

PLANNING COMMITTEE AGENDA

Tuesday, 08 October 2019 at 7:15pm

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

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

Page

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 Previous Meetings

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 10th, 18th and 24th September 2019 (copies to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

- | | | |
|-----------|--|------------------|
| 5a | Application No. 18 01876 OUT - Land North of Oak Road, HALSTEAD | 6 - 52 |
| 5b | Application No. 19 00026 FUL - Land at Conrad Road, WITHAM | 53 - 87 |
| 5c | Application No. 19 00084 FUL - Scrips Farm, Cuthedge Lane, COGGESHALL | 88 - 103 |
| 5d | Application No. 19 00635 FUL - Land adjacent to Ashen Road, RIDGEWELL | 104 - 131 |

PART B

Minor Planning Applications

5e	Application No. 19 00368 FUL - 13 Vaughan Close, RAYNE	132 - 146
5f	Application No. 19 00950 ADV - A131 Bypass, Great Notley Garden Village, London Road, GREAT NOTLEY	147 - 156
5g	Application No. 19 01294 LBC - Crowbridge Farm, Chapel Hill, HALSTEAD	157 - 165
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.	
	<i>At the time of compiling this Agenda there were none.</i>	

PRIVATE SESSION

Page

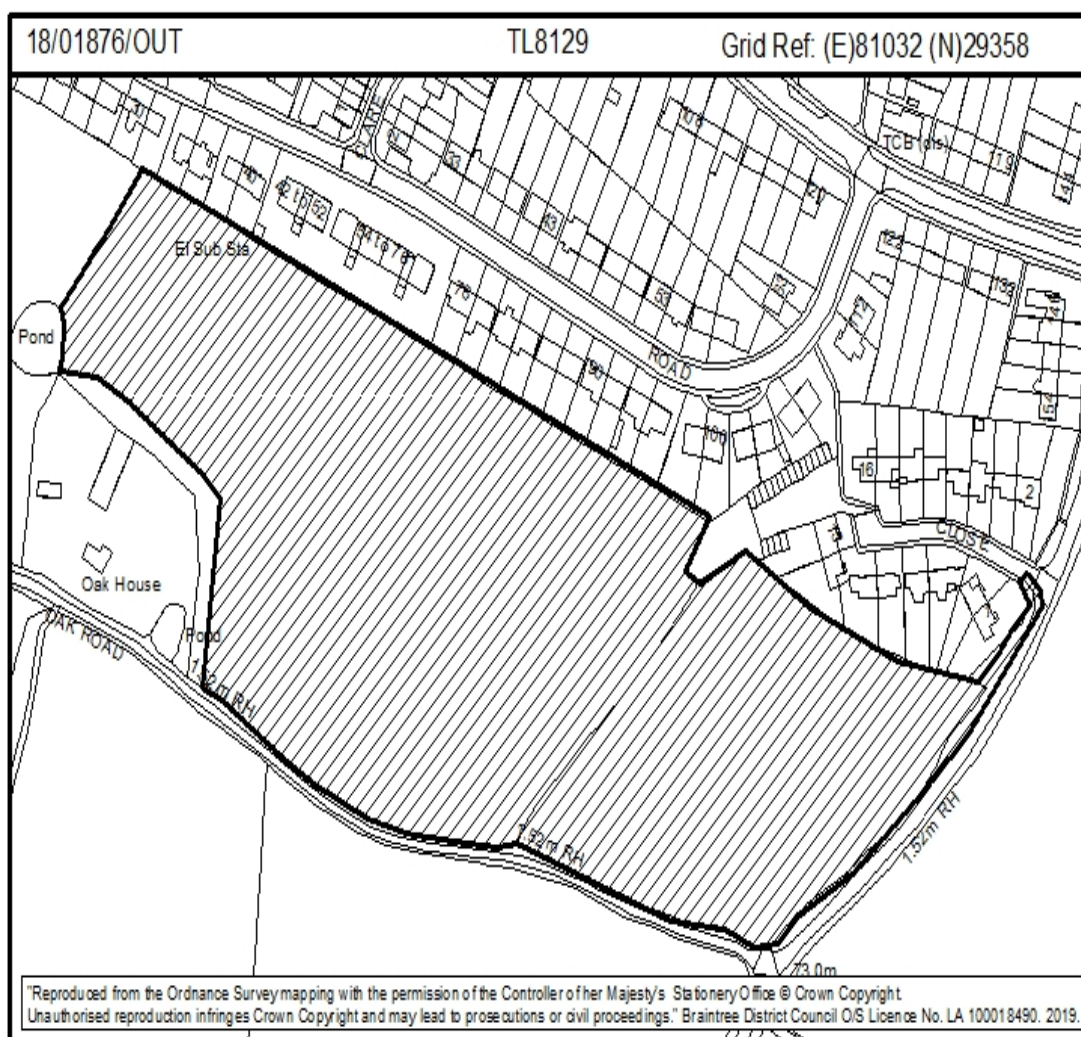
8	Urgent Business - Private Session
	To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/01876/OUT DATE: 17.10.18
 VALID:
 APPLICANT: Mr Ian Woodward-Court
 Famco Estates Ltd, Context Land, Office 13, Oliver House,
 Hall Street, Chelmsford, CM2 0HG, United Kingdom
 DESCRIPTION: Outline planning application (all matters reserved) for up to
 70 residential dwellings, public open space and associated
 development
 LOCATION: Land North Of, Oak Road, Halstead, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PGR0KOBFKTA00>

SITE HISTORY

None

POLICY CONSIDERATIONS

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

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

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

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

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

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

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
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
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex

SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
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
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
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
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Supplementary Planning Guidance

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

Other Guidance

Landscape Character Assessment (2006)
 Braintree District Settlement Fringes – Evaluation of Landscape Analysis of Halstead (June 2015)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest. In addition, Halstead Town Council has objected to the proposal contrary to Officer recommendation.

NOTATION

The application site is located outside the Halstead town development boundary, as designated in the Adopted Local Plan. The smaller, eastern field is identified in the Adopted Local Plan for Formal Recreation.

SITE DESCRIPTION

The application site is located on the southern side of Halstead, and backs onto existing housing which fronts Conies Road and Grange Close to the north east. A detached dwelling known as Oak House, Oak Road is located adjacent to the western end of the site. The site fronts two roads (single track lanes), the southern end of Tidings Hill where the land levels off to the south east and Oak Road to the south west which leads to the A131 Mount Hill. The lane (Letches Lane) which runs in a southerly direction from the Tidings Hill/Oak Road junction to Plaistow Green is identified as a protected lane on the proposals map for the Adopted Local Plan.

The 4.2ha site consists of two fields (improved grassland) separated by a mature hedgerow. Much of the site's external boundaries are also delineated by hedgerows and trees, rendering it as quite visually self-contained from public vantage points, especially as the land in question is relatively flat, located on a natural ridge.

PROPOSAL

This is an outline planning application, with all matters reserved for future determination. As highlighted above, the application seeks permission for the erection of up to 70 dwellings, public open space and associated development. The quantum of development has increased from 50no. units since the application was originally submitted in October 2018, following consultation with Officers of the Council. Officers considered that this was necessary in the interests of making more efficient use of land, pursuant to advice set out within the NPPF and the Development Plan.

Notwithstanding the fact that access into the site is not to be determined as part of this application, the submitted illustrative site layout plans and the Indicative Site Access Arrangement and Visibility plan appended to the Transport Statement identify a sole means of vehicular access to be provided via Tidings Hill. This would require a scheme of road widening to meet the requirements of the local Highway Authority that would be agreed at a future date, post the determination of this outline planning application. Pedestrian links are also proposed to be created through to the Tidings Hill frontage and a further potential pedestrian link through a garage court owned by Greenfields Community Housing onto Grange Close.

As details of the appearance, landscaping, layout and scale are also reserved matters, approval is not sought for these at this stage and details are not required. If the application were to be granted planning permission then before

development could commence the Local Planning Authority would need to have received and approved reserved matters applications for these.

The following drawings and documents have been submitted as forming part of the planning application:

- Location Plan;
- Illustrative Site Plans;
- Parameter Plan;
- Air Quality Statement;
- Desktop Research (heritage) report on the Field System;
- Ecological Assessment;
- Ecology, Landscape and Arboriculture Addendum Report;
- Flood Risk Assessment & Surface Water Drainage/SUDS Strategy;
- Foul Water Drainage Strategy;
- Noise Impact Assessment;
- Phase 1 Contaminated Land Assessment;
- Planning Statement & Addendum;
- Preliminary Arboricultural Impact Assessment;
- Transport Assessment; and
- Utilities Assessment.

CONSULTATIONS

Anglian Water

The foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows; the sewerage system at present also has available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) and they recommend the imposition of a condition upon any grant of planning permission to secure a surface water management strategy.

BDC Environmental Services

No objection to the application on Environmental Health grounds. However, in view of the proximity of nearby residential properties it is recommended that works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents.

BDC Housing Research and Development

The applicant has indicated in the Planning Statement that 40% of the units will be provided as affordable housing which based on a scheme of 70 units would equate to 28 affordable dwellings. Details concerning the mix of affordable dwellings is usually subject of reserved matters, however, as the applicant has provided an illustrative site plan and indicated a willingness to agree an affordable housing unit and tenure mix as part of this application,

their preferences are set out in the table below. This provides a 70/30 mix of affordable rented units over shared ownership and is guided by evidence of housing need from the council's housing register.

Type	No	Affordable Rent	Shared Ownership
1 bed 2 person flat	2	2	0
2 bed 4 person bungalow	2	2	0
2 bed 4 person house	18	12	6
3 bed 5 person house	4	2	2
3 bed 6 person house	2	2	0
	28	20	8

Affordable dwellings would be expected to be designed to meet Nationally Described Space Standards and be compatible with Building Regulations Part M (2). Additionally affordable housing is required to be delivered without reliance on public subsidy.

The application is supported as it provides opportunity for a significant number of new affordable homes which contribute in addressing housing need.

BDC Operations

No comments.

ECC Education

ECC Education have assessed the application based on 70 houses all being 2 or more bedrooms, and as such a development of this size can be expected to generate the need for up to 6.3 early years & childcare (EY&C), 21 primary school, and 14 secondary school places. ECC Education advise that they anticipate that there would be sufficient capacity at the Ramsay Academy but there would not be sufficient capacity at existing Early Years & Childcare providers and Primary Schools. No objection is raised, subject to financial contributions being secured through a S106 legal agreement to allow the provision of additional Early Years and Childcare (EY&C) places and Primary school places. The actual level of contribution will be linked to the actual number and size of dwellings that would be built. For information only based on a development of 70 dwellings, all with two or more bedrooms the contributions would be:

EY&C - An additional 6.3 places (at £17,422 per place) would be required resulting in a contribution of £109,759 at April 2018 prices; and

Primary school - An additional 21 places (£15,281 per place) would be required resulting in a contribution of £329,901 at April 2018 prices.

ECC Flood and Water Management

No objection, subject to conditions which include the need to agree the design of a detailed surface water drainage scheme.

ECC Highways

No objection to the proposal, subject to the imposition of planning conditions/obligations to ensure suitable access to the site; the widening of the carriageway between Grange Close and Oak Road; provision of a footway from Grange Close to the site and associated footway improvements; provision of Residential Travel Information Packs; and improvements to bus stops.

ECC Place Services - Archaeology

The application site lies within an undeveloped area on the edge of the modern built up settlement at Halstead. Historically this area was within a rural landscape populated with farmsteads. It lies close to an area with aerial photographic evidence for possible prehistoric activity in the form of cropmark features. Historic mapping show that the fields were formerly divided into smaller plots and Oak Road follows the line of the historic parish boundary. A Heritage Statement has been provided with the application which states that the former field boundaries are visible on historic mapping, their age is unknown and may be medieval in origin. The site itself contains no other known archaeological remains however there is the possibility for further archaeological remains associated with the nearby cropmark features to be preserved. No objection subject to the imposition of conditions.

ECC Place Services - Ecology

No objection subject to securing: a) a financial contribution towards visitor management measures for the Blackwater Estuary SPA/Ramsar site; and b) biodiversity mitigation and enhancement measures.

Essex Police

Comment they would require the proposed layout and the finer detail and would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

NHS England

A Healthcare Impact Assessment (HIA) has been prepared by the CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

The existing GP practice at Elizabeth Courtauld Surgery does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 168 residents and subsequently increase demand upon existing constrained services. The additional floorspace required to meet growth would amount to 11.52m², giving rise to a capital cost of £26,496 (£371.51 per dwelling), to mitigate the impacts of this proposal.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

They advise that BDC consider, in line with their recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases they advise that BDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

PARISH / TOWN COUNCIL

Halstead Town Council

Object due to concerns: that narrow roads are unsuitable for more traffic movements; about flooding; and because of overloaded Town infrastructure.

Greenstead Green and Halstead Rural Parish Council

Greenstead Green and Halstead Rural Parish Council raise no objection to the application.

REPRESENTATIONS

As of the 23rd September 2019, the Council has received 37 letters of representation from third parties objecting to the proposal, raising the following concerns:

Principle of Development

- Insufficient detail of plans

Access (Highway, public transport, cycling and walking)

- Poor access increasing traffic through narrow lanes
- Increase in parked cars & traffic increasing risk of accidents

Landscape and Ecology

- Damage to wildlife
- Loss of green space
- Development having a negative impact on climate change

Living Conditions

- Loss of light and views
- Roots of trees planted causing damage to existing properties
- Excessive noise level during development

Community Infrastructure

- No mention of additional school, doctor's surgery etc.
- Lack of job opportunities

Flooding

- Risk of flooding – area already experience's flood issues, how do developers propose to overcome this
-

Other Matters

- Loss of business
- Proposed site outside of town development boundary
- Risk of increased crime rates

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

The application site is located outside of a designated development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011). Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks planning permission to erect up to 70 dwellings on land outside of a Town Development Boundary which would represent a departure from, and therefore be contrary to the Adopted Local Plan. In addition, the land in question has not been identified as a future housing site within the Draft Local Plan.

Although outside the Town Development Boundary in the adopted Development Plan the eastern field is allocated in the Adopted Local Plan for formal recreation. Policy RLP136 of the Adopted Local Plan is concerned with formal recreation and states that development that would result in the loss of formal recreation sites (that is playing fields and pitches and recreational buildings) will only be permitted where it is demonstrated that the facility must be moved to allow the facility to be upgraded, or where equivalent alternative open space is provided elsewhere. The allocation of the site for formal recreation predates the Adopted Local Plan and was included within the 1995 Local Plan.

There is no specific reference in either the 1995 or 2005 Local Plan to this site, or why the site was allocated for formal recreation. The site shows no sign of ever being used for formal sport and is in private ownership. Although the site has been allocated for over 20 years no scheme has come forward and been implemented and the field remains rough grassland and is not used for sporting purposes. The Publication Draft Local Plan proposes that the Formal Recreation designation is removed.

Although Policy RLP136 requires that designated Formal Recreation sites are protected this site has never been used for this purpose and as such if residential development is allowed there would be no loss of Formal Recreation facilities. Having considered all these matters, although the historic designation of the site for formal recreation is a material consideration, Officers do not object to the principle of residential development on this site due to the Formal Recreation designation.

5 Year Land Supply

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

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

Where concerning the promotion of sustainable transport, the NPPF in Paragraph 103 states that the planning system should actively manage patterns of growth; and that 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.

Halstead is identified as a main town in the settlement hierarchy in the Adopted Core Strategy. It is stated in Paragraph 4.9 that, *'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to Greenfield growth in Halstead are its relatively isolated location and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham'*.

However, as one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that may be found in Braintree and Witham, it nonetheless offers a good range of day to day services and facilities; and includes several large employment areas which offer residents the opportunity to meet their needs within the town.

By way of an example, the submitted Transport Statement highlights that the following facilities are located broadly within 1,600 metres walking distance of the development site, which is equal to approximately a 15-20 minute walk: Bus stops (approximately 500m); Pharmacy (approximately 1300m); The Three Pigeons Public House (approximately 1300m); Halstead Royal British Legion (approximately 1400m); Library (approximately 1600m); Co-operative food store (approximately 1600m); Halstead Town Council Offices (approximately 1300m). Halstead High Street itself is approximately 1400m to 1700m away. In terms of schools the Richard De Clare Community School is approximately 1200m walking distance from the site access and the Ramsey Academy Secondary School approximately 1900m walking distance, within 2km (1.2 miles). At sub-2km,

these distances are generally considered to be an appropriate distance that occupiers or visitors to a site could be reasonably expected to walk to access a particular service or amenity.

Therefore, in respect of access to services and facilities the site is considered to be in a sustainable location, notwithstanding its peripheral siting on the edge of the town.

Landscape, Character and Appearance

Paragraph 124 of the NPPF states that 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.

As highlighted within the description of the site above, it is located on the southern side of Halstead, and backs onto existing housing which fronts Conies Road and Grange Close to the north east. A detached dwelling known as Oak House, Oak Road is located adjacent to the western end of the site. The site fronts two roads (single track lanes), the southern end of Tidings Hill where the land levels off to the south east and Oak Road to the south west which leads to the A131 Mount Hill.

The site consists of two fields (improved grassland) separated by a mature hedgerow. Much of the site's external boundaries are delineated by hedgerows and trees, rendering it as quite visually self-contained from public vantage points, especially as the land in question is relatively flat, being located on a natural ridge.

Policy CS8 of the Adopted Core Strategy states '*development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment*'.

The 2006 Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) make explicit reference to this site, pursuant to Policy CS8 of the Adopted Core Strategy. The LCAn is finely grained to the point where it deals with specific land parcels, in this case Land Parcel 5d Oak Road and has been identified as having Medium-High capacity to absorb development. In assessing this parcel of land the LCAn states in paragraphs 4.11 and 4.12:

"The Parcel occupies a relatively flat, elevated band of land along the south-western edge of Halstead... The southern boundary is also contained by strong bands of mature vegetation. The eastern boundary is formed by Tidings Hill with a tall tree belt alongside it... There are no public rights of way running through the Parcel and boundary vegetation provides good enclosure to views from the public roads along the southern and eastern boundaries... Residential properties on Oak Road and Conies Road have some open views across the Parcel and form a slightly harsh and abrupt edge to the settlement. The Parcel

is generally well contained in views from the wider landscape on approach to Halstead”.

In paragraph 4.13 the LCAn then states “The analysis highlights that the existing containment to the Parcel provides good scope to mitigate any proposed development. The hedgerow structure should be retained and strengthened, and the strong planting belt to the southern boundary preserved to provide a contained edge to Halstead and screen views back towards the town from the landscape around the Bourne Brook valley. Opportunities to provide a landscape framework that softens the existing abrupt residential edge on the northern boundary of the Parcel are also identified. There is potential to provide additional open space as part of any new built development, which should reflect the scale and character of the existing settlement”.

As the LCAn forms part of the Draft Publication Local Plan’s evidence base, Officers consider that it should be given significant weight as a material consideration in the determination of this planning application, pursuant to S38 (6) of the Planning and Compulsory Purchase Act 2004. Consequently, from a landscape point of view there is no objection to the principle of developing the site in question, subject to finer details being assessed during the future determination of the reserved matters.

Illustrative Site Plans and a Parameter Plan have been submitted with the application, along with an Indicative Site Access Arrangement and Visibility Plan within the Transport Statement and the Tree Retention and Removal plan in the Arboricultural Impact Assessment. Although the applicant does not seek approval of the access, Officers have discussed the potential location for the access with the applicant and the Highway Authority. The applicant has submitted an alternative illustrative scheme which shows the junction being relocated and a footway running into the site behind the tree line. By separating the footway, the impact on the trees is reduced. The applicant’s report indicates that constructing the access in this location would result in the loss of seven trees that form part of group identified in the applicant’s Arboricultural report (indicated as G3). The trees that would be removed include two oaks and some understorey, largely comprised of field maple, all of which are typical for this type of setting. The loss of the understorey in this case is not considered to be particularly significant and Officers consider it would not detract unduly from the amenity and character of this stretch of the lane as a whole.

The oak at the northern end of the splay requirements is a twin/possible old multi-stem mature tree with a fairly extended canopy of relatively minor branching. It is an old tree with a significant girth at the base and contributes to the character of this part of the lane; the other oak tree to the south is a single stem tree of less visual significance and a less expansive crown.

The loss of trees is regrettable, and weighs against the application in the planning balance, however the desire to retain the trees and the localised impact that it would have should be balanced against the fact that it would not

be possible to access the site without tree removal at some point. Officers also consider that given the context of the canopy cover and assemblage of vegetation, if the access were constructed in this location, the removal of all these trees (7 stems) is unlikely to cause much of a loss of amenity within the broader setting since there is canopy cover on both sides of the road and views into the area concerned are very localised. Whilst access remains a reserved matter, Officers consider that the applicant has provided sufficient information to demonstrate that a safe and suitable vehicular access can be provided to the site, and that when considering the application the Council have sufficient information to understand the potential for loss of trees.

The applicant has demonstrated how the site could be accessed and provided the Council with information which allows an assessment of the tree loss that would potentially be required. The actual access arrangements will need to be approved as part of the Reserved Matters and as a result the location and the tree removal may be revised but the Council would ultimately control this. Notwithstanding that the carriageway within Tidings Hill needs to be widened to 5.5m (pursuant to the advice of the local Highway Authority) by constructing the footway inside the site the majority of trees and hedges, would be protected and retained as part of the development.

In addition, there would be a need to puncture the existing hedgerow that separates the two fields that form the site (which runs approximately north east – south west to accommodate the indicative alignment of pedestrian connection and internal highway through the site. However, taking into account the generally low quality of these trees and hedges in arboricultural terms, and the fact that future planting could mitigate these effects, as well as enhance broadleaf site coverage, it is considered that the proposal would not have a materially harmful impact upon the character of the countryside and surrounding landscape.

Furthermore, it is recognised that Letches Lane which runs in a southerly direction from the Tidings Hill/Oak Road junction to Plaistow Green is identified as a protected lane in the Adopted Local Plan proposals map. The majority of traffic entering and leaving the site would be from and to the north, therefore on balance it is considered that the physical appearance of this lane would not be adversely affected by an increase in traffic associated with the future occupation of the site, pursuant to Policy RLP87 of the Adopted Local Plan.

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and

accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development. This is supported by Policy RLP90 of the Adopted Local Plan and these sentiments are also reflected with Policies SP6, LPP37, LPP50 and LPP55 of the Draft Local Plan which are concerned with place shaping principles, housing type and density, the built environment and the layout and design of development respectively.

Clearly, layout, scale & appearance are reserved matters, nonetheless the illustrative drawings that have been submitted with the application indicate that the proposed quantum of up to 70 dwellings could be comfortably accommodated within the site, taking into account the vegetative constraints and the relationship to existing houses that back onto it, as well as the need to meet the Council's adopted parking standards and the garden sizes required by the Essex Design Guide. The net density of development would amount to 33 dwellings per hectare pursuant to Draft Local Plan which states that "*as a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land*".

It is acknowledged that there are a number of objections from local residents with regard to the loss of their use of the site for informal recreation, nonetheless it is in private ownership and Officers are not aware of any rights that have been granted by the owners to facilitate access to it. It is also accepted that the development of the land would materially change the overall outlook from the rear of the dwellings that front Conies Road and Grange Close, as well as Oak House however there is no right to a view in planning terms and it is considered that additional tree planting would add to the quality of the overall scheme.

Officers consider that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.

Whilst the scale and appearance of the dwellings will form part of the Reserved Matters, Officers want to ensure that the development that comes forward provides a mix of dwellings that will help meet housing need. The developer will be required to agree the mix of Affordable Housing as part of the obligations set out in the S106 legal agreement. As Members will be aware the mix of market housing is not a matter that is usually covered in the S106, however Officers and Members are keen to secure a mix of market housing that secures an appropriate number of smaller dwellings and it is recommended that a planning condition is applied which establishes some

control over the mix of market housing. An update on this matter will be provided to Members at the Planning Committee.

All in all, it is considered that the proposal would constitute an efficient use of land for a residential development located on land which is quite visually self-contained and consequently would have little material impact upon the character and appearance of the area in this urban fringe location.

Ecology

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised and net gains provided. Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

The application has been supported by the submission of an Ecological Assessment (and Extended Phase 1 Habitat Survey contained therein) and addendum report, which have been reviewed by the Council's Ecological Consultant.

A Phase 2 ecological assessment was undertaken on site and concluded the following:

- Badgers: No specific evidence of badgers was recorded on site and no setts were present;
- Bats: Low numbers of bat passes were recorded, the majority of passes were by common species and some rarer bat species were recorded, the type of bats recorded are considered to be of no more than local ecological importance, nonetheless their presence cannot be ignored;
- Newts: Although the 3 ponds on site are of average suitability to support Great Crested Newts the surveys found that none of the ponds support any Great Crested Newts;
- Reptiles: Initial results indicate that there is a presence of a small population of common lizard and as such is considered to be of no more than local ecological importance;
- Habitats: The habitat features of most value are the boundary features and the development has been designed to ensure the retention of these features with suitable buffers.

The opportunity exists for native hedgerow and scrub planting along the northern and eastern boundaries which would in time strengthen the existing wildlife corridors and more than compensate for the losses of discrete sections of hedgerow, in line with local policy and the Essex Biodiversity Action Plan.

In summary, the Ecology reports demonstrate that the proposals are in conformity with national and local planning policy subject to further survey works and the continuation of appropriate ecological monitoring.

The Council's Ecological Consultant states that there is sufficient ecological information available for determination and that this provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development could be made acceptable. They support the reasonable biodiversity enhancements, which should also be secured by a condition of any permission which would enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

In addition, the site is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar. In this regard, Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations (HR). It is considered that the proposal falls within the scope of RAMS as 'relevant development'.

Consequently, a HR (appropriate) Assessment (HRA) has been completed for this application. In the context of the Council's duty as competent authority under the regulations, it is anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive features of the coastal European site, through increased recreational pressure when considered 'in combination' with other plans and projects. Therefore the Council is required to secure a financial contribution (see planning obligations section below) towards off-site mitigation for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site, in line with the aspirations of the emerging RAMS.

Overall, it is considered that ecological impacts would be minimised such that the proposal is acceptable, also subject to the imposition of a number of conditions based on BS42020:2013, securing the submission of the following: Construction Environmental Management Plan; Reptile Method Statement; Badger Survey; Landscape Environmental Management Plan; Biodiversity Enhancement Strategy; and a Wildlife Sensitive Lighting Design Scheme.

Living Conditions

NPPF paragraph 127 f) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The Policies of the Draft Local Plan have similar objectives as those set out in the Adopted Local Plan.

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

The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and Officers consider that there are not any grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking, whilst seeking to design out crime through natural surveillance and ensuring access for emergency services is facilitated.

Furthermore, the illustrative Site Plan indicates how landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area.

No objection is raised by Environmental Services to the proposal, but in view of the proximity to existing dwellings recommend that site clearance and construction are controlled by condition, so as to minimise disturbance to their occupants.

Highways

Part 9 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are

explored to reduce the need for major transport infrastructure. Development should however only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment (TA) is submitted with all proposals for major new development.

As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means. These other options, such as walking, cycling and public transport have been covered within the first section of this site assessment.

It is acknowledged that in addition to the Town Council, a significant number of letters of representation have raised objections to the proposal on highway safety grounds.

Access is not submitted for approval as part of this outline application, nor are internal road layouts, car parking, or cycling parking. All of which would be subject to reserved matters approval at a later date. Notwithstanding this, site access arrangements have been the subject of dialogue between the local Highway Authority and the applicant's highway consultant during the consideration of the proposal.

The illustrative plans and TA show that access could be achieved from the southern end of Tidings Hill and the Highway Authority are satisfied with access being achieved from this road, subject to the creation of a new access with required visibility splays; widening of the carriageway on Tidings Hill; the provision of a footway. The works would all be within the application site and/or the public highway.

Furthermore, the Highway Authority are satisfied that the additional traffic flows generated by the development can be accommodated safely within the highway network. Members will note the Highway Authority's comments about elements of the Transport Assessment (TA) submitted as part of the application. Highways Officers assessed the TA and did not agree with some of the assumptions made about the direction of traffic flows from the development. The data used in respect of trip generation is considered to be justified and robust but the trip distribution and assignment does not appear well founded. This has led Highways Officers to make their own assessment of the impact of the projected flows from the development and they are satisfied that the impact on junctions and the highway network in general would not be severe. Having completed their own assessment Highways Officers conclude that the predicted increase in traffic generation on the local highway network for up to 70 units (from the originally proposed 50 units) would be minimal, and overall the development would not have a material or severe impact on the operation of the local highway network. Officers are also content that at the density proposed, there would be adequate space within the site in order for the development to meet the Council's adopted parking standards.

Accordingly Officers consider the proposals to be acceptable with reference to NPPF, as the Highway Authority are satisfied that safe and suitable access to the site could be achieved for the proposed level of development; that the development provides opportunities for residents to use sustainable transport modes to access many of the facilities that are required for day-to-day living. It is not considered that any residual highways impacts of development would be severe and warrant refusal of the application on transport grounds.

All in all, from a highway and transportation perspective the impact of the proposal is considered acceptable, subject to the imposition of a number of conditions as explained in the consultations section of this report.

For the avoidance of doubt Members should note that no vehicular access is proposed to / from the site from Oak Road. To the south of the site the road is a narrow lane with raised banks and limited opportunities for vehicle passing. Planning Officers have questioned the Highway Authority on whether the developer should be obligated to carry out any work to mitigate the impact of the development on Oak Road. Highway Officers consider mitigation is not necessary as the route is so unattractive to driver's residents from the development would be very unlikely to use Oak Road to get to Tidings Hill and the site entrance. A more convenient route to the A131 exists via White Horse Avenue. Essex County Council are responsible for the management of the highway network and have advised Planning Officers no works of improvement, or to limit use of Oak Road is required.

Flood Risk and Drainage

Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Adopted Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk.

Paragraph 163 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. Part H of the Building Regulations also prioritises discharges of surface water to the ground and then a watercourse, with discharge to a sewer only to be considered when both infiltration and discharge to a watercourse is not reasonably practicable.

The proposal site lies in Flood Zone 1 with a low risk of groundwater flooding, surface water and sewer flood risk across the site overall. The soil types beneath the site possess little infiltration capacity. The infiltration rates associated with the soils are not considered sufficient for the practical use of

infiltration devices such as soakaways or permeable surfaces, hence it is proposed that surface water is attenuated through the use of attenuation basins in the lowest part of the site, towards the eastern corner of the site (behind Grange Close), that would be constructed to store surface water before it is released at a discharge rate to be agreed with Anglian Water.

It is acknowledged that there are some local concerns with regard to surface water flooding, including from ponding occurring on the site, approximately mid-way along the site's north eastern boundary. The applicant has had to demonstrate through their application that surface water run-off from the site can be controlled and then discharged in a manner that does not increase flood risk elsewhere.

Having reviewed the proposals and associated documents which accompanied the planning application, the Lead Local Flood Authority – Essex County Council - confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementation of SUDS and other engineered hydrological measures.

In addition, Anglian Water states that the foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows; the sewerage system at present also has available capacity for these flows. Therefore, from this basis it is considered that the scheme would be acceptable in respect of surface water drainage and sewerage capacity.

Archaeology

In its glossary, the NPPF highlights that *“There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point”*. Policy RLP106 of the Adopted Local Plan and Policy LPP63 of the Draft Local Plan also apply. These state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

As highlighted by the Council's Historic Environment Officer, the application site lies within an undeveloped area on the edge of the modern built up settlement at Halstead. Historically this area was within a rural landscape populated with farmsteads. It lies close to an area with aerial photographic evidence for possible prehistoric activity in the form of cropmark features. Historic mapping show that the fields were formerly divided into smaller plots and Oak Road follows the line of the historic parish boundary. A Heritage Statement has been provided with the application which states that the former field boundaries are visible on historic mapping, their age is unknown and may be medieval in origin. The site itself contains no other known archaeological remains however there is the possibility for further archaeological remains associated with the nearby cropmark features to be preserved.

Therefore, it is recommended that a condition requiring an archaeological evaluation condition be imposed upon any grant of planning permission.

Site Assessment Conclusion

With the exception of the above, there are no substantive objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the proposed development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse impacts, subject to securing planning obligations in respect of social infrastructure and facilities; and the 'Planning Balance' exercise carried out thereafter.

PLANNING OBLIGATIONS

Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. NPPF paragraph 56 then sets out the tests which must be met in order to seek planning obligations:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy CS11 of the Adopted Core Strategy states that the Council will work with partners, service delivery organisations and the development industry to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered in a timely, efficient and effective manner. The following identifies planning obligations that the District Council would seek to secure through a S106 agreement.

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in the countryside adjacent to the town of Halstead where the proposed provision of 40% affordable housing accords with the requirements of Policy CS2. The number of Affordable Units would be determined by the total number of dwellings to be constructed, the application is for up to 70 residential dwellings and therefore could result in the provision of up to 28 affordable dwellings.

Policy RLP3 of the Adopted Local Plan requires that regard is paid to the extent to which proposals for housing development will contribute towards

meeting local housing needs. Policies RLP7 and RLP8 of the Adopted Local Plan require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

As highlighted by the Housing Research and Development, details concerning the mix of affordable dwellings would usually be the subject of reserved matters application/s, however, as the applicant has provided an illustrative site plan and indicated a willingness to agree an affordable housing unit and tenure mix as part of this application, their preferences are set out below.

Type	No	Affordable Rent	Shared Ownership
1 bed 2 person flat	2	2	0
2 bed 4 person bungalow	2	2	0
2 bed 4 person house	18	12	6
3 bed 5 person house	4	2	2
3 bed 6 person house	2	2	0
	28	20	8

This would provide a 70/30 mix of affordable rented units over shared ownership and is guided by evidence of housing need from the Council's Housing Register. Affordable dwellings would be expected to be designed to meet Nationally Described Space Standards and that all Affordable Houses and Ground Floor Flats will be constructed to comply the standard for 'Accessible and Adaptable Dwellings' as set out in Building Regulations Part M4(2). Additionally the Council's Housing Enabling Officer has requested that the Affordable Housing provided include two bungalows that meet the Accessible and Adaptable Dwelling standard as this will provide flexible accommodation that will be capable of adaption should the need arise for a wheelchair or mobility impaired tenants. The Affordable Housing provision agreed with the applicant represents a significant benefit arising from the scheme that must be considered as part of the Planning Balance.

Community Facilities

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

The heads of terms submitted by the applicant acknowledge this and include a contribution towards improvements towards new or improved community facilities in the local area. This could be for a new community centre on land at Butler Road Halstead, or the extension, reconfiguration or improvement to existing community facilities within the town of Halstead. Based on schemes of comparable scale, in the District, the contribution sought would be £34,974.

Ecological Mitigation

The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar, which is defined as a 'habitats site' within the glossary of the NPPF as: *"Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites"*.

Paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site (either alone or in combination with other projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

As highlighted above, a HRA has been completed for this application and in the context of the Council's duty as competent authority under the regulations, it is anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive features of the coastal European site, through increased recreational pressure when considered 'in combination' with other projects. Therefore the Council is required to secure a financial contribution of £122.30 per dwelling towards off-site mitigation for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site, in line with the aspirations of the emerging RAMS.

Education

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

The Education Authority (ECC) in their consultation response state that a development of this size can be expected to generate the additional need for up to 6.3 Early Years and Childcare (EY&C) places and 21 primary school places and 14 places at Secondary schools. The Education Authority advise that based on their data there would be sufficient places at the Ramsay Academy in the town to meet the increased demand for places. There is, however, insufficient capacity at Early Years and Childcare facilities and at Primary Schools. The County Council requests financial contributions towards increasing capacity in the town to ensure there are sufficient spaces to meet the increased demand.

The consultation response from the Education Authority provides an indication of the contribution levels and these are reported above for Members information, however the actual level of contribution will be determined when the final number and mix of units is known at Reserved Matters stage.

Healthcare

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

In response to their consultation on the application NHS England state that the existing GP practice at Elizabeth Courtauld Surgery does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 168 residents and subsequently increase demand upon existing constrained services. The additional floorspace required to meet growth would amount to 11.52m², giving rise to a capital cost of £26,496 (£371.51 per dwelling), to mitigate the impacts of this proposal.

Pedestrian Link

Policy CS11 of the Adopted Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include '*transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities*'. The NPPF in paragraph 110 a) states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

As set out in the Access section above, the Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. The majority of those aspects that are recommended as mitigation can be secured by way of planning condition.

However, in order to facilitate greater permeability of the site and the existing built fabric of the town, a pedestrian only link between the site and the garage parking court at the end of Grange Close is sought to be provided. Such a link will involve third party land – in this case Greenfields Community Housing and the District Council, and as such an additional pedestrian link in this location will only be possible with the landowners consent. The applicant has advised that they have discussed the principle of a link being constructed through the parking court onto Grange Close and they have raised no objection in principle. It is recommended that a planning obligation is included which requires the developer to submit a strategy to the Council for approval and then use reasonable endeavours to deliver the link.

Public Open Space

Policy CS10 of the Adopted Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site. The SPD also specifies that a financial contribution should be sought towards the provision of off-site outdoor sports facilities and allotment provision.

The financial contributions would be calculated on the number and size of the dwellings constructed, to be determined at the reserved matters stage/s, however as a very broad guide Officers estimate that based on a housing mix reflective of the District's housing needs the contributions would be approximately £50,000 for Outdoor Sports and £1,500 for allotments.

It will also be necessary for the S106 to include an obligation for the applicant to form a Management Company responsible for the day to day and longer term management and maintenance of the Public Open Space, including the Play Area.

PLANNING BALANCE AND CONCLUSION

This is an application for Outline Planning permission, with all matters reserved for future determination and it can therefore be said that the application simply seeks to establish the principle of residential development of the site.

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 as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development in the Draft Local Plan. However, as the application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must

be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement. The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

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

In terms of the economic and social objectives, the development of the site for 70 units would contribute towards the District's 5-year housing supply, whilst also providing 28 affordable units, of an appropriate dwelling type mix to meet social needs. The provision of 40% of the units as Affordable Housing exceeds the Council's standard requirement for a site such as this one and this represents a further significant benefit in helping the Council meet the Affordable Housing need in the District. In addition, controls over the mix of

market housing would be secured by way of a suitable planning condition which provides an additional social benefit.

There would also be jobs generated during the construction stage and once occupied, future occupiers would contribute to the vitality of Halstead, through providing further support for existing services and businesses. The development of the site would also secure financial contributions to assist in mitigating the impact upon services and open space within the area, which through the provision of children's play equipment on site, and financial contributions towards sports and allotment provision would likely give rise to benefits to the wider community. This is in addition to a financial contribution of £34,974 towards the proposed community building project in Butler Road which would be available to all of the residents of Halstead. It is noted that local residents attach value to the land as it has been used for informal recreation and there are well worn tracks around the perimeter of the field, primarily from dog walkers. However this is private land and the public have no rights of access over the land. The proposed development includes the provision of Public Open Space and could be designed so as to offer alternative opportunities for residents to walk over.

As such, it is considered there are numerous economic and social benefits that would arise from the development that can be afforded moderate to significant weight in favour of the scheme.

In terms of the environmental objective, the site is situated outside of the adopted development boundary for Halstead and it would result in the loss of countryside and a greenfield site. The creation of the vehicular access to the site would result in the loss of trees along a stretch of the Tidings Hill frontage and although the tree loss is quite localised the loss of trees would weigh against the proposal. The site forms part of the urban fringe whereby the landscape is considered to have the capacity to absorb the development without detriment to the character and appearance of the wider countryside. It is also acknowledged that the rear boundaries of the properties on Conies Road in places presents quite a harsh urban edge and that the residential development provides an opportunity to provide a softer urban edge to the town.

It is also in a relatively sustainable location, which would enable access by foot/cycle/bus to facilities in Halstead such as schools, the GP practice and the town centre. Therefore, it is considered overall that there would be limited environmental harm connected with the development.

In terms of other aspects, the development would provide the potential for a high quality residential layout that could create a good sense of place and appropriate character whilst complying with the standards for internal and external amenity, as well as the Council's adopted parking standards. The site could also reasonably be developed without material detriment to the occupants of neighbouring dwellings and heritage assets, and would retain the majority of existing trees considered of amenity value whilst demonstrating

that an access could be constructed to the local Highway Authority's requirements.

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

When considering the planning balance and having assessed the specific merits of the application, and having regard to the requirements of the NPPF as a whole, Officers consider that the benefits of the proposal outweigh the adverse impacts and as such it is recommended that planning permission should be granted, subject to the specific mitigation set out within this report.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

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

- **Affordable Housing** – 40% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage/s, but with a 70/30% ratio of affordable rent over shared ownership; to include two bungalows to be provided for Affordable Rent and with all houses and ground floor flats built to conform to the Nationally Described Space Standards and be compatible with Building Regulations Part M4(2);
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s;
- **Community Facilities** - Financial contribution towards the provision of new facilities in Halstead of £34,974;
- **Ecological Mitigation** - Financial contribution of £122.30 per dwelling for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site;
- **Education** - Financial contributions for Early Years and Childcare provision and Primary School provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2018, but equate to £17,422 per EY&C place and £15,281 per Primary school;
- **Equipped Play Facility** – To be provided on-site with equipped to a minimum value as calculated in accordance with updated figures from the Open Spaces SPD;
- **Healthcare** - Financial contribution towards the provision of additional floorspace at The Elizabeth Courtauld Surgery of up to £26,496

- (£371.51 per dwelling);
- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s;
- **Pedestrian Link** – applicant to submit a strategy for delivery of a pedestrian only link between the site and Grange Close, through the garage parking court at the end of Grange Close, and use reasonable endeavours to deliver the link;
- **Public Open Space** (on-site) a minimum area of 0.37ha for Public Open Space and equipped play; all to be managed by a Management Company to an agreed specification.

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: 003/d

- 1 Details of the:-
 - (a) scale, appearance and layout of the building(s); and the
 - (b) landscaping of the site (hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the first reserved matters, for the first phase of the development, shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall be implemented not later than 2 years from the date of approval of the last of the reserved matters to be approved for the first phase.

Reason

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

Planning Act 1990.

- 2 The submission of the reserved matters application/s pursuant to this outline planning permission shall together provide for no more than 70 residential dwellings, public open space and associated development.

Reason

For the avoidance of doubt as to the scope of the permission and to ensure that the site is not over-developed, in the interests of protecting the character and appearance of the area, in addition to the living conditions of the occupants of existing neighbouring dwellings and future occupiers of the proposed development.

- 3 No development or preliminary groundworks shall commence unless and until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

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

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

Reason

The site may be of archaeological interest and the programme of archaeological works must be completed prior to development commencing in order that any archaeological remains that do exist on the site are assessed and recorded before they might be harmed by construction activity.

- 4 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points.

Where the refuse collection vehicle is required to go onto any road, that

road shall be constructed to take a load of 26 tonnes. No dwelling shall be occupied until the refuse bins, and where applicable, storage areas and collection points, for that dwelling have been provided and are available for use.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

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

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. Wheel and underbody washing facilities;
- v. 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;
- vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. Measures to control the emission of dust and dirt during both groundworks and the construction of the proposed development;
- viii. A scheme for recycling/disposing of waste resulting from groundworks and construction;
- ix. Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities, sensitive working hours.

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

Reason

To ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 and DM20 of the Highway Authority's Development Management Policies February 2011. In addition this condition is necessary to protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 6 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels and shall include cross sections of the site and show the

relationship of the proposed development to existing neighbouring development.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy, and in the interests of the character and appearance of the area.

- 7 No vehicular movements relating to the construction of the development to, from, or within the site shall take place outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

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

Reason

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

- 10 A Phase II ground investigation, in accordance with the recommendations as set out within paragraphs 8.7 and 8.8 of the report by Create Consulting Engineers dated June 2018 submitted with the application, shall be carried out to assess the nature and extent of any contamination on the site. A copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Formulation and implementation of the remediation scheme shall be

undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

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

lighting.

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

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

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the relevant building which it serves.

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

Reason

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

- 12 The first Reserved Matters application for Appearance on each phase of the proposed development shall include details of all gates/fences /walls or other means of enclosure which shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures and shall be implemented prior to the occupation of the relevant plot and shall be permanently retained as such, in accordance with the approved details.

Reason

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

- 13 No dwelling/building erected on the site shall exceed two storeys in height.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity, ensuring that the scale of buildings erected are in character with the site's immediate built context and the adjoining rural area.

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

Reason

In the interests of visual amenity.

- 15 All electrical and telephone services to the development shall be run underground and all service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

- 16 No above ground development shall commence in the relevant phase of the development unless and until a schedule and samples of the materials to be used on the external finishes of the dwellings and buildings on the site have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 17 No development shall commence unless and until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 1.4l/s for all storm events up to and including the 1 in 100year rate plus 40% allowance for climate change.
 - 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. Please submit infiltration test that satisfy BRE 365 requirements or similar approved.
 - Provide sufficient storage to ensure no offsite flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1:100 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 CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall

subsequently be implemented prior to occupation.

Reason

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

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

- 19 No development shall commence unless and until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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

Reason

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

- 21 No development shall commence, including any site clearance unless and until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason

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

- 22 No development shall commence, including any site clearance, unless and until a Reptile Method Statement has been 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 Reptiles 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 UK Habitats Regulations 2017, the Wildlife

& Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 23 No development shall commence, including any site clearance, unless and until a further badger survey has been submitted to and approved in writing by the local planning authority. The survey shall assess the possible changes of badger activity which may affect the proposed development and any mitigation measures required. The development shall only be implemented in accordance with the approved details.

Reason

To conserve and enhance Protected species and allow the LPA to discharge its duties under the Badgers Act 1992 as amended and s17 Crime & Disorder Act 1998.

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

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

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

Reason

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

- 25 No above ground development shall commence unless and until a Biodiversity Enhancement Strategy for Protected and Priority species

shall be submitted to and approved in writing by the local planning authority, following the recommendations provided within the Preliminary Ecological Appraisal & Bat Roost Survey Report (Denny Ecology, July 2018).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) 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).

- 26 No above ground development shall commence unless and until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

- 27 No occupation of any dwelling shall take place until Residential Travel Information Packs in accordance with Essex County Council guidance have been provided to the first occupier of each respective dwelling.

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.

INFORMATION TO APPLICANT

1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

3 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 SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to 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. More information about consenting can be found in the attached standing advice note.

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.

4 Your attention is drawn to Condition 3 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

5 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations).

6 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.

7 In respect of Condition 4 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.

8 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.

9 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

11 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

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

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

SUBMITTED PLANS

Location plan Ref: 003/d

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

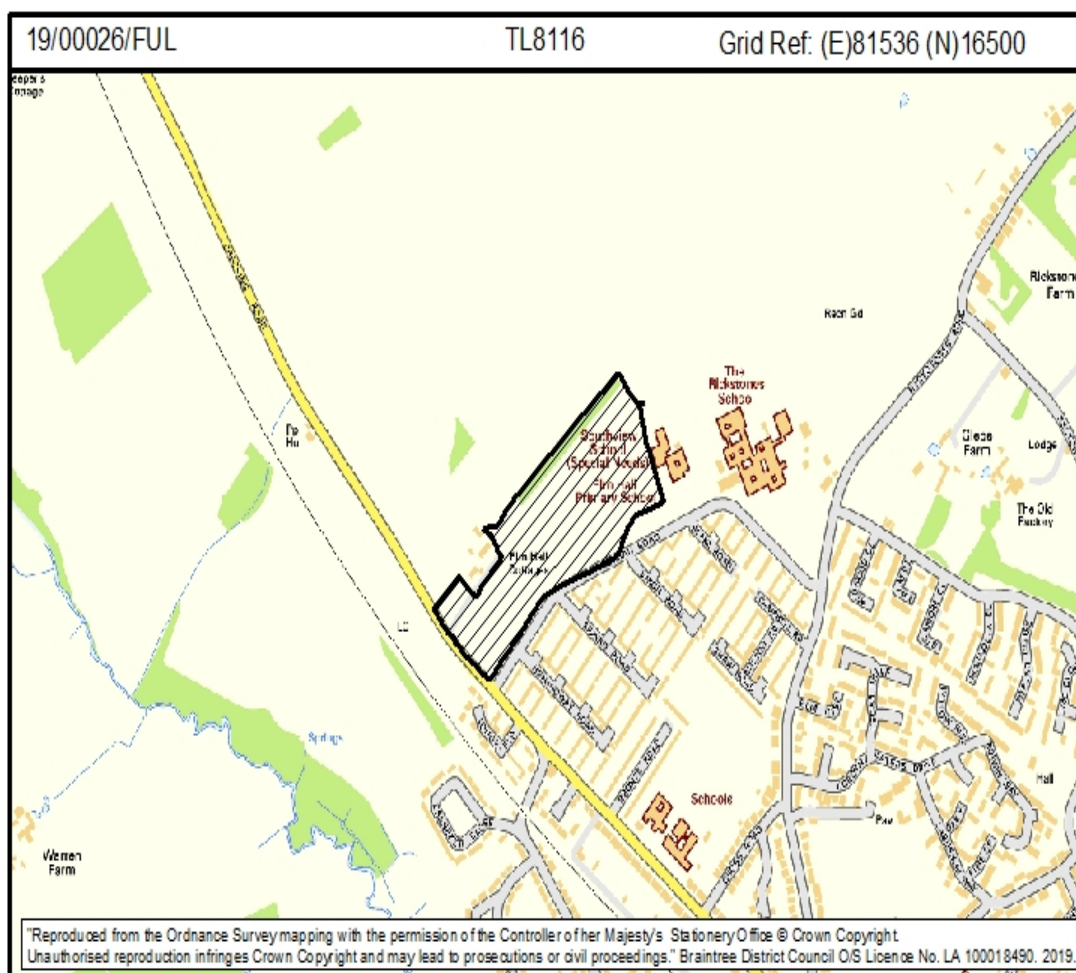
AGENDA ITEM NUMBER 5b

APPLICATION NO:	19/00026/FUL	DATE VALID:	07.01.19
APPLICANT:	Mr Conan Farningham		
DESCRIPTION:	Full planning application for the erection of 150 residential dwellings with associated infrastructure and landscaping.		
LOCATION:	Land at Conrad Road, Witham, Essex		

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext.

or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PKYV5OBFM4S00>

SITE HISTORY

15/01273/OUT	Outline planning application with all matters reserved other than strategic access point onto the public highway for up to 150 residential units with associated infrastructure and landscaping.	Granted subject to Conditions and a S106 Legal Agreement	5 July 2017.
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP93	Public Realm
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
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
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
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest. In addition, Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE HISTORY – BACKGROUND TO CURRENT APPLICATION

An outline planning application with all matters reserved other than a strategic access point onto the public highway for up to 150 residential units with associated infrastructure and landscaping (application reference 15/01273/OUT), was granted outline planning permission on 05 July 2017, subject to conditions and planning obligations set out in a S106 Legal Agreement.

The current applicants purchased the site and sought to engage with Officers by way of the formal pre-application process in respect to a proposed reserved matters application. During this process it became apparent that the layout resulted in non-compliance with the approved parameter plan on the outline

consent. The current application has therefore come forward in the format of a full planning application.

SITE DESCRIPTION

The application site of approximately 6.4 hectares in area, is located immediately adjacent to the northern town development boundary of Witham. There is a fall by approximately 11 metres from its north-eastern to its south-western periphery.

The northern boundary adjoins agricultural land, separated by an established broadleaved tree belt, as well as 3 residential properties; The Willows and No. 3 and No.4 Elm Hall Cottages. To the east is the South View School and Elm Hall Primary School, beyond which lies the New Rickstones Academy. The southern elevation boundary consists of a broken hedgerow that contains a number of mature trees, adjacent to Conrad Road. The western boundary remains open to Cressing Road, though to the south west of the site is a small area of woodland/scrubland located adjacent to Cressing Road.

Vehicular access to the site is currently achieved via an access track leading from Cressing Road to both the application site and the three adjacent dwellings.

Two 'pond areas' are sited along the north boundary of the site within the 'shelterbelt' of trees. These are up to 20cm deep but mainly dry out annually.

A smaller portion of the south-eastern boundary abuts an area of land designated for future use as Allotments within the Adopted Local Plan. However, the same area is allocated for housing within the Publication Draft Local Plan.

PROPOSAL

This application seeks full permission for the erection of 150 residential dwellings with associated infrastructure and landscaping. The site would be accessed by a singular vehicular access point into the site from Conrad Road as per the outline planning permission.

It is proposed that the development would consist of a mixture of dwellings with detached, semi-detached and blocks of apartments. The site would provide for 9 x 1 bed units, 53 x 2 bed units, 47 x 3 bed units, 26 x 4 bed and 15 x 5 bed units. 30% of the units would be affordable.

The development would provide for a range of allocated and visitor parking. Open space is provided at two areas across the site, together with a smaller parcel of land on the northern boundary seeded with native wildflower.

CONSULTATIONS

External Consultees

ECC Education

In regards to Early Years and Childcare they comment that an additional 12 places would be required at a cost of £209,325 to mitigate its impact. In regards to Primary Education an additional 40 primary places would be required at a cost of £612,004 at April 2018 prices to mitigate its impact on local primary provision.

There is current capacity at secondary level to accommodate pupils generated by this proposal. In regards to school transport, the developer has confirmed that as part of the development there will be S278 works that join the proposed development to the existing footway network, therefore providing safe walking school routes to the nearest primary and secondary school.

ECC Highways

Comment that the impact of the proposal is acceptable to the Highway Authority subject to securing a Construction Management Plan, appropriate visibility splays; a footway provision from the junction of Conrad Road to Elm Hall School/Rickstones Academy; and the relocation and upgrade of bus stops, together with the provision and implementation of a Residential Travel Information Pack per dwelling.

Historic Buildings Consultant

Do not object to permission being granted.

ECC SUDS – Lead Local Flood Authority

No objection subject to conditions to secure: a detailed surface water drainage scheme; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; a Maintenance Plan detailing the maintenance arrangements for different elements of the surface water drainage system; and a requirement for the maintain of yearly logs of maintenance.

NHS

The development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development. A contribution of £56,787 would form a proportion of the required funding for the provision of a new health facility in the Witham locality to increase capacity to absorb the patient growth generated by the development.

Natural England

Comment that the site falls within the 'Zone of Influence' (ZoI) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The scale of development is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

Raise no objection to the Habitats Regulations Assessment (HRA) undertaken by the Council, commenting that they are satisfied that the mitigation in the Appropriate Assessment is in line with their strategic-level advice, and that the mitigation should rule out an 'adverse effect on the integrity' of the European designated sites. Advise that an appropriate planning condition or obligation be attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should also be secured.

Essex Police

Comment that designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. No apparent concerns with the layout but seek finer details such as the proposed lighting, boundary treatments and physical security measures and welcome the opportunity to consult on this development to assist the developer with pre-planning consultation.

Anglian Water

Comment that the catchment for foul drainage and sewerage system has capacity, and further, the surface water strategy/flood risk assessment submitted is acceptable. Recommend a condition in relation to surface water disposal.

Internal Consultations

BDC Environmental Health

No objections subject to conditions to secure: a dust and mud control management scheme; hours of operation; and details of piling and resultant noise and vibration levels.

BDC Ecology

Comment that sufficient information is submitted for designated sites, protected and priority species. However, note Skylarks were confirmed to be breeding on site, and therefore recommend that a Skylark Mitigation Strategy be undertaken for this application. (This will consist of the provision of Skylark plots to be

secured on appropriate offsite agricultural land for a minimum period of 10 years - if the nearby agricultural land is situated in the applicants control then measures can be secured as a condition, or if this is not possible then the mitigation can be secured by legal agreement).

Also support the proposed reasonable biodiversity enhancements, as indicated within the Extended Phase 1 Survey and Ecological Method Statement. Recommend that further reasonable enhancements should be provided via a Biodiversity Enhancement Strategy, to be secured as a condition. This should include details of appropriate native species planting, bird and bat boxes/bricks, hedgehog friendly fencing and hibernacula for amphibians and reptiles. In addition, they recommend that the SuDs area is enhanced for biodiversity, to ensure appropriate compensation of the two ponds proposed to be infilled.

BDC Waste Services

Note that some of the roads are 'private roads' – they seek assurances from the developer that the whole estate will be made to ECC highway standard and adopted by ECC highways, or that assurances are made by the developer (by means of a wayleave agreement), that BDC will not be held accountable to repairing the road surface, of the private access roads, following waste collections.

BDC Landscape

Comment that the 'Northern Boundary Strategy' will deplete the screening and confinement provided by the existing tree belt. There is an intention to plant a hedge as a low level feature but the layout provides limited space between the boundaries of the properties and the new hedgerow/woodland strip. The proposed hedgerow mixture should have an increase component of evergreen.

In terms of the wider landscape design, the additional planting of larger broadleaf trees will add amenity to the approach into the town from Cressing Road and there is otherwise a reasonable level of new tree planting with a considerable level of amenity planting (species to be agreed). Note there is no indication of the management of the parcel of land at the south western end of the site which has some tree and shrub cover. A comprehensive management and maintenance plan for the site is required.

The natural play area is shown schematically within an area of open space. Although the design concept has been given some creative input, it is placed within the open space without any sense of connection either in terms of land modelling or connecting paths. The larger space allocated for Equipped Play does not contain any details but appears to be served by a profusion of paths which detract from the quality of the open space and reduce the area available for planting.

BDC Housing Enabling Officer

Supports the application. The proposed affordable unit and tenure mixes are considered appropriate to match housing need evidence.

PARISH / TOWN COUNCIL

Witham Town Council recommends refusal on the grounding grounds:

- Cumulative impact of development in a ward where there are the least community facilities;
- The site failed its appraisal when it was considered in the Local Plan;
- Poor design of estate and housing, not in keeping with the Essex Design Guide;
- A development of this size would benefit from a secondary access road, with the current single proposed access insufficient;
- Inadequate junction onto Cressing Road from Conrad Road must be improved through developer contributions, potentially with a roundabout to allow for free flowing traffic;
- Inadequate width of Conrad Road poses serious problems for residents of the proposed development leaving and entering during peak hours;
- A Traffic Regulation Order would be required for parking restrictions on Conrad Road to aid the flow of traffic;
- Children's play facilities close to the pond poses serious safety risk and must be reconsidered;
- A need for cycleway/footway route to the River Walk amenity area.

REPRESENTATIONS

The application was advertised by way of newspaper advertisement, site notice and neighbour notification. Representations have been received from 3 residential properties (2 general comments and 1 support comment) and the Witham and Countryside Society, raising the following comments:

- Concerns over the increasing challenges over car parking along Conrad Road, especially at school pick up / drop off. (The school is for children with physical and neurological impairments who access the site by minibuses);
- Will be an increase number of vehicles using the road. Already traffic congestion around the school with safety concerns for other users in the area;
- Visibility when exiting Conrad Road onto Rickstones Road is poor due to vehicles parking to the east of the junction. Question whether a contribution can be secured towards the implementation of a traffic regulation order to prevent parking in this area;
- Seek improvements to the access to the houses known as The Willows and Nos. 3 & 4 Elm Hall Cottages (a suitable turning head should be

- provided within the development site to enable their visitors to re-enter the highway safely);
- Request that during the construction phase appropriate safeguards are in place to ensure that the track to The Willows and 3 and 4 Elm Hall is not used for construction;
- Request appropriate boundary treatments;
- Highlight presence of a field drain / ditch that runs alongside the track. (As well as being the natural drain for rain and field run-off, it is also the soak-away for water-treatment plants at the three properties);
- Site has an area of scrub and enclosed by conifer trees. There are no details of how or what are included in the application. (The existing conifer trees obscure the view of the road from the lane entrance and cause a safety hazard);
- Poor location of play equipment close to a busy B road with noise and pollution;
- Request that the new street lighting includes automatic timers to switch off the lights and minimise light pollution between the hours of 12pm and 6am;

REPORT

Principle of Development

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to 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 should be proactive in guiding development towards sustainable solutions, taking local circumstances into account, to reflect the character, needs and opportunities of each area. 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 improve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point of 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 boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that

land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District Council) our 'local housing need' plus the relevant buffer.

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

The Development Plan

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

The application site is located outside of the Town Development Boundary of Witham. On this basis the principle of development would be contrary to Policy. However, the principle of development has already been established by the outline consent (reference 15/01273/OUT), issued on 05 July 2017. This represents a fall-back position which should be attributed substantial weight.

5 Year Housing Land Supply

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

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Council's assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy RLP2 of the Adopted Local Plan states that 'new development will be confined to areas within Town Development Boundaries and Village Envelopes'. Policy CS7 of the Adopted Core Strategy supports this and states that 'future development will be provided in accessible locations to reduce the need to travel'.

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

The development will undoubtedly bring economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities within the town and locality. These factors weigh in favour of the proposal in the planning balance.

Socially, the site does provide an appropriate mix of housing types and policy compliant affordable housing. This is a matter which weighs in favour of the social sustainability of the site.

In terms of environmental sustainability, whilst this is not a brownfield site, the development does retain a maximum level of trees and hedgerow to be maintained and managed, whilst additional landscaping is proposed. The site also provides public open space for the benefits of future occupiers in addition to nearby local residents.

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

Although the site lies outside of the settlement boundary, it lies adjacent to the settlement boundary of Witham and is well connected to a range of services, facilities, leisure and employment opportunities within the town centre and locality. The site would also be accessible to other means of public transport. This weighs heavily in favour of the proposal in the overall planning balance.

Layout, Scale and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Further, Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek to ensure a high quality design and layout in all developments. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place'.

The applicant proposes a development of 150 dwellings. The design and layout has been the subject of extensive pre-application discussions between Officers and the applicant. Officers acknowledge the positive approach that the applicant has taken to addressing issues that Officers identified during the pre-application stage. Furthermore, some additional changes have also been made during the application relating to the following:

- Providing a landscaping scheme to show defensible space to all windows on the ground floor flats;
- Bollards added along kerbside to protect public open space from vehicles;
- Changes to the cycle and bin store on Block 3.
- Changes to windows within Block's 1 and 2;
- Changes to layout to increased back to back distances to 25 metres for Plots 39 to 48.

In regards to layout, the sole vehicular access to the development is taken from Conrad Road, which remains the same location as approved under the outline planning consent. This internal spine road which divides the site, is designed with a strong street scene character with the presence of dwellings fronting onto it and one of the areas of open space (at the site entrance). From this central spine road, the access then loops to either side providing a pleasing informal arrangement of development.

The development consists predominately of 2 storey dwellings and flat buildings. However, there are a few pockets of 2.5 storey buildings sited across the site which assist in creating a sense of presence at the end of roads or at other key points at the site. Furthermore, there are 2 bungalows sited opposite the 3 dwellings that adjoin the site, designed to reduce any impact to the occupiers of these neighbours. Overall, the scale of development is appropriate and in keeping with the character and appearance of the locality.

The architectural design is a different approach to the more standardised products of other 'volume house builders'. Officers are supportive of the well-designed and proportioned dwellings which contain appropriately detailed façades and architectural detailing, principally with stack bonded soldier courses and a mix of materials to add interest. Materials are proposed as red

and smooth grey plain tile roof, with red and buff stock brick, and contrasting dark grey / brown brick and black stock brick. In principle these materials are acceptable and would add to the quality of the development, ensuring it would be sympathetic to its context. Materials can be secured via condition.

In regards to open space, one area containing a natural play area, is located to form an entrance space to the site. As well as being accessible and visible from Conrad Road which would encourage public use of the green space, it will further link the development with the existing housing areas adjacent to the site. The larger area of open space provision is to the south-western corner of the site, adjacent to Cressing Road. This open space incorporates formal play space and the SUD's attenuation pond. This area would be enclosed by a 1.2metre high post and rail fence supported with hedgerow planting. The location of open space here assists with lessening the visual impact of development as you enter Witham, but also assists in terms of ensuring siting of dwellings away from Cressing Road itself. In addition to the 2 main areas of open space, there is a smaller area along the northern boundary that is to be laid with native wildflower seed and assists with softening the overall development.

The application proposes the following mix of market housing:

- 28 x 2 bed dwelling (2B-4P)
- 36 x 3 bed dwelling (32 x 3B-5P and 4 x 3B-6P)
- 26 x 4 bed dwelling (4B-7P)
- 15 x 5 bed dwelling (5 x 5B-8P and 10 x 5B-9P)

The application proposes the following mix of affordable housing:

- 10 x 2 bed dwelling (2B-4P)
- 11 x 3 bed dwelling (3B-5P)
- 9 x 1 bed apartments (1B-2P)
- 15 x 2 bed apartments (2B-4P)

Officers are content that the proposal provides an appropriate mix of housing types to support a balanced and mixed community.

Residential Amenity for future occupiers

The NPPF states that planning decisions should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. This is reinforced by Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

In terms of future occupiers, all dwellings and apartments are designed to Nationally Described Space Standards (NDSS) which provide minimum space and storage standards for dwellings to deliver high quality design and living spaces.

In regards to garden sizes, whilst the majority of dwellings with three or more bedrooms are provided with 100sq.m or larger, there are 3 plots where the garden size falls below the standard, due principally to being corner units. The garden sizes for these units are 95.7sq.m, 99.1sq.m and 99.7sq.m. Given the very modest shortfall in size and as it only relates to 3 units, this is not considered objectionable in this case. All of the two bedroom houses are provided with garden areas of a minimum of 50sq. m. The proposed flats would have shared amenity space, at a minimum of 25sq.m per 2 bed unit, the layout of which would provide for an acceptable level of private space. Furthermore, Flat Block 3 in addition to providing the minimum provision for amenity space, also sits adjacent to the large public space in the south-west of the site and has direct access to this space. Flat Blocks 1 and 2 provide amenity space exceeding this minimum requirement that includes 25sq. m of shared amenity space for the 1 bed apartments. With the exception of the four 1 bed roof level apartments in Blocks 1 and 2, all flats have a private amenity space (terrace or balcony) of 5.8sq.m.

Following amendments to the layout, all of the development is compliant with the Essex Design Guide in terms of back to back distances between houses facing each other.

Following advice at the outline and pre-application stage, a noise impact assessment and air quality assessment was not considered necessary supporting documentation. Officers are content that due to the set back of properties from Cressing Road and the nature of this Road, there would be no adverse impact to future occupiers from noise disturbance or in terms of air quality. As a precautionary approach to noise, a condition is imposed to ensure that internal and external noise levels within bedrooms will meet with threshold levels.

Impact upon Neighbour Amenity

The 3 existing dwellings (The Willows and No. 3 and No.4 Elm Hall Cottages) located immediately adjacent to the site's northern boundary are the closest to the application site. The outlook from these dwellings would change significantly, however the layout of the proposal retains significant distances from the boundary of the properties in accordance with the Essex Design Guide of 25m separation distance. Furthermore, the proposed dwelling types opposite Elm Hall Cottages are designed as bungalows which assists in reducing the scale of development next to these properties. In addition, the development provides a management strategy for the landscaped buffer between these dwellings and the edge of the development, such that there would be no unacceptable impact to their amenity in terms of outlook, overlooking or similar.

To the south, the outlook from dwellings located along Conrad Road which are orientated toward the site would also be affected. Conrad Road is however positioned between these existing dwellings and the application site in addition to which the proposed dwellings on the site are in set from the boundary.

To the east the site abuts the boundary with Southview School and Elm Hall Primary School. Due to the distances between the backs of these properties and the educational facilities, and the presence of existing hedge / vegetation on the school land, there would be no unacceptable impact upon their amenity.

It is acknowledged that the construction of a housing development will result in noise and disturbance for local residents. A condition can be imposed to require the submission and approval of a Construction Management Plan which seeks to protect neighbour amenity, so far as is practicable.

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires on such a site, 30% affordable housing provision to be directly provided by the developer within new housing schemes. The application complies with this policy and provides for 45 affordable properties. The mix is as follows;

- 10 x 2 bed dwelling (2B-4P)
- 11 x 3 bed dwelling (3B-5P)
- 9 x 1 bed apartments (1B-2P)
- 15 x 2 bed apartments (2B-4P)

In terms of the tenure mix, 30 of the affordable units are to be affordable rented with the remaining 15 as shared ownership. The tenure mix has been a matter of discussion at pre-application stage in liaison with the Councils Housing Enabling Officer, and is acceptable in accordance with the NPPF.

The affordable housing is clustered broadly in 2 groups towards the north-eastern boundary and south-western boundary. This is considered acceptable given the scale of development, and further as it is understood that Registered Providers (RP's), who will assume ownership and management of these homes, preference is for the units to be located together in groups or clusters such that they are easier to manage and residents tend to prefer that arrangement.

Landscaping

The eastern part of the northern field boundary is currently defined by a 'shelterbelt' group of trees around 20 metres in depth (canopy spread) and extends approximately 240 metres along the northern boundary. This comprises five planted rows, each predominantly consisting of a single species. The planning application is supported by a 'Northern Boundary Strategy' in regards to this shelterbelt.

Full retention of this tree belt in its current form would restrict the deliverability of the number of dwellings at the site, defined by the outline planning permission. Its retention would adversely impact upon the layout and quality of the scheme, with inadequate garden sizes and amenity for future occupiers. A reduction in its width would ensure that a high quality layout of development can be achieved and further, management of this shelterbelt, including the removal of

some poor quality trees and inappropriate species, together with replanting, would still result in a long term tree buffer to be retained. This approach of reducing the width of the shelterbelt with a scheme of better management and the introduction of an appropriate mix of species formed part of the outline planning permission.

The proposal for works to this 'shelterbelt', includes a strategy whereby the width of the buffer is reduced. It is proposed that rows 1-3, two of which largely consist field maples with poor growth form, are removed. The remaining two rows (rows 4 and 5), which predominantly consist of native cherries, would be retained. Management of this shelterbelt, would allow the opportunity to provide a more appropriate mix of species to be replanted, together with planting of a hedge as a low level feature, to provide a more suitable juxtaposition with the development, and ensure long-term containment of views from the north and a meaningful natural edge to the newly established town boundary.

The wider landscape strategy provides for additional planting of larger broadleaf trees which would add amenity to the approach into the town from Cressing Road, and otherwise a reasonable level of new tree planting with a considerable level of amenity planting is provided across the site. Subject to appropriate species being planted, this would add to the long term quality and character and appearance of the development.

There is no clear indication of the works to the parcel of land at the south western end of the site which has some tree and shrub cover. To ensure a strong boundary feature is provided between the site and the open countryside to the north, management for this area is to be included as part of a comprehensive management and maintenance plan for the overall site, which would be secured via condition.

Ecology

The application was supported by an Ecological Method Statement, with follow up ecological appraisal of the site to update the Extended Phase 1 Report, which assess the likely impacts of development on Protected & Priority species.

These have been reviewed by the Council's Ecology Officer who advises that sufficient information is submitted for designated sites, protected and priority species. However, as Skylarks were confirmed to be breeding on site, it is recommended that a Skylark Mitigation Strategy be undertaken for this application. This will consist of the provision of Skylark plots (two per every Skylark territory) to be secured on appropriate offsite agricultural land for a minimum period of 10 years. Officers will update Members as to whether the nearby agricultural land is situated in the applicant's control. In this case, the mitigation measures can be secured as a condition, whereas if this is not possible then the mitigation can be secured by legal agreement.

Biodiversity enhancements are also proposed within the Extended Phase 1 Survey and Ecological Method Statement. To ensure measurable net gains for biodiversity, it is recommend that further reasonable enhancements should be

provided for this application, to be provided via a Biodiversity Enhancement Strategy, to be secured as a condition. This Strategy should also include details of appropriate native species planting, bird and bat boxes/bricks, hedgehog friendly fencing and hibernacula for amphibians and reptiles. In addition, it is recommended that the SuDs area is enhanced for biodiversity, to ensure appropriate compensation of the two ponds proposed to be infilled.

Habitat Regulations Assessment (HRA / RAMS)

The development lies within the 22km Zone of Influence (Zol) of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites (Habitats sites), in particular the Blackwater Estuary SPA & Ramsar site.

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application to secure any mitigation measures necessary to avoid adverse effects on site integrity. The details submitted in support of the application, detail that the development will include recreational opportunities for a 2.7km daily walking route for new residents. These opportunities shall be promoted by way of signage within the open space and leaflets for new residents to promote the open space and nearby PRoW for recreation purposes. The management and maintenance of these provisions will be secured via a long term management plan secured as part of the S106 Legal Agreement.

Whilst this mitigation aims to avoid impacts from the development alone, the development will also trigger a proportionate financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, in line with the Essex Coast RAMS Strategy (£122.30 per dwelling) for delivery prior to occupation. This will also be secured via the S106 Legal Agreement.

Access and Highway Considerations

A Transport Assessment has been submitted to support the application. This assessed traffic impacts on priority junctions, wherein it was found that they would still work well within capacity, with a negligible impact upon capacity and no impact upon queue lengths. The Highway Authority have been consulted and have raised no concerns in regards to highway capacity. It is noted that the outline planning permission secured changes to the previous double mini-roundabout at Braintree Road/Cypress Road. However, these highway works have since been fully implemented as part of the approved Land North

East of Witham development (Application reference 15/00800/FUL) by way of a change in the northern mini roundabout arrangement to a priority junction.

In terms of highway considerations at the site itself, there is only one vehicular access from Conrad Road. This is in the same location as approved on the outline consent, and subject to a condition requiring visibility splays, this is acceptable. The internal highway layout has been designed in an appropriate manner, complying with current design standards. The Highway Authority have further requested a number of highway works relating to the provision of a footway from the junction of Conrad Road to Elm Hall School/Rickstones Academy, together with the relocation and upgrading of bus stops on Hemingway Road and Virgil Road. These can be secured via the S106 legal agreement and are requested in the interests of 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 regards to parking, both the surface level parking and garage dimensions are in accordance with the Essex Parking Standards: Design and Good Practice Document, September 2009. Parking for each dwelling would be provided in accordance with the Council's adopted Parking Standards (2009) which requires that dwellings are provided with a minimum of 1 space per 1 bed unit and a minimum of 2 spaces for each dwelling with 2 or more bedrooms, with the addition of visitor parking at a rate of 0.25 space for each dwelling.

A total of 346 spaces including visitor spaces are provided for 150 dwellings. The majority of the dwellings have parking on plot. Other forms of parking is included within parking courts and perpendicular spaces within a shared surface. A number of dwellings are provided with an additional on-plot parking space for a visitor, (and therefore their provision for a 0.25 visitor parking space has been removed from the total unallocated visitor space requirements). The breakdown of spaces is 291 allocated parking spaces, 22 on-plot visitor parking spaces and 33 unallocated visitor parking spaces.

Cycle storage is to be provided in accordance with Council standards.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment (FRA) which demonstrates that the proposed development would be safe from flooding and that it would not increase flood risk elsewhere.

The applicant proposes to utilise a Sustainable Urban Drainage system to satisfactorily cater for surface run-off water from the proposed development. The Lead Local Flood Authority (Essex County Council) are content that the FRA and Drainage Strategy is acceptable subject to conditions relating to a detailed surface water drainage scheme; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; a Maintenance Plan detailing the maintenance

arrangements for different elements of the surface water drainage system; and a requirement for the maintain of yearly logs of maintenance.

The proposal is therefore considered to accord with the NPPF and Policy CS8 of the Adopted Core Strategy in so far as it relates to the matters of flooding and surface water drainage.

PLANNING OBLIGATIONS

Open Space

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

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

Open Space in Braintree District is calculated in accordance with the standards set out in the Open Spaces SPD and the Core Strategy. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site with a financial contribution towards the provision of offsite outdoor sports facilities and allotments. With regard to on-site provision, the development provides informal open space and equipped children's play space, which exceeds the size requirement.

Further, due to the scale of this development, there would not be a requirement for provision for formal sports or allotments on the site, but instead these aspects could be secured via financial contribution to identified schemes in Witham. The required contributions for Outdoor Sports Contribution is £140,139.65 and £4447.14 for a Contribution for Allotments. The applicant has agreed to meet with these contributions.

Maltings Lane Community Building

Policy CS1 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include 'transport, health, education, utilities, policing, sport, leisure and cultural provision and local community facilities'.

As Members will be aware the District Council has secured land on the Maltings Lane development which is to be used to provide a new Community Hall / Facility. The intention is that this new facility will not only provide a facility that the residents of Maltings Lane will use but that the facility will serve the wider needs of the town, including the provision of indoor sports facilities which will be required to meet increased demand arising from the new housing development that is planned around the town.

The District Council have undertaken an initial public consultation exercise to develop an understanding of community needs and preliminary work is now underway exploring options for the facilities that the building could offer. Financial contributions have been secured from a number of large developments across the town (Maltings Lane, Forest Road, Lodge Farm and on the outline planning permission for Conrad Road) and these contributions will be pooled to fund delivery of the scheme.

As per the outline consent a financial contribution of £200,000 is sought towards this project. The applicant has agreed to meet with this contribution.

Education and Healthcare

The development would generate a financial contribution of £209,325 for Early Years and Childcare and £612,004 for primary education. There is no requirement for secondary education provision.

The NHS financial contribution equates to £56,787 towards the provision of a new health facility in the Witham locality to increase capacity to absorb the patient growth generated by the development.

The applicant has agreed to meet with the education and healthcare contributions.

Transport and Highways

The Highways Authority raised no objections to the proposal but recommend that a number of items be secured on any grant of consent. Matters which are to be secured via the S106 include:

a) The provision of a minimum 2 metre footway from the junction of Conrad Road to Elm Hall School/Rickstones Academy;
b) The relocation and upgrade of the following bus stops to Essex County Council specification (details to be agreed with the Highway Authority and Local Planning Authority prior to the commencement of the development):-

1. Hemingway Road adjacent
2. Hemingway Road opposite
3. Virgil Road adjacent
4. Virgil Road opposite

c) The provision of Residential Travel Information Packs.

Further, there is an agreement for a Wayleave Agreement, which will allow BDC waste crews to access residents waste with the assurance that BDC will not be held accountable to repairing the road surface, of the private access roads, following waste collections.

Habitat Regulations Assessment (HRA / RAMS)

Matters to be secured via the S106 Legal Agreement include, the management and maintenance of promotion of the open space and nearby PRow for recreation purposes, together with a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£122.30 per dwelling) for delivery prior to occupation. The applicant has agreed to meet with this contribution.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a town development boundary and is therefore contrary to the provisions of the Adopted Development Plan. However, outline consent for residential development has been granted outline consent, and as such the principle of development has therefore been established. This represents an established fall-back position which should be given substantial weight.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

As outlined within this report, the development will undoubtedly bring economic benefits during the construction stage and thereafter with spending powers from additional residents supporting the services and facilities within the town and wider locality. These factors weigh in favour of the proposal in the planning balance. Socially, the development provides an appropriate mix of housing types with policy compliant provision of affordable housing which supports social sustainability. In terms of environmental sustainability, the development retains a maximum level of trees and hedgerow, whilst additional landscaping is proposed. The site also provides public open space for the benefits of future occupiers in addition to nearby local residents. Further in regards to sustainability, although the site lies outside of the settlement boundary, it lies adjacent to it being well connected to a range of services, facilities, leisure and employment opportunities within the town centre and locality. The site would also be accessible to other means of public transport. The siting on the edge of the settlement weighs heavily in favour of the proposal in the overall planning balance.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, it is concluded that the proposed development would result in a high quality residential development and it is recommended that planning permission be granted.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the recommendation as set out above would not differ.

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 (as amended) to cover the following Heads of Terms:

- **Public Open Space:** On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space. Financial contribution of £140,139.65 for Outdoor Sports Contribution and £4447.14 for Allotments.
- **Highways:** The provision of a minimum 2 metre footway from the junction of Conrad Road to Elm Hall School/Rickstones Academy; the relocation and upgrade of bus stops at Hemingway Road (adjacent and opposite) and Virgil Road (adjacent and opposite); and Residential Travel Information Packs.
- **Education:** Financial contributions of £209,325 for Early Years and Childcare and £612,004 for primary education.
- **NHS:** Financial contributions of £56,787 towards the provision of a new health facility in the Witham locality.
- **HRA/RAMS:** Management and maintenance of promotion of the open space and nearby PRow and a financial contribution of £18,045 towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site.
- **Wayleave Agreement:** To allow BDC waste crews to access residents waste with the assurance that BDC will not be held accountable to repairing the road surface of the private access roads, following waste collections.

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

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

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: AA7208-2001	
Block Plan	Plan Ref: AA7208-2002	
Refuse Information	Plan Ref: AA7208-2008	Version: A
Height Parameters Plan	Plan Ref: AA7208-2010	Version: A

Public Open Space Details	Plan Ref: AA7208-2015	
House Types	Plan Ref: AA7208-2021	Version: A
House Types	Plan Ref: AA7208-2022	Version: B
House Types	Plan Ref: AA7208-2023	Version: B
House Types	Plan Ref: AA7208-2024	Version: C
House Types	Plan Ref: AA7208-2025	Version: D
House Types	Plan Ref: AA7208-2026	Version: D
House Types	Plan Ref: AA7208-2027	Version: F
House Types	Plan Ref: AA7208-2028	Version: F
House Types	Plan Ref: AA7208-2029	Version: G V1
House Types	Plan Ref: AA7208-2030	Version: G V1
House Types	Plan Ref: AA7208-2031	Version: G V2
House Types	Plan Ref: AA7208-2032	Version: G V2
House Types	Plan Ref: AA7208-2033	Version: H
House Types	Plan Ref: AA7208-2034	Version: H
House Types	Plan Ref: AA7208-2035	Version: I
House Types	Plan Ref: AA7208-2036	Version: J
House Types	Plan Ref: AA7208-2037	Version: K
House Types	Plan Ref: AA7208-2038	Version: K
Garage Details	Plan Ref: AA7208-2041	
Garage Details	Plan Ref: AA7208-2042	
Garage Details	Plan Ref: AA7208-2043	
House Types	Plan Ref: AA7208-2063	Version: A
House Types	Plan Ref: AA7208-2064	Version: A
House Types	Plan Ref: AA7208-2065	Version: A
House Types	Plan Ref: AA7208-2066	Version: A
Street elevation	Plan Ref: AA7208-2069	Version: A
Street elevation	Plan Ref: AA7208-2070	Version: A
Parameter Drawing	Plan Ref: AA7208-2071	Version: A
Parameter Drawing	Plan Ref: AA7208-2072	Version: A
Parameter Drawing	Plan Ref: AA7208-2073	
Parameter Drawing	Plan Ref: AA7208-2074	
Parameter Drawing	Plan Ref: AA7208-2075	
Parameter Drawing	Plan Ref: AA7208-2076	
Parameter Drawing	Plan Ref: AA7208-2077	
Proposed Site Plan	Plan Ref: AA7208-2003	Version: A
Materials Details	Plan Ref: AA7208-2009	Version: B

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason

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

- 3 No above ground development shall commence unless and until a schedule of the types and colour of the materials to be used in the external finishes of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason

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

- 4 No occupation of the development shall take place unless and until details of all gates / fences / walls or other means of enclosure within the relevant phase of the development has been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development and shall be permanently retained as such and only in accordance with the approved details.

Reason

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

- 5 No lighting shall be installed, until details of any proposed external lighting at the site has been submitted to and approved in writing by the local planning authority. All lighting shall be installed, maintained and operated in accordance with the approved details.

Reason

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

- 6 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of any the dwelling-houses, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out on Plots 106-114 inclusive without first obtaining planning permission from the local planning authority.

Reason

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

- 7 Notwithstanding the provisions of The Town and Country Planning

(General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no provision of any building or enclosure within the curtilage of the dwelling-house, as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out on Plots 129 to 150 inclusive without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future outbuildings in the interests of protected trees.

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected or constructed, as permitted by Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future outbuildings in the interests of visual amenity.

- 9 The garages hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not 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 No development shall commence, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site. To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 11 No occupation of any dwelling shall take place, until the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres to the north east and 2.4 metres by 43 metres to the south west, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600 mm in height at all times.

Reason

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

- 12 No development shall commence unless and until a dust assessment in accordance with IAQM Dust from Construction sites guidance has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved Dust Assessment throughout the construction period of the development.

Reason

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

- 13 No removal of hedgerows, trees or shrubs, or works to buildings, including demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before any works are undertaken and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

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

- 14 No occupation of the development shall take place, unless and until the applicant has confirmed that the internal and external noise levels as given in BS8233 and the L_{Amax} level of 45dB(A) (WHO reference) within

bedrooms will not be exceeded.

Reason

In the interests of neighbouring amenity.

- 15 No occupation shall take place unless and until, a validation report has been submitted to demonstrate that recommendations/conclusions (section 10) of the GEMCO Phase II Geoenvironmental assessment report (1077 R01: Issue 1) have been met.

Reason

In the interest of environmental management.

- 16 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 approved details shall be adhered to throughout the construction process.

Reason

In the interests of neighbouring amenity.

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

- Limiting discharge rates to 5.1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS

features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 18 No development shall commence unless and 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.

- 19 No development shall commence unless and until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

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

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

Reason

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

- 21 No development shall commence unless and until a Tree Survey has been submitted to and approved in writing by the local planning authority, which shall include:

- A detailed survey plan drawn to an adequate scale indicating the height, girth, spread, species and exact location of all existing trees, shrubs and hedges on the site and on land adjacent to the site, that could influence or be affected by the development, indicating which trees are to be removed in accordance with BS5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced);
- A schedule in relation to every tree identified listing details of any proposed pruning, felling or other work;
- Details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area.

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

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development and in the interests of neighbouring amenity.

- 22 No development shall be commenced unless and until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development, has been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the

extent of the spread of the existing trees, shrubs, hedges.

Reason

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

- 23 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (May 2015) and Ecological Method Statement (July 2019). This shall include the appointment of an appropriately competent person to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 24 No occupation of the development shall occur unless and until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. 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).

- 25 No above ground works shall be undertaken, unless and until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence

management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

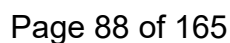
SUBMITTED PLANS

3D Visual Plan	Plan Ref: AA7208-2012
Public Open Space Details	Plan Ref: AA7208-2013
Public Open Space Details	Plan Ref: AA7208-2014
Lighting Plan	Plan Ref: 181230 E 2200
Landscaping	Plan Ref: 18-1156 CONRAD ROAD DLD
Parameter Drawing	Plan Ref: AA2708-2079
House Types	Plan Ref: AA7208-2065
House Types	Plan Ref: AA7208-2066
House Types	Plan Ref: AA7208-2063

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLFLZ5BFMAH00>

SITE HISTORY

00/00440/MIN	Importation of inert waste for recycling for sale and site restoration at Coggeshall Quarry	Deemed Permitted	16.07.02
01/00432/COU	Change of use of building 'N' from agriculture to carpentry and joinery use	Granted	10.05.01
02/00606/MIN	Review of Mineral Planning Permissions - Application for Determination of conditions	No Objections Raised	31.05.02
02/01188/FUL	Conversion of existing silo (adjacent to Building N) into receptacle for sawdust/shavings	Granted	08.10.02
02/01267/COU	Proposed change of use of buildings M & O from chicken sheds to joinery manufacture	Granted	08.10.02
02/01706/COU	Change of use of buildings 'Q' and 'R' from poultry rearing sheds to refurbishment of car interiors	Granted	05.11.02
74/00554/P	Erection of aggregate processing plant, workshop, weighbridge and office.	Granted	27.01.75
74/00323/P	Construction of storage reservoir for gravel washing water.	Granted	06.02.75
82/00561/P	Demolish disused and obsolete and erect new grain store and general purpose building.	Granted	08.09.82
86/01850/P	Alternative access to sand and gravel quarry and erection of ready mixed concrete plant weighbridge office and workstore.	Deemed Permitted	19.05.87
88/01463/P	Erection Of 11,000 Volt Over- Head Line	Deemed Permitted	14.10.88
88/02309/P	Continued Use Of Part Of	Refused	24.01.89

	Building I For The Repair And Maintenance Of Lorries & Use Of Land For Parking Lorries &		
88/02310/P	Continued Use Of Part Of Building I For The Manufacture Of Concrete Products & Use Of Land For Storage Of Concrete	Refused	24.01.89
88/02311/P	Permanent Use Of Buildings D, E & F For General Industrial Purposes	Refused	24.01.89
88/02312/P	Continued Use Of Building F For The Storage Of Refridgeration Equipment	Refused	24.01.89
88/02313/P	Continued Use Of Building J For Office Purposes	Refused	24.01.89
88/02314/P	Continued Use Of Buildings D&E For The Building & Rebuilding Of Transport Bodies For Lorries	Refused	24.01.89
88/02315/P	Continued Use Of Building C For The Storage Of Agricultural Produce	Granted	24.01.89
90/00993/PFBS	Continued Use Of Building F For The Storage Of Refrigeration Equipment	Granted	01.08.90
92/01072/OHL	Diversion of 33,000 volt overhead line	No Objections Raised	10.11.92
94/01312/MIN	Temporary variation to Conditions 3 & 16 of Planning Permission BTE/1850/86	Deemed Permitted	10.11.94
99/01291/MIN	Revised method of working and restoration to Condition 4(b) of Planning Permission BRD/00275/69	No Objections Raised	18.10.99
05/01027/COU	Change of use of buildings E, F, G, J & P to light industrial (B1, B2) and office	Granted	22.07.05
06/00005/COU	Change of use of buildings C & D to commercial storage	Refused	01.03.06
06/00251/MIN	Continuation of development at the site without compliance with Condition 21 (scheme of workings) and Condition 31 (restoration scheme)	Deemed Permitted	06.03.06

	attached to Planning Permission ESS/13/02/BTE to allow the site to be fully restored by the 31st July 2007		
07/00299/MIN	Continuation of importation of inert waste for recycling for sale and site restoration without compliance with condition 1 (time limit) of planning permission ESS/10/00/BTE to allow additional time until 31 July 2007 to enable completion of site restoration of adjacent mineral site	Deemed Permitted	13.04.07
07/00385/FUL	Provision of tennis court/tennis court enclosure	Refused	23.04.07
07/01122/FUL	Provision of tennis court/tennis court enclosure	Withdrawn	24.01.08
07/01742/MIN	Continuation of importation of inert waste for recycling for sale and site restoration without compliance with condition 1 (time limit) of planning permission ESS/61/06/BTE to allow additional 2 years until 31 March 2009 to enable completion of site	Deemed Permitted	17.02.11
07/01776/MIN	Application for continuation of development at the site without compliance with Condition 32 (Restoration) and Condition 33 (Aftercare) attached to Planning Permission reference ESS/08/06/BTE to allow the site to be fully restored by the 31st July 2009	Deemed Permitted	17.02.11
07/02535/FUL	Provision of tennis court enclosure	Granted	28.01.08
12/00645/FUL	Continued use of Unit C for the repair, refurbishment and construction of power supply lines. Retention of temporary siting of portacabins for associated offices and temporary siting of fourteen caravans for	Granted	14.11.14

12/01434/MIN	employees of CPD Powerlines Ltd Continuation of the restoration of the mineral site without compliance with Condition 1 (Time Limit) and Condition 4 (Removal of Haul Road) attached to planning permission ESS/40/07/BTE to allow the site to be fully restored by 31 December 2013	No Objections Raised	12.11.12
14/00268/DAC	Application for approval of details reserved by condition nos. 2, 3 and 5 of approved application 12/00645/FUL	Granted	19.12.14
18/00081/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 21/00 - Pruning works to 17 trees (T1, T4, T7, T10-T14, T17, T18 and T20-T26) , as per the document "70586 - Tree Data and Specification Table" uploaded with this application. The works are proposed in order to address health and safety concerns.	Granted	08.05.18

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP27	Location of Employment Land
RLP36	Industrial and Environmental Standards
RLP39	Expansion of Local Firms
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP44	Sustainable Transport
LPP45	Parking Provision

LPP50	Built and Historic Environment
LPP60	Heritage Assets and their Settings
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site forms part of the Scrips Farm Estate, which is in a rural location along Cuthedge Lane to the South of Coggeshall village. The site is accessed via Cuthedge Lane which also serves a number of residential properties.

Scrips Farm, is no longer in an agricultural use and the majority of the farm buildings are now owned by the applicant CPD Powerlines Ltd. Located to the south west of the site, the area of land subject to this application is currently being used for outside storage by CPD Powerlines Ltd. Adjacent to the site edged red is Scrips Cottage, which is a Grade II Listed Building. This house would originally have formed part of the historic farm complex.

PROPOSAL

This application seeks planning permission for the erection of a storage warehouse for B8 Use with associated landscaping on an area of hardstanding to the West of the existing commercial complex. The storage warehouse would measure 18 metres by 38 metres and would be 9.3 metres in height. The building would be finished in corrugated steel sheet panels on the walls and roof.

This area of hard standing is currently used as open storage in connection with CPD Powerlines Ltd.

CONSULTATIONS

ECC Highways

State that they have no objections to the proposal however it is requested that an informative is added to any approval ensuring the public's rights and ease of passage over public footpath No.67 (Coggeshall) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Historic Buildings Consultant

No objections from a heritage perspective. The proposal will not cause harm to the setting of the listed building, Scrips Cottage which is a Grade 2 Listed Building.

BDC Landscape Services

The site contains an assemblage of buildings and it is acknowledged that this proposal will sit within the established building pattern. The new building will however be an additional element in the landscape, close to the open field-scape and visible from the public right of way that lies close to the site. The row of Lombardy poplars provide some partial seasonal screening and there is evidence of new planting establishing in field boundaries to the north of the site including some more extensive headland planting in the field immediately south of Cuthedge Lane which is left to establish successfully will provide additional screening to distant views into the site. There is little evergreen cover so the impact in the winter months will be greater and although the locality is at some distance from the nearest settlement there is a fairly open prospect when viewed from the aforementioned road.

Following the submission of the Visual Assessment BDC landscape services state that they do not have any further observations, other than the proposed landscaping scheme put forward as mitigation would benefit from an evergreen component (holly) in the hedgerow mixture to improve the level of low level screening throughout the year and particularly in winter.

PARISH / TOWN COUNCIL

Coggeshall Parish Council wishes to support the application.

REPRESENTATIONS

3 letters of objection received which states concerns with regards to the following points:-

- Highway and transportation implications. The increased level of traffic from the site and the damage incurred to the lane and the continuous erosion to the verges. Safety of road users and pedestrians. Size of lorries and unsocial hours and outside of previous planning permission parameters.
- The operation of a substantial commercial operation from the site without the appropriate planning permission.
- The increased levels of litter in the surrounding lanes.
- Previous change of use applications was granted on the grounds that they would not have a detrimental effect on the local residents. The

existing activities have had a detrimental effect, so additional buildings will exacerbate the situation.

- Detrimental visual impact that a new Storage Shed would have on the skyline.
- An additional shed this would change the appearance from a farm yard to an Industrial estate.
- A storage and distribution centre for a power company is not appropriate for a rural location of this kind.

1 letter of representation from the Rambles Association requesting a plan showing the extent of the footpath.

REPORT

Principle of Development

The NPPF states in paragraph 83 inter alia that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

The NPPF in Paragraph 84 also states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It also states that in these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The site is not identified as being within a development boundary in the Adopted Local Plan and as such is on land designated as 'countryside' where there is a presumption against new development. Policy RLP2 of the Adopted Local Plan states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development outside of defined boundaries will be strictly controlled to uses appropriate to the countryside in order to protect and enhance landscape character, biodiversity, geodiversity and the amenity value of the countryside.

Policy RLP27 of the Adopted Local Plan states that Development for employment uses shall be concentrated on suitable sites in towns and villages

where housing, employment and other facilities can be provided close together. Development for business, commercial and industrial use shall be located to minimise the length and number of trips by motor vehicles.

Furthermore, Policy RLP40 of the Adopted Local Plan states that the new industrial and commercial development in the countryside is acceptable providing it is on a small scale compatible with the surrounding area. Policy LPP8 of the Draft Local Plan echoes the above and states that where it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new buildings shall be well designed, and appropriately sited. New buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings. All such new development shall also be considered against the criteria above.

Policy RLP39 of the Adopted Local Plan states inter alia that the expansion of established local businesses on unallocated sites, which are outside development limits will be considered against the following criteria:

- the site must be adjacent to a town development boundary, a village envelope, or an industrial development limit;
- there is no unacceptable impact on the landscape, the local road network, nearby residential areas or listed buildings,
- the site is adjacent to the existing premises and the size and scale of any extension is in proportion to the existing development;
- there is a named user for the development, who shall be the first occupant and a condition will be attached to any permission to this effect;
- the proposals are accompanied by a travel plan;
- the proposals should secure existing jobs or will create new jobs.

The application in this case is to erect a B8 storage warehouse on an open area of land which is currently used for outside storage. The building would measure 18m by 38m and would be 9.3m in height. In accordance with the above policies, there are numerous interlinked tests set out in the NPPF and local policies which the building is required to meet to be considered acceptable in principle. These are broadly separated out into the below sub-headings, with a conclusion paragraph at the end.

Site Location

The site is not located within a development boundary and as such is located in the countryside. In accordance with the above policies, that does not automatically make the proposal unacceptable. The site in this case is not remote, it forms part of a cluster of commercial buildings known as Scrips Farm Estate located to the south of Cuthedge Lane. The cluster is also formed by a small number of other residential dwellings, whilst Coggeshall Village development boundary lies approximately 1km to the north.

Taking into account all of the above, the site is located within the countryside, and whilst it forms an established cluster of commercial development, it is not physically well-related to the existing settlement of Coggeshall. However, in accordance with Paragraph 84 of the NPPF, development of this type on an established commercial site should be encouraged in principle.

Justification & Existing Buildings

In accordance with policy, the need for the proposed buildings should be identified and justified. The planning statement submitted with the application clearly states that whilst the applicant owns most of the Scrips Farm Estate, they do not require the use of the entire employment site to facilitate their own business activities of which this development forms part. Information has been provided which states that proposed storage building is required to house equipment associated with the pylon business and to tidy up the site. The reason given why the applicant cannot use the current buildings within his ownership is because the buildings are not tall enough to accommodate the functions of the business.

The applicant attests that the current storage is unregulated in terms of height and appearance and that enclosing it in the proposed warehouse would provide a better visual solution. It is not disputed that the existing complex could benefit from an element of modernisation or general maintenance and tidying, however, the erection of a new building would not in itself remedy these points. Notwithstanding this position, the building should be of an appropriate size and scale to be considered acceptable. This is explored further in the report.

Design, Siting, Scale, Appearance & Impact on Landscape Character

Paragraph 124 of the NPPF states inter alia that Good design is a key aspect of sustainable development. In addition to this, Policy RLP90 of the Adopted Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

Policy CS8 of the Adopted Core Strategy indicates that where development is to take place in the countryside it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. The policies set out above seek to protect the countryside and direct new residential development to sustainable locations.

Scrips Farm Estate is located in a rural location 1km to the south of the Coggeshall Village Development Boundary, it is an established commercial site and is home to various local business. In this regard, policy states that

where a need has been demonstrated, new buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings. All such new development shall also be considered against this criteria.

Visually the proposed building has the appearance of an extremely large agricultural barn, commonly seen in a rural setting. However, its intended use is as a commercial storage building located on an established commercial site. The Scrips Farm Estate is predominantly characterised by shallow pitched low height buildings. This is with the exception of one larger building which is located in the centre of the complex.

The proposed building however would be sited on the edge of the complex and is significantly larger in scale than existing buildings within the Estate. Given its position, scale and height it is considered to be visually prominent and overly dominant in this rural location and across the wider area. In particular south facing views across open fields from Cuthedge Lane would be dominated. Views from the public footpath which runs north to south past the site would also be severely impacted.

The submitted planning statement details that “currently there is no control over the height of materials to be stored on the site and the new unit would present an opportunity to bring a certain level of regulation to this matter”. It is acknowledged that the use of the storage site is operated in an uncontrolled manner in terms of the height of materials to be stored. However it is not considered that the proposed, extremely large, storage building would result in a less visually intrusive outcome in the countryside locality. As such, it is not considered that the proposal would result in an improvement to the local environment, rather that it would result in significant harm.

In terms of impact on the landscape character, the site is located within ‘Central Essex Farmlands’ landscape character area as identified in the Essex Landscape Character Assessment. The characteristics described in that document are similar to those in the more local Landscape Character Assessment for Braintree District which places the site in the ‘Silver End Farmland Plateau’ character area. The key characteristics describe the area as undulating farmland, irregular predominantly large agricultural fields marked by sinuous hedgerows, small woods and copses, a scattered settlement pattern, a network of narrow winding lanes and a mostly tranquil character.

In this case the site is surrounded by a small amount of inconsequential vegetation along all boundaries. There is a new hedge which has been planted along the field boundaries to the west, however, this is outside of the site edged red and as such its retention cannot be guaranteed. It does, however, form part of a scheme of advance woodland planting in relation to Site A7, which is allocated as a reserve site for Bradwell Quarry. Once established, this hedge will provide some contribution to the screening of the building across wider views from the west into the site. The agent rightly states that the land to the south of Scrips Farm has been allocated as a

reserve site for Bradwell Quarry and as such the implementation of the works involved for the quarry will have an impact on the landscape character at some point in time. However, it is the current landscape character which is relevant now and the proposal is therefore assessed as such.

A Visual Assessment has been submitted to support the application which has assessed views into the site from various public vantage points. The report states that a selection of viewpoints was chosen to be representative of views into the site from the surrounding area, all being publicly accessible locations. The predicted range of visual effects across the 8 viewpoints were assessed from substantial to none. Potential substantial effects were noted for viewpoint 2 (immediately North of the site), where there is an open view into the site from a public footpath immediately adjacent.

Visual effects on all other viewpoints were rated below the threshold. It was therefore concluded in the report that *“the construction of a single storage shed on an existing concrete base. Surrounding the site are potentially sensitive receptors including PRow users on footpaths and bridleways. It is assessed that the proposed development will lead to varying visual effects. One of the viewpoints assessed would experience substantial visual effects, which would be above the threshold requiring mitigation. However, after taking into consideration the proposed mitigation, the predicted visual effects were judged to be moderate after boundary screen planting matures. All other viewpoints were assessed to not require mitigation”*.

Officers have considered the information within the Visual Assessment provided by Wynne Williams Associates and also the comments provided from the Landscaping Services Team in terms of the impact on landscape identified near to the site, but maintain that there will be a negative impact over a wider area. Even though a need for the height of the proposed building has been identified, the concern still remains that the size and positioning of the new building would be an overly large and dominant feature within the current landscape setting. The building, at the size and height proposed, is not considered to be in proportion with the existing commercial buildings on the Scrips Farm site and as such would introduce further built form on the fringe of the site which is seen as an unjustified intrusion into the countryside would be detrimental to the wider character and appearance of the countryside setting.

Revisions to the size of the building have been proposed, but they were not considered to sufficiently overcome the concerns raised by officers in terms of visual impact.

Impact on Neighbouring Residential Amenities

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan allow for new development where there would be “no unacceptable or undue impact” on neighbouring

residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact”.

The site location is sufficiently removed from the nearest residential dwellings in order for them not to be impacted in terms of its built form. The applicant maintains that the building will be used for storage and as such traffic generated from the development should not result in additional vehicle movements to and from the site. As such it is not considered that there will be a detrimental impact on neighbouring residential amenity.

Highway Considerations

The site is served by an existing access which also serves the existing buildings on the site. It is not anticipated that there would be any increased vehicle movements which would result in harm to the surrounding highway network. Furthermore, the Highway Authority have raised no objections to the proposal. Sufficient space would remain on the site for parking and as such it would comply with Braintree District Councils adopted parking standards.

CONCLUSION

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

In terms of benefits, the new building would provide additional enclosed storage space for the existing pylon business providing possible economic benefits in providing secure storage for the business. The social benefits of the proposal are limited to existing business use and its employees but would not add any additional function to the business as it would continue to operate as it currently does.

In terms of environmental objectives, the building would introduce a large structure within the grounds of an area originally used to house grain silos.

Whilst the building it would be located within the curtilage of the yard, it would introduce further built form on the fringe of the site which is seen as an unjustified intrusion into the countryside. This intrusion of large built form in the countryside is considered by officers to be to the detriment of the current landscape character.

Taking into account all of the above, it is considered that the economic and social benefits of the development would not outweigh the environmental harm that would arise from the erection of the proposed storage building in this location. It is therefore considered the proposed development would not constitute sustainable development and as such it is recommended that planning permission is refused.

RECOMMENDATION

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

- 1 The proposed B8 storage warehouse, as a result of its height, scale and positioning on the edge of the site, would constitute an intrusive and visually dominant form of development which is considered to be harmful to the rural character and appearance of the current landscape setting. The erection of the storage building is therefore considered to be contrary to the objectives of securing sustainable patterns of development and the protection of countryside character and is therefore contrary to the NPPF, policies CS5 of the Core Strategy 2011, RLP40 and RLP90 of the Local Plan Review 2005, and LPP55 and LPP71 of the Draft Local Plan 2017.

SUBMITTED PLANS

Proposed Floor Plan	Plan Ref: 1229A-00-03
Existing Site Plan	Plan Ref: 1229A-00-02
Proposed Elevations	Plan Ref: 1229A-20-02
Section	Plan Ref: 1229A-30-01
Proposed Elevations	Plan Ref: 1229A-00-10
Proposed Site Plan	Plan Ref: 1229A-00-01
Landscaping	Plan Ref: Visual Assessment

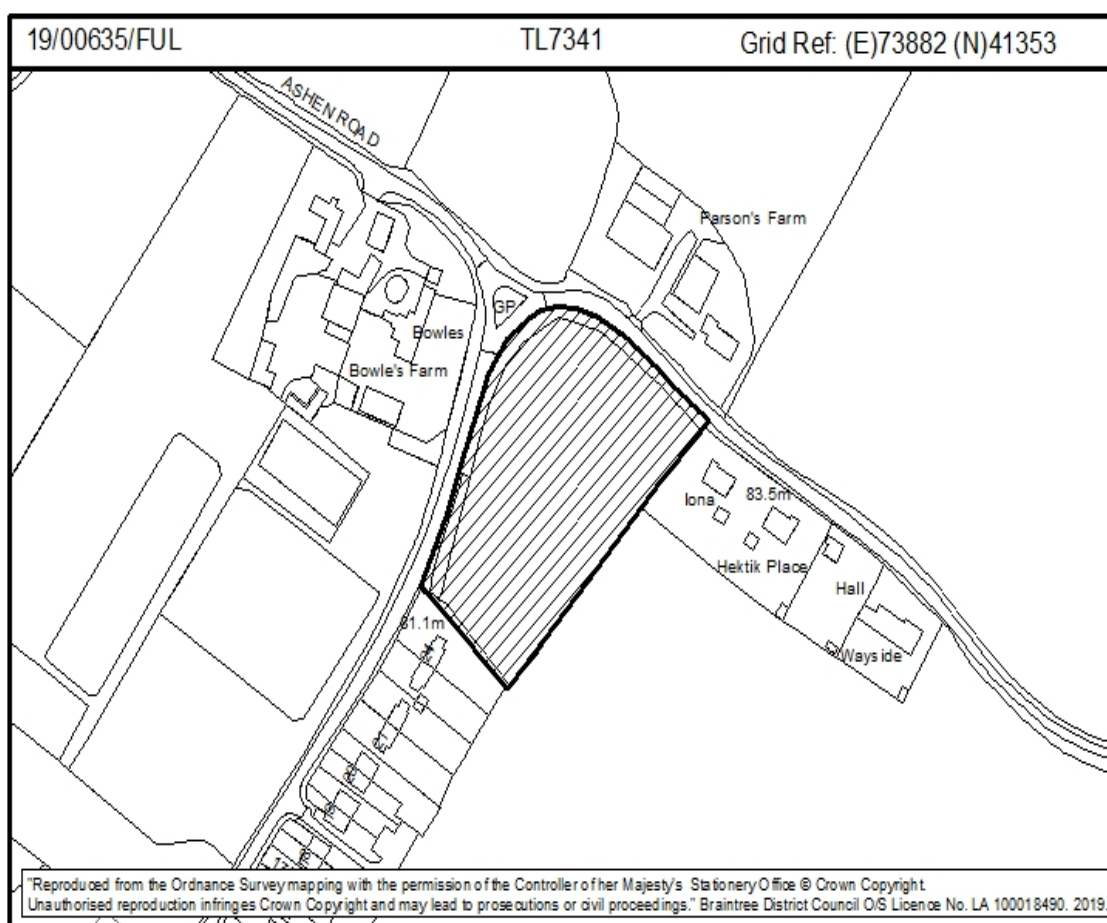
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/00635/FUL DATE: 04.04.19
VALID:
APPLICANT: Mr J Williams
Beacon Hill House, Beacon Hill, Wickham Bishops,
CM8 3EB
AGENT: Miss Heather Organ
Unit 4 Phillows Barns, Hammonds Road, Little
Baddow, CM3 4BG
DESCRIPTION: Erection of 17 residential dwellings, new vehicular
accesses and associated parking, landscaping and
open space on land on the south-east side of Ashen
Road, Ridgewell
LOCATION: Land Adjacent, Ashen Road, Ridgewell, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PPFZ8KBFFXJ00>

SITE HISTORY

17/01325/OUT	Outline planning application with all matters reserved for the residential development of up to 16 dwellings with associated landscaping and infrastructure	Granted with S106 Agreement	12.01.18
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POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises a corner parcel of land located at the junction of Ashen Road with Tilbury Road, adjacent to the Village Envelope of Ridgewell. Development to the south of the site, within the village envelope, includes pairs of houses and bungalows.

A Grade II listed building, known as Bowles Farmhouse, is located opposite and to the north-east of the site. A row of bungalows are located to the east of the site, along Tilbury Road.

Land to the south and east of the application site comprises open countryside.

The site is located approximately 250m from the Ridgewell Conservation Area.

PROPOSAL

The application seeks permission for the erection of 17no. dwellings, new vehicular accesses and associated parking, landscaping and open space.

During the life of the application the scheme has been modified following concerns from Officers that the number of units was too high for the site. As a result, the number of dwellings has been reduced from 18 to 17 units.

The proposal would introduce a new vehicular access from Ashen Road that would serve 13no. dwellings and a smaller vehicular access is proposed on Tilbury Road that would serve the remaining 4no. dwellings.

The scheme includes a mix of housing including detached, semi-detached and one terraced property.

The proposal includes a number of house types. There are 8 detached houses of three different designs. One house type has simple gable front with a modest capped porch and chimney detail. Another detached house is a variation of this house type with a two storey side gable detail and the third house has a 't' shaped footprint with a projecting front and rear gable.

There are two different types of semi-detached houses, one pair has a small dormer detail that breaks the eaves line, at the front and rear, along with a

canopy porch detail to the front. The other pair are slightly wider with a simple gabled pitched roof and flat canopy porch above each front door.

Lastly, the terrace of three dwellings has a 't' shaped roof plan with a front to back gable at one end. It also replicates the dormer detail found on one of the pairs of houses.

Parking is provided on site within garages, designated spaces and within a shared courtyard. The proposed layout plan indicates a large greensward area located along the northern and western boundary. To the front of the greensward area is a new footpath link which would connect them to the existing footway that runs in front of No.24 Ashen Road.

CONSULTATIONS

Historic Buildings Consultant

In 2018 outline planning permission was granted for the development of up to sixteen dwellings (17/01325/OUT). Comments provided at that time were:

Overall the harm inflicted upon the farm buildings, Parish Church and Conservation Area is considered to be less than substantial and therefore must be weighed against the public benefits of the proposals (NPPF Para.134). Given this is an outline application the plans and elevations are indicative and therefore there is, to an extent, scope for the development to mitigate and minimise this harm at detail application stage. This will likely require the reduction in the number of units.

The proposed scheme has not taken advantage of opportunities to minimise or mitigate against the harm identified and as such I cannot support this application. The level of harm is higher than that identified previously though remains 'less than substantial'.

ECC Archaeology

No objection, conditions suggested.

ECC Education

No contributions sought.

Anglian Water

No objection.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

BDC Environmental Health

No objection, conditions suggested regarding unexpected contamination, control of dust, limitation on noisy activities on the site during the construction stage, use of plant and equipment, piling, use of bonfires, protection of neighbouring amenity by limiting radio noise and late night activity.

ECC Highways

From a highway and transportation perspective provided the development is carried out in accordance with submitted drawing 18/38/02 the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the submission of a construction management plan, provision of appropriate visibility splays, provision of a 2m wide footway at the entire site frontage starting on Tilbury Road and joining the existing provision on Ashen Road and provision of residential travel packs for all new residents.

BDC Housing Research and Development

The proposal accords with guidance provided at pre-application and meets the requirements of Affordable Housing Policy CS2. The affordable unit and tenure mix in the table which is illustrated in submitted Accommodation Schedule and Site Layout Plan is considered appropriate to match evidence of housing need. All affordable homes accessed at ground level should be compliant with Building Regulations Part M Cat 2 and compatible with NDSS. We are supportive of this application because it provides opportunity for new affordable homes to be delivered which will assist the Council in addressing housing need.

BDC Landscape

No comments received.

Natural England

No comments.

ECC SUDS

No objection, conditions suggested.

UK Power Networks

A low voltage electricity cable runs approximately 5m from the southern boundary of the site, adjacent to No.24 Ashen Road. From the plans it appears that this cable will run through the proposed plots 1, 5, 6 and 7. In the interest of safety suggest that this cable is diverted to an alternative route through the site.

BDC Waste Services

No objection following revisions.

Essex Police

Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

PARISH / TOWN COUNCIL

Ridgewell Parish Council object to the application on the following grounds:

- An increased proposal of 18 dwellings is unjustifiably disproportionate, and is unsustainable for its location
- No need for additional affordable dwellings in Ridgewell
- It is currently a green field site outside a village envelope, hence must be considered under RLP2 and CS5 (countryside), and has never been proposed for a development of over 10 dwellings until outline planning permission was granted by Braintree in January 2018 for 16 dwellings.
- Concern about overlooking from the development to neighbouring properties
- Residents do not feel due consultation was given for inclusion of the site in the Draft Local Plan, which they feel was directly related to outline planning permission being granted to what is currently a greenfield site.
- Concern about flooding from the site
- Concern about grey or black water capacity in the area.
- Concern about access for emergency vehicles.
- The archaeological trenches dug so far seem far too shallow to discover anything considering the site has long been a ploughed field.
- In summary whilst the Parish Council is supportive of sustainable development within Ridgewell, the proposal as set out does not adhere to the local plan, nor is it sustainable at the numbers proposed.

REPRESENTATIONS

12 representations received from 9 addresses making the following comments:

- Concern about drainage from the site and how will affect the neighbouring property at No.24 Ashen Road.
- Concern that the loss of the hedge between the site and No.24 Ashen Road would impact on their privacy.
- Fence between No.24 and the site is in poor condition and the owner of No.24 wishes to replace it.

- Concern about direct neighbours would be located opposite Bowles Farmhouse.
- Concern about increased traffic using the road.
- Was under the impression that the land opposite Bowles Farmhouse was green belt and that there would be no building.
- Concern about impact on water pressure
- Covenant on Bowles Farmhouse that ensures a view of the Church
- The outline permission was for 16 so an application for 18 should not progress
- Unsustainable location
- Density is too high and very urban
- Design is contemporary and could be improved
- Insufficient parking
- Increased risk of accidents on the roads
- Loss of privacy to bungalows in Tilbury Road
- Loss of hedgerow and native trees
- Loss of habitat
- Excessive development for the site, development for 18 should not progress
- Each application should be considered individually
- Countryside should be preserved
- Loss of privacy to the houses on Tilbury Road
- Development will harm the character and charm of the village
- Concern regarding access arrangements for emergency vehicles
- Noise and disturbance during the building process
- The proposed houses will tower above the bungalows in Tilbury Road
- Ridgewell has already been developed a lot in recent years
- Insufficient services such as schools, doctors etc
- Loss of greenfield land

REPORT

Principle of Development

National Planning Policy Framework (NPPF)

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

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on

proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is the Council's 5 Year Housing Land Supply position.

The Development Plan

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

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

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

The site was allocated in the 2014 Site Allocations and Development Management Plan. The site was considered for re-allocation in the Draft New Local Plan at Local Plan Sub-committee on 16th March 2016 (reference RIDG 359). The application site would be located within the proposed new Development Boundary for Ridgewell in the emerging Publication Draft Local

Plan (June 2017). Policy LPP1 of the Draft Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and therefore development is acceptable in principle.

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

5 Year Housing Land Supply

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

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad

Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

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

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

Plan: “That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

The site was allocated in the 2014 Site Allocations and Development Management Plan. The site was considered for re-allocation in the Draft New Local Plan at Local Plan Sub-committee on 16th March 2016 (reference RIDG 359). Officer’s comments on the site stated: ‘Having regard for the Parish Council’s comments it is firstly suggested that site RIDG 359 is included within the development boundary as was proposed during the Site Allocations and Development Management Plan. No evidence suggests any change in circumstances as to why the site should not be carried forward. The site may be able to accommodate somewhere in the region of 10 new homes and as such it should be allocated for new residential development’. Local Plan Sub-committee 16th March 2016 paragraph 22.16. The site was re-allocated in line with Officer’s recommendation.

Members are also advised that outline planning permission was approved in January 2018 for 16 dwellings on this site (application reference 17/01325/OUT).

Design, Appearance and Layout

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

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

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

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

As discussed above the application was initially submitted proposing 18no. units. Following discussions with Officers a revised layout for 17no. dwellings has been submitted. The reduction in units has been accommodated by

reducing the number of dwellings within the small courtyard to the south eastern corner of the site from 7 to 6 units.

Eleven of the proposed dwellings front either Ashen Road or Tilbury Road and are set back from the road behind a greensward. The remaining six dwellings are laid out in a small courtyard and would be accessed via a drive located between plot 4 and plot 12. The layout of the proposal is considered to complement the existing development along Ashen Road

The dwellings and layout provide a scheme with architectural variation, yet overall is a cohesive scheme which has an appropriate rural character for this edge of village location.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more.

All of the proposed dwellings are provided with a sufficient amount of private garden space, and therefore accord with the minimum garden sizes from the Essex Design Guide.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Each property is provided with the necessary amount of car parking spaces either within garages or surface spaces and the required number of additional visitor spaces are also provided, in accordance with the Essex County Council Vehicle Parking Standards 2009.

Within the site, the relationship between the properties is acceptable in terms of back to back distances and arrangements. The outlook and amenity afforded each new dwelling is acceptable and complies with policies outlined above.

To ensure that these relationships and garden spaces are maintained, it is recommended that a condition removing permitted development rights for extensions is attached to any grant of consent.

It is noted that concerns have been raised both by the Parish Council and neighbours that 17no. dwellings are too many for the site. As discussed above Officers have negotiated the reduction in units from 18no. to 17no. and are content that 17no. dwellings can be satisfactorily accommodated on the site. As such the proposal complies with the NPPF, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

Impact on Heritage Assets

The site is situated approximately 250m north-east of the Ridgewell Conservation Area and in close proximity to Bowles Farmhouse a Grade II listed house of sixteenth century origin and Parsons Farm which includes a non-listed nineteenth century barn. In addition, upon the northern approach to the village of Ridgewell there are glimpsed long distance views of the Grade I Parish Church of St Lawrence across the application site.

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

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

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

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

Policies RLP90 and RLP100 of the Adopted Local Plan and Policies LPP56 and LPP60 of the Draft Local Plan seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building.

As set out above the Historic Building Consultant has raised concerns about the proposal and considers that the proposed layout has not taken the

opportunities to lessen the harm outlined in the earlier outline application consultation response.

The Historic Building Consultant concludes that the harm inflicted upon the farm buildings, Parish Church and Conservation Area is considered to be less than substantial and therefore must be weighed against the public benefits of the proposals (NPPF Paragraph 134).

The proposal would lead to a number of public benefits including 6 no. affordable dwellings, 11 no. market dwellings and economic contribution during both construction and after occupation. Furthermore, it is considered that the design and layout of the dwellings would provide a high quality residential development and a good level of amenity for future occupiers. As such, it is considered that these public benefits would in Officers' opinion outweigh the harm to the heritage assets identified above.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

To the east of the site, along Tilbury Road, the neighbouring property is a bungalow known as Iona. A sufficient distance would be maintained between the bungalow and Plot 17 and the relationship between the existing and proposed dwelling is acceptable and complies with the NPPF, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

To the south west of the site, along Ashen Road, the neighbouring property is a two storey semi-detached house (No.24) on a large plot with a substantial side and rear garden. Plot 1 would align with No.24 in that it would front onto Ashen Road. A sufficient gap would be maintained between the two properties to ensure that the amenity of No.24 would not be materially harmed. A small bathroom window with obscured glass is shown on the side elevation and to ensure that this window is permanently glazed with obscured glass, a suitably worded condition will be imposed.

Plots 5-7 have rear gardens that run down to the side of the garden belonging to No.24 Ashen Road. The rear elevations of these properties contain first floor windows that serve bedrooms. Notwithstanding this, there is a sufficient distance between the closest new property, plot 5, and No.24 Ashen Road, that the amenity of this existing dwelling would not be detrimentally harmed and the proposal therefore complies with the NPPF, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

Trees and Hedgerows

Policy RLP80 of the Adopted Local Plan states that where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

The submitted plans indicate that the existing hedgerow along the south eastern boundary of the site will be retained and enhanced where necessary. No trees would need to be lost to facilitate the development.

A landscaping condition is recommended to be attached to any grant of consent.

Highway Issues

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

A visibility splay drawing has been submitted in support of the application that demonstrates visibility splays for both new vehicular accesses and the Highways Authority is satisfied that these are acceptable in this location.

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

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

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

The Highways Authority have requested conditions regarding the submission and approval of a construction management plan, provision of residential

travel information packs for new residents and provision of a 2m wide footway that wraps around the entire site frontage starting at Tilbury Road and connecting to the existing footway in Ashen Road. Further conditions regarding the specific visibility splay requirements for both accesses are also requested.

It is recommended that these conditions are attached to any grant of consent.

Ecology

The application has been supported by the document, "Outline Ecological Assessment Badger Presence/Absence Survey (Eco-Planning UK, March 2019)" and relates to the likely impacts of development on protected & priority habitats and species, and identification of proportionate mitigation.

The Council's ecologist is satisfied that sufficient ecological information has been submitted to enable the application to be determined.

The report provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. A number of conditions are suggested with regards to biodiversity enhancements and compliance with the report and its recommendations.

Habitat Regulations Assessment (HRA / RAMS)

The application site is not located within a 'Zone of Influence' and therefore a Habitat Regulations Assessment is not required in this case.

Archaeology

Policies RLP105 and RLP106 of the Adopted Local Plan require archaeological evaluation will be required where important archaeological deposits are thought to be at risk and that suitably worded conditions will be imposed to ensure that archaeological remains are properly excavated and recorded prior to the development commencing. These policies are supported by Policy CS9 of the Adopted Core Strategy. Draft Policy LPP63 includes similar requirements.

The development lies within a potentially sensitive archaeological area. Immediately adjacent to the development area lies a probable medieval moat, which would have its origins in the 12th and 13th Century.

Essex County Council recommends that a condition should be attached to any grant of consent which requires trial trenching and excavation prior to the development commencing.

Surface Water Drainage

Policies RLP67 and RLP69 from the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policies LPP78, LPP79 and LPP80 of the Draft Local Plan relate to flood risk and sustainable urban drainage systems.

The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy, which has been updated during the course of the application in response to comments made by Essex County Council.

Essex County Council is satisfied that adequate surface water drainage can be achieved and raises no objections. Conditions are recommended to be attached to any grant of consent.

PLANNING OBLIGATIONS

Policy CS11 of the Adopted Core Strategy states that 'the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community, (including, but not restricted to, transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities) are delivered in a timely, efficient and effective manner. Provision will be funded by developer contributions through legal agreements, planning obligation, standard charges, or the Community Infrastructure Levy'.

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

The following are identified those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant permission and the applicant has agreed to enter in to a S106 agreement in respect of these matters.

Affordable Housing

Policy CS2 of the Adopted Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The Council's Housing Enabling Officer is satisfied with the mix of type and tenure of housing proposed.

Open Space

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

accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make a financial contribution in respect of open space. The contribution is based upon a formula set out in the SPD.

Policy CS10 of the Adopted Core Strategy requires new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for a financial contribution towards the provision of off-site public open space (allotments, equipped play and outdoor sports) and the provision of on-site public open space.

In terms of off-site financial contributions, the Open Space SPD requires the following:

- Calculate sum toward the off-site provision of, or improvements to outdoor sports facilities, equipped play and allotments based on the number of dwellings proposed.

These contributions would be secured through the S106 Agreement.

A Management Company is also required to manage the on-site areas of public open space.

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 as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development in the Draft Local Plan. However, as the application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The

Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and 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).

It is considered that the development of the site, would lead to social and economic benefits in terms of additional affordable and market dwellings, which would contribute to the Council's housing land supply.

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

should only be given limited to moderate weight. In addition to the above and as set out in this report, the application site has been included within an enlargement to the Village Envelope of Ridgewell as per the emerging Draft Local Plan (2017), as indicated on inset map 46, where the principle of development is identified as being acceptable.

In terms of the environmental objective, following the reduction in dwelling numbers from 18 to 17 it is considered that the scale of development in this case can be accommodated on the site in a satisfactory manner without detriment to the character and appearance of the locality. Satisfactory vehicle access can be achieved.

Paragraph 196 of the NPPF states that where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, as set out earlier in this report, it is concluded that the public benefits of the proposal would outweigh the less than substantial harm that would be caused to the farm buildings, the Conservation Area and Parish Church.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the harm and the current conflict with the Development Plan and the planning balance falls in favour of granting planning permission.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

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

Drainage Plan	Plan Ref: 1902_313_SK001 REV A
Flood Risk Assessment	Plan Ref: FRA Version: B
Proposed Elevations and Floor Plans	Plan Ref: 18/38/06 Version: A
Proposed Elevations and Floor Plans	Plan Ref: 18/38/04 Version: A
Proposed Elevations and Floor Plans	Plan Ref: 18/38/07 Version: A
Location Plan	Plan Ref: 18/38/01

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of any dwelling-house and alteration of any dwelling-house, as permitted by Classes A-C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers and to maintain adequate garden spaces in the interests of residential amenity.

- 4 No above ground development shall commence unless and until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved samples.

Reason

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

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

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

Reason

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

- 6 No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching and palaeoenvironmental investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits or palaeoenvironmental deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

Reason

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

- 7 The first floor bathroom window on the south facing elevation of plot 1 shall be glazed with obscure glass to a minimum of level 3, and be non-opening to a height of 1.7m above finished floor level and shall be so retained at all times.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

- 8 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

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

Reason

To enhance the appearance of the development.

- 9 No above ground development shall commence unless and until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason

In the interests of protecting and enhancing biodiversity.

- 10 No development shall commence, including any ground works or demolition, unless and until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, dust control measures, and construction noise mitigation.

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway.

- 11 No occupation of the development shall take place until the following have been provided or completed:
- a) The accesses on to Ashen Road and Tilbury Road shall be provided as

shown in principle on the submitted drawing 18/38/02 Rev A. The access on to Ashen Road shall, at its centre line be provided with a clear to ground visibility splay of 2.4m x 49m to the south and 2.4m x 54m to north as measured from and along the nearside carriageway edge

b) The access on to Tilbury Road shall at its centre line be provided with a clear to ground visibility splay of 2.4m x 46m to the East and 2.4m x 42m to the West. Such vehicular visibility splays shall always be retained free of any obstruction.

c) The provision of a minimum 2m wide footway at the entire site frontage starting on Tilbury Road and joining with the existing provision on Ashen Road. The footway shall be provided with the appropriate dropped kerbs with all details to be agreed with the Highway Authority.

d) the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason

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

- 12 The development shall not be occupied until the car parking areas indicated on the approved plans, including any parking spaces for the mobility impaired have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

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

- 13 The surface water drainage for the development hereby approved shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy Feb 2019 rev B prepared by Ingent Consulting Engineers and that the applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved drainage strategy. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

- 14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which should be submitted for approval of the Local Planning Authority.

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

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.

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

Reason

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

INFORMATION TO APPLICANT

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

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

2 The applicant is reminded that hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2015. The species is therefore considered one of the UK's target species to avoid further population decline.

To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during

construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.

3 Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All highway related details should be agreed with the Highway Authority. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways, Colchester Highways Depot, 653, the Crescent, Colchester Business Park, Colchester CO49YQ

4 In respect of Condition 7, the applicant is advised that glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

SUBMITTED PLANS

Dimension plan	Plan Ref: 18/38/10
Street elevation	Plan Ref: 18/38/03
Proposed Elevations and Floor Plans	Plan Ref: 18/38/05
Proposed Site Plan	Plan Ref: 18/38/02
Materials Details	Plan Ref: 18/38/08
Accommodation Plan	Plan Ref: 18/38/09
Drainage Plan	Plan Ref: 1902-313-SK001

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

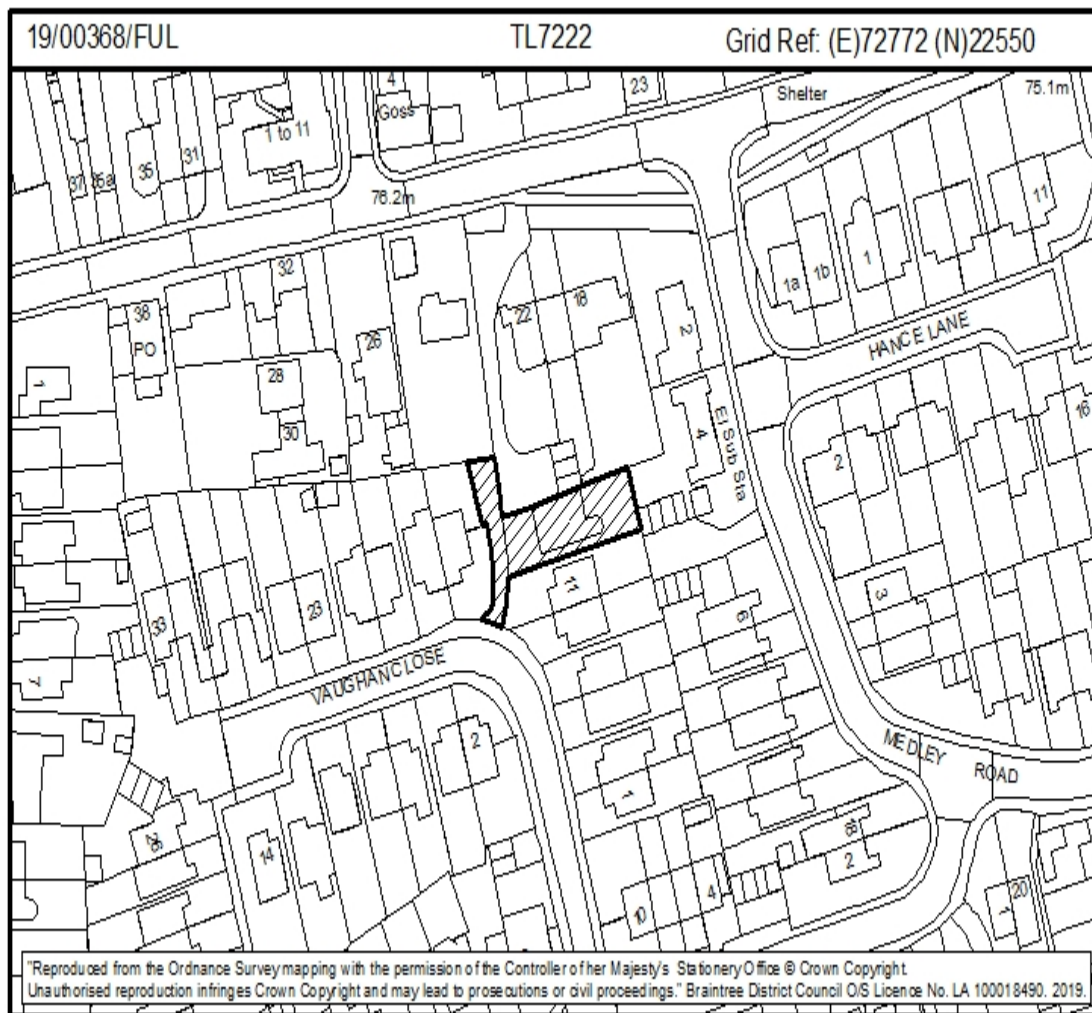
AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/00368/FUL
DATE VALID: 16.04.19
APPLICANT: Miss Gemma Smith
13 Vaughan Close, Rayne, Essex, CM77 6TW
DESCRIPTION: Retention of single storey building used as a D2 gym/fitness studio
LOCATION: 13 Vaughan Close, Rayne, Essex, CM77 6TW

For more information about this Application please contact:

Nathan Makwana on:- 01376 551414 Ext.

or by e-mail to: nathan.makwana@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PNMSSCBF0IJ00>

SITE HISTORY

02/00159/FUL	Erection of side extension, conservatory and garage and internal alterations	Granted	12.03.02
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POLICY CONSIDERATIONS

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

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

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

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

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

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

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP11	Changes of Use Affecting Residential Areas
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice Chairman of the Planning Committee.

SITE DESCRIPTION

13 Vaughan Close is a two storey detached dwellinghouse located within the Rayne development boundary. It possesses a large driveway to the front, adjacent to which is a single storey building which is currently being used as a gym/fitness studio (Use Class D2).

PROPOSAL

The application seeks permission for the retention of the single storey building for use as a gym/fitness studio (Use Class D2).

CONSULTATIONS

Environmental Health

Raise no objection to the application on Environmental Health grounds. However, in view of the proximity of nearby residential properties the following is recommended:

- No amplified speech or sound shall be produced in the premises so as to be clearly audible at the boundary of the nearest neighbouring property.
- The premises to be closed for business at 21:00hrs on Monday to Saturday and not to open prior to 08:00hrs the following morning.
- The premises not to be open during Sundays or Bank Holidays.

ECC Highways

The documents accompanying the planning application have been duly considered. Given the small scale of the proposed studio and the area to be available for parking within the site curtilage, the proposal is acceptable to the Highway Authority.

PARISH / TOWN COUNCIL

Rayne Parish Council

We object as follows:

At the meeting held on Monday 13th May 2019, the Parish Council raised the following issues in regard to this application:

1. Time taken to regularise change of use – we understand the application was only made following intervention by the Planning Enforcement officer who recommended that a planning application be submitted following complaints from nearby residents.
2. Parking – whilst the efforts of the operator to secure parking away from the residential area are applauded, the car parks at either The Swan or Welsh Princess public houses cannot be relied on for this purpose. Patrons of the fitness studio parking in these locations also displace the pub customers moving them to nearby residential areas thereby causing parking issues which have been reported to the parish council previously. It has been reported that village shops suffer loss of business when there is no parking available close to their premises and the parish council therefore seeks to protect all local amenities such as pubs.
From the supportive comments uploaded to the Local Authority planning section, it can be seen that a large number of clients are from outside of the village and rely on private vehicles to access the facility.
3. Vaughan Close is a quiet residential cul de sac not suited to a commercial business on this scale.

REPRESENTATIONS

A site notice was displayed for a 21 day period and immediate neighbours were notified by letter. 18 objections and 62 support representations have been received. In summary the following objection comments have been made:

- Highway Issues
 - Quiet cul-de-sac suffering from a lack of parking for residents which is lost by the presence of customers for the business.
 - Customers of the gym park cars on pavements, obstructing pedestrian access.
 - Limited parking around other adjacent roads and estates nearby to Vaughan Close.
 - The number of parking spaces claimed to be available is greatly reduced by the fact that there are 3 cars belonging to the residents of the house, so in reality there is only space for 2-3 cars.
 - No parking restrictions on the road so nothing could be done to stop more cars being parked on the road.
 - The parking claimed to be at the gym clearly isn't fit for purpose at current without additional movements of vehicles.
 - Difficult for non-users of the gym to park especially when visiting friends and family or for example, shopping deliveries.
- Impact on Neighbouring Amenity Issues
 - Security concerns due to the sheer volume of people on the housing estate arriving as customers.
 - Increase of noise from arriving customers and users.
 - The existing garage was never used as a garage and was solely built to be used as a gym.
 - Safety concerns due to the increased presence of neighbours.
 - Increased amount of people who do not reside in estate can be intimidating.
 - Precedent set for other unauthorised businesses.
 - Parking on the pavement has implications for both pushchairs and wheelchair users.
 - Small quiet village estate is not the place for a proposed gym.
 - Opening and closing times are not shown, so there is no restriction to usage. As well as classes advertised people are visiting for one to one sessions.
 - Concerns and amenity issues are raised regarding the gyms opening and closing hours.
 - It is unclear how many people are attending the classes and at what times.
 - The building is considered overbearing to adjacent neighbours.

- Other Issues
 - Most of the clients for the proposed gym are from outside Rayne, as can be seen from the addresses of the supporter's comments and therefore come to the gym by car.
 - The owner of the proposed gym does not reside at the application address. It is her family members address.
 - A business with footfall needs to be in a commercial environment not a residential street with no previous commercial trading.
 - Not acceptable to have commercial activities on a solely residential street. Especially as it's not even laid out correctly for safe and reasonable access and egress.
 - There has been a clear disregard for permission required. There are many fitness and training groups around that do not use a residential address for this commercial activity.
 - Potential future expansion of the business may result in an expansion of the physical premises or hours of the class.
 - The building is unsuitable for its proposed use.
 - The building has not been built to plans.

In summary the following support comments have been made:

- Highway Issues
 - Parking should no longer be a problem as the owner of the gym has made arrangements with nearby public houses allowing users to walk to access the gym.
 - Many users use sustainable transport methods to access the gym.
 - The applicant is respectful to her neighbours in terms of ensuring parking access.
 - People attending the classes are also very respectful of parking and never park in the close or on Medley Road, choosing the nominated car parks instead.
 - Every effort has been taken to ensure adequate parking for those attending lessons at the gym, with local businesses agreeing to the use of their car parking facilities.
 - Complaints of over parking are excessive as alternative facilities are provided.
 - Other business operate in areas which cause parking to overflow and overspill into nearby residential areas.
 - The owner of the gym is clear about parking rules prior to members joining and using her gym.
 - Many families throughout the country have more than one car and many people struggle to park outside their own houses.
- Impact on Neighbouring Amenity Issues
 - The studio causes no harm to adjacent neighbours.
 - The applicant is respectful to her neighbours in terms of keeping noise down.

- The small classes mean there is not a great deal of thoroughfare and people traffic in the close. Due to the size of the studio, the classes are small and personable. This also means there is never a huge amount of people walking through the close.
- Certain residents live close to the proposed gym and the traffic of people visiting is not considered disruptive.
- The studio is soundproofed.
- The building is unobtrusive and sits back off the road. There are no signs advertising the business and to all intents and purposes it looks like a garage and is in keeping.
- The earliest start time for classes is 9am and they average roughly 4-6 people resulting in low pedestrian traffic.
- The studio is small and is not intended for large class sizes.
- Other Issues
 - The studio is a community asset offering affordable health and fitness classes.
 - The fitness studio is an accessible gym to residents within the village of Rayne.
 - The services of the gym are tailor made for users of it.
 - This is a small gym supporting the local community. Also a small business that should receive as much support as possible.
 - Having the facility accessible in Rayne is useful to support local residents seeking health and fitness services.
 - With limited access to any local facilities for physical activities in the village the service provided is welcomed

The above representations are a summary of the comments that have been received. Full details of the representations can be inspected via the comments section on the public access application file.

REPORT

Principle of Development

Paragraph 7 of the NPPF states that 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 91, section C) of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Policy CS9 of the Adopted Core Strategy states that the council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to create environments which are safe and accessible to everyone, and which will contribute towards the quality of life in all towns and villages.

Consideration must also be given as to the impact of the use on surrounding residential amenity in accordance with Policy RLP11 of the Adopted Local Plan.

Policy RLP129 of the Adopted Local Plan states that proposals for sports and leisure facilities, which require substantial buildings, including change of use, should normally be located within town or village centres. If no suitable sites within these areas exist, then such developments may be acceptable, as an exception, on edge-of-centre sites provided that:

- they are conveniently accessible by both public and private transport, bicycle and on foot from nearby residential areas;
- they are located where there are no overriding traffic problems and access to the development will be safe;
- they have no detrimental effect upon residential amenity, or the environment; and
- they are compatible with other policies in the plan. If there are no suitable sites within town boundaries or village envelopes then sites adjoining urban areas may be considered if they meet the criteria set out above.

Furthermore, Policy RLP134 of the Adopted Local Plan also states that proposals for sport or leisure facilities and activities likely to cause noise or disturbance will only be permitted if:

- 1) Harm would not be caused to noise sensitive development by the nature, scale, extent, frequency or timing of the proposal;
- 2) There would be no unacceptable increase in traffic on minor roads.

Whilst 13 Vaughan Close is located within the village envelope of Rayne and is considered to be located “centrally” within the village, its present location is not considered to fulfil the definition of a town or village centre (for example a high street, central business district etc.). It is instead located on a residential cul-de-sac and housing estate, meaning that its current location fails to fulfil the criteria listed within Policy RLP129 of the Adopted Local Plan. It should be noted however that this is a modest operation and not a large scale chain gymnasium or leisure centre.

Policy RLP134 of the Adopted Local Plan lists further criteria to support the principle of development for sports and leisure facilities that are likely to cause

noise and disturbance. The criteria is clear in outlining that development will only be permitted if harm would not be caused to noise sensitive development by the nature, scale, extent, frequency or timing of the proposal and that there is no unacceptable increase on traffic on minor roads.

Concerns regarding noise and harm to residential amenity are addressed in the section below, as are concerns surrounding impact on the adjacent highway.

In this case the current site is not considered appropriate for the operation of a gym and fitness studio (Use Class D2), due to the residential nature of the site which cannot be considered to be a village centre. The policy wording is clear in that if an alternative site cannot be secured within a village centre, then such developments may be acceptable, as an exception, on edge-of-centre sites provided that they meet the above criteria. The application site is not an 'edge-of-centre' location, and therefore it would not meet this exception criteria.

No information has been provided with regards to sourcing an alternative site and it remains clear from the statement provided by the applicant in support of this application, that their preferred site remains at the structure located at 13 Vaughan Close. It is therefore for this reason by virtue of the location of the site within a residential area and not within a village centre, nor on the edge of the village of Rayne, as well as the noise and disturbance issues that arise, that the application fails to accord with Policies RLP11, RLP129 and RLP134 of the Adopted Local Plan.

Design, Layout and Landscaping

No plans have been submitted showing the current floorplans or elevations of the structure in its current form. Instead the only floorplans and elevations that have been submitted make reference to a garage submitted as part of a planning application submitted in 2002 (application reference 02/00159/FUL for the "erection of side extension, conservatory and garage and internal alterations").

The garage that was approved as part of this former planning application measured approximately 2.7m in height to its roof ridge, 10.7m in length and approximately 4.5m in width. The floorplans submitted as part of the application show the structure being used as a part garage and part storage area. The approved garage also incorporates a garage door, a side entry door and 2x roof lights.

Notwithstanding the deviations in construction from the 2002 approval, the external appearance of the structure is not harmful to the character and appearance of the application site and surrounding area. It is set back from the site frontage and is comfortably accommodated on the site. Should its use revert to ancillary residential use associated with No.13 Vaughan Close it is unlikely that an objection would be sustained.

Impact on Neighbouring Amenity

Significant levels of both objection and support have been received in connection with this application. Policy RLP11 of the Adopted Local Plan states that permission will not be given for uses which by reason of their character or appearance, or the noise fumes, smell and traffic, which they generate, will harm the character of a predominantly residential area and make it a less pleasant area in which to live.

The comments submitted objecting to the proposal mainly revolve and focus on the structure not being used for what it has permission for, the significant number of people arriving on the residential housing estate to take part in the number of classes, the hours of operation and the issues of parking arising from the volume of people arriving to undertake their fitness classes.

The comments in support of the application proposal are effectively rebuttals of the above comments and outline that the proposal is small scale and in nature, that there are no significant parking concerns and the level of amenity issues raised are exacerbated due to residential opposition for the application proposal.

The applicant has provided information regarding the number of classes being run at the premises and also information as to how people travel to undertake their classes. Based on the information supplied by the applicant a typical working week from early June is as follows:

Saturday 01/06/19

- 9.00am – Spinning Class – 5x Attendees
- 9.30am – Pump It Class – 4x Attendees

Monday 03/06/19

- 10.00am - Stretch and Tone Class – 2x Attendees
- 5.00pm – Teen Spin Class – 3x Attendees

Tuesday 04/06/19

- 10am – Pump It Class – 5x Attendees
- 4.30pm – Teen Fitness Class – 4x Attendees
- 6.30pm – Spinning Class – 5x Attendees

Wednesday 05/06/19

- 6.00pm – Spinning Class – 5x Attendees
- 7.00pm Stretch and Tone Class – 6x Attendees

Thursday 06/06/19

- AM Class – Kettlefit – 2x Attendees
- 5.30pm – Cardio Class – 3x Attendees
- 7.00pm – Spinning Class – 4x Attendees

Saturday 08/06/19

- 9.00am – Spinning Class – 5x Attendees
- 9.30am – Pump It Class – 5x Attendees

A timetable from January 2019 has also been provided which details up to 4 classes a day, being taken by 2 instructors. The times operated are stated as from 8am to 8.35pm. Outside of scheduled classes individual Personal Training sessions are then offered. It should also be noted that the applicant possesses a publicly visible Facebook page which outlines an operating time of 6.00am – 7pm for when their business is typically open. There is therefore some discrepancy about operating times.

Depending on the class, it would appear that the premises has the capacity to accommodate up to 10 patrons at any one time and the applicant has supplied a spreadsheet of members totalling 54.

Based on the above information supplied by the applicant and what is also publicly available on the internet, it is clear that the applicant is operating a significant number of classes that operate throughout a typical week and that this can vary at differing times of day. Based on the level of memberships and the varied nature of classes operated by the applicant, there is also the potential and possibility that the described number of attendees to each individual class has the potential to increase.

Consideration has been given to the potential to condition the development by way of hours of operation and by restricting the number of patrons at any one time. However such conditions would be difficult to enforce. Furthermore to reduce the level of harm associated with disturbance this is also likely to significantly reduce the operation to a level which would be outside the remit of the business currently operating and being sought permission for.

Were the applicant to reduce operation to one-to-one PT sessions only run by a resident of the associated dwelling (i.e. no other staff members) it is possible that this scale of use may be appropriate for the location of the site. However it is clear that this is not the business model being operated nor the use being sought permission for.

As is evident from the level of objection received the use causes disturbance to surrounding residents. Such an operation is not one which would normally be expected in a residential dwelling located in a residential area. Whilst internal noise may be controlled by condition and insulation, the coming and going of patrons results in associated disturbance. Should the intensity of the use increase further, for example more classes operating throughout the day or increased numbers of patrons at classes, there is potential that this could get worse. Conditions to control this would not be practical or enforceable.

Policy RLP129 of the Adopted Local Plan is clear in that proposals which require significant and purpose made buildings should not be located within residential areas and should be located either within village centres or where

not possible, located on the edge of established settlement boundaries, subject to an assessment of travel sustainability and neighbour amenity. This is further supported by Policy RLP134 of the Adopted Local Plan which outlines that proposals for sports and leisure facilities will be refused whereby they cause noise and or disturbance.

Whilst the application proposal is for a service that operates and promotes healthier active lifestyle for its users, it remains clear from an analysis of the supplied information from the applicant and what is publicly available, as well as the objection comments received from adjoining and nearby neighbours, the development is resulting in significant amounts of amenity harm. It is operating from an unsuitable premises in an inappropriate location. It therefore fails to accord with the criteria listed within Policies RLP11, RLP90, RLP129 and RLP134 of the Adopted Local Plan and Policies LLP38 and LLP55 of the Draft Local Plan.

Highway Impact

The application development has resulted in a detrimental impact to residential amenity arising from vehicle users attending the premises and utilising the services operated. This also raises the concern of highway safety issues.

From the neighbour objections that have been provided, concerns were raised regarding the number of vehicles arriving and parking on the residential street of Vaughan Close and the other surrounding residential roads. As a statutory consultee, Essex County Council Highways have been consulted and have not raised any objection on Highway Safety grounds. Given that these are residential roads, they are not classified roads, nor are they subject to any highway restrictions.

It is accepted that as a residential street with little highway restrictions and given that many residents may possess more than one vehicle, parking within residential household driveways may be at capacity, resulting in additional on road car parking along Vaughan Close and nearby residential roads.

However, the presence of a commercial business operating within a residential area will only exacerbate this issue of on-road parking with vehicles arriving at peak times, throughout the day and week given the operation and significant number of classes being run at the premises.

The applicant has supplied information stating that many users will either walk when attending classes, utilise sustainable transport methods such as buses or cycling. In their submitted information, the applicant has also provided evidence in the form of letters and informal agreements with pub landlords of two nearby public houses allowing customers of her business to utilise their car parks.

Whilst this has somewhat remedied the parking situation along Vaughan Close and the nearby residential roads, this is by no means a permanent

solution. The agreement of pub landlords to host car parking arrangements for the applicants business cannot be accepted as a permanent solution given that any agreements remain informal and can be revoked at any given time. They could not be subject to any enforceable planning condition, meaning that the parking situation currently agreed remains volatile and unsustainable.

As a result of a commercial business operating within a residential area, this has resulted in significant residential amenity and highway concerns arising from parking concerns associated with the business. Furthermore, informal agreements negotiated with local public houses are not long term arrangements to mitigate issues of parking. The application proposal is therefore contrary to the NPPF, Policies RLP129, RLP90 of the Adopted Local Plan, and Policies LPP38 and LPP55 of the Draft Local Plan.

CONCLUSION

Policy RLP129 of the Adopted Local Plan is clear in that proposals for sports and leisure facilities should be located within town or village centres, not residential areas. Where this is not possible, they should be located as an exception, on edge of centre sites, subject to policy considerations. Policy RLP134 of the Adopted Local Plan states that proposals for sports or leisure facilities will not be supported where they result in noise sensitive development arising from the nature, scale, extent, frequency and timing of the proposal, as well as an unacceptable increase in traffic on minor roads.

It is clear that the garage at No.13 Vaughan Close has not been built in accordance with the original planning permission, and that its use as a gym/fitness studio (Use Class D2) fails to accord with the location criteria of Policy RLP129 of the Adopted Local Plan. Noise emitting from the premises may be controlled by condition and would satisfy concerns on Environmental Health grounds. However the wider disturbance experienced from the coming and going of patrons, inability to control the number of classes and attendees, and the hours of use result in unacceptable disturbance to surrounding residential amenity.

The significant amenity issues arising from the application development, including the insufficient parking arrangements furthermore ensure it fails to accord with the noise and disturbance criteria of Policies RLP11 and RLP134 of the Adopted Local Plan. It is on this basis that the application should be refused.

RECOMMENDATION

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

- 1 The operation of the single-storey building as a D2 gym/fitness studio, as a result of the nature and intensity of the use, results in unacceptable levels of harm to surrounding residential amenity. This is a result of increased noise and disturbance from both the operation of the use and the coming/going of patrons to the facility. It is therefore contrary to the NPPF, Policies RLP11, RLP90, RLP129 and RLP134 of the Adopted Local Plan and Policies LPP38 and LPP55 of the Draft Local Plan.
- 2 The operation of the single-storey building as a D2 gym/fitness studio, as a result of the number of patrons attending and its unsuitable location in a residential area, results in unacceptable levels of parking pressure on surrounding streets. It is therefore contrary to the NPPF, Policies RLP11, RLP56, RLP90, RLP129 and RLP134 of the Adopted Local Plan and Policies LPP45 and LPP55 of the Draft Local Plan.

SUBMITTED PLANS

Location Plan
Block Plan
Site Plan
Floor Plan

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

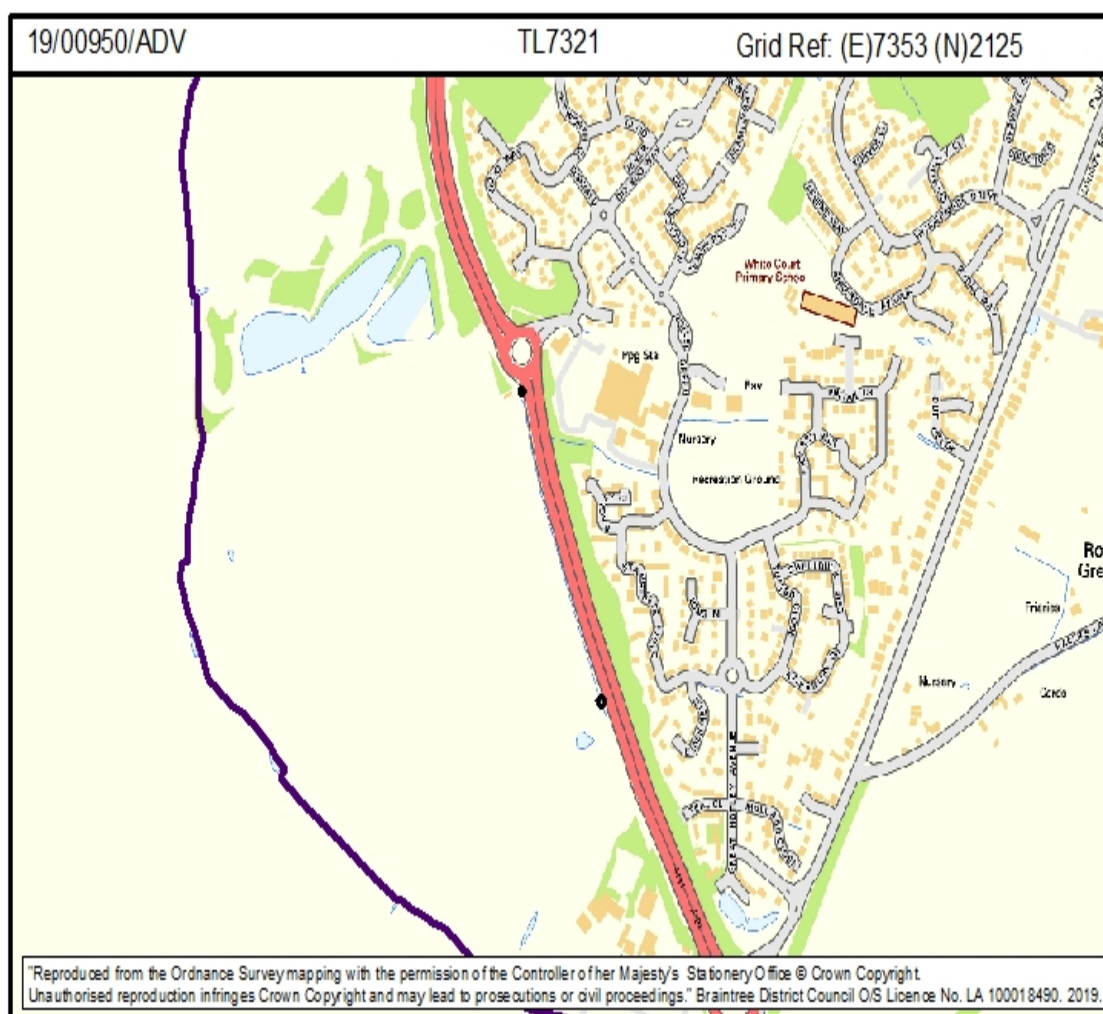
AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/00950/ADV DATE: 30.05.19
 VALID:
 APPLICANT: Mr David Warbuton
 22 The Causeway, Bishop Stortford, Herts, CM23 2EJ
 AGENT: Mr Graeme Roe
 Pappus House, First Floor, Office 14, Tollgate West,
 Colchester, CO3 8AQ
 DESCRIPTION: Proposed erection of two temporary signage boards
 LOCATION: A131 Bypass, Great Notley Garden Village, London Road,
 Great Notley, Essex

For more information about this Application please contact:

Mrs F Fisher on:- 01376 551414 Ext. 2503

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS7H9OBF0IG00>

SITE HISTORY

00/01444/ECC	Variation of Condition 4 (landscaping), 6 (walls and fencing) and 7 (accommodation works) of planning permission CC/CHL/20/95 and CC/BTE/23/95 to allow submission of reserved matters other than before development commences	No Objections Raised	10.10.00
01/01917/ECC	Provision of new underbridge	No Objections Raised	13.12.01
88/00094/P	Proposed 1800-2000no Dwellings Primary School, Neighbourhood Health & Community Centres, Church Site, Public House And	Withdrawn	22.06.89
89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary	Granted	12.12.91

92/00966/REM	development Proposed highways and infrastructure works (proposed A131; temporary link road and estate road and part village spin road)	Granted	22.10.92
92/01147/REM	Part phase one structural landscaping proposals	Granted	16.03.93
93/00232/REM	Proposed residential development	Granted	21.06.93
93/00233/P10	Proposed erection of residential development comprising 1,2,3,* 4 bedroom etc.	Withdrawn	05.03.93
93/00252/REM	Proposed highways and infrastructure works (Proposed A131; temporary link road and estate road and part village spine road)	Granted	19.04.93
93/00272/ADV	Proposed signage	Granted	19.04.93
93/00909/REM	Proposed roadworks and associated landscaping	Granted with S106 Agreement	03.02.95
93/00928/ADV	Proposed signage	Granted	18.08.93
93/01152/REM	Proposed highways and infrastructure works	Granted	19.01.94
94/01300/REM	Phase VI infrastructure works (final section) including pedestrian underpass	Granted	10.01.95
95/00159/ADV	Proposed alterations to the existing signboard	Granted	07.04.95
95/00772/ADV	Proposed signage	Granted	29.08.95
95/00806/ECC	Construction of A131 Great Leighs Bypass between Strawbrook Hill and Great Notley Garden Village	Deemed Permitted	24.04.96
95/01393/ADV	Proposed information signage	Granted	14.02.96
96/00018/ADV	Proposed information/advertisement hoardings	Granted	27.02.96
96/01378/ECC	Amendment to Condition No 2 of Planning Permission 95/00806/ECC	Deemed Permitted	06.12.96
19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee as the Applicant is Braintree District Council.

SITE DESCRIPTION

The signage would be positioned at the roundabout along the A131 bypass adjacent to an area of land allocated for commercial development known locally as "Horizon 120". Horizon 120 is a site allocated in the emerging Draft Local Plan as a business and innovation site.

PROPOSAL

Advertisement consent is sought for the erection of 2 temporary signage boards which would each measure 2.8 metres by 2.3 metres and would be erected 1 metre above ground level with associated support framing. The signage would advertise the new Horizon 120 site.

CONSULTATIONS

Highways England

No comment.

ECC Highways

Providing the proposal is carried out in accordance with submitted Drawing No. 6672/1101/Rev D, the Highway Authority has no objection to this proposal.

BDC Landscape Services

No objections.

PARISH / TOWN COUNCIL

Great Notley Parish Council state that they do not have any comments on the proposal.

REPRESENTATIONS

None.

REPORT

ASSESSMENT

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air.

Amenity

In terms of impact on amenity, Paragraph 132 of the NPPF states “the quality and character of places can suffer when advertisements are poorly sited and designed”. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In terms of impact on amenity Regulation 3 of Advertising Regulations 2007 under Sub section 3.-(2) (a) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policy RLP107 of the Adopted Local Plan permits outdoor advertisements providing that the advertisement is displayed in close proximity to the activities they are advertising, the area of display of an advertisement should be visually subordinate to the feature of the building on which it is located, there is not a proliferation of advertisements on the building/site, issues of public safety, including traffic safety have been taken into account. Additionally particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas. All advertisements should be designed as an integral part of the host building.

In terms of amenity, it is considered that the proposed signage would not have a detrimental impact on visual amenity in this location. The sign would be located adjacent to an established hedgerow along the edge of the highway. As such, an Arboricultural Report has been submitted which states that although installation of the sign would require the removal and pruning of a

small number of low quality trees, the collective landscape and screening benefit of the trees along the A131 would not be noticeably diminished.

While Officers would not normally support the removal of trees/hedgerows for a temporary proposal (such as the current proposal), the location of the proposed signage would be situated where a new road access is proposed off the existing roundabout. The local planning authority are currently assessing a full planning application for the construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131 and the construction of roads between the two access points within the site and associated drainage, landscape and other engineering works (application reference 19/01525/FUL). While this application has not been determined, taking into account the designation of the wider site for employment use, the previously approved masterplan for the site, and the fact that the signage would be located within the area of land required to facilitate any vehicular access from the A131/Cuckoo Way roundabout, it is considered that the current application can be supported. Furthermore, some mitigation can be provided through the tree protection measures described in the report.

As such, Officers consider that the installation of the signage would not impact on the character and appearance of the area and is therefore acceptable in terms of visual amenity.

Public Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by Policy RLP107 of the Adopted Local Plan which outlines that public safety, including traffic safety, will be accorded a high priority in decision making. No objections have been received from ECC Highways in relation the proposal and it is therefore considered that the proposal would not have a detrimental impact on public safety and as such is considered acceptable in this regard.

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 / Block Plan	Plan Ref: 6672/1101	Version: D
Signage Details	Plan Ref: signage section	
Signage Details	Plan Ref: 6672/1301	Version: A

- 1 The adverts hereby granted shall be removed on or before the 16/05/2026.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

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

Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 The tree protection measures as detailed within the Arboricultural Impact Assessment for Horizon 120 Signage received 20.09.2019, shall be installed prior to the erection of the signage or any tree/hedgerow removal and shall be adhered to while the signage is being erected on site.

Reason

To mitigate the impact of the proposal and ensure other trees and hedgerows are protected and retained.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

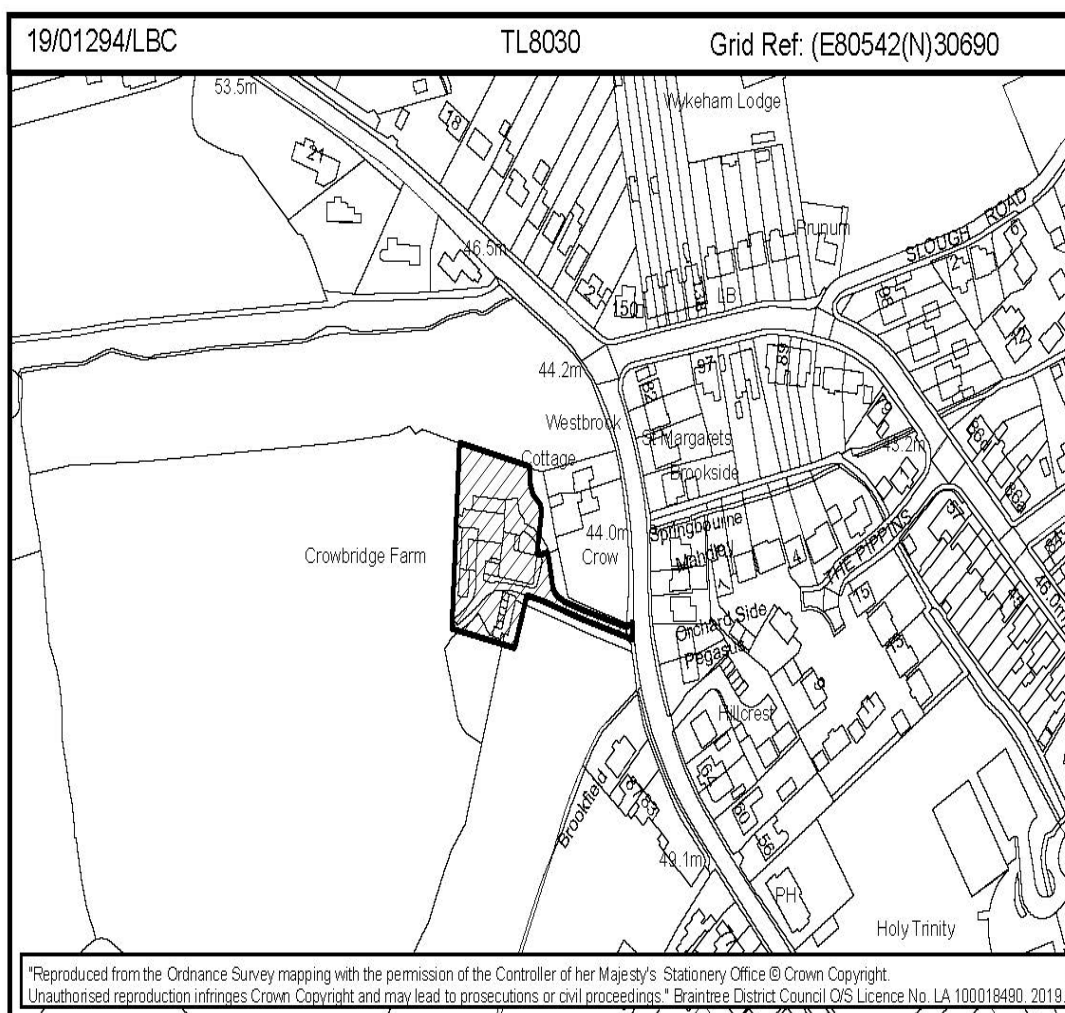
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/01294/LBC DATE: 17.07.19
 VALID:
 APPLICANT: Mr Jennings
 C/O Agent
 AGENT: Mr Peter Le Grys
 The Livestock Market, Wyncolls Road, Colchester, CO4 9HH
 DESCRIPTION: Conversion of barn to 2no. four bedroom dwellings with associated demolition of outbuilding and erection of garage/carport, boundary treatments and ancillary works.
 LOCATION: Crowbridge Farm, Chapel Hill, Halstead, Essex, CO9 1JS,

For more information about this Application please contact:
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558
 or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUUEB2BF0JD00>

SITE HISTORY

18/00040/REF	Outline application for up to 70 dwellings with associated infrastructure and public open space.	Appeal Dismissed	10.01.19
15/00835/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Refused	19.01.16
15/00836/LBC	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Granted	19.01.16
16/01562/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments and ancillary works.	Granted	08.11.16
17/01664/OUT	Outline application for up to 70 dwellings with associated infrastructure and public open space.	Refused	04.01.18

POLICY CONSIDERATIONS

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June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP99	Demolition of Listed Buildings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

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

LPP60	Heritage Assets and their Settings
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INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee as the Applicant is related to a member of staff.

SITE DESCRIPTION

The application site is located to the western side of Chapel Hill in Halstead within an area designated as countryside, albeit it is located within close proximity to the town development boundary. The site comprises an existing Grade II listed timber framed barn connected to a range of single storey red brick built stables.

The site is located behind a pair of semi-detached dwellings, of which one is shown to be in the control of the applicant. These houses are also Grade II listed and are located in the countryside. The site is served by an existing vehicular access off Chapel Hill.

PROPOSAL

In January 2016 listed building consent was granted for the conversion of the barn (subject to this application) into two dwellings (application reference 15/00836/LBC). Concurrently, planning permission was refused (application reference 15/00835/FUL).

Subsequently, planning permission was granted for the same conversion scheme (application reference 16/01562/FUL) on the 8th November 2016. As applications 15/00836/LBC and 16/01562/FUL were granted on different occasions the two permissions are out of sync with each other in terms of their commencement date.

The agent has indicated that construction is soon to be commenced however, the listed building consent (application reference 15/00826/LBC) has now expired.

In order to commence works, the applicant requires listed building consent. The works proposed within this application correspond to those already benefiting from planning permission under application reference 16/01562/FUL.

The application proposes conversion of the barn and other existing buildings to provide 2no. four bedroom dwellings with the demolition of an existing outbuilding and the erection of a detached cartlodge/store. The buildings would not be extended but several areas of new roofing are proposed to be added together with the insertion of new fenestration into both existing and new openings.

The proposed cartlodge/store is sited abutting the southern boundary and is proposed to serve plot 2. This structure comprises a cartlodge with space for two cars and an enclosed store.

CONSULTATIONS

Historic Buildings Consultant

No objection to the proposal to renew permission subject to conditions. However, request that drawing 1052/07 is omitted from the approval, as this elevation has undergone revision with the previous application; drawing 1052/04a represents the final approved design.

PARISH / TOWN COUNCIL

No objections.

REPRESENTATIONS

A site notice was displayed for a 21 day period. No representations have been received.

REPORT

ASSESSMENT

Principle of Development

The principle of the development to convert the barn into 2no. dwellings has been established under the previous planning permission (application reference 16/01562/FUL) and the previous listed building consent (application reference 15/00836/LBC).

Heritage

The main consideration in the determination of this application is the impact on the character and appearance of the listed building. A listed building consent application is not concerned with the acceptability of the proposed use in principle, just the physical alterations proposed and the impact of this on the listed building.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan permit changes and extensions to listed building provided that they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 of the Adopted Local Plan and LPP60 of the Draft Local Plan require the use of appropriate materials and finishes. Policy RLP101 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

This application is supported by a Heritage Statement. The Historic Buildings Consultant is satisfied that this complies with the requirement of the NPPF (paragraph 189).

The proposed works would retain the original form of the buildings. The increase in fenestration 'domesticates' the appearance of the buildings; however there is a clear strategy for utilising the existing openings to minimise the creation of new ones. Internally, the existing room patterns have been used where possible so as to avoid the loss of original walls and to keep the addition of partition/stud walls to a minimum.

The Heritage Consultant has raised no objection to the proposal, subject to conditions being attached to the proposal in relation to securing appropriate detailing and finishes.

It is recommended that conditions be placed on any grant of consent to control materials, finishes, window/door detailing and landscaping. In addition as previously recommended by the Essex County Council Archaeology team (application reference 15/00836/LBC) it is advised that a condition be attached which requires a programme of historic recording to take place.

CONCLUSION

It is considered that the proposed works are sympathetic and would not give rise to any detrimental harm to the character or appearance of the listed buildings, in compliance with Policies RLP100 and RLP101 (part a) of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan.

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

Block Plan	Plan Ref: 1052 SK03
Existing Elevations and Floor Plans	Plan Ref: 1052/01
Existing Floor Plan	Plan Ref: 1052/02
Existing Elevations	Plan Ref: 1052/03
Proposed Elevations and Floor Plan	Plan Ref: 1052/04A
Proposed Floor Plan	Plan Ref: 1052/05
Proposed Elevations and Floor Plans	Plan Ref: 1052/06

- 1 The works hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

- 3 No works shall commence unless and until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority. The works shall only be implemented in accordance with the approved details and permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 4 No works shall commence unless and until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Works shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 5 Only tile and half-tile and plain tile undercloaking shall be used on the verges of the roofs the subject of the works hereby approved and thereafter so retained.

Reason

To ensure the use of appropriate detailing on this listed building.

- 6 At the time of works, the window frames shall be set into the brickwork by at least 70mm behind the face of the bricks and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 7 At the time of works, the new casement windows shall be in painted timber, single glazed, flush meeting within the frames, with matching joinery for opening and fixed casements, and without trickle vents and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 8 All rainwater goods shall be black and permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 9 No works shall commence unless and until the applicant or any successor(s) in title has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has firstly been submitted to and approved in writing by the Local Planning Authority.

Reason

To allow proper investigation and recording of the site, which is of archaeological and/or historic significance.

- 10 No works shall commence unless and until a schedule of repairs, (to include details of the proposed method of insulation and internal finishes) has been submitted to and approved in writing by the Local Planning Authority. The works shall only be implemented in accordance with the approved details and shall thereafter be retained.

Reason

In the interests of the preservation of the listed building.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER