenity

In terms of neighbouring amenity, the application site abuts existing residential development on its northern, western and southern boundaries. At the request of Officers, a number of minor amendments were made to the scheme by the applicant, to ensure that the Essex Design Guide requirements were met and that the topographical differences across the site and between the site and existing adjacent dwellings were accounted for.

The detailed site design and layout is now compliant with the Essex Design Guide and sufficient distance is maintained from shared boundaries to ensure that no unacceptable loss of privacy, sunlight or daylight would occur and that the new dwellings and that the community building would not have an unacceptable impact in planning terms with regard to being overbearing upon existing adjacent residents.

Internally, the site layout is also compliant with the Essex Design Guide and would provide an acceptable degree of amenity to future occupiers of the new dwellings.

In terms of noise, the impact of the A120 upon the occupiers of the new dwellings was assessed at the Outline Planning Stage and planning conditions remain in place relating to the detail of this which would be considered under the condition discharge process. The applicant has however submitted a Noise Report in support of their Reserved Matters application.

Officers also note that objections have been raised by existing adjacent residents in relation to potential noise impact from the community building. The community building contains a multi-use hall with ancillary facilities at ground floor level and an office and meeting room with associated ancillary

facilities at first floor level. This use, or an alternate nursery use in this location have already been established at the outline stage.

In addition, the use is not for an industrial or commercial use of the type which would be expected in planning terms to generate noise and associated impacts which would be damaging to surrounding residential amenity. The parking area would be located beyond a landscape buffer and 2m brick wall, approximately 13m from the closest existing dwellings. The building itself would be located approximately 7m from the shared boundary with the closest existing dwelling and again would be behind a 2m brick wall. In addition the actual hall area would be located on the far side of the building with the ancillary facilities (such as kitchen, reception, toilet) and the office space being located nearer to the existing dwellings.

The Council's Environmental Health Officer has been consulted with regard to the application and has raised no objection to the proposal on noise grounds. Overall Officers do not consider that there are any grounds to recommend refusal of the reserved matters on the above basis.

### Heritage

The likely heritage impact of the proposed development of the overall site was assessed at the outline application stage. The application site is located to the east of the Coggeshall Conservation Area with the proposed pedestrian access from the site onto Colne Road being the only part of the site which abuts and (just) crosses the Conservation Area boundary.

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

Both Historic England and the Historic Buildings Consultant at ECC Place Services have been consulted and neither have identified any objection to the proposal nor any specific harm to heritage assets.

### Flooding and Drainage Strategy

Flood risk and drainage were considered at the outline planning stage. The applicant proposes to utilise a sustainable urban drainage (SUDS) system incorporating two wet and 4 dry SUDs basins in order to satisfy the requirements of the outline planning permission in this regard, with surface water being held in these basins before being gradually released into the existing ditch network in accordance with the requirements of the Lead Local Flood Authority (ECC).

The SUDS conditions attached to the outline planning permission remain in place and the full detailed drainage strategy would be submitted to the LPA for review and approval prior to commencement of development.

Essex County Council have been consulted as the Lead Local Flood Authority and have no objection to the proposal at this stage.

### Condition Compliance

Conditions 3, 20 and 23 of the outline planning permission are 'compliance conditions', requiring the applicant to submit details of proposed finished floor levels of the new dwellings; details of the site's landscaping scheme and details of a strategy for electric car charging and broadband provision as part of their Reserved Matters application.

Site levels have been assessed both as part of the proposed design and layout and with regard to impact upon existing neighbour amenity and are considered to be acceptable following a number of minor revisions. Electric vehicle charging provision is discussed under the highway section of this report and is also considered to be acceptable. The applicant has also confirmed that they will provide fibre broadband connections to all dwellings and to the community building prior to their occupation. Finally, landscaping has also been discussed in the above report and is considered to be acceptable.

Overall it is therefore considered that Conditions 3, 20 and 23 of the Outline Planning Permission have been complied with.

### Conclusion

The principle of the residential development of the site is established under the existing outline consent (Application Reference 17/02246/OUT) and the subsequent variation consent (Application Reference 19/02072/VAR). The applicant seeks approval for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.

Overall it is considered that the detailed proposal constitutes a well-designed and carefully considered proposal and accordingly it is recommended that the Reserved Matters are approved.

### RECOMMENDATION

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

## APPROVED PLANS

Site Layout	Plan Ref: CB_45_164_001 Version: REV M
Proposed Phasing Plan	Plan Ref: JBA 19/071-09
Landscaping	Plan Ref: JBA 19/071-01 Version: REV F
Landscaping	Plan Ref: JBA 19/071-02 Version: REV F
Landscaping	Plan Ref: JBA 19/071-03 Version: REV F
Landscaping	Plan Ref: JBA 19/071-04 Version: REV F
Landscaping	Plan Ref: JBA 19/071-05 Version: REV F
Landscaping	Plan Ref: JBA 19/071-06 Version: REV F
Landscaping	Plan Ref: JBA 19/071-07 Version: REV F
Landscaping	Plan Ref: JBA 19/071-08 Version: REV F
Landscape Masterplan	Plan Ref: SK01 Version: REV G
Levels	Plan Ref: Sheet 1 191720-005 Version: REV P6
Levels	Plan Ref: Sheet 2 191720-006 Version: REV P6
Levels	Plan Ref: Sheet 3 191720-006-2 Version: REV P4
Fire Strategy Plan	Plan Ref: 191720 - 015 P5
Fire Strategy Plan	Plan Ref: 191720 - 016 P5 Sheet 2
General	Plan Ref: 191720 - 024 P1
General	Plan Ref: 191720 - 023 P1
Location Plan	Plan Ref: CB_45_164_000 Version: REV B
Other	Plan Ref: Land Use Plan CB_45_164_002 Version: REV E
Height Parameters Plan	Plan Ref: CB_45_164_005 Version: REV E
Parking Strategy	Plan Ref: CB_45_164_006 Version: REV E
Enclosures etc	Plan Ref: CB_45_164_009 Version: REV E
Proposed Plans	Plan Ref: Central Area Car Port CB_45_164_CA_CAR_002 Version: REV A
Proposed Elevations	Plan Ref: Northern Quarter 2BBW CB_45_164_NQ_2BBW_E01
Proposed Floor Plan	Plan Ref: Northern Quarter 2BBW CB_45_164_NQ_2BBW_P01

Proposed Elevations	Version: REV A Plan Ref: Northern Quarter Type 3BBW CB_45_164_NQ_3BBW_E01
Proposed Floor Plan	Version: REV A Plan Ref: Northern Quarter Type 3BBW CB_45_164_NQ_3BBW_P01
Proposed Elevations	Version: REV A Plan Ref: Principal Corridor Type 8 (Cypress) CB_45_164_PC_T8_E01
Proposed Elevations	Version: REV A Plan Ref: Principal Corridor Type 8 (Cypress) CB_45_164_PC_T8_E02
Proposed Elevations	Version: REV A Plan Ref: Principal Corridor Type 8 (Cypress) CB_45_164_PC_T8_P01
Proposed Elevations	Version: REV A Plan Ref: Southern Quarter Type 4BH CB_45_164_SQ_4BH_E01
Proposed Plans	Version: REV A Plan Ref: Southern Quarter Type 4BH CB_45_164_SQ_4BH_E02
Proposed Floor Plan	Version: REV A Plan Ref: Southern Quarter Type 4BH CB_45_164_SQ_4BH_P01
Proposed Plans	Version: REV A Plan Ref: Southern Quarter Car Port CB_45_164_SQ_CAR_01
Proposed Elevations	Version: REV A Plan Ref: Southern Quarter Type 8 (Cypress) CB_45_164_SQ_T8_E06
Proposed Elevations	Version: REV A Plan Ref: Southern Quarter Type 8 (Cypress) CB_45_164_SQ_T8_E03
Proposed Floor Plan	Version: REV A Plan Ref: Southern Quarter Type 8 (Cypress) CB_45_164_SQ_T8_P02
Other	Version: REV A Plan Ref: Combined House Type Portfolio Colchester Road, Coggeshall
Proposed Elevations	Plan Ref: Community Building CB_45_164_CC_E01
Proposed Floor Plan	Plan Ref: Community Building CB_45_164_CC_P01
Other	Plan Ref: Noise Bund Cross Section TR19-3244-EMB V1
Other	Version: Sheet 1 Plan Ref: Noise Bund Face Details TR19-3244-EMB V1
Other	Version: Sheet 2 Plan Ref: Electric Vehicle Charging Strategy CB_45_164_903

Other	Version: REV E Plan Ref: Housing Mix CB_45_164_003
Other	Version: REV E Plan Ref: Affordable Housing CB_45_164_004
Other	Version: REV F Plan Ref: Bin _ Cycle CB_45_164_007
Other	Version: REV E Plan Ref: External Finishes CB_45_164_008
Other	Version: REV E Plan Ref: Planning Layout Extract CB_45_164_001 3
Refuse Information	Plan Ref: 191720-013 Sheet 1 Version: REV P5
Refuse Information	Plan Ref: 191720-014 Sheet 2 Version: REV P5

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed above, with the exception of those house type plans (both floorplans and elevations) within the Combined House Type Portfolio listed above which have been superseded by individually listed house type plans also listed above.

Reason

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

- 2 No development on Plot 20 shall commence unless details of the following have been submitted to and approved in writing by the Local Planning Authority:

1) finished ground levels adjacent to the dwellings western side elevation, both on the inside and the outside of the proposed boundary fence; and

2) details of the re-routing of the proposed 1100mm post and rail fence located to the west of Plot 20 so that it tracks further along the edge of the landscape buffer before returning across the landscape buffer level with the front elevation of No.9 Hill Road.

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

Reason

To protect the amenity of the occupants of existing dwellings adjacent to the site.

- 3 Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)

(England) Order 2015, (or any Order revoking or re-enacting that Order) no enlargement, improvement or other alteration, additions to the roof or other alterations to the roof of the dwellinghouses located on Plots 1 to 8 inclusive; 9; 20; 74; 81 to 85 inclusive; 86; 89 to 92 inclusive; 96; 183 to 191 inclusive; 210 to 217 inclusive; 234; 242; 243; 245 and 248 shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of existing dwellings adjacent to the site.

- 4 Notwithstanding the provisions of Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no buildings incidental to the enjoyment of the dwelling house shall be erected on Plots 20; 85; 89 to 92 inclusive; 96; 183 to 191 inclusive and 210 to 217 inclusive without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of existing dwellings adjacent to the site.

- 5 Notwithstanding the provisions of Classes A, AA, AC and AD of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking or re-enacting that Order) no additional storeys or two storey rear extensions shall be added to any of the dwellings hereby permitted without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of the new dwellings and of existing dwellings adjacent to the site.

- 6 Notwithstanding the provisions of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking or re-enacting that Order) no windows shall be added to the rear gable elevations of Plots 80; 136; 170; 171; 172; 199; 242; 279; 281; 292; 293; 298 and 292 without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of the new dwellings.

- 7 Notwithstanding the provisions of Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking or re-enacting that Order) no extensions or alterations shall be made to the community/nursery building



without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of the existing adjacent dwellings.

- 8 All obscure glazed windows shown on the proposed plans shall be retained as obscure glazed at all times. No part of the obscure glazed windows fitted at first floor level to the western side elevation of Plots 248; 96; 85 and 20; to the southern side elevation of Plot 9 and to the eastern side elevation of Plot 234 that is less than 1.7 metres above the finished floor level of the room in which it is installed shall be capable of being opened. The windows shall be permanently retained in this form.

Reason

To protect the amenity of the occupants of the existing adjacent dwellings.

- 9 The garages hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the relevant dwelling and shall not be used for living accommodation.

Reason

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

- 10 Prior to its construction, details of the planting medium for the acoustic bund and revised details of the proposed landscaping for the bund, to include a larger proportion of hawthorn, blackthorn, fieldmaple and hornbeam shall be submitted to and approved in writing by the Local Planning Authority. The bund shall be constructed in accordance with the approved details and the landscape planting shall be completed in accordance with the approved details.

Reason

To ensure that the landscaping on the bund is appropriate in terms of species and soil conditions.

- 11 The development, including all hard and soft landscaping shall be carried out and completed in general accordance with the approved Phasing Plan JBA-19/0171-09 dated November 2019.

Reason

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

- 12 Prior to the first implementation of the approved landscaping scheme the applicant shall submit details of the proposed irrigation methods for the new planting for approval by the Local Planning Authority. The irrigation of the site's landscape planting shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory irrigation strategy is employed on the site.

- 13 No Badger sett closure on or adjacent to the site shall in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

- 14 Prior to the commencement of development a Badger Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Badgers during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason

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

- 15 Prior to the commencement of development in each of the relevant phases, amended refuse strategy details shall be submitted to and approved in writing by the Local Planning Authority for the following plots to ensure that bin drag distances for BDC waste crews are complied with and that Bin Collection Points are located in suitable positions. The development shall be carried out in accordance with the approved details:

Plots: 299; 287; 300; 292; 168; 167; 105; 36; 106; 107; 108.

Reason

To ensure that appropriate refuse collection facilities are in place for every new dwelling. The details are required prior to the commencement of development in each phase to ensure that the required distances can be complied with.

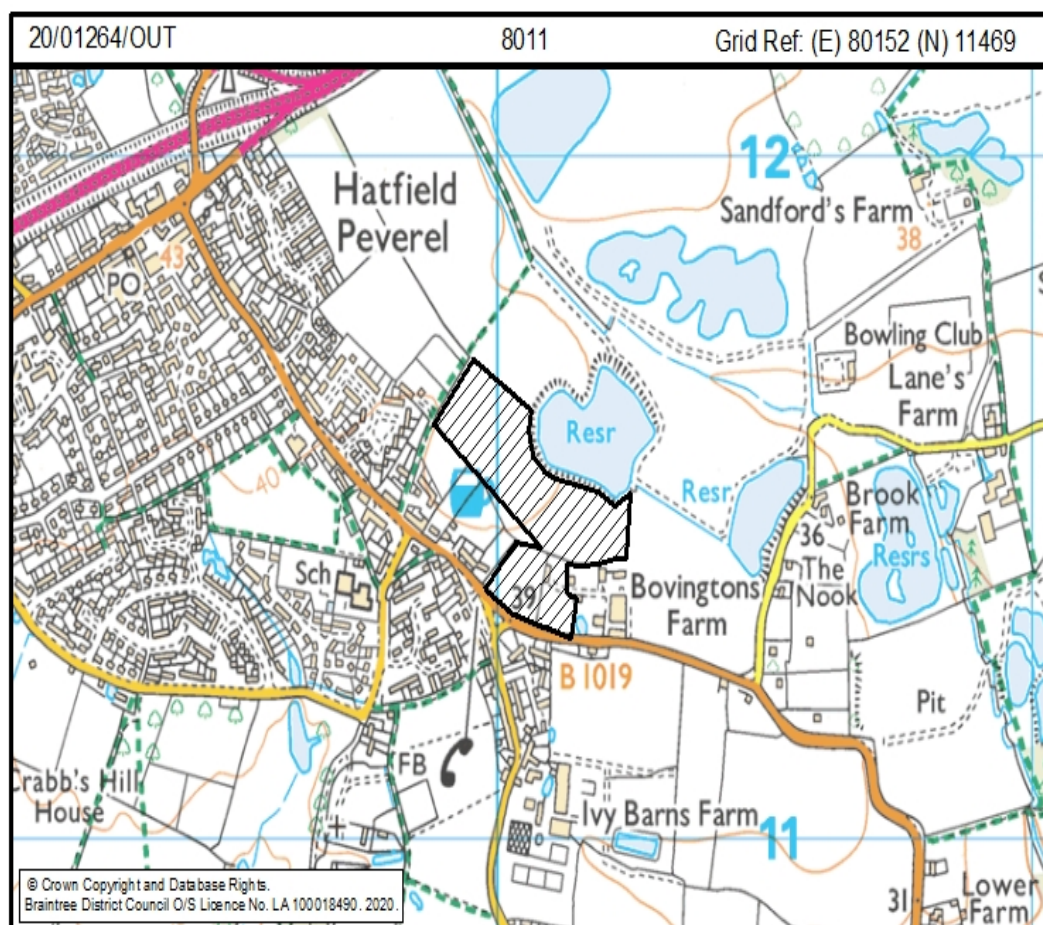
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

# PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01264/OUT  
 DATE: 03.08.20  
 VALID:  
 APPLICANT: Gladman Developments Limited  
 Mr David Gladman, Gladman House, Alexandria Way,  
 Congleton Business Park, Congleton, CW12 1LB, Cheshire  
 DESCRIPTION: Outline planning application with all matters reserved  
 except access for the demolition of the existing buildings  
 and for the redevelopment of the site for up to 110  
 dwellings, including 40% affordable housing, with public  
 open space, structural planting and landscaping, surface  
 water flood mitigation and attenuation, and vehicular access  
 point from Maldon Road.  
 LOCATION: Land North Of, Maldon Road, Hatfield Peverel, Essex

For more information about this Application please contact:  
 Kathryn Oelman on:- 01376 551414 Ext. 2524  
 or by e-mail to: [kathryn.oelman@braintree.gov.uk](mailto:kathryn.oelman@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEHTWHBF FWT00>

## SITE HISTORY

None.

## POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2            Town Development Boundaries and Village Envelopes

RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

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

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

### Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

### Hatfield Peverel Neighbourhood Plan 2015 – 2033

ECN2	Working from Home
ECN3	Broadband & Mobile Connectivity
ECN5	Public Realm
HPE1	Natural Environment and Biodiversity
HPE4	Sport & Recreation Provision
HPE5	Protection of Landscape Setting
HPE6	Flooding and SuDS
FI1	Transport and access
FI2	Parking

FI3 Education and Health Infrastructure  
FI5 Developer Contribution  
HO1 Design of New Housing Developments  
HO3 Minimum Garden Sizes  
HO4 Creating Safe Communities

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)  
Essex Coast RAMS Supplementary Planning Document (2020)  
Essex Design Guide for Mixed Use and Residential Areas (2005)  
External Artificial Lighting Supplementary Document (2009)  
Open Space Supplementary Planning Document (2009)  
Parking Standards – Design and Good Practice (2009)  
Urban Place Supplement Guidance (2007)

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

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

#### DESCRIPTION OF THE SITE AND SITE CONTEXT

The site comprises two parcels of land 5.96ha in total area, both located north of Maldon Road (B1019) to the south east of the village of Hatfield Peverel. The first parcel is adjacent Maldon Road, separated by a hedgerow with an existing shared access to The Bungalow at Bovington's Farm in the east. The second parcel sits behind this, extending further west to meet the boundaries of existing properties on Maldon Road, including development currently under construction for 7no homes at The Wheatsheaf (Application Reference 18/00851/FUL) and development of a further 7no homes proposed on Land to the Rear of Heathers and Candletree (Application Reference 20/01465/FUL).

Constraints within the site include a gas pipeline orientated north-south within the site's western corner. At its most western extent the site also meets the public right of way 90\_40 travelling north from Old School Court, beyond which is land consented for development of 100 dwellings on Land East of Gleneagles Way (Application References 16/02156/OUT & 20/00906/REM).

To the north of the site lies farmland remediated from a historic quarry site, containing several lakes now used for fishing and recreational use; most notably a lake named Bovington 2 immediately north of the site. To the east lies agricultural fields, and to the south lies existing residential development arranged around a green formed at the juncture with Ulting Road.

## PROPOSAL

The application seeks outline planning permission for 110 dwellings and associated development, including provision of 40% affordable housing, with all matters reserved except access. The application had originally been made for 130 dwellings on the site; this number was reduced in response to Officers' concerns that the quantum of dwellings was too high to deliver development of sufficient quality and compliant with national and local policy concerning design.

The application is accompanied by the following plans and documentation:

- Application Form
- Site Location Plan CSA/4411/113 C
- Revised Development Framework Plan CSA/4411/105 O
- Revised Illustrative Masterplan CSA/4411/121 E
- Illustrative Masterplan – Garden Sizes CSA/4411/123
- Parameters Plan CSA/4411/122 D
- Revised Access Plan 19140-001 B
- Revised Swept Path Analysis for Refuse Vehicle Plan 19140-002 A
- Hatfield Peverel Densities Plan
- Tree Survey
- Design and Access Statement
- Addendum to Design & Access Statement (Jan 2021)
- Planning Statement
- Heritage Statement
- Arboricultural Impact Assessment
- Land Contamination Assessment
- Interim Ecological Impact Assessment
- Biodiversity Metric Assessment
- Air Quality Assessment
- Flood Risk Assessment
- Noise Impact Assessment
- Foul Sewerage & Utilities Assessment
- Soil, Resources & Agricultural Quality Assessment
- Landscape & Visual Impact Assessment
- Transport Assessment (Revised March 2021)
- Travel Plan (Revised March 21)
- Highways Technical Note (March 21)
- Statement of Community Involvement
- Shadow HRA
- Affordable Housing Statement
- Economic Statement

Upon receipt of this application, the Council issued a screening opinion with reference to the Town & Country Planning (Environmental Impact Assessment Regulations) 2017 (as amended) which concluded that the proposal does not constitute EIA development.



## SUMMARY OF CONSULTATION RESPONSES

### Anglian Water

No objection.

### Cadent Gas

No objection in principle, note that there are restrictions which will have to be observed and this will constrain the scale, layout and landscaping of the development at reserved matters stages.

### Essex Police (Designing Out Crime Officer)

No objection.

### ECC SuDS

No objection subject to conditions.

### ECC Local Highway Authority

Raise no objections to the proposal subject to inclusion of conditions in relation to provision of the access, construction traffic management plan, upgrade of bus stops, residential travel plan and residential travel packs.

### ECC Green Infrastructure Service

No objection; comments provided in September 2020 recommend that Habitat Regulations Assessment occurs [this has now been undertaken] and that a Construction Environmental Management Plan, Landscape Environmental Management Plan, Biodiversity Enhancement Strategy and Landscaping Strategy are secured in order to ensure the provision of green infrastructure as early as possible within the development process.

### ECC Education & Housing

No objection: identify a need for contributions to fund provision of additional Early Years & Childcare, Primary and Secondary places as well as Library provision.

### ECC Independent Living

No comments received to date, consultation deadline expired.

### ECC Archaeology

No objection subject to conditions.

#### Highways England

No objection.

#### Health & Safety Executive

No objection; confirm they do not advise against the granting of permission on safety grounds.

#### National Grid

No objection; confirm apparatus within the vicinity.

#### Natural England

No objection; confirm they are satisfied that the mitigation described in the Appropriate Assessment is in line with their strategic-level advice and that this mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance. Advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area.

#### NHS England

NHS England has notified the Council that they are experiencing temporary resourcing difficulties due to the pandemic and therefore have been unable to provide specific comment in relation to this application. NHS England has instead provided Officer's with the formulae from which contributions can be calculated. The contributions for this application would be £381.00 (index linked) per dwelling. If 110 dwellings are developed on the site, this could total £41,910. NHS England have requested contributions from other developments in Hatfield Peverel be secured towards improvements and extensions that will benefit of patients of The Sidney House Surgery, Hatfield Peverel or its central operations surgery at The Laurels Surgery, 96 Juniper Rd, Boreham, or towards the replacement of diagnostic equipment at Broomfield Hospital, Chelmsford or Braintree Hospital.

#### Sport England

No objections.

#### BDC Ecology

No objections, subject to securing HRA contribution and imposition of conditions as recommended to secure ecological mitigation and enhancement measures.

### BDC Historic Buildings Consultant

No objection, agree with the conclusions of the Heritage Statement and consider that the proposal would have a negligible impact upon the significance upon the setting of nearby heritage assets.

### BDC Waste

No objection. Standard comments are given regarding the refuse storage and collection specifications which will need to be observed at reserved matters stage.

### BDC Housing Enabling

No objection; an ideal housing mix has been provided and stipulations including compliance with Part M Cat. 2 building regulations accessibility standards and Nationally Described Space Standards. A later revision to this response also requested two wheelchair user bungalows compliant with building regulations Part M Cat. 3A be added to the requirement.

### BDC Environmental Health

No objections subject to conditions.

### BDC Landscape

No objections. Note that the visibility splay will lead to a loss of hedgerow and details of replacement planting will be necessary in order to ensure the character of roadside planting in the locality is maintained. Also recommend that established plants within the hedgerow to be removed are relocated where possible.

### PARISH / TOWN COUNCIL

Responses from Hatfield Peverel Parish Council dated 28th August 2020 and 7th February 2021 are provided as Appendices to this report.

### REPRESENTATIONS

The Council received 70no. letters of objection from members of the public objecting to the application, prior to the submission of the revised plans. A summary of the main issues raised are listed below.

- Outside development boundary
- Lack of infrastructure provision (employment, roads, rail, shops, doctors, schools)
- Increase in traffic & unsafe road due to increase in traffic
- B1019 junction at Duke of Wellington Pub will be overloaded
- Unsafe access on bend

- Conflict in vehicles accessing drives on opposite side of road
- Lack of evidence for direct and safe walking routes to schools
- Traffic Survey does not take account of school runs
- Pavements to services need widening to be safe
- People unlikely to walk or cycle to services
- Lack of crossing on Maldon Road
- Cumulative impact upon Air Quality and human health
- Unsustainable development
- Lack of employment opportunities in village
- Disproportionate amount of development for settlement
- Add to towns not to villages
- No need for more housing
- Section 2 plan examination is suggesting housing numbers are in excess of what is needed
- Coalescence with Witham
- Risk of field behind being developed (indefensible boundary)
- Impact on biodiversity, wildlife, loss of hedgerow
- Loss of Best and Most Versatile Land
- Loss of rural character and village feel
- Negative impact upon countryside
- Affordable dwellings not at affordable prices
- Need for smaller properties and starter homes or bungalows
- Overdevelopment; quantum too large and dense, does not reflect character of the area
- Lack of compliance with Neighbourhood Plan and Development Plan
- Small scale development is preferable to residents
- Reduction by 20 dwellings is insufficient to overcome concerns
- Noise levels require mitigation
- Loss of privacy to Bovington's Farmhouse
- Unsafe fishing lakes; dangerous for children
- Impact on Brewery House
- Risk of surface water discharging into reservoir causing pollution

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF) 2021

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

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character,

needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) the housing requirement set out in adopted strategic policies plus the relevant buffer.

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

### 5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

### The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011) and the Braintree District Shared Strategic Section 1 Local Plan (2021).

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

The site is located in an area of 'countryside', therefore constitutes a departure from Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy. As a consequence, the proposal also represents a departure from the Development Plan as a whole. For similar reasons a conflict is also identified with Policy LPP1 of the Section 2 Plan, albeit given its stage of preparation this document does not form part of the Development Plan and attracts limited weight.

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs that that permission should not be granted for this development unless material considerations indicate otherwise. Material considerations pertinent to this particular application include the NPPF and the District's five year housing supply. Paragraph 11 of the NPPF sets out the 'presumption in favour of

sustainable development' and paragraph 12 advises that *"Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

The Neighbourhood Plan also does not contain any policies which restrict housing outside its development boundary. Allowing development outside the designated development boundary is therefore a conflict with the Adopted Local Plan rather than the Neighbourhood Plan, noting however that the proposal is contrary to the Development Plan as a whole for the reasons noted above.

Hatfield Peverel is classified as a 'Key Service Village' in both the Adopted Local Plan, the Core Strategy and the Section 1 Plan. Section 4.8 of the Core Strategy describes Key Service Villages as *"large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools"*. Section 5.6 of the Section 2 Plan, albeit currently carrying limited weight, adds that service villages serve a wider hinterland and may be suitable for development subject to the opportunities and constraints of that village.

Section 3.3 of the Section 1 Plan explains that *"in Braintree District the growth will mainly be addressed by urban extensions"*, going on to state that those service villages in the A12 corridor such as Hatfield Peverel should expect to become the focus of growth alongside the District's Towns. Policy SP3 of the Section 1 Plan sets out the Spatial Strategy for North Essex with a clear vision that development is accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Policy CS7 of the Core Strategy continues to support these objectives by directing development into locations which are 'accessible' and where opportunities to take up sustainable forms of transport are available, or can be improved. The approach is consistent with the objectives of Paragraph 105 of the NPPF which states that:

*"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

The Development Plan and overarching growth strategy, both current and future, suggest that Hatfield Peverel possesses the attributes of a settlement

capable of supporting a sustainable development. Whilst the judgement of whether a proposal is '*sustainable development*' is formed from many factors (see NPPF Paragraph 8), a conclusion that this location is unsustainable in principle is not justified without some evidence of a very recent change or specific exception in circumstances.

The Parish Council note that over 500 dwellings have been granted permission in Hatfield Peverel in recent years and that this figure is sufficient to meet the Objectively Assessed Housing Need (OAHN) which was quoted for the Parish when the Neighbourhood Plan originally intended to allocate sites for housing. This figure did not receive scrutiny from the Inspectorate as the housing policies allocating housing in the Draft Neighbourhood Plan were removed and the Adopted document did not allocate sites for housing. As a consequence, the measure returned to that of need within the wider District. Whilst the District's five year land supply is no longer in deficit, it remains marginal and heavily dependent upon the maintenance of a good through-put of applications being implemented in order to maintain the supply. The outcome of the Section 2 Local Plan examination is not known, neither is this adopted, therefore any future effects upon the five year housing supply remain purely speculation. It should also be noted that the OAHN for the Parish, and the District, are minimum not a maximum number in any regard.

Whilst the Parish's concern regarding the proportion and number of dwellings granted in the settlement is therefore understandable, any substantive refusal reasons would still need to be formed on the basis there is a presumption in favour of sustainable development. It is therefore advised that concerns in general that Hatfield Peverel has 'taken its fair share of housing', or that this development specifically is unsustainable, would need to be borne out by evidence of demonstrable harm rather than conjecture.

Hatfield Peverel Parish Council are of the view that adverse impacts arise as a consequence of inadequate infrastructure provision and dependency upon car travel. These issues are discussed further in the following sections of the Site Assessment below.

It is noted that the Neighbourhood Plan (Page 55) also voices a strong preference for '*incremental small scale growth*' of 30 dwellings or less. This originates from a stated concern that larger sites would detract from the rural nature of the Parish and it is implied larger sites cannot be designed with sufficient creativity as to limit their impact upon the character of the settlement. However, a limit on development size does not appear as a requirement of any policy in the Neighbourhood Plan. Policy HO1 of the Neighbourhood Plan simply requires that density, layout, height and elevational design of housing developments respond to their context and to be in harmony with the character and appearance of the surrounding area, therefore satisfying the objectives without introducing a cap upon numbers of dwellings permitted. The development quantum of 110 dwellings is not therefore automatically contrary to the Neighbourhood Plan; it should be judged in terms of its impacts, in line with the decision making processes and principles outlined above.



## SITE ASSESSMENT

### Accessibility and Connectivity to Services

The site is located on the outskirts of Hatfield Peverel. The view has been mooted that Hatfield Peverel does not contain sufficient facilities and services per se. Another argument posed is that the distribution of existing services are so sporadic in their geography, not comprising a nucleated High Street, they necessitate a dependency upon the motor car as a result. However, a footpath does exist along the site frontage which provides access into the village. The Highway Authority have raised no concerns regarding the safety of crossing Maldon Road, nor has it insisted upon improvements to remedy the situation if it were regarded to be unsafe.

Hatfield Peverel contains several local facilities and amenities. Table 4.2 of the applicant's Transport Assessment summarises these facilities and the walking distances given; these have been reproduced below:

The Cross Keys Pub:	180 metres/ 2-minute walk
The Wheatsheaf Pub:	200 metres/ 3-minute walk
St Andrew's Junior School:	450 metres/ 6-minute walk
Village Hall and Community Club:	600 metres/ 7-minute walk
Saint Andrew's Parish Church:	750 metres/ 9-minute walk
Hatfield Peverel Sports Club:	900 metres/ 10-minute walk
Strutt Memorial Recreation Ground:	900 metres/ 11-minute walk
Hatfield Peverel Dental Surgery:	1000 metres/ 12-minute walk
East of England Co-op & Post Office:	1100 metres/ 14-minute walk
Hatfield Peverel Bowling Club:	1200 metres/ 14-minute walk
Sidney House GP Surgery:	1200 metres/ 16-minute walk
Boots (Pharmacy):	1300 metres/ 16-minute walk
Hatfield Peverel Library:	1400 metres/ 17-minute walk

Hatfield Peverel is also served by Hatfield Peverel Rail Station. The station lies approximately 1700 metres from the site (21 minute walk) and provides access to regular rail services. Trains call hourly throughout off-peak hours with more frequent service at peak travel times. There are a total of 25 services daily Monday-Friday in each direction and 12-14 services daily on weekend days in each direction. Destinations from Hatfield Peverel station include London Liverpool Street, Stratford, Shenfield, Chelmsford, Witham, Kelvedon, Colchester, Manningtree and Ipswich. There are two car parks at the station along with bicycle storage spaces.

Taking the above into account, it does not seem reasonable to conclude that a genuine choice of sustainable transport modes does not exist in the settlement to support a move away from private car use if inhabitants are so inclined. Whilst the services within the village are geographically disparate, they are not absent, and a significant number are within walking or cycling distance of the site. So whilst some harm will always arise from any development due to an inevitable preference among some of its occupants to

use a car, the siting of development is not such that the default choice need be the car. The site is in an 'accessible location' and thus the proposal is judged to be compliant with Policy CS7 of the Core Strategy and Paragraph 105 of the NPPF.

### Infrastructure Provision

The Parish Council and residents within Hatfield Peverel voices concerns that are encountered frequently across the district in relation to the provision of housing; that there is insufficient existing places within schools and doctors surgeries to support the increase in demand which would be generated by development. Whilst these concerns are legitimate, any deficits identified within the current Education and NHS provision cannot however be taken as evidence of future deficiencies. It is noted that occupation of many of the housing sites granted in the area has not yet occurred and therefore monies will not have yet reached the Authorities to provide the improved provision. The responsibility of ensuring that services are located so as to best meet demand which exists is the responsibility of the Health/Education Authority, not the Planning Authority.

The reality is that the planning system does not work on the basis of 'pre-loading' infrastructure provision. In this case, statutory consultees have raised no fundamental objections, and provided that the stated levels of contributions are secured they should be able to provide the necessary school and doctor's surgery places when demand occurs; it is the statutory consultees' responsibility to ensure this provision occurs in the right places to meet demand arising from development. Neither the Education nor Health Authority has raised concerns that it cannot create the necessary places on existing or new sites to meet this demand. It cannot therefore be substantiated that the granting of planning permission would create an impediment to the necessary places being provided, or result in adverse impacts upon the provision of infrastructure which are significant and demonstrable; thereby these factors do not justify refusal in this case.

It is therefore considered that the proposal does demonstrate that sufficient appropriate education capacity will be delivered by the development, in line with Policies FI3 and FI5 of the Neighbourhood Plan and Policy CS11 of the Adopted Core Strategy.

### Landscape Character

Policy CS8 of the Core Strategy requires *inter alia* that all development proposals have regard for the landscape and its sensitivity to change; requiring that development enhances the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan requires new development proposals to not be detrimental to the distinctive landscape features and successfully integrate into the local landscape. Paragraph 130 of the NPPF requires decisions to ensure that developments are sympathetic to landscape setting, whilst Paragraph 174 explains the planning system should recognise the intrinsic

character and beauty of the countryside; a sentiment also echoed in Policy CS5 of the Core Strategy. Policy HPE5 of the Neighbourhood Plan requires that the landscape setting of the village is protected and any proposed development does not detract from the key landscape features of the views identified on the map in the Plan, whilst Policy HPE1 requires proposals to enhance the locally distinctive character of the landscape in accordance with the Hatfield Peverel Landscape Character Assessment (2015).

The site has been subject to Landscape and Visual Impact Assessment (LVIA) and the Council's Landscape Officer raises no objection to the proposal. Within the LVIA Report, the site is identified as lying within the South Suffolk and North Essex Clayland National Character Area (NCA 86) and within Landscape Character Area B1 – Central Essex Farmlands in the Essex Landscape Character Assessment (2003). The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) identifies the site as lying in the eastern part of the B21 Landscape Character Area – Boreham Farmland Plateau. The site lies within Braintree District Settlement Fringes: Landscape Capacity Analysis for Hatfield Peverel (November 2007) Landscape Setting Area HP4 and was evaluated as having a 'medium' landscape value and capacity.

The Hatfield Peverel Landscape Character Assessment identifies the site as lying within Landscape Area 4 which is characterised by broad open views across arable farmland and the existence of the reservoirs, bands of trees and scrub. There are two 'important views' identified at point 5 from Gleneagles Way looking towards Witham. The site would not be prominent in the northern view at all. In the eastern view towards the lake (Bovington 2) it would lie beyond the line of poplar trees identified in the photographs and the lakes with their vegetation around them would be retained. It is therefore considered that the key landscape features identified under Policy HPE5 would not be altered by this proposal, notwithstanding the fact that what is visible from point 5 would already be significantly influenced by the presence of residential development on the field in the foreground (Application References 16/02156/OUT & 20/00906/REM: 100 dwellings at Land East of Gleneagles Way, Hatfield Peverel).

The site exhibits some positive landscape character qualities, such as occasional woodland copses and predominantly large irregular shaped fields. However, the presence of the lakes associated with previous sand and gravel workings are dominant, as is the presence of the A12 in the north, and these local features are not particularly characteristic of the wider landscape setting of the village. In addition, the topography and vegetation surrounding the site is such that the site is well contained within the landscape. Its immediate proximity to the built edge of Hatfield Peverel, especially the southern part of the site, is evident in defining its character.

The proposed development would not extend further into the countryside than the development at Gleneagles Way. Furthermore, the proposed Parameters Plan limits development on the site to the area immediately south of the lake, locating the open space area in the most exposed part of the site near the

footpath. The Plan provides a strong landscape buffer along the northern periphery of the open space by way of tree and shrub planting. In the east, further landscape buffers are proposed within a smaller area of open space/SuDS attenuation. The landscaping aims to ensure a soft edge to the settlement and, in combination with the existing vegetation, to enable the new development to become integrated into the fabric of the settlement and the wider landscape. This will also assist in minimising any effects from the viewpoints identified in the Neighbourhood Plan and from the wider countryside to the north.

It is considered that the development can be accommodated without giving rise to significant landscape / townscape or visual effects. It is therefore concluded that the proposal would comply with the requirements of Policy CS8 of the Adopted Core Strategy, Policies RLP80 and RLP76 of the Adopted Local Plan in so far as they relate to landscape impacts. It would also comply with the requirements of Paragraph 174(b) of the NPPF and the aspect of Policy CS5 of the Adopted Core Strategy which seeks to protect the intrinsic character and beauty of the countryside. It is also regarded to comply with the aforementioned policies of the Neighbourhood Plan.

#### Ecology & Biodiversity

Policy CS8 of the Core Strategy requires that proposals create and enhance the biodiversity value of wildlife corridors and promote wildlife enhancements which contribute to the targets set out in the Essex Biodiversity Action Plan. Policy RLP84 of the Adopted Local Plan directs that planning permission is not granted for development which would have an adverse impact upon protected species. Policy HPE1 of the Neighbourhood Plan states that *“strong support will be given to the retention of natural boundary treatments and the provision of new areas of natural planting and habitat as part of new developments.”* Paragraph 174(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity.

The application proposes to retain some of the existing hedgerow along the frontage to Maldon Road and would provide large areas of additional landscaping along the northern and eastern boundaries. The Council's Ecological Consultant has reviewed the submission and is satisfied that sufficient biodiversity net gain can be achieved and that any adverse impacts upon protected species have been suitably mitigated. They raise no objections to the proposal, subject to conditions as listed to ensure these elements are secured.

The proposal is therefore considered to comply with the relevant requirements of Policy CS8 of the Core Strategy and Policy RLP84 of the Adopted Local Plan, Policy HPE1 of the Neighbourhood Plan and Paragraph 174(d) of the NPPF.

### Habitat Regulations Assessment (HRA / RAMS)

As part of the proposal, a financial contribution per dwelling has also been agreed to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC). This is in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and will also secure a package of on-site measures to encourage residents not to travel to the protected coastal sites, including the provision of 1.4ha. of open space with a dedicated dogs off lead area in the west of the site. The approach has been the subject of Appropriate Assessment in accordance with Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended) and, as agreed with Natural England, the development would not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS Strategy, either alone or in combination with other plans and projects.

### Heritage

The site is located approximately 160m from Brewery House and a similar distance from Ann Cottage & Grange Cottage, and Lovibond Cottages; all located on Maldon Road and Grade II listed. Bovington's Farmhouse is also considered to be a non-designated heritage asset and lies to the immediate east of the site. The Council has a duty under Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

National and local policy requirements will ensure that, at reserved matters stage, the development does not become unduly visually prominent in the street scene and is of a high standard of design. This will ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised. Whilst it is therefore likely a limited impact will be discernible upon the settings of these listed buildings, this need not necessarily amount to harm to the significance of these assets. The Council's Historic Building's Consultant considers this impact would be negligible and does not indicate that this impact is of a scale that would amount to harm. Officers are of the view that a well-designed proposal would not cause harm to the significance of nearby heritage assets. In principle therefore, the proposal is not in conflict with Policy RLP100 of the Adopted Local Plan and Policy SP6 of the Section 1 Local Plan and Paragraphs 202 & 203 of the NPPF, acknowledging that inevitably the precise degree of impact remains subject to the detail provided at Reserved Matters stages.

## Design

Paragraph 130 of the NPPF requires among other things that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy SP7 of the Section 1 Plan requires that new development responds positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy RLP90 of the Adopted Local Plan requires a high standard of design for all development and that the layout and height and overall design of development are in harmony with the character and appearance of the surrounding area; sentiments which are echoed within Policy HO1 of the Neighbourhood Plan. Policies ECN2, ECN3, HO3 and HO4 of the Neighbourhood Plan also set standards concerning provision of home offices, broadband connectivity, minimum garden sizes and parking provision respectively.

Policy HPE2 of the Neighbourhood Plan identifies The Green at the junction with Utling Road and Maldon Road as being a pleasant, open area which is a positive feature in the locality, surrounded by a range of different housing types having grown up over time around older listed properties such as The Brewery. Officers have also observed that the large front gardens and set back of properties east of The Green help to preserve a sense of openness to the street scene in this location. It is also observed that the locality is characterised by the presence of strong boundary treatments; low hedgerows and walls delineating public from private space; this serves to unify the area visually. Development around The Green is generally low density and two storey in nature, but there are a range of detached, semi-detached and terraced properties which vary in their age, style and materials. Estate development is also common in the locality; Green Close and Ranulph Way are examples of the more ordered, modern developments which sit behind The Green, but do not detract from its linear frontage.

Officers are of the view that the number of dwellings contained within the illustrative layout can be accommodated on the site in a manner that would, for the purposes of an outline application, accord with local and national policy. Officers are also of the view that the illustrative layout demonstrates that there is opportunity within the density proposed to create places, townscape and variation, albeit poorly represented in some places. As such Officers remain confident that any future reserved matters has the potential to deliver good design; this will be dependent on an appropriate mix of dwelling sizes in both market and other tenures and Officers have proposed that a mix of 20% one and two bedroom properties is secured under the outline consent in order to assist this goal.

The Parameters Plan provided by the applicant shows two storey properties (maximum height 9.6m) facing Maldon Road set back behind a hedgerow. Two trees within the existing hedgerow are proposed to be lost to create the access; one is a Category B Oak Tree (a tree of moderate quality or value which is capable of making a significant contribution to the area for 20 or more

years). This is unfortunate, however it is necessary to provide the required access alterations and visibility splay and cannot be mitigated further by re-design of the development. The loss of a section of the existing hedgerow (H5 as identified in the Arboricultural Impact Assessment) either side of the access is also unfortunate, notwithstanding it being in substandard condition, overgrown with ivy. The reinstatement of this hedgerow set back further into the site has the potential to ensure it continues to contribute positively to the street scene in this location. A detailed hedgerow assessment and scheme for the removal of plants, with an emphasis upon placed upon their relocation where possible, is recommended as a condition if consent is granted. Officers also recommend a condition to ensure the hedgerow along the site frontage is not permitted to grow too high and create a visual barrier to the development behind. It would not be in keeping with the aforementioned characteristics of the locality to have a new development which is 'turns its back on' The Green as a consequence of being hidden behind a high hedgerow.

The Illustrative Masterplan shows how the properties facing The Green could be arranged in a linear format which mirrors that on the opposite side of the road with a range of house types and formats. It is considered that, at reserved matters stage, more could be done to draw out the characteristics, appearance and patterns of development in this area, but that fundamentally the proposal is capable of being in harmony with its surroundings and could in principle remain in character with the existing settlement. Officers are content that a good standard of design can be achieved on the site and a condition has been drafted regarding the mix of dwellings as recommended.

The Parameters Plan shows a tree lined spine road would provide access to development behind. It shows a number of pocket parks and more informally designed spaces which would soften the inevitably urbanising appearance of the spine road. The plan indicates that, as the land falls to the north around these open spaces, development could be potentially increased in scale to 2.5 storey (maximum height 11.5m). The plan also shows a recreational route in the south along the boundary to the fishing lake, linking to open spaces in both the east and west. The Illustrative Masterplan demonstrates that these open spaces could be both attractive and practical, and that a permeable and legible development can be created in principle on the site. The location of the open space in the west is a particularly positive aspect of the layout; being well connected to the existing footpath network and serving to provide a transition from the more built up areas of the development to the countryside beyond.

The applicant has provided the garden sizes for all the dwellings shown indicatively on the Illustrative Masterplan. They have confirmed that these garden sizes do accord with the minimum garden sizes as stated in both the Essex Design Guide and the Neighbourhood Plan.

The proposed developable area of the site is 3.42ha which gives a density of 32dph for the developable area and a net density of 18dph overall for the 5.96ha site. Information provided by the applicant on the Hatfield Peverel Densities Plan drawing shows this to be broadly consistent with the locality

and reflective of developments recently consented on Gleneagles Way, Arla Dairy and Stone Path Drive. As this is a large site, there would seem to be adequate flexibility within the layout to vary the density if required, making it lower at the site frontage and denser in the centre, to reflect the characteristics of the immediate surrounding area, in accordance with Policy HO1 of the Neighbourhood Plan. Further regard is had to advice contained at Paragraphs 124 & 125 of the NPPF advising that planning decisions to seek an uplift in density in areas which are well served by public transport whilst also taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.

Policy FI2 of the Neighbourhood Plan states that *“The use of tandem parking on properties or large parking courts to the front part of developments will be discouraged.”* The Policy does not offer a specific reason, but appears to be aimed at ensuring adequate parking is provided on sites so as not to exacerbate the general lack of parking, particularly commuter parking, in the village. In this case, the Illustrative Masterplan does show a large reliance upon tandem parking and it is accepted that the quantum of development proposed may make it difficult to provide both spacious front gardens and frontage parking.

Whilst the use of tandem spaces has been accepted by Officers on sites which received outline consent prior to the Neighbourhood Plan being made, a relaxation in this case is not necessarily justified as the material considerations would be different. It could be argued that tandem parking spaces offer a lower quality of parking which is less convenient for their residents. However, it is considered that, in this case due to the contained road layout, the effects of any reluctance to use these spaces would be confined to the development itself and would not significantly contribute to general parking pressures increasing in the existing area.

It is noted that Policy FI2 does not prohibit some tandem parking from being approved on developments. In the event of a grant of approval, Officers could still discourage the reliance on tandem parking in accordance with this policy, subject also to ensuring a final scheme is well designed, therefore balances the considerations of parking becoming unduly visually dominant in the street scene against the convenience of non-tandem parking space provision. For these reasons, whilst the Illustrative Masterplan would appear to suggest the quantum of development will give rise to some tandem parking, the scale of this conflict may be reduced if the layout is improved at Reserved Matters stages. As such, the outcomes are not judged sufficient alone to render the proposal a departure from the Neighbourhood Plan.

Policy FI2 of the Neighbourhood Plan states that *‘New developments will show that they have made or have the potential to have provision for electric vehicle charging for each dwelling’* and that *‘New developments should include provision of a public charging point/s in communal parking areas’*. This sentiment is echoed in Paragraph 112 of the NPPF which requires that developments be designed to enable charging of plug-in and other ultra-low



emission vehicles in safe, accessible and convenient locations. It is considered that this requirement, together with other stipulations of the Neighbourhood Plan concerning broadband connectivity and home offices can be accommodated at reserved matters stage and are not therefore an impediment to the principle of development on this site. A condition is applied which would require further details of these aspects concurrent with any Reserved Matters submission in order to ensure that the design and layout of the development takes account of these objectives where appropriate.

Whilst the Lifetime Homes Standards are now covered by Building Regulations, Policy HO1 of the Neighbourhood Plan also requires that new residential developments demonstrate that they address innovative solutions to achieve a low carbon sustainable design which meets the BREEAM Home Quality Mark Standard Excellent where viable, and adopt a fabric first approach to reduce energy demand and provide energy in the most cost effective way. A condition is recommended which would require these standards to be met and for details to be submitted concurrently with the Reserved Matters submission in order to ensure the requirements of Policy HO1 are met.

A stated aspiration of Policy HO1 is also to encourage the creation of shared spaces for all users, encourage designs which provide alternatives to the car and encourage streets designed to have low speeds. The shared space approach is in potential conflict with those of Policy HO4 which requires that Secured by Design methods are incorporated into any new residential development and create the feeling of a safe place to move through. The conflict arises as the Local Highway Authority does not currently condone the provision of street lighting in any shared space streets they adopt. The provision of street lighting for crime and safety reasons may need to be balanced against a preference for shared spaces overall, also noting that other interests such as biodiversity, landscape or residential amenity will need to be considered. It is recommended that a condition be applied if consent is granted for details of street lighting to accompany the Reserved Matters submission in order to allow the implications of all these considerations upon the layout to be fully considered.

Details of the mix used to base the Illustrative Masterplan is provided below:

*Affordable:*

2 bed:	24 affordable, 28 open market (47%)
3 bed:	22 affordable, 19 open market (37%)
4 bed:	11 open market (10%)
5 bed:	6 open market (5%)

The mix is only indicative at this stage, but does demonstrate that a Reserved Matters submission can comply with Policy LPP37 of the Section 2 Plan. Whilst this policy carries limited weight at this time, in order to achieve a suitably mixed community in accordance with Policy RLP7 of the Adopted Local Plan, the findings of the 2015 SHMA update (or its successor) remain relevant. With this in mind, it can be conservatively anticipated that at least

20% of the dwellings proposed on this site should be 1 or 2 bedroom properties. In order to secure the benefits of provision to this effect, a condition is applied controlling the mix in accordance with the standard approach the LPA has adopted on similar sites of this nature in the past.

### Open Space Provision

Policy RLP138 of the Adopted Local Plan requires land to be made available for open space in housing developments and for their size and location to be adequate to meet the needs of the development they serve. Policy CS10 of the Core Strategy provides standards for open space provision which have been exceeded in this case. Subject to Section 106 agreement, there is also compliance with the Open Space SPD which requires contributions to allotments and outdoor sports provision.

The children's play area is shown on the Parameters Plan to be located in the west of the development, accessible from the existing public footpath network, located with good passive surveillance from surrounding properties whilst also having regard to the residential amenity of properties close by. This would therefore be compliant with Policy HO4 of the Neighbourhood Plan and represent good design in accordance with the principles of the aforementioned national and local design policies.

### Impact on Neighbouring Residential Amenities

The proposal is located adjacent to residential dwellings in the east and west. The Illustrative Masterplan submitted demonstrates that the required separation distances can be achieved between the new properties and their neighbours, therefore complying with the standards recommended in the Essex Design Guide. It is therefore considered that the principle of development on the site is acceptable as it would not lead to an inevitable harm upon the residential amenities of nearby properties. Whilst there may be some disturbance caused during the construction phases, this would be temporary, and the Council's Environmental Health Officer raises no concerns with the scheme. Conditions are recommended requiring a construction management plan, hours of working and details of piling if proposed. Subject to these conditions, the proposal is therefore considered to be compliant with Policy RLP90 of the Adopted Local Plan given it would not result in an undue or unacceptable impact upon the amenity of nearby residential properties.

### Highway Considerations

Policy FI1 of the Neighbourhood Plan requires that *"new development must provide appropriate safe pedestrian and cycle routes to public transport hubs e.g. bus stops and the railway station and recreational, educational and retail facilities."* Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* Paragraph 112 states that within this context, development should *"give priority first to pedestrian and cycle*

*movements, both within the scheme and with neighbouring areas...” and “...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*

The Access Drawing (19140-001 B) which accompanies the proposal shows how the existing access would be stopped up and a new access formed slightly further west along Maldon Road. It shows how the road would be widened to the east in order to introduce a pedestrian refuge/island crossing in the centre of the carriageway. Road markings would also be altered on the opposite side of the access going into the village and an existing pedestrian island crossing improved. A footway would also be provided to Local Highway Authority specifications along the frontage of the site linking to an existing pavement on the northern side of Maldon Road going into the village.

Residents have voiced concern that providing an access on such a busy road is unsafe and there is no provision in the vicinity for pedestrians to cross from the site. It is acknowledged that, at the crossing point travelling west into the village, once Maldon Road is crossed, there is an absence of pavement leading to The Green so pedestrians would need to walk across the grassed area of The Green and then cross Utling Road to meet the pavement on the southern side of Maldon Road. As an alternative, pedestrians may cross further up the road, where there is no central island, in order to directly join a continuous footway on the opposite side of the road. However, if for example exiting the site with small children on the way to the Infant School on Church Road, residents of the development may in fact choose to walk along the parallel quieter roads to the south of The Green before joining the pavement running south on Maldon Road to the school. This would provide a fully surfaced route. It may be a short detour but does appear practical. It is noted that the Local Highway Authority has raised no concerns regarding the safety of pedestrians and appears satisfied with the layout of the crossing points on Maldon Road.

There is clearly local concern that roads in the locality are operating at full capacity and that vehicle impacts have been underestimated, with cumulative development not accounted for. The Transport Assessment (TA) submitted anticipates that the development will generate a total of 55 vehicle movements in the a.m. peak and 53 in the p.m. peak, with a total of 481 daily movements overall. The Local Highway Authority are content with the accuracy of these estimations, the trip distribution modelling and junction assessment used to assess the impact of the proposal upon the network in the locality. The TA also expressly takes account of committed development within the village.

The TA junction assessment does identify that several of the junctions surveyed in the locality are operating at, or very close to, capacity at present. Realignment of the Mini Roundabout at the junction between the B1019 and B1137 is planned in connection with the scheme on Land East of Gleneagles Way (Application Reference 16/02156/OUT), which if implemented should bring some improvements. However, in essence the TA argues that a significant proportion of the traffic currently on the network in peak times is

through-traffic using the village as an alternative to the larger, sometimes congested A roads. It is noted that Highways England's latest scheme is for the widening of the A12 between Junctions 19 and 23. This could lead to the removal of junctions 20A and 20B directly serving Hatfield Peverel and provision of an all movements junction at junction 21, some 1.5km east of the village. It is argued that this would reduce the traffic flow through the village, particularly at the Bury Lane junction, given this is one presently linked to the A12 slip road, especially as the closure of this link is programmed to go ahead independently of the A12 widening scheme. As well as improving safety by rationalising access points onto the A12, the scheme also aims to reduce congestion, helps smooth traffic flows by helping to cope with incidents and accidents, and make the journey time more reliable. The improvement scheme is intended to encourage long distance traffic to use the A12 rather than use local roads as rat runs.

Sensitivity testing of the models suggests that very minor reassignment of trips through Hatfield Peverel as a result of driver choice and journey time's leads to the junctions surveyed operating more satisfactorily. The volatility in outcomes points to the fact that many of the trips on the network are not generated at source and are instead imported as a result of through commuting. These through trips are discouraged as the network in the village becomes more congested and are discouraged if the A12 widening project is completed in six years' time. It is concluded therefore that there is some versatility in the network to adjust and that changes and traffic trends in future years are likely to improve the situation.

The Local Highway Authority raises no objections to the proposals and supports the flexible package of Section 106 obligations negotiated by Officers in order to mitigate the adverse impacts of development upon the local highway network. The applicant had initially offered to improve the Bury Lane/B1137 The Street junction in their TA, albeit had not defined what form this would take nor specified the funds offered. The Highway Authority was of the opinion that the contribution would have delivered very little benefit in highway capacity terms given the distance of the site from the junction, the limitations of this junction for improvement and the relatively minor levels of impact identified. Given the NPPF's emphasis on supporting the development of sustainable transport networks, the Highway Authority considers the outputs gained from improving this junction would have represented poor value for money. In a context of a village where future traffic patterns are evolving, and existing improvements already secured in connection with other developments, it is considered the money is best spent on delivering the flexible package of sustainable transport improvements for the village which amount to a total of £2730.00 per dwelling (totalling £330,300 if all 110 dwellings are provided) to be spent on some, or all, of the projects specified below:

- Improved cycle parking at the railway station and in the Hadfelda Square car park in order to increase their capacity (subject to the landowners agreement).

- General improvements to bus services and infrastructure within the locality.
- Provision of new or improvements to existing cycle infrastructure, or cycling schemes, within a 5km radius of the site which could include the design and construction of cycle facilities on routes between the application site and key village destinations such as services, facilities and educational establishments within Hatfield Peverel, including the train station.

A Revised Travel Plan will also be developed to further encourage the uptake of more sustainable transport alternatives to the motor car by future residents of the development. The Section 106 Agreement also proposes the first provision in the District of an electric vehicle for hire by local residents, with their rental costs covered by the developer for a period of three years. Officers therefore conclude that the highway impacts of the proposal accord with the aforementioned local and national policy are not sufficient alone, or in combination, to merit reason for refusal in this case.

### Other Issues

### **Planning History**

The Parish Council have pointed out that planning permission was granted for the access, reconstruction of the existing barn and provision of two more barns on the site in 2011 (Application Reference 10/01609/FUL). It would appear that the access was implemented, but not the barns. They also note that in 2013 permission was refused for the erection of a farm shop (Application Reference 12/00617/FUL). Whilst they also comment that permission was granted to use part of the site for the stationing of containers and the storage of building materials (Application Reference 14/01531/FUL which was refused by the Council but subsequently allowed at appeal under Appeal Reference 15/00018/REF), this permission did not relate to the land in question and in fact related to land on the other side of The Bungalow at Bovington's Farm.

There is some evidence that part of the site immediately adjacent The Bungalow is currently being used for the storage of vehicles, but this is not the authorised use of this land. The planning history supports the position that the site is authorised for agricultural use and therefore the site is not in 'commercial use'. The requirements of Policy ECN4 of the Neighbourhood Plan which seeks to protect commercial uses from changes of use do not therefore apply.

### **Case Law**

Reference is made by the Parish Council to a recent High Court decision concerning Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC (2021) EWCA Civ 104. (3<sup>rd</sup> February 2021). The decision simply serves to reiterate a well-established understanding by Officers that compliance, or lack of compliance, with a Development Plan and its Policies contained

therein (whether in date or not) is a matter for the decision maker and is a factor which needs to be weighed in the wider planning balance, taking account of any other material considerations, before a conclusion is reached.

### **Best and Most Versatile Land**

Policy CS8 of the Core Strategy requires *inter alia* that development should protect the best and most versatile agricultural land. In this case a minor proportion of the site is classified 3a (Best and Most Versatile –BMV) agricultural land, but the majority of the site is classified 3b which is poorer quality. The loss of the small tract of BMV land would therefore weigh negatively in the balance against this proposal, but only to a very limited extent given the fact that the Braintree District has a proliferation of BMV land, and whereby the loss of this small amount of BMV land is unlikely to significantly undermine the provision of such land throughout the District as a whole. This consideration has been taken into account in the wider planning balance as detailed in the Conclusion to this report.

### **Noise**

Policy RLP62 of the Adopted Local Plan advises permission not be granted for development or changes of use which give rise to noise emissions which harm the amenity of nearby residents. Policy SP7 of the Section 1 Plan requires that the amenity of existing and future residents is protected in regard to noise and vibration arising as a consequence of development. Paragraph 185 of the NPPF recommends that planning decisions mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (acknowledging advice contained within the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)). In this case the Environmental Health Officer is satisfied that occupants of the development would not be subjected to unacceptable levels of noise and has suggested that these noise levels be mitigated and minimised through a condition which is applied to the permission if consent is granted.

### **Air Quality**

RLP63 of the Adopted Local Plan states that, in situation where air quality objectives are likely to be prejudiced as a result of development proposals and/or resultant traffic movements, that a specialist assessment is submitted and planning permission only granted where air quality objectives can be met. Policy FI1 of the Neighbourhood Plan requires that new developments should “*prevent unacceptable risks from emissions and all forms of pollution, including air, water and noise pollution to ensure no deterioration of current standards.*” Paragraph 185 of the NPPF requires that noise levels are mitigated and reduced to a minimum. Paragraph 186 of the NPPF requires that “*opportunities to improve air quality or mitigate impacts should be identified*”, and that “*decisions should ensure that any new development in Air*

*Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*

The applicant has submitted an Air Quality Assessment which concludes that there will be no exceedances of the air quality objective levels, but recognizes the need to employ mitigation to minimise the emissions of dust/particulate matter at the time of site clearance and construction works. The Council's Environmental Health Officer raises no concerns with the methodology of the assessment. The Assessment uses modelling software to predict the effects of additional traffic on 12 sensitive receptor locations around Hatfield Peverel in five future year scenarios. For the operational phase, results of the modelling assessment suggest that despite localised exceedances of NO<sub>2</sub> predicted to occur at a receptor ESR3 (the receptor closest to, and 23m from, the A12 on Bury Lane), the development would give rise to negligible impacts upon all receptors in all scenarios. The assessment is considered to be a conservative approach, as it is likely that there will be some improvement in background air quality, and vehicle emissions, before 2022 and 2025. Thus the proposal would not give rise to unacceptable impacts of air pollution and will not prevent sustained compliance with limit values or national objectives for air pollutants. There is therefore no evidence to suggest that the proposal is in conflict with the above local and national policies concerning air quality.

### **Flood Risk & Drainage**

Policy RLP69 of the Adopted Local Plan requires that developers use Sustainable Drainage techniques such as grass swales, detention/retention ponds and porous paving surfaces, as methods of flood protection, pollution control and aquifer recharge. Policy CS8 of the Core Strategy requires that Sustainable Drainage Systems (SUDS) are used wherever possible to reduce flood risk, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise. Policy HPE6 of the Neighbourhood Plan requires that development use appropriate Sustainable Urban Drainage Solutions (SuDS) based on an engineering and ground assessment on all sites.

The site is located exclusively in Flood Zone 1, therefore at low risk of flooding. The applicant's Flood Risk Assessment proposes that drainage on the site uses a number of attenuation basins, the location of which is shown on the Parameters Plan. The Lead Local Flood Authority raises no objections to the proposed drainage approach and therefore the proposal is compliant with the aforementioned policies concerning this issue.

### **Archaeology**

The application is supported by an archaeological desk based assessment. It is considered that there is likely to be evidence of medieval activity given the proximity to surrounding historic settlements. The site is also located within a favourable position for prehistoric and later activity including that of settlements and possibly ritual remains. Conditions are recommended in

order to require further archaeological assessment to ensure any archaeological deposits will not be harmed as a result of the development. The proposal is therefore compliant with Policies RLP104, RLP105 & RLP106 of the Adopted Local Plan and Policy CS8 of the Core Strategy.

## **Gas Main**

As noted previously, there is a high pressure gas pipeline which crosses the site from north to south in the far west of the site. In accordance with Cadent Gas criteria the Illustrative Masterplan shows no buildings in the 34.1m Building Proximity Distance required. Whilst landscaping within the pipeline easement is also restricted, it should still be possible to provide the hedgerow supplementation and additional planting which is shown in the open space area on the Illustrative Masterplan. The Health and Safety Executive automated consultation system has also confirmed that they do not advise on health and safety grounds against the granting of planning permission in this case.

## **PLANNING BALANCE AND CONCLUSION**

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

Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the Five Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a Five Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the five year threshold.

As the Council can demonstrate the required Five Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged



due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are those policies specifically mentioned in the Officer Report provided above, including Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a Five Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted)

planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

### **Summary of Adverse Impacts**

A number of potential adverse impacts are evaluated below. The degree to which harm is caused, and the weight that should be accorded to this harm, is set out below:

#### **Conflict with the Development Plan**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "*genuinely plan led*".

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy (with regard to the Council's spatial strategy, because it proposes development outside of defined development boundaries and within the countryside, albeit not arguably because it offends the wider countryside preservation interests specifically acknowledged within this policy). There would also be a partial conflict with Policy CS8 of the Core Strategy on account of the loss of BMV agricultural

land. However, the proposal does however comply with all other policies of the Development Plan, which include those of the Neighbourhood Plan, and these include policies which seek to minimise impacts through design and prevent harm to interests of acknowledged importance, such as visual amenity, landscape character, biodiversity, geodiversity and amenity of the countryside, as well as preserving the settings of listed buildings. Therefore, whilst the conflict with the aforementioned policies in the Development Plan is fundamental, this conflict is largely confined to the principle of development alone; more systemic contradictions on the basis of tangible adverse impacts being absent in this case. On this basis, Officers consider that the conflict with the Development Plan can only be afforded moderate weight in this instance.

#### Conflict with the Section 2 Plan

The proposal would conflict with Policy LPP1 of the Draft Section 2 Plan, and again this conflict is fundamental. However, given the stage of preparation of this plan, this conflict can only be given very limited weight, noting again that there is wider conformity with all other aspects of the policies contained therein.

#### Character and Appearance of the Area and Landscape Character

Whilst there would be a change to the character and appearance of the area, in time, provided that a sympathetic street scene is created on Maldon Road and the additional planting proposed is implemented, the visual impacts would either be entirely neutralised or reduce to slight adverse / negligible impact. Similarly, due to the extremely contained nature of the landscape and its specific attributes in this location, Officers agree with the conclusions of the Landscape and Visual Assessment undertaken by the applicant that the landscape/townscape effects would be slight adverse / negligible in time, and in places benefits could arise.

#### Trees and Hedgerows

The proposal would result in the loss of trees and a small section of hedgerow to the frontage in order to provide the necessary visibility splays. This would include one tree of moderate quality which presently makes a positive contribution to the street scene in this location. However, as noted above, when the development is taken as a whole, its overall impacts to the appearance and character of the area would not be negative due to the retention of other significant features such as the majority of the existing frontage hedgerow, provision of compensatory landscaping throughout the site and the potential to create a sympathetic and attractive street frontage to the development behind.

### Heritage

As explained in the Officer assessment, in Officer's opinion there is no harm identified to the setting of listed buildings or the appearance and character of any conservation areas.

### Ecology

As identified in the officer assessment, there is no harm identified to ecological interests as a result of this proposal.

### Harm to Neighbouring Residential Amenity

As identified in the officer assessment, there is no harm identified to neighbouring residential amenity a result of this proposal.

### Highways Considerations

As noted above, the existing highway network in this location is congested and the further concentration of housing in this location as could cause minor decreases in the capacity of junctions in the vicinity; the precise impact being affected by prospective alterations to the A12 in time. However, the Local Highway Authority does not consider there would be an unacceptable impact upon highway safety or that these impacts to be 'severe' within the meaning of NPPF Paragraph 111; therefore Officers advise this should not form the basis of a reason for refusal. Officers also note that a package of sustainable transport measures is proposed under the Section 106 Agreement which would serve to minimise and mitigate some of these impacts as well as provide an enhanced sustainable transport offer for the benefit of residents as well as the wider local community.

### Best and Most Versatile Agricultural Land

As noted, there would be a very limited harm caused by the loss of BMV land as a result of this proposal, however this is a loss over and above that which is strictly necessary for the District Council to meet its housing requirements.

### **Summary of Public Benefits**

A number of potential benefits are evaluated below. The degree to which these constitute benefits, and the weight that should be accorded to them, is set out below:

#### Delivery of Market and Affordance Housing

The development proposes 110 dwellings, having potential to be a very good mix, of which 40% would be affordable housing. This, together with a reduced time period for submission of Reserved Matters to two years and commencement within 18 months of Reserved Matters approval will ensure

the proposal makes a valued contribution to maintaining a robust Five Year Land Supply, which as set out above, is currently finely balanced, and only marginally exceeds the five year threshold. Officers consider these benefits in combination attract significant weight.

#### Location and Access to Services and Facilities

The inhabitants of any new housing development will inevitably depend, to some degree, upon the motor car. However, the future inhabitants of the proposed development may currently be living in less sustainable locations where there is not a genuine choice of alternative transport modes at their proposal. For the reasons explained above, Officers consider Hatfield Peverel to represent a settlement which is capable of supporting sustainable development and this proposal will deliver through its Section 106 agreement, improvements which will mitigate some of its impacts upon the local highway network and also help to establish a good network of pedestrian and cycle infrastructure which can be of benefit to existing residents in the wider local community. Albeit limited, Officers are of the view that the proposal would therefore deliver net benefits in terms of access to facilities and services as a result of improvements delivered to the existing pedestrian and cycle network in the village.

#### Economic and Social Benefits

There proposed development would give rise to moderate economic benefits during the construction phase, some of these would be sustained through the increased patronage of existing services and facilities in the village.

#### **Planning Balance**

When considering the flat planning balance, having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would outweigh the adverse impacts. The proposal does not accord with up-to-date policies within the Development Plan and there is a conflict with this plan as a whole. However, due to the minor degree of harmful impacts, these are not of themselves insurmountable as the wider planning balance suggests that the objectives of sustainable development (as set out in Paragraph 8 of the NPPF) would in fact be satisfied. On this basis, Paragraph 11 of the NPPF directs that a presumption in favour of sustainable development is applied. This is an important material consideration which indicates that a decision should be made in this instance that is not in accordance with the Development Plan. Consequently Officers recommend that planning permission is granted for the development proposed.

#### 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% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for intermediate housing. All Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and at least two wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3A.
- **Allotments** – financial contribution calculated in accordance with Open Spaces SPD to be spent either extending, or carrying out improvements to either of the two allotment sites at Church Road, Hatfield Peverel.
- **Community Building** – Financial contribution of £499.62 per dwelling for improvements to Hatfield Peverel Village Hall. Maldon Rd.
- **Education** – Financial contributions towards the provision of additional Early Years and Childcare places, Primary School Places and Secondary School Places, with the contribution to be calculated when the number of dwellings and number of qualifying units are known in accordance with Essex CC Developer Guide to Infrastructure Contributions (2020) and index linked to April 2020.
- **Equipped Play:**
  - Children's play equipment to be provided on-site, with the minimum value of equipment calculated in accordance with the Open Spaces SPD.
- **Health** - Financial contribution of to be calculated at £381.00 per dwelling (index linked) towards the provision of capacity improvements at Sidney House Surgery to serve patients from the village of Hatfield Peverel, and/or the provision of new diagnostic equipment at Broomfield Hospital, Chelmsford or Braintree Hospital.
- **Highways & Transport:**  
Flexible Sustainable Transport financial contribution:  
 £2730.00 per dwelling to be spent by BDC on some, or all, of the projects specified below:
  - Improved cycle parking at the railway station and in the Hadfelda Square car park in order to increase their capacity.
  - General improvements to bus services or infrastructure within the locality.
  - Improved cycle infrastructure, or cycling schemes, which could include the design and construction of cycle facilities within 5km of the site.

Car Club:

Submission of Car Club Scheme prior to commencement of development setting out terms for the provision of a minimum of one electric vehicle for a period of three years, along with a dedicated car club parking space(s). The Car Club to be available for use by residents and members of the public and provided prior to occupation of 25% of the dwellings on the development scheme to be publicised on and around the site. Residents of the development to have their car club membership costs covered by the developer for a period of three years. In such event an operator for the club cannot be found, or the Club ceases to operate, a sum of £30,000 (index linked) to be added to the flexible Sustainable Transport Contribution above.

Monitoring Fee:

Payable to ECC to allow for the monitoring of a Revised Residential Travel Plan imposed by condition.

Highway Works under s.38 & 278 of the Highway Act 1980:

Obligation upon the developer to enter into a Highway Works Agreement with the Highway Authority for provision of improvements or upgrades to existing bus stops in the locality that best serve the occupiers of the development prior to first occupation.

- **Libraries** – Financial contribution of £77.80 per dwelling (index linked) to be spent on improvements at Hatfield Peverel Library.
- **Outdoor Sports** - Financial contribution to be calculated in accordance with the Open Spaces SPD (index linked) to be spent at the Keith Bigden Recreation Ground to provide improved car parking facilities and/or outdoor multi use sports pitch.
- **Public Open Space** - (on-site) a minimum area of 2.54ha for informal Open Space (including SuDS) and equipped play area. Areas of Public Open Space; equipped play and amenity spaces, specified HRA mitigation including dog exercise area and minimum 2.no dog waste bins along with internal estate roads, car club spaces and pathways to be managed by a Management Company.
- **HRA/RAMS** - Financial contribution of £127.30 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC).

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

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

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: CSA/4411/113	Version: REV C
Parameter Drawing	Plan Ref: CSA/4411/122	Version: REV D

- 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 Details of the:- (a) Scale,  
(b) Appearance,  
(c) Layout, and  
(c) Landscaping

of the buildings/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 in accordance with these matters approved.

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

The development hereby permitted shall take place not later than 18 months 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).

- 3 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 110 dwellings including 40% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation,



and vehicular access point from Maldon Road. The details submitted with these reserved matters applications shall be in broad conformity with the Parameter Plan 4411-122 Rev D. as approved.

**Reason**

For the avoidance of doubt and in the interests of good design; to ensure interests of acknowledged importance are protected in line with the frameworks proposed and agreed at outline stage.

- 4 Any Reserved Matters application relating to scale or layout under Conditions 2(a) or (c) of this decision shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall only be carried out in accordance with the approved levels.

**Reason**

In the interests of visual and residential amenity; to allow the height of buildings and the alterations of ground levels within the site to be fully assessed at reserved matters stages.

- 5 Concurrent with the submission of reserved matters for landscape under Condition 2(d) of this decision, a Landscaping Scheme shall be submitted to, and approved in writing by, the local planning authority. This shall comprise a detailed specification of hard and soft landscaping works, to include details of the following:

- New and replacement planting for the hedgerow indicated fronting Maldon Road as shown on the approved Parameters Plan 4411 122 Rev D, based on a detailed survey of the existing hedgerow, and with the objective of relocating existing viable removed plants from the existing hedgerow elsewhere within the site where practicable;
- Ongoing maintenance regime of the aforementioned hedgerow along the site frontage with the objective of ensuring it is continually maintained at the height between 1.2m and 1.5m;
- Types and sizes of all trees/plants to be planted on the site;
- Numbers and distances of all plants to be planted on the site;
- Soil specification;- Seeding and turfing treatment within the site;
- Colour and type of material for all public hard surface areas and private areas visible from the public realm;
- Programme and timetable for implementation of the above works;
- Watering maintenance regime for all areas of new planting.

The Landscaping Scheme shall subsequently only be implemented in accordance with the details approved and listed above.

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 available planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

The hedgerow along the site frontage shall be maintained at a height which does not exceed a 1.5m for the duration that residential uses persist on the site.

**Reason**

Landscape planting is integral to the character to the development and it is considered desirable for these to be dealt with concurrently with the reserved matters.

- 6 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the following shall be submitted:
- i) A Confirmation Report from an Approved Inspector or Local Authority Building Control Service that all houses and ground floor flats proposed as affordable dwellings and shown on the submitted Affordable Housing Scheme as such (or any revisions of this Scheme subsequently submitted for approval as part of the application) have been designed to comply with Building Regulations 2015 Part M(4) Category 2.
  - ii) A Confirmation Report from an Approved Inspector of Local Authority Building Control Service that at least two bungalows proposed as affordable dwellings and shown on the Affordable Housing Scheme as such (or any revisions of this Scheme subsequently submitted for approval as part of the application) have been designed to comply with Building Regulations Part M(4) Category 3A.
  - iii) Sufficient detail confirming that the affordable dwellings as shown on the submitted Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) meet or exceed the Technical Housing Standards - Nationally Described Space Standards (2015) criteria.

The affordable dwellings shall only be built in accordance with the approved details and, in the case of plots indicated in the Affordable Housing Scheme to be constructed in accordance with Building Regulations 2015 Part M(4) Category 2 or Building Regulations Part M(4) Category 3A, prior to their occupation, written confirmation from an Approved Inspector or Local Authority Building Control Service shall be submitted to and approved in writing with the local planning authority to certify that they have been built to the agreed standard.

**Reason**

In the interests of amenity; to ensure the affordable dwellings are built an acceptable standard to perform their optimum function. Details are required at Reserved Matters stages in order that the degree of compliance with the above specified criteria can be evaluated and

assessed.

- 7 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the following shall be submitted:
- (a) A plan showing the location of 'Wheelchair Units' which shall comprise 10% of the overall number of dwellings proposed and an accompanying statement confirming their compliance with either Part M (Access to and Use of Buildings - Volume 1: Dwellings) Categories 2 or/and Category 3 of Schedule 1 of the Building Regulations 2010 criteria together with details of their associated parking in reference to Hatfield Peverel Neighbourhood Plan Policy HO1;
  - (b) A plan indicating the rear garden sizes proposed for each dwelling in metres square in reference to the requirements of the Essex Design Guide and Hatfield Peverel Neighbourhood Plan Policy HO3;
  - (c) Details of provision for working from home in reference to Hatfield Peverel Neighbourhood Plan Policy ECN2 demonstrating how a suitable area, space or room could be adapted for home working through the provision of suitable electrical sockets, telephone and internet connection;
  - (d) Details of innovative measures employed to achieve low carbon sustainable design through the submission of information that is relative to the BREEAM Home Quality Mark Standard Excellent or equivalent where viable together with details of measures employed to adopt a 'fabric first' approach to reduce energy demand and provide energy in a cost effective way in reference to Hatfield Peverel Neighbourhood Plan Policy HO1.

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

#### Reason

To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). The details are required to accompany the layout at reserved matters stage to allow these considerations to be evaluated and assessed.

- 8 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity shall be submitted. The Lighting Scheme shall detail the following:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site without prior consent from the local planning authority.

#### Reason

To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). The details are required to accompany the layout at reserved matters stage to allow these considerations to be evaluated and assessed.

- 9 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the location of refuse bins, recycling materials, storage areas and collection points shall be submitted together with design of their related screening or enclosure where relevant. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter retained.

#### Reason

In the interests of amenity; to ensure that the development layout provides suitable facilities, to prevent the unsightly storage of refuse containers and that these requirements are accounted for in a layout presented at reserved matters stages.

- 10 Concurrent with the submission of reserved matters for appearance under Condition 2(b) of this decision, a plan indicating the location and general design of all walls, fences, other boundary treatments and means of enclosure shall be submitted.

Reason

In the interests of visual amenity, to ensure the appearance of boundary treatments are considered in conjunction with the design of the dwellings.

- 11 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the location and design of all garages/car parking spaces and cycle storage facilities shall be submitted. The garages/car parking spaces and cycle storage facilities shall be provided prior to occupation of the dwelling to which they relate and shall thereafter be retained and kept available for use for their specified purpose. The garages/car parking spaces and cycle storage facilities shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking, garage space and cycle storage facilities are provided within the site in accordance with the Essex Vehicle Parking Standards Supplementary Planning Document (2009) and Policy FI2 of the Hatfield Peverel Neighbourhood Plan, and to ensure that these requirements are accounted for in a layout presented at reserved matters stages.

- 12 Concurrent with the submission of reserved matters for layout or landscaping under Condition (c) or (d) of this decision, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being

met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

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

- 13 Concurrent with the submission of reserved matters for layout or landscaping under Condition (c) or (d) of this decision, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Impact Assessment (CSA environmental, September 2020).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

Reason

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

- 14 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the local planning authority prior to commencement of development, in line with the Ecological Impact Assessment (CSA environmental, September 2020).

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be

provided as a set of method statements);

d) The location and timing of sensitive works to avoid harm to biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works;

f) Responsible persons and lines of communication;

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

h) Use of protective fences, exclusion barriers and warning signs.

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

#### Reason

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

- 15 Prior to the commencement of development a comprehensive Phase 2 Land Contamination Survey shall be undertaken to assess the nature and extent of any contamination on the site. Prior to commencement of development, a copy of this survey's findings, together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk (if required), shall be submitted to and agreed in writing with the local planning authority and subsequently implemented unless otherwise agreed within any revised remediation scheme agreed under the provisions of this condition.

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.

Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the approved contaminated land

assessment report/s and the approved remediation scheme.

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. Agreement is required prior to commencement as the risks arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

- 16 Prior to commencement of development, a Dust/Particulate Matter Management Scheme shall be submitted to, and approved in writing by, the local planning authority. The Management Scheme shall be adhered to throughout the site clearance and management process.

Reason

In the interests of residential amenity; to ensure that dust and particulate matter emitted as a result of construction activity associated with the development is minimised and does not unacceptably affect the amenity of occupants of the development or/and in the surrounding area. Agreement is required as the risks arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

- 17 No development shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the local planning authority. The AMS will include a Detailed Tree Protection Plan (DTPP) in broad accordance with the approved Tree Retention Removal Plan reference BHA\_672\_01 Sheet 1 of 2 dated 26/11/2019 contained within the Arboricultural Impact Assessment Report (CSA Environmental February 2020 - Appendix E) indicating trees to be retained, 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, operation of site machinery, 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

In the interests of amenity; 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.

- 18 No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall be implemented as approved. The Statement shall provide for:
- Traffic management plan to ensure safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - A scheme to control noise and vibration during the construction phase;
  - Provision of a dedicated telephone number(s) for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours.

#### Reason

In the interests of residential amenity; to ensure the construction phases of the development operate without causing unacceptable harm to the amenity of nearby occupants and to protect highway efficiency of movement and safety in accordance with Policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. Agreement is required as the impacts arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

- 19 No works except demolition shall takes 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753;
- Limiting discharge rates to 4.1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated;
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Any road that has greater than 300 daily traffic movements should be considered a medium pollution risk;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It

should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

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

- 20 No works shall take place until a Scheme to Minimise the Risk of Offsite Flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 21 No development or preliminary groundworks of any kind shall take place until the applicant has secured and undertaken a Programme of Archaeological Works in accordance with a Written Scheme of Investigation which has been submitted to, and approved in writing by, the local planning authority.

Reason

To enable full investigation and recording of this site of archaeological importance. Failure to agree a method for investigation of the site prior to groundworks occurring may risk the loss or damage of archaeological assets.

- 22 No development or preliminary groundworks of any kind shall take place until the completion of the Programme of Archaeological Works identified in the Written Scheme of Investigation defined in condition 21 above.

Reason

To enable full investigation and recording of assets of archaeological importance. Failure to agree a method for investigation of the site prior to groundworks occurring may risk the loss or damage of archaeological assets.

- 23 Prior to commencement of development, details of works to upgrade or improve the existing bus stops in the locality that best serve the occupants of the development shall have been submitted to and agreed in writing with the local planning authority. The upgrades/improvements shall be implemented prior to first occupation of the development hereby approved, or in accordance with such alternative timescales as stated in the details agreed.

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. Agreement is required prior to commencement in order to ensure that the measures are agreed and implemented in good time for occupation.

- 24 Construction of buildings shall not precede beyond slab level until samples of the materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples.

Reason

In the interests of visual amenity, to ensure that the development does not prejudice the character and appearance of the locality.

- 25 A Post Excavation Assessment shall be submitted to, and approved by, the local planning authority within six months of the completion of the fieldwork (unless otherwise agreed in advance with the local planning authority); such term shall include details of the completion of post excavation analysis, preparation of a full site archive and report and an undertaking for deposition of a post excavation report at the local museum. The report shall be deposited as agreed within the stated timeframes in the Post Excavation Assessment.

Reason

To enable full investigation and recording of assets of archaeological importance.

- 26 No occupation of the development shall take place until the site access and associated works as shown in principle on planning application

drawing number 19140-001 Rev B have been provided/completed.

Prior to occupation of any dwelling, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

**Reason**

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 27 Prior to first occupation of the development hereby approved, a Revised Residential Travel Plan together with the contents of Residential Travel Information Packs for sustainable transport shall have been submitted to and agreed in writing with the local planning authority. The Revised Residential Travel Plan shall be implemented as agreed. The provision of Residential Travel Information Packs shall be distributed as agreed to the owner/s of each dwelling at the point of their first occupation.

**Reason**

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 28 Prior to occupation, a SuDS Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to, and approved in writing by, the local planning authority.

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

**Reason**

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

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

- 29 Prior to occupation of the development hereby approved (or where relevant, each phase), a professional Acoustic Consultant shall verify the internal and external noise level criteria for each dwelling as stated in the Noise Assessment Report (Wardell Armstrong July 2020) have been met, notably with reference to the fact that 1) BS8233 (Table 4) internal noise levels will be achieved, 2) external garden daytime noise level of less than 55dB(A) (LAeq,16hr) will be achieved and 3) LAmax of 45dB(A) night-time noise level will typically not be exceeded.

Reason

In the interests of residential amenity. Failure to comply with the noise criteria stated, without the provision of associated mitigation measures as necessary, may lead to unacceptable harm to the residential amenity of occupants of the dwellings hereby approved.

- 30 The applicant or any successor in title must maintain yearly Logs of SuDS Maintenance which should be carried out in accordance with any approved Maintenance Plan under condition 27 of this decision. The Logs of SuDS Maintenance must be available for inspection upon a request by the local planning authority.

Reason

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

- 31 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  
Bank Holidays & Sundays - no work.

Reason

In the interests of residential amenity; to ensure that the construction work associated with the development does not unacceptably harm the living conditions of occupants of adjacent properties on Maldon Road.

- 32 No piling shall be undertaken on the site in connection with the construction of the development until a System of Piling and resultant noise and vibration levels has been submitted to, and agreed in writing by, the local planning authority. The agreed noise and vibration levels shall be adhered to throughout the construction process.

Reason

In the interests of residential amenity; to ensure that noise and vibration caused by piling methods is controlled in order that it does not unacceptably affect the amenity of occupants of dwellings on the site or/and in the surrounding area.

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

Reason

In the interests of residential amenity; to prevent unacceptable harm to the amenity of residents within the development or/and the surrounding area.

- 34 Notwithstanding the submitted details, the development hereby permitted shall provide for a minimum of 20% of the Market Housing as 1 or 2-bed dwellings.

Reason

To ensure an appropriate mix of market housing is secured across the site to help meet housing need for market housing as identified in the Council's Strategic Housing Market Assessment and in accordance with Policy RLP8 of the Adopted Local Plan Review.

### INFORMATION TO APPLICANT

1 SuDS:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage Solutions (SuDS) which may form part of the future register, a copy of the SuDS assets in a Geographic Information System layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

2 Highway Matters:

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

- Prior to any works taking place in the highway, the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of highway works.
  - It is advised that further details submitted at Reserved Matters should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.
  - All work within or affecting the highway should be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- 3 With regard to the new street(s) included in the development, in the interests of all concerned it is important that the street(s) should be named and numbered at the earliest opportunity. In this respect, prior to or upon commencement of the development, you may wish to suggest names for consideration and it would be appreciated if you would forward your suggestions to the Director of Planning, Causeway House, Bocking End, Braintree CM7 9HB. Tel: Braintree 552525.
  - 4 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
  - 5 Please note, the applicant has entered into an Agreement under Section 106 of the Town & Country Planning Act 1990 in relation to this development. You are advised to ensure that the legal obligations contained within it are complied with alongside the discharge of any conditions connected to matters to which it relates.

### SUBMITTED PLANS

Development Framework Plan    Plan Ref: CSA/4411/105    Version: REV O

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER