

PLANNING COMMITTEE

AGENDA

Tuesday 1st September 2020 at 7.15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

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 K Bowers
Councillor T Cunningham
Councillor P Horner
Councillor H Johnson
Councillor D Mann
Councillor A Munday

Councillor Mrs I Parker (Vice Chairman)
Councillor F Ricci
Councillor Mrs W Scattergood (Chairman)
Councillor Mrs G Spray
Councillor N Unsworth
Councillor J Wrench

Members unable to attend the meeting are requested to forward their apologies 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 MEMBERS’ INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (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:

In response to the Coronavirus the Council has implemented procedures for public question time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for public question time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate 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 for public question time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council’s website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

For the Planning Committee only, the order in which questions and statements will be read 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 for public question time and to amend the order in which questions/statements are presented to the Committee.

Documents: Agendas, Reports, Minutes and public question time questions and statement can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 18th August 2020.

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

- | | | |
|----------|--|----------------|
| a | Application No. 18 01065 OUT – Land South of Gilda Terrace and North of Flitch WAY, BRAINTREE | 6-57 |
| b | Application No. 19 01743 FUL – Braintree College of Further Education, Church Lane, BRAINTREE | 58-96 |
| c | Application No. 19 02330 FUL – Land South West of Oak Road, HALSTEAD | 97-120 |
| d | Application No. 20 00562 FUL – Newlands Farm, Station Road, WHITE NOTLEY | 121-144 |

PART B

Minor Planning Application

- | | | |
|----------|---|----------------|
| e | Application No. 20 00854 HH – The Chase, Pretoria Road, HALSTEAD | 145-153 |
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PRIVATE SESSION

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6 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.

There are no items for Private Session for this meeting

PART A

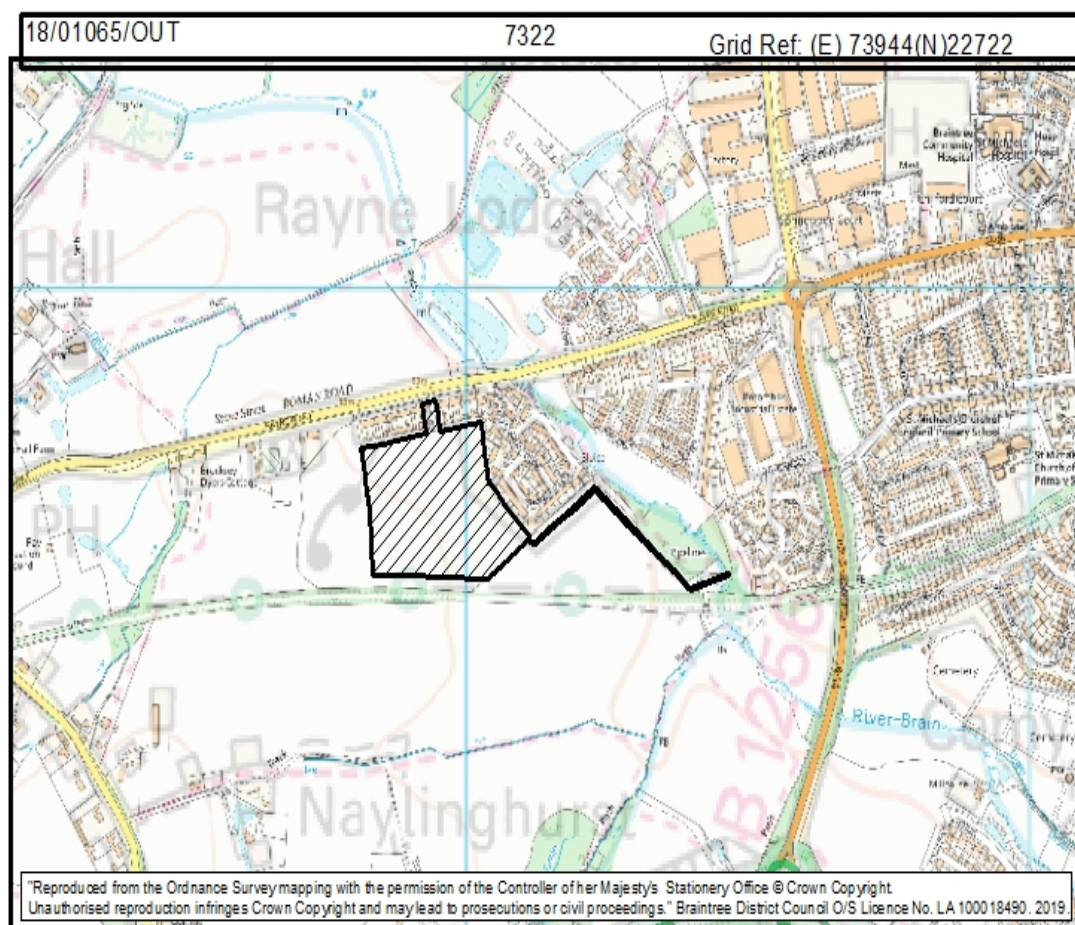
AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/01065/OUT
 DATE VALID: 02.07.18
 APPLICANT: Acorn Braintree Ltd
 Mr Duncan Powell, 1 Fredrick Place London , N8 8AF
 AGENT: PPML Consulting Ltd
 Mr Pravin Patel, Kinetic Centre, Theobald Street, Elstree, WD6 4 PJ, United Kingdom
 DESCRIPTION: Outline planning permission for residential development (C3) for up to 120 dwellings with all matters reserved except access and the demolition of nos. 27 and 29 Gilda Terrace.
 LOCATION: Land South of Gilda Terrace, and North of Flitch Way, Braintree, Essex

For more information about this Application please contact:

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=PA926QBF/WL00>

SITE HISTORY

88/02354/P 18/00031/CALLIN	Residential Development Outline planning application for development comprising up to 1600 residential dwellings (Class C3) on 32.75ha of land, a 800sqm local centre (Use Classes A1/A2/D1/D2 - no more than 200sqm A1) on 0.29ha of land, a 2.2ha primary school site (Class D1), 0.65ha employment land (Class B1), 12.3ha of public open space, associated highway works with new access via Pods Brook Road and Rayne Road and demolition of nos. 27 and 29 Gilda Terrace, Rayne Road. All matters reserved save access.	Refused	15.08.89
		Appeal	13.06.19
		Dismissed	
15/00006/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Residential-led mixed use development on land at Brook Green, Braintree	Screening/ Scoping Opinion Adopted	13.05.15
15/01538/OUT	Outline planning application for development comprising up to 1600 residential dwellings (Class C3) on 32.75ha of land, a 800sqm local centre (Use Classes A1/A2/D1/D2 - no more than 200sqm A1) on 0.29ha of land, a 2.2ha primary school site (Class D1), 0.65ha employment land (Class B1), 12.3ha of public	Refused	18.12.17

open space, associated
highway works with new
access via Pods Brook
Road and Rayne Road and
demolition of nos. 27 and 29
Gilda Terrace, Rayne Road.
All matters reserved save
access.

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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 examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

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
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
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
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
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP140	River Walks/Linear Parks and Disused Railway Lines
RLP141	Informal Recreation Areas

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP72	Green Buffers
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments

Neighbourhood Plan

N/A

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
Essex Design Guide for Mixed Use and Residential Areas (2005)

External Lighting Supplementary Document
Open Space Supplementary Planning Document
Open Spaces Action Plan
Parking Standards – Design and Good Practice (September 2009)

Other Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

SITE DESCRIPTION

The application submission states that the application site consists of 4.95ha of land which is located to the west of the town of Braintree and to the east of the village of Rayne. The majority of the site area is described as being in agricultural use and during a recent visit to the site it was observed to be covered in tall grass. The main body of the site is roughly rectangular in shape. Vehicular access is currently through a field gate at the end of an access road that runs south from Rayne Road and which passes between the houses on Gilda Terrace.

Immediately to the north of the application site, running east and west of the access road, is an access lane that runs along the rear of the properties on Gilda Terrace. Along the eastern boundary there are the rear gardens of the residential dwellings on Sun Lido Gardens and Springfields.

To the south of the application site lies the Flitch Way. The southern boundary of the application site stops short of the former railway corridor, with the plans showing a corridor approximately 20m wide, running parallel to the Flitch Way. The Flitch Way is the former railway line that runs for approximately 15 miles between Braintree and Bishop's Stortford. The railway line was decommissioned in 1972 and the land between Braintree and Rayne is now owned by Essex County Council and managed as one of the County's Country Parks. It forms a traffic-free part of Sustrans National Cycle Route 16 but is well used by walkers as well as cyclists. As the Flitch Way passes through the countryside between Braintree and Rayne parts of the path are at grade, but other sections are within a cutting, or elevated on embankments.

To the west of the application site the agricultural field continues, with no existing or natural boundary marking the edge of the proposed development site.

The red line extends a crooked finger of land to the south east and this is included within the application site only because the Surface Water Drainage Strategy envisages a pipe being laid across the field which will discharge into the River Brain.

THE 'BROOK GREEN APPEAL'

The application site forms part of a much larger site that subject to a planning application in 2015. That application included land to the north and south of the Flitch Way, but was often referred to as 'Brook Green'. The application sought outline planning permission for the development of up to 1600 residential dwellings, a local centre; a primary school site; employment land; public open space; and associated highway works with new accesses via Pods Brook Road and Rayne Road and demolition of Nos 27 & 29 Gilda Terrace (application reference 15/01538/OUT).

The application was refused in December 2017 and seven reasons for refusal were listed. The reasons listed were i) inadequacies in the Environmental Statement that accompanied the application; ii) harm to designated heritage assets; iii) loss of countryside and landscape harm; iv) insufficient information to assess the highway impacts of the development; v) insufficient information to assess the ecological impacts of the development; vi) that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme; and vii) the absence of a S106 agreement to secure necessary planning obligations.

The appeal was recovered for the Secretary of State's determination, and a public inquiry was held over two weeks in September 2018 to consider the arguments.

The Secretary of State dismissed the appeal in June 2019. It was agreed that the Council could not demonstrate a 5 Year Housing Land Supply and that the tilted balance was therefore engaged. Whilst substantial weight was attributed to some of the benefits of the scheme this needed to be balanced against harm that was identified in respect of adverse impacts on a nearby listed building; landscape harm both to the wider Landscape Character Area and the loss of the appeal site itself; the loss of views and open outlook from the Flitch Way and public footpaths; and the fact that the development would reduce the separation of Braintree and Rayne. The Secretary of State concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole and the appeal was dismissed.

The conclusions of the Planning Inspector and the Secretary of State are considered to be highly material to the assessment of this application. Clearly the application must be determined on its merits and in light of any relevant material circumstances that are relevant at the time of determination. The application site and scale of development is smaller than the Brook Green application so the levels of harm and benefits will be different but where it is considered relevant, Officers have referred to judgements and assessments

that the Planning Inspector and Secretary of State made on the Brook Green scheme in this report.

PROPOSAL

This planning application, which was submitted in June 2018, sought planning permission for the development of up to 120 dwellings at the application site. The original proposal was for a 'hybrid' application; that is, one that seeks outline planning permission for one part and full planning permission for another part of the same site. The proposed Description of Development was as follows:

Hybrid planning application comprising: (i) full application for the demolition of no.27 and 29 Gilda Terrace to form new vehicular access off Rayne Road and the erection of 43 dwellings, public open space, sustainable drainage systems, landscaping and associated development: and, (ii) outline application with all matters reserved except access for up to 77 dwellings.

Officers provided comments to the applicant on the proposals towards the end of 2019, and these included comments on the detailed element of the application on matters of design. After reviewing these comments the applicant decided to focus on the issues that were raised in respect of the Outline proposals, reasoning that if the principle of development could be secured and Outline planning permission granted, then the design issues could be addressed through Reserved Matters applications. Consequently, the applicant amended the description of development as follows:

Outline planning permission for residential development (C3) for up to 120 dwellings with all matters reserved except access and the demolition of nos. 27 and 29 Gilda Terrace.

The application has been assessed on this basis and all other matters (relating to appearance, landscaping, scale and layout) are reserved for future consideration.

The application site was also amended and the red line was extended with a narrow finger extending from the main body of the site to the south east extending as far as the River Brain. This amendment included the land that would be required by the surface water drainage strategy, carrying a pipe from the proposed attenuation basin within the application site to the river for discharge.

As well as amending the description of development the applicant also submitted a number of revised plans and additional information, whilst some of the plans and documents that were submitted concerning the detailed element of the application no longer form part of the application, following the change to the format of the application. The documents that are to be assessed for the current proposal include:

- Concept Masterplan

- Parameter Plan
- Character Area Plan
- Site Access Plans from Rayne Road
- Transport Assessment & supplementary technical notes on Highways and Transportation
- Planning Statement & Supplementary Planning Statement
- Affordable Housing Statement
- Design and Access Statement
- Flood Risk Assessment & supplementary comments concerning Surface Water Drainage Strategy
- Energy & Utilities Assessment
- Noise Statement, including noise contours
- Preliminary Ecological Appraisal
- Landscape and Visual Impact Assessment
- Landscape Strategy
- Tree Report
- Arboriculture Impact Assessment and Method Statement
- Archaeology and Heritage Statement
- Land Contamination Assessment
- Geo-Environmental and Geotechnical Assessment

CONSULTATIONS

Anglian Water

No objection, subject to a planning condition.

Wastewater Services - foul drainage from this development is in the catchment of Braintree Water Recycling Centre that will have available capacity for these flows. A condition requiring a foul water strategy is recommended to ensure that there is not an unacceptable risk of flooding downstream.

Surface Water Disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Education Authority (ECC)

No objection subject to planning obligations to mitigate the impact of the development on Early Years & Childcare provision and Primary School education.

Essex Police

No objection or support – General Comments provided. Highlight that Local Plan Review policy RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall

encourage the related objective of enhancing personal safety. Essex Police would welcome the opportunity to work with the developer to comply with Building Regulations and at the same time as achieving a Secured by Design award.

Essex Wildlife Trust

Object. In April EWT considered that there was insufficient information to determine the application. The application falls within the Zone of Influence (ZOI) for the Blackwater Estuary Special Protection Area (SPA) & Ramsar site and the Essex Estuaries Special Area of Conservation (SAC) and the ZOI for the Dengie Estuary SPA and Ramsar site. As a result the District Council should prepare a Habitats Regulation Assessment (HRA) - Appropriate Assessment to assess potential impacts from the development (either alone or in combination with other plans and projects) and identify any necessary mitigation measures. The development should provide the following: High-quality, informal, semi-natural areas Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way; Dedicated dogs-off-lead areas. The applicant should also demonstrate that they are able to deliver; Signage/information leaflets to householders to promote these areas for recreation; Dog waste bins; a commitment to the long term maintenance and management of these provisions; A proportionate financial contribution towards visitor management measures secured from the developer in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) (£122.30 per dwelling) for delivery prior to occupation, secured by legal agreement.

Highway Authority (ECC)

No objection, subject to planning conditions and obligations. Further information was requested by the Highway Authority concerning the content of the Transport Assessment that was initially submitted with the application, along with further information about how the development would be linked to the Flitch Way and about the design of the proposed vehicular access to the site. Following receipt of additional information which included revised plans and additional technical notes, the Highway Authority has confirmed that they have no objection to the application subject to: financial contributions towards improvements to the Springwood Drive roundabout (£50,000) and the Flitch Way (£40,000); provision of a 3m wide pedestrian / cycle path connecting the site to the Flitch Way path; details concerning construction traffic; provision of residential travel packs to future residents; and provision of the site access in accordance with the approved plans.

Highways England

No objection and no recommended conditions or planning obligations

Historic Environment Consultant (Archaeology)

No objection, subject to a planning condition. A desk-based assessment and partial geophysical survey have been carried out which covers the application site. This has identified the survival of archaeological features within the development area which may have local or regional significance and demonstrated the level of survival of the archaeological horizons. Evaluation and excavation on the opposite side of Rayne Road also suggests that the site has the potential to contain archaeological remains. A condition is recommended that requires further archaeological evaluation prior to the commencement of development.

Historic Buildings Consultant

No objection, subject to a condition. The land south of Gilda Terrace and north of Flitch Way is an undeveloped site, but there are a number of designated and non-designated heritage assets within the surrounding area. Due to the distance between the application site and the heritage assets, it is considered that the proposed development would have no negative impact upon their significance. It is recommended that at Reserved Matters stage a thorough landscaping plan is submitted, to ensure that no impact occurs to the heritage assets and aiming to partially maintain the agricultural character of the land.

Lead Local Flood Authority (ECC SuDS)

No objection, subject to conditions. Having reviewed the revised Flood Risk Assessment and the associated documents which accompanied the planning application no objection is raised to the granting of planning permission, subject to a suite of conditions covering the detailed design and implementation of a surface water drainage strategy; measures to reduce the risk of flooding during construction; arrangements for the future maintenance of SuDS scheme; and requirement to keep maintenance logs.

Natural England

No objection subject to securing adequate mitigation. It has been identified that this development falls within the 'Zone of Influence' (Zol) for one of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Natural England advise that the Council undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation, consulting with Natural England where necessary. Planning permission should not be granted until such time as the HRA has been undertaken and the conclusions confirmed.

NHS England

No objection, subject to securing suitable mitigation. The CCG has confirmed that the two practices that would be directly impacted by the proposed development (Blandford House Medical Centre and the Great Notley Surgery) do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 288 residents and subsequently increase demand upon existing constrained services. A financial contribution is requested to assist with delivering capacity improvements at the Great Notley Surgery. The financial contribution sought is equivalent to £371.51 per dwelling), so if 120 dwellings were to be erected the contribution would be £45,400.

BDC Ecology

No objection subject to securing necessary mitigation. Following the receipt of additional information they are satisfied that sufficient ecological information is available for determination of this application. This provides certainty for the LPA of the likely impacts on protected species and Priority Species/Habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The required mitigation concerns a) Visitor management measures towards the Blackwater Special Protection Area and Ramsar site & Essex Estuaries Special Protection Area, in line with the Essex Coast Recreational Avoidance and Mitigation Strategy and b) biodiversity mitigation and enhancement measures.

BDC Environmental Services

No objection on Environmental Health grounds, subject to conditions. No issues identified from preliminary contaminated land assessment but given the scale of proposed development and the limited investigation undertaken specifically for this site a condition is recommended for further intrusive investigation for potential contamination.

The findings of the Acoustic Report are satisfactory and no specific conditions are required relating to the acoustic environment for the proposed dwellings, although conditions are recommended to control of development noise, given the proximity of nearby residential properties.

Conditions controlling construction activity (hours of site operation; no burning of materials; details of piling (if used) to be agreed before construction; prior to the commencement of development a comprehensive phase 2 (intrusive) survey shall be undertaken to assess the nature and extent of any contamination on the site, followed by the submission and implementation of an agreed remediation scheme (if identified as necessary) to bring the site to a suitable condition, and confirmation of completion of the remediation work.

BDC Housing Enabling Officer

No objection. In accordance with Policy CS2 of the Adopted Core Strategy, 30% of the units should be provided as affordable homes. The proposal for 120 homes therefore requires 36 units to be provided as affordable homes.

Based on current evidence of housing need the Housing Enabling Officer has provided an indication of the type and tenure mix of Affordable Housing that would be considered appropriate, along the Council's design requirements.

PARISH / TOWN COUNCIL

Rayne Parish Council

Rayne Parish Council object to application. Although this application is outside the Parish of Rayne the Parish Council object on the following grounds:

- Coalescence. Rayne will lose its identity as a village which contravenes Braintree District Council planning policies and as stated by the Secretary of State in refusing the Appeal by the same applicant for Land North & South of the Flitch Way, Pods Brook Road, Braintree, *"the proposal would appreciably diminish the sense of separation between the settlements of Braintree and Rayne"*;
- Unacceptable impact on highways and traffic, Neither Rayne Road junction with Pierrefitte Way/Aetheric Road nor Pods Brook Road together with the Springwood Industrial Estate roundabout can cope with any additional traffic, since roads are already gridlocked at peak times. Development approved on Land North of Rayne Road (included in the Emerging Local Plan for development) will have enough impact on the roads;
- Detrimental impact on Flitch Way;
- Circumvention of the Emerging Local Plan. This site is not included as a preferred housing development site for good reason;
- Concerned that if this application were allowed further applications would be likely to follow on other land within the applicants control;
- Unacceptable impact on infrastructure including health and education;
- The alleged benefits of this development are significantly and demonstrably outweighed by the harm it will cause not just the village of Rayne but Braintree too.

Supplementary Comments following submission of revised plans:

- The comparator used for housing density is Braintree town centre when the site is just as close to the village of Rayne which clearly has a completely different housing density as it is a rural area rather than urban town.
- The Parish Council also note that the applicant was invited to attend their virtual meeting but the invitation was declined.

Great Notley Parish Council

Great Notley Parish Council objects to application. The development would have a detrimental impact upon local infrastructure including roads and local services such as education and health as no substantive provision is made by the applicant and the development would have a detrimental impact upon the Flitch Way.

PUBLICITY

The application was publicised on two occasions – when the application was first submitted in 2018 and again in June 2020 when the applicant submitted a suite of revised plans and amended the description of development. The reason for publicity was specified as follows:

- Application for major development.
- Application which does not accord with the Development Plan.
- Application which would affect a right of way.

The application was publicised through notices placed in the Braintree & Witham Times and with three site notices which were displayed adjacent to the application site – two on Rayne Road and one on the Flitch Way.

REPRESENTATIONS

Over 100 written representations have been received objecting to the application. In addition to the written representations a petition was submitted with over 160 names objecting to the application (the title of the petition refers to there being 1048 signatures). The application was originally submitted in 2018 and the Council received 78 written objections during that year. A further 27 written objections were submitted during 2019 with three more submitted during 2020.

Some of the letters are duplicates and some residents have submitted a number of separate letters objecting to the application, or submitted further letters reiterating objections they had previously submitted. The list below summarises the main concerns raised in the representations:

Principle

- The site was rejected by the Council when preparing the new Local Plan and the application is an attempt to circumnavigate the Local Plan process;
- The Council has created a local plan to fulfil the housing needs of the district therefore this development is unnecessary;
- Braintree does not need any more houses;
- The Development Plan states that new housing should be delivered in existing towns;
- All Brownfield sites should be developed before Greenfield sites, including the vacant Broomhills estate;

- The site falls outside the Braintree Town Development Boundary and would be on land which is not designated for building development. The development is promoted to meet the needs of a perceived housing shortage and so cannot be construed as a use appropriate to the countryside;
- The site was turned down for development by the Council when there was a call for sites;
- The evidence given at the planning appeal that covered the larger site should stand as substantive and not be over-turned;
- The development would result in the loss of good quality agricultural land which is important for food production;
- Development would be contrary to Policy RLP 140 which states "Any development that would prejudice the use....of disused railway lines for recreational purposes, will not be permitted. In considering proposals for the development of adjacent land, the District Council will seek opportunities to extend and improve the linear parks and links to them."
- It is a planning consideration that the applicant's previous application to develop a larger site, which included the application site, was overwhelmingly rejected in December 2017 by the Council and should not be allowed to be developed in a piecemeal way;
- Application documents refer to future phases so this application should not be viewed in isolation;
- The new housing that is needed should be provided in completely new villages / Garden Communities with the supporting infrastructure and should not keep adding more strain to an over loaded system and does not impact on heritage assets and quality of life for existing residents;
- The proposals completely fail to acknowledge the level of local opposition that there was to the larger 'Brook Green' development which included this site, and if this site were to be approved it would make a future application for land south of the Flitch Way harder to resist.

Highways and Accessibility

- The computer modelled assessment is flawed and to suggest there will only be a limited impact on local roads is not true;
- Daily queues at Galleys Corner results in traffic leaving the A120 and through the town. It already can take over 30 minutes to get from the bypass to the Springwood Drive roundabout, along Pods Brook Road and users of Rayne Road already queue from Nayling Road and sometimes even Sun Lido Square Gardens to gain access to the Springwood Drive roundabout. Most new homes will have 2 cars which will add to existing congestion;
- Rayne Road is already so busy that it can be very difficult to get out of Nayling Road;
- The Transport Statement (May 2018) contains numerous inaccuracies, conflicting information and further information of clarification is required to be able to assess the highway and transport implications of the proposed development;
- The applicants claim that the traffic generated by the development will not have a material or significant impact on the operation of the local road network is nonsense as any additional traffic being forced onto the already gridlocked Springwood Roundabout is bound to have a material impact on it.

Other developments at Rayne Lodge, Panfield Lane/Towerlands, and Broomhills will further add to congestion;

- The initial application proposals did not include a link from the site to the Flitch Way;
- The application will only provide new houses so residents will need to travel by car to access shops, doctors and schools;
- Rayne Road does not have good pedestrian footways and it is dangerous for pedestrians to try and cross this road;
- Policy RLP53 states "Major new development proposals that are likely to generate significant levels of travel demand will only be permitted where: Direct public transport services exist, or there is potential for the development to be well served by public transport." The local transport system is poor with only an hourly train service from Braintree and an infrequent bus service passing the site with one bus per hour in the daytime which is frequently full to capacity and then two-hourly;
- Existing traffic problems are already to be compounded by the development of 200 new homes just on from the fishing lake at Rayne Road and the planned housing on Broomhills;
- Increased traffic will increase danger to the road users and pedestrians;
- There is the possibility that more traffic will be pushed through Rayne as cars seek to avoid the bypass and access Rayne Road or the new development, this would cause increased strain on the main road through Rayne that already has significant use despite traffic calming measures in place;
- The slip road from the A120 to Pods Brook Road regularly backs up onto the A120 in the rush hour and it is also difficult to get on to the A120 west bound at the Pannors junction coming from the direction of A131 Chelmsford and there have already been several near accidents due to the bad layout. More housing will exacerbate both issues and will increase the likelihood of accidents.
- The plans show a layout that would provide insufficient car parking spaces to meet the Council's adopted parking standards;
- Access to the fields is through the access track that runs through the centre of Gilda Terrace. That access will no longer be available if planning permission is granted. An alternative field access to the west would be dangerous to use given the speed of passing traffic on Rayne Road and sitting near the brow of a hill;
- Object to the proposal to upgrade the existing footpaths to bridleways and the dangers that could ensue through children and dog walkers using the Flitch Way and horses.

Character and Appearance

- The proposal would give rise to coalescence between the built up area of Braintree Town and the Village of Rayne;
- This development, along with others on Rayne Road are closing the gap between Rayne and Braintree and increasing the risk of coalescence. The village of Rayne would be in danger of losing its own unique identity;

- The site is part of the Green Buffer that is proposed in the emerging local plan (paragraph 8.31 & 8.32 and maps 1b & 45) The Green Buffer is intended to prevent the coalescence of Braintree, Rayne and Great Notley;
- The houses at Gilda Terrace should not set a precedent for housing behind them as development should not be permitted just because there are properties which pre-date current Town and Country Planning legislation. Furthermore, the properties at Gilda Terrace are unobtrusive when viewed from Rayne and will intrude on the green space and the defined gap between Braintree and Rayne.

Landscape and Ecology

- BDC's "Evaluation of Landscape Analysis Study" identifies the site as having a Low capacity to accommodate development – the lowest of the five categories. The applicants assessment that the site has a Medium capacity to accommodate is questioned, particularly given the references that their assessment makes about the impact on users of the Flitch Way;
- The Flitch Way Country Park is a very special place. One of the things that makes it so special are the views through the hedges out to the surrounding countryside and open fields. Although there is a buffer zone between the proposed development and the Flitch Way, the rural feel will be destroyed if development is allowed;
- The applicants Landscape Impact Assessment relies on vegetation being retained which could die; assessed the visual impact in May when trees were in leaf;
- Concerns raised that the proposal would give rise to loss of habitat for protected species and other birds;
- The Flitch Way is a unique habitat with a wide range of flora and fauna and must be safeguarded to protect this invaluable asset for future generations;
- Many species of the trees, plants, birds, insects and animals that are found along the Flitch Way rely on the surrounding fields to survive for food, shelter and to be away from humans;
- Oppose any proposals to tarmac and light the Flitch Way;
- The proposal would impact on the Flitch Way Local Wildlife Site;
- Close to the western side of the application site is the Rayne Oak Meadow Nature Reserve which has previously been used to rehouse slow worms and lizards from development sites elsewhere in the County. Some of the reptiles may have migrated onto the application site.

Flooding and Other Environmental Concerns

- Increased traffic the pollution from cars that will come with all this development will be even worse than in London, with all the cars at standstill in traffic, causing more asthma and breathing conditions;
- Increased hard surfaces could exacerbate existing surface water flooding issues – Rayne Road currently floods in the dip by Sun Lido Gardens; Rivers are already over flowing. The development will increase surface water run-off in the area and increase the flood risk on the river that runs alongside Sun Lido;

- No mention about the use of renewable energy such as the installation of solar panels on roofs is included in the application.

Residential Amenities

- It will cause disruption and damage to neighbouring properties as is already happening in the development of Rayne Gardens;
- The demolition of houses 27-29 Gilda Terrace could impact the other residents of Gilda Terrace, and their ability to access the rear of their properties;
- Residents will face disturbance during construction on top of that arising from the Redrow development at Rayne Gardens;
- Loss of view and increased noise for nearby residents.

Social Infrastructure

- The utilities in the town are at bursting point and have no capacity for any additional properties. Rayne residents and businesses on Springwood Drive are already seeing many power "blips" and this will get worse if the development goes ahead;
- The proposed development, in conjunction with other developments consented nearby will have an overwhelming impact on infrastructure including traffic, health facilities and school places;
- Building up to the boundary of the Flitch Way will impair the natural environment which is so enjoyable and relaxing for those who also use it. Green spaces are vital for mental health and wellbeing;
- The development would adversely affect the Flitch Way Country Park which many people visit to enjoy;
- The Flitch Way Country Park and is also designated a Suitable Accessible Natural Greenspace (SANG) which means it should be an area for people to visit and enjoy, in a countryside environment. The development would destroy the ambiance and countryside views from the park;
- The Flitch Way is an amenity that is already used by a wide range of people, including families, the disabled, dog walkers, running groups and local people as it is easily accessible, by foot or bicycle, from Braintree or the outer villages and the safe walking and cycling route helps in the fight against obesity;
- Any development built near to or next to the Flitch Way would have such a detrimental effect and would cause such significant harm that totally outweigh any benefit that the development could bring;
- The Planning Inspector at the Brook Green appeal found the Flitch Way area to have a high conservation value and recreational usage;
- Over the years these and the field behind Gilda Terrace have developed informal footpaths around their perimeters which should be preserved as open spaces;
- The proposal would give rise to loss of residential amenity through noise, disturbance and air pollution with vehicles coming in and out of the site and loss of privacy to existing dwellings;
- No large scale developments should be given the go-ahead in Braintree until great improvements are made to the Town's infrastructure –

roads need to be improved, medical and health facilities need extra provision, as well as schools, leisure and public transport provision;

- Four of the five GP Surgeries within 2km of the site already do not have enough spaces available to accommodate additional residents;
- Local hospitals are already frequently missing key performance indicators and more housing will only exacerbate delays in treatment.

Tourism, Recreation & the Local Economy

- The proposal would be detrimental to tourism in the area and adversely affect businesses which rely on tourist trade;
- The Flitch Way is well used by dog walkers, runners, families on country walks and horse riders and provides an escape from the busy built up town;
- Flitch Way being an important local resource that has the potential to be damaged beyond use;
- The current BDC Policy RLP140 prohibits development which would prejudice the use of disused railway lines for recreational purposes. Whilst the Flitch Way itself would not be built on, the development would prejudice recreational use when its main attraction, and what makes it unique, specifically its setting would be lost;
- The increased traffic and congestion would make it harder for businesses within the Springwood Industrial Estate to operate.

Heritage

- Concern is raised over the impact of the proposal upon the setting of Naylinghurst which is a Grade II Listed Building given that it stands within field pattern that dates back to the Middle Ages;
- The development would be detrimental to the setting of the Rayne Conservation Area;
- The development would be harmful to the enjoyment of the Flitch Way, which is a heritage asset for current and future generations;
- Disagree with the applicants assessment that the Flitch Way is not considered sufficiently significant to represent a non-designated heritage asset with a setting which needs to be considered;
- There could be significant archaeological remains on the site and a full site investigation should be undertaken before the application is determined.

Other Matters

- The housing that would be built would not be affordable for local people;
- The application is confusing and difficult to understand;
- The applicant has refused to meet the Parish Council;
- If more people live in close proximity to the Flitch Way and the surface is improved there will be an increase in crime and antisocial behaviour;
- New housing is not well built - houses are very small with hardly any parking and narrow roads that emergency vehicles cannot get down in an emergency;
- Concern about the capacity of current sewage works to support further demand.

One additional letter making comments on the application was received. This letter from the North East Essex Badger Group wanted to remind the Council that there is a large well known badger sett situated on The Flitch Way and that any development should allow for mitigation as previously agreed with the developer.

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 whether the

Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

5 Year Housing Land Supply

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

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

The Development Plan

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). The application site is located outside of any identified town, village or commercial development boundary and lies within the countryside for planning purposes. The general principle of development is therefore not supported by Policy RLP2 of the Adopted Local Plan. Policy CS5 of the Adopted Core Strategy states that within the countryside development should be restricted to uses appropriate to the countryside, in order to, amongst other things, protect and enhance the landscape character and amenity of the countryside. In this sense the aims of the policy are broadly consistent with NPPF Para.170 b) which directs local planning authorities to recognise the intrinsic character and beauty of the countryside.

The application site has no specific designations in the current adopted Development Plan but it should be noted that the Flitch Way is identified for Informal Recreation as well as a Local Wildlife Site and Suitable Accessible Natural Greenspace; and the area around the River Brain is identified as a River Corridor.

Whilst the proposal to develop the site for housing is a direct conflict with Policy CS5 of the Adopted Core Strategy, the application cannot simply be refused for this reason. The NPPF states at Paragraph 11, footnote 7 that where a Council cannot demonstrate a five-year supply of deliverable housing sites, the most important policies for determining the application must be considered out-of-date. That does not mean that the conflict with the Development Plan is ignored but when assessing the application and undertaking the planning balance exercise, planning permission should be granted unless NPPF policies provide a clear reason for refusal, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In striking the balance, it is for the Council to determine the weight to be attributed to the conflict with Development Plan policies and all other material considerations.

Although the site was put forward for development when the Council undertook a call for sites for the new Local Plan it was not selected as site that should be developed and the site is not allocated for development on the proposals map in the Council's Draft Local Plan. The site is however proposed to be designated as part of a 'Green Buffer' between Braintree and Rayne. Policy LPP72 of the Draft Local Plan state that development within these areas will be carefully controlled to minimise coalescence between built areas and preserve the setting of those areas.

SITE ASSESSMENT

Location and Access to Services and Facilities

The strategy set out in the 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”*.

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

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where: Direct public transport services exist, or there is potential for the development to be well served by public transport; The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

Policy LPP44 of the Draft Local Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

The site is located on the periphery of one of the District's main towns and the applicant's Transport Assessment (TA) claims that the site is a suitable location for development as it is accessible to a full range of key services and amenities to support development. The applicant's TA states that a distance of 800m / ten minutes' walk is considered to be the maximum acceptable to directly access local facilities and amenities. A range of 5km is suggested as being reasonable for cycling.

The isochrones plan appended to the TA shows that some shops and employment areas are within 800m of the site but the majority of the town, including schools, town centre and railway station lie further away.

A foot / cycle link is proposed to connect the site to the Flitch Way and the applicant claims this to be a very significant benefit in terms of enhancing the site's sustainability credentials, providing a direct off-road link to the town centre. However as noted by the Planning Inspector in the Brook Green appeal whilst the scheme would offer good opportunities to make journeys on foot and by cycling, use of these modes may be less during periods of inclement weather. Moreover the Flitch Way, which is a key component of the sustainable travel credentials of the site, is unlit. This circumstance is likely to discourage use during the hours of darkness, which in the winter months

would cover times when people would be making journeys for various purposes including work and shopping.

Public transport serving the site is to some extent limited – Braintree railway station is approximately 2km east of the site and provides an hourly service to Witham and the main line to London, and there is an hourly bus service which passes along Rayne Road, north of the site, with services to Braintree, Rayne and Stansted Airport. The larger Brook Green scheme sought to address the relatively poor public transport connectivity through the provision of a new regular seven day a week bus service, to connect the site to the town centre. Whilst that was feasible for a development of up to 1600 dwellings the current application is for a smaller development and the provision of a new bus service would not be feasible or reasonable. As will become apparent as different issues are assessed within this report it is often the case that the development now proposed whilst being smaller still has many of the negative impacts of development but many of the public benefits of the larger scheme, such as the new bus service, are not being delivered as a consequence of this proposed development.

In conclusion, Officers would not argue that the location of the site means that services and facilities are not accessible, as the site is located just beyond the current edge of the town of Braintree, but it is considered that the site's sustainability credentials in respect of accessibility have been overstated by the applicant.

Whilst the Draft Local Plan seeks to concentrate development around the District's main towns, including Braintree, this does not mean that every site that is proposed around the town is suitable for development. In developing the new Local Plan the Council have considered a host of issues including, amongst others, sustainability; the capacity of the landscape to accommodate development; highway capacity and safety; and the impact on heritage assets. As previously noted the Council did not consider that development of this site was necessary, or desirable, and that the District's housing need could be met by allocating other more suitable available sites.

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

Paragraph 170 a) of the NPPF explains that valued landscapes should be protected in a manner commensurate with their statutory status or identified quality in a Development Plan. The application site has no statutory or non-statutory landscape protection, although the Council's intention to designate the application site and surrounding area as a Green Buffer that is protected from inappropriate development. The fact that the site is not classified as being within a valued landscape, as defined by the NPPF, does not mean that local and national planning policies afford it no protection.

As previously noted the Council's Development Plan contains a number of policies which seek to protect the countryside from inappropriate development and specifically, protect and enhance the landscape character and amenity of

the countryside. Whilst not in the same words, Policy CS5 of the Adopted Core Strategy is considered to reflect the terms of Framework paragraph 170 b) which states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

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

The following section of this report considers the extent to which the proposed development conflicts with these policies. The weight that can be attributed to this conflict is discussed as part of the Planning Balance exercise at the end of this report.

The effect that the proposed development would have on the character and appearance of the area was a significant issue in the determination of the Brook Green Appeal. The Planning Inspector reported in that matter that the proposal would cause harm to the character and appearance of the area, including a residual effect of major-moderate significance in the wider Landscape Character Area A12, and a substantial adverse effect arising from the loss of the appeal site itself. It was also considered that the loss of views and open outlook from publicly accessible areas, including the Flitch Way, would both suffer a major adverse impact. Officers have carefully considered the extent to which the judgements made by the Planning Inspector at the Inquiry are relevant to this smaller application site. With the application site being smaller than the appeal site it is recognised that the impact would be lowered. Clearly some of the harm identified by the Inspector will relate to parts of the appeal site that do not form part of the application site and in other cases whilst harm might still exist the level of harm will be different.

The application contains a Landscape Visual Impact Assessment (LVIA) produced by consultants acting for the applicant. The Council instructed a Landscape Consultant (The Landscape Partnership - 'TLP') to provide specialist advice on landscape matters. The consultant appointed by the Council is very familiar with the site as they provided the Council's evidence in respect of landscape matters at the Brook Green inquiry. The Landscape Partnership have carried out a review of the applicants LVIA as well as update the findings of the independent outline LVIA that they had previously produced, in so far as they related to the revisions this application.

Landscape Character

Policy CS8 of the Adopted Core Strategy sets out that development must have regard to the character of the landscape and its sensitivity to change and, where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. The policy seeks to distinguish between different landscapes and makes it clear that development needs to respond appropriately to the sensitivity of different landscapes. Similarly Policy RLP80

of the Adopted Local Plan is considered to be of relevance to the determination of the application as it states that development that would not successfully integrate into the local landscape will not be permitted.

In November 2014 the Council commissioned external consultants to investigate the capacity of the landscape around nine of the District's main settlements to accommodate new development, specifically looking in finer detail at smaller Landscape Parcels than the areas previously assessed. The work was commissioned to help identify sites which could best accommodate new development. The results of the *Braintree District Settlement Fringes: Landscape Capacity Analysis* forms part of the evidence base to support the new Local Plan.

The application site is located within Parcel 17b which is assessed to have a low landscape capacity to accommodate residential development, with particular reference made in the assessment to the role that the land plays in separating Rayne and Braintree. Informed by this assessment, the Council has instead chosen to allocate or grant planning permission for other sites which share similar locational characteristics but which had greater landscape capacity.

The sensitivity of the land between Rayne and Braintree and its low capacity to accept development were key factors that led to Members taking the decision that the larger Brook Green site (of which the application site was part) was not to be allocated for development by the Council in the Draft Local Plan.

Of particular relevance to this application is the district level assessment - The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (2006). This identifies the site as falling within *LCA A12: Pods Brook River Valley*. The Landscape Character Area (LCA) consists of a narrow shallow valley that cuts into an area of farmland plateau. The southern part of the LCA is described as having reduced woodland cover with larger, more open arable fields that slope down to Pods Brook. The characteristics that define the character area result in overall landscape sensitivity being classified as High, which means that the landscape is sensitive to new large-scale development. Landscape Planning Guidelines contained within the assessment state that any new development on valley sides is small-scale, responding to amongst other things historic settlement pattern and landscape setting and maintain cross valley views.

The LCA assessment helps to clearly identify characteristics which contribute to the intrinsic character and beauty of the countryside. The proposals would see a very substantial section of this field lost under built development, with some peripheral landscape buffers proposed to the south and west of the site. The applicants LVIA states that they consider the proposed woodland buffer will, at year 15, reduce the visibility of the development from the surrounding Landscape Character Area and the effects of development reduce to Low and it is concluded that at year 15 the effects will revert minor and the effects on the wider LCA become neutral. The Council's Landscape Consultant

disagrees with this assessment as amongst other things they consider that the applicants LVA underestimates the effects of the proposed development on the wider character area and the degree of change at the site. They consider that the development would have a significant impact on the landscape character particularly of the site but also more widely within the Landscape Character Area.

For these reasons the proposed development is considered to diminish the locally distinctive character of the landscape resulting in significant harm to the intrinsic character and beauty of the countryside contrary to Policies CS5 and CS8 of the Adopted Core Strategy and Paragraph 170b) of the NPPF.

Visual effects

In their assessment the Council's Landscape Consultant identifies a number of viewpoints where they consider the applicant has understated the visual impact of the proposals. TLP have also raised concerns about the extent to which the viewpoints used by the applicant's consultant would represent the most typical or worst-case view composition.

The Council's Landscape Consultant identified their own 11 representative viewpoints and used these to assess the likely visual changes from publicly accessible viewpoints in the vicinity of the site and this assessment identifies that there will be greater adverse visual impacts than the applicants LVIA reports. The Council's consultant considers the nature of change experienced from most of the viewpoints would be adverse in years 1 and 15, whereas the applicant's assessment is that the effect from most viewpoints would be neutral, or even positive, by year 15.

The proposed development would include a scheme of landscaping, intended to mitigate the visual impact. The Council's Landscape Consultant accepts that as the proposed new planting becomes established, some of the effects of the proposed development would, at least in part, be mitigated, although the effectiveness of the mitigation is considered to have been over stated by the applicant. Whilst the effects would be reduced eight of the eleven representative viewpoints would still experience residual adverse effects after 15 years, including two viewpoints on the Flitch Way which are forecast to be Major-Moderate Adverse.

As noted above the impact on the users of the Flitch Way is a particular concern. This section of the Flitch Way is well-used, and it is well documented that the local community values it highly, not least because it allows users the opportunity to appreciate the surrounding countryside. This section of the Flitch Way does contain some sections which are more open, which would afford views across the site.

Even where there is tree cover along the northern side of the Flitch Way this does not always prevent views of the surrounding countryside and there are locations where filtered views of the site are experienced despite relatively dense vegetation. The existing housing on Gilda Terrace occupies lower

ground, some distance from the Flitch Way so the filtered views of the field still contribute to the sense of being in the countryside and away from built settlements. Officers note that the Brook Green Inspector when discussing the Flitch Way more generally said that *'Even where there is no direct outward view, a sense of openness is apparent'*. As well as changes to the visual experience there would also be the usual noise and activity that comes with residential housing. Considering all these factors the proposed development would diminish that sense of openness and of being within the countryside.

Although landscaping is one of the reserved matters, the applicant's Landscape Strategy show a significant belt of 'native buffer planting' at southern end of the application and to the north of the Flitch Way. The planting would not form an unbroken belt of planting but it is indicated to be between 7m & 13m deep. As it establishes and matures it is intended to help screen and soften the impact of the buildings. Notwithstanding the concerns expressed by the Council's Landscape Consultant about how effective such planting would be, although the planting buffers could provide some mitigation that would not compensate for the loss of views or help retain that sense of openness. When considering the effectiveness of the planting buffers in mitigating the impact of the development on users of the Flitch Way the Planning Inspector at the Inquiry noted that the proposed planting would not compensate for the loss of views, albeit filtered in places, across the open fields of the appeal site and they attached considerable weight to this harm.

Flitch Way

The Flitch Way is designated in the Adopted Local Plan for Informal Recreation and Policy RLP140 of the Adopted Local Plan specifically seeks to protect and improve disused railway lines like the Flitch Way. It encourages improvements to these features and links to them, but at the same time makes clear that development that would prejudice their use for recreational purposes will not be permitted.

The Flitch Way is outside the application site and would not be obstructed or diverted as a result of the development, however the proposals would alter the experience for users of the Flitch Way. As well as the changes to views and the sense of openness that users of the Flitch Way would experience the formation of new formal path connecting the site to the Flitch Way would to some degree dilute the current very strong linear characteristic that the route currently has with access limited on to and off the path. This harm is judged to be relatively minor.

Separation of Braintree and Rayne

The application site forms part of open gap between the town of Braintree and the village of Rayne. Many of the objection letters received by the Council refer to the importance of this gap in maintaining the separate identities of the two settlements. The Council have been aware of this sentiment for many years and this has been formally recognised by the fact that the tract of land is proposed to be designated as a Green Buffer in the Draft Local Plan. Policy

LLP72 of the Draft Local Plan highlights the role of the land between Braintree and Rayne in maintaining separation between the settlements and seeks to limit development. The Planning Inspector in the Brook Green appeal agreed with the Council that this was an issue that should be weighed in the planning balance. With the larger Brook Green scheme the Planning Inspector judged that that proposal would have appreciably diminished the sense of separation between the settlements, particularly as experienced from the Flitch Way, and the Inspector concluded that this harm attracted moderate weight.

There are very obvious differences between this application and the appeal scheme – there is no development proposed to the south of the Flitch Way and this application covers a much smaller area. However Officers still consider that the proposed development at the rear of Gilda Terrace would reduce the sense of separation between Braintree and Rayne. As discussed above, users of the Flitch Way would be far more aware of the built development. The properties at Gilda Terrace are located on lower ground, approximately 200m from the Flitch Way, and the intervening undeveloped field contributes towards the sense of a clear gap between the settlements. Visualisations produced by the applicant in their LVA show views of the field from the Flitch Way and Officers consider this supports this judgement. It is considered that the proposed development of the site would significantly diminish the gap that is currently experienced on the northern side of the Flitch Way.

Officers note that the Planning Inspector in his report on the Brook Green appeal identified two particular groups who would particularly experience the diminished separation between settlements arising from the larger scheme – users of the Flitch Way who currently enjoy open and filtered views over the appeal site and people using Rayne Road. Indeed the Planning Inspector noted that by far the largest proportion of people travelling between the two settlements would do so along Rayne Road.

The development proposed by this application would be aligned with the existing housing at Gilda Terrace, unlike the larger Brook Green application which proposed development being built for a further 45m beyond the western end of Gilda Terrace. Gilda Terrace comprises a ribbon of development that does project beyond the edge of the town before transitioning back to countryside again. Although the built form is not planned to extend beyond the end of the row of existing houses the new housing would be built on the rising land behind Gilda Terrace. As the Planning Inspector noted in their report this would consolidate the depth of development at the edge of Braintree, as observed in the approach from the west. This is shown in the visualisations produced in the applicants LVA and would also be seen through gaps between houses but also when viewed from Rayne Road from the west of the site.

Although the reduction in the sense of separation would not be diminished to the same degree as the Brook Green application Officers still consider that the development would diminish the sense of separation between the

settlements of Braintree and Rayne, when viewed from the Flitch Way and Rayne Road and this would result in some moderate harm.

As the applicant has not applied for approval of Scale or Appearance of the development the design and appearance of the dwellings are not known at this stage. The applicant has however included a Parameter Plan which identifies the developable area and sub-divides this in to areas where buildings up to two storeys and buildings up to two and half stories. The surrounding development is predominantly two storey and the taller housing that is proposed by the application would be on rising land to the rear of Gilda Terrace. Given the landscape sensitivity of this edge of settlement(s) development concern is raised over the increased building heights which seem unnecessary as they would increase the prominence of the development and not be characteristic of the immediate surroundings (Gilda Terrace and Sun Lido). If the application was being recommended for approval Officers would not recommend approval of the Parameter Plan on this basis.

Heritage

The protection of the historic environment is afforded significant importance in both legislation and national planning policies. Policy RLP90 of the Adopted Local Plan is concerned with the layout and design of development. The criteria against which proposals should be assessed under this policy include requirements to be sensitive to the need to conserve local features of historic and landscape importance, and to be in harmony with the character and appearance of the surrounding area. Policy CS9 of the Adopted Core Strategy contains similar provisions. There is support for the preservation and enhancement of conservation areas and their settings in Policy RLP95, and for the settings of listed buildings in Policy RLP100 of the Adopted Local Plan.

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. Where harm is identified and categorised as being less than substantial, Paragraph 196 requires that the identified harm should be weighed against the public benefits of the proposal.

Members will also be aware that the Council also has a statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) that requires special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

No statutorily designated heritage assets are located on, or immediately adjacent the site, but there are a number within the surrounding area including; Naylinghurst (Grade II listed); and the Rayne Conservation Area, which also features a number of listed buildings including the Grade I listed All Saints Church and Grade II* Rayne Hall, both of which are north west of the application site. Further Grade II listed buildings are located to the west -

Clapbridge Farmhouse – and north east – Rayne Lodge. The Flitch Way, a disused railway line considered to be a non-designated heritage asset, runs along the south of the site.

Members will recall that one of the reasons that the Council refused the larger Brook Green application was the harm that would be caused to the significance of a number of designated heritage assets through the introduction of a very large housing development within their setting.

Having heard evidence at the inquiry, the Planning Inspector concluded that the western end of the proposed Brook Green development would be situated within the settings of the listed buildings of Naylinghurst (Grade II listed) and the Church of All Saints (Grade I listed) and also of Rayne Conservation Area, but that this much larger development would not adversely affect the setting of either the Grade I listed church or the Conservation Area. The Planning Inspector and the Secretary of State did however agree with the Council that there would be an adverse effect overall on the setting of Naylinghurst, which would represent less than substantial harm to its significance. Given the Secretary of State's decision, Officers consider that the principal issue to be assessed is whether this smaller development would also adversely affect the significance of Naylinghurst.

Naylinghurst is a Grade II listed timber framed and plastered farmhouse, which the list entry dates to a seventeenth century construction date. Its current appearance is also strongly influenced by eighteenth and twentieth century alterations, and it is considered to be an architecturally handsome building, and a good example of vernacular form and construction. Whilst the building itself is much altered it still stands within an agricultural landscape and it is this setting that the Planning Inspector agreed made an important contribution to the significance of the heritage asset. Whilst the larger Brook Green application would have seen playing fields being set out close the old farmhouse and new built development within 200m of the building this application site is much smaller and much further removed. Naylinghurst stands circa 500m from this application site and they are separated by the strong tree line and partially elevated nature of the Flitch Way. This relationship is very different to that which was assessed to be harmful with the Brook Green application.

The Council obtains historic buildings advice from Place Services and their manager provided evidence for the Council at the Brook Green inquiry. The manager knows the site very well and he has contributed towards the advice that the Council has been provided on the current application. The Council's Historic Buildings Consultants are satisfied that due to the distance between the application site and the heritage assets (including Naylinghurst), that there would be no negative impact upon their significance and this view is supported by Officers, subject to a suitable scheme of landscaping.

The Council's Historic Buildings Consultant has recommend a thorough landscaping plan is submitted as part of the reserved matters application, to ensure that no impact occurs to the designated heritage assets, creating a

sufficient buffer between the new development and surrounding buildings. The Council's Historic Buildings Consultant has advised that their assessment, that there would be no harm to designated heritage assets, is based on the illustrative material that was submitted as part of the application. From a heritage perspective if the illustrative material were secured through Reserved Matters then there would be no harm to the designated heritage assets.

Some of the letters objecting to the application dispute the applicant's assertion that amongst other things the Flitch Way is only of local historical interest and that it is not a non-designated heritage asset with a setting which needs to be considered. Officers have considered the heritage status of the Flitch Way and whether the proposed development would adversely affect its significance. The Council's Historic Buildings Consultant has confirmed that the Flitch Way is a non-designated heritage asset. It has been recorded on the Historic Environment Record and has been subject to an Industrial Heritage Report produced by Essex County Council in 2003. The report identified the significant remaining elements relating to the railway. The most obvious of these is the linear nature of the route itself and the bridges. Excluding the working station at Braintree, all the main station buildings, with the exception of Great Dunmow, survive. Evidence of the impact of the railway on the pre-industrial landscape also survives in the form of crossing points, typically signified by gaps in the hedge line with concrete posts for hanging the gates, in some cases the wooden ground surfaces at level crossings also remain. Other remnants along the line include concrete signal cable conduit, and gradient posts, which are likely to date to a later phase of the railway. The Council's Historic Buildings Consultant has commented that the route is now a popular leisure route and that the remaining features all contribute towards users understanding that they are experiencing a former railway line. They went on to advise that if the development altered the way that any of these features were experienced then this would in their opinion adversely affect the significance of this heritage asset. With the exception of the linear nature of the route, none of these features have been observed near the application site and the Historic Buildings Consultant is of the opinion that the proposed development would not in their judgement diminish how the railway heritage is experienced or reduce the Flitch Way's significance.

Ecology

Part 15 of the NPPF indicates that development should contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity. Section 40 of the Natural Environment and Rural Communities Act (2006) requires public authorities, when exercising its functions, to have regard to the purpose of conserving biodiversity. A robust assessment and effective mitigation measures for all impacts (not just significant ones) are needed to enable the Council to demonstrate that it has compliance with this statutory duty. Policy CS8 of the Adopted Core Strategy states that '*the restoration and enhancement of the natural environment will be encouraged through a variety measures*'. These aims are supported by Policies RLP80 and RLP84 of the Adopted Local Plan.

Policy RLP84 of the Adopted Local Plan states that '*planning permission will not be granted for development, which would have an adverse impact on protected species*' and '*where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats*'.

The application has been supported by an Extended Phase One Habitat Surveys undertaken in 2018 and Feb 2020. The application site is assessed to contain a limited range of habitats. It largely consists of poor semi-improved grassland but there are also some trees and species poor hedgerow and the dwellinghouse that would be demolished to form the vehicular access to the site. It is noted that the grassland is regularly used by dog walkers and has previously been cut at least annually. In addition there are five Local Wildlife Sites (LWS) within 2km of the site, most notably the disused railway line that forms part of the Flitch Way Local Wildlife Site (LWS), which lies to the south of the application site.

As a result of the habitat surveys the applicant's ecologist undertook subsequent species specific surveys have been carried out for badgers and bats (commuting and foraging).

Badgers

There are a number of known badger setts in the locality, with the closest being approximately 70 metres from the site. Survey work within the application site has been undertaken in 2018 and 2020. Although it is located close to an active sett, badgers appear to make limited use of the application site in respect to movement, commuting to other foraging grounds. There were no signs of badger dung pits or evidence of feeding were found in the Application Site, during the surveys. The value of the Application Site to badgers is considered to be low.

Bats

In respect of bat roosts the application site contains one property (27-29 Gilda Terrace) which would be demolished to facilitate the proposed development. The building is assessed as having negligible bat roosting potential and no bat droppings or other evidence of bats was record on the updated survey of February 2020.

No trees within the application site were assessed to have potential roost features (PRFs). Offsite trees were also assessed for PRFs and a total of five trees were identified with PRFs - two trees in the tree belt on the south-east boundary, and three trees on the Flitch Way.

Bat activity surveys have been undertaken which revealed that bat foraging and commuting was concentrated along linear landscape features within the vicinity of the site, including the Flitch Way to the south of the site and the belt of trees on the south-eastern boundary, which are outside of the red line boundary. A Parameter Plan has been submitted which shows a belt of Public

Open Space approximately 30m wide at the southern end of the site, with a further 'buffer' of approximately 20m between the boundary of the application site and the Flitch Way. Developing to these parameters would mean that would be circa 50m between the proposed built development and the Flitch Way, thereby limiting the potential impact on bats using the Flitch Way corridor. The development would also offer opportunities to improve linear landscape features and attenuation features that would be used by foraging bats. The report concludes that the proposed development is unlikely to generate any significant impacts on commuting and foraging bats.

Net gains for biodiversity

The applicants ecologist identifies the site as currently having low ecological value but goes on to state that there is potential to demonstrate net biodiversity gains in accordance with the NPPF, by delivering a comprehensive scheme of landscape planting, incorporating native species of known ecological value, and making provision for built-in bird nesting and bat roosting features within the development and in surrounding habitats.

Whilst landscaping would be a Reserved Matter the Council's Ecological Adviser is satisfied that the proposed landscape design for this application, including the retention of existing boundary vegetation and the buffer zone creation; new native species hedge planting; the provision of bird and bat boxes and hedgehog friendly fencing would all contribute towards improving the biodiversity value of the site.

In the event that planning permission were granted then conditions are recommended requiring submission of a Construction Environmental Management Plan prior to commencement of development and submission of Landscape & Ecology Management Plan, Biodiversity compensation and enhancement strategy; and Wildlife sensitive lighting design scheme to be submitted with Reserved Matters applications.

Habitat Regulations Assessment (HRA / RAMS)

The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Special Protection Area & Ramsar and Essex Estuaries Special Area of Conservation. 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'. 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 it has been necessary to carry out an HRA.

The Council has completed a HRA Appropriate Assessment (HRA AA) which sets out the proposed mitigation that would be secured to avoid impacts at the Protected Habitat sites in accordance with the Habitats Regulations 2017 and this has been submitted to Natural England for approval.

The conclusions of the HRA Appropriate Assessment (HRA AA) are that in order to avoid adverse effects on the integrity of the European sites, in the event that the Council granted planning permission there would be a need to secure a financial contribution (see planning obligations section below) towards off-site mitigation through the delivery of visitor management measures at the Blackwater Estuary SPA & Ramsar site, in line with the aspirations of the emerging Essex RAMS. The applicant would also be required to employ a range of measures at the development site to reduce the likelihood of visitor pressure increasing at the protected sites. These measures would include promoting opportunities for circular daily walking route for new residents; the provision and long term management of high quality greenspace on the application site including connections to the local public rights of way network.

At the time of writing this report the Council have not received a response from Natural England but an update will be provided to Members at Committee if one is received.

Highway Considerations

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- Direct public transport services exist, or there is potential for the development to be well served by public transport
- The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application includes a Transport Assessment (TA) and this includes the applicant's assessment of existing conditions, including traffic surveys and an assessment of public transport, cycling and walking from the site. It proceeds to consider levels of traffic generation from the proposed development and how these flows will be distributed across the road network; and the impact of traffic from the development and where necessary highway mitigation.

The submitted TA was subject to a number of criticisms by members of the public. It has also been assessed by the Highway Authority (Essex County Council) and they identified a number of issues and points that required

clarification, including arrangements for accessing the Flitch Way; the design of the access road; discrepancies in the date that survey work was undertaken; and information concerning modelling and accident data. In response the applicant has submitted an additional Technical Note which has sought to address these issues. This additional information has been assessed by the Highway Authority prior to their submitting their consultation response.

Highway Capacity

Many objectors refer to problems with the highway network, and concerns that adding further traffic to the network will add to journey times and add to existing queues that residents frequently suffer. Highway capacity was a subject that the Planning Inspector at the Brook Green appeal considered and they concluded that there was general consensus that there are points of pressure on this part of the local highway network and that there were problems of traffic movement in the area.

This scheme would offer opportunities for future residents to make journeys on foot and by cycling, however as the Planning Inspector noted in the Brook Green appeal the use of these modes may be less during periods of inclement weather and the fact that the Flitch Way is unlit will also discourage use during the hours of darkness, which in the winter months would cover times when people would be making journeys for various purposes including work and shopping. The current application does not propose to provide a new school or local shops, as the Brook Green application did, so residents of the development would need to travel to access these facilities and this will increase the level of traffic on the local highway network. The Brook Green Planning Inspector concluded that to prevent the larger scheme having a severe residual cumulative effect on the highway network a package of highway works to address local pressure points would be necessary in addition to sustainable transport measures that were proposed as part of that scheme.

All vehicular traffic will travel along Rayne Road, with a significant proportion heading east towards Braintree town centre. Traffic heading east would pass through the roundabout at the junction of Rayne Road, Pods Brook Road and Springwood Drive – locally known as the Springwood Drive roundabout. Pods Brook Road provides a link between Braintree town centre and the A120, and is a well-trafficked route with extensive queuing being experienced at certain times of the day and most notably during the afternoon / early evening, with slow moving or queuing traffic extending from the Aetheric Road / Rayne Road traffic lights back along Rayne Road and down the length of Pods Brook Road.

The Highway Authority have been developing a scheme to improve junction capacity at the Springwood Drive roundabout to address both existing traffic congestion and help accommodate future growth. A financial contribution of £50,000 has been requested as a reasonable and proportionate contribution towards the scheme.

It is acknowledged that the development would generate additional traffic and this would add to the queues that occur at some times of day, however if the developer makes the requested financial contribution towards improvements at the Springwood Drive roundabout to mitigate the impact of development on that junction, then the additional queuing that would occur on the network would not be considered to be severe. The number of dwellings is reduced in this current application from that proposed in the Brook Green application and as a result the volume of traffic that is projected to be added to the roads and the resulting adverse impacts would be reduced. This approach of securing necessary and proportionate highway works at identified pressure points in the highway network, along with the implementation of sustainable transport measures, is consistent with the approach that the Brook Green Planning Inspector took.

Site Access Arrangements

Although this is an outline planning application, approval of the access arrangements has been sought. It is proposed that a single vehicular access to the application site is formed off Rayne Road by realigning and upgrading the existing priority junction onto Rayne Road at Gilda Terrace. The existing access consists of a metalled service road tightly bound by houses on either side, which currently provides access to both the field and the garages, parking and rear gardens of the Gilda Terrace properties. The existing service road is regularly used for parking by residents but is wide enough to allow vehicles to pass parked vehicles. The applicant propose to demolish two dwellings (No.27 & No.29 Gilda Terrace) on the western side of the existing access in order that a new 5.5m wide carriageway can be constructed, centrally within the space created, with 2m footways to either side. The junction on to Rayne Road would be upgraded through the creation of a new right hand turn lane. The highway works to create the improved junction and right hand turn lane would necessitate removal of the parking bays in front of Gilda Terrace and the relocation of the bus stop, which would be completed by the developer as part of the highway works agreement.

At the request of the Highway Authority, and to align with their policies, the access arrangements have been revised. The carriageway has been reduced in width to 5.5m (from 6.75m) and a 2m wide footway is to be provided to either side, instead of a 2m footway and a 3.5m foot / cycleway. The junction radii has also been revised to ensure suitable access and egress for large vehicles like the Council's refuse freighters. Following receipt of revised access plans the Highway Authority has confirmed that they are now satisfied that the revised junction arrangement would allow large vehicles to safely enter and exit the development site. Highway Officers have further advised the junction arrangement would potentially represent a slight departure from their normal standards and that a Road Safety Audit would need to be completed as part of the detailed highway design work for this to be assessed.

Parking for residents of Gilda Terrace

The highway works to create the new vehicular access arrangements to the site would necessitate the removal of a layby space on the southern side of Rayne Road. The Highway Authority has questioned whether this space, which could be used for parking by visitors to Gilda Terrace, could be re-provided. The applicant proposed that they would widen lengths (85m & 45m) of the service lanes that currently serves the rear of the Gilda Terrace properties to create additional space that Gilda Terrace residents could use.

Officers have carefully considered the feasibility of the proposal and whether it could be delivered, as it is important when undertaking a planning balance exercise to fully understand the benefits as well as the adverse effects that would arise from a development. Officers concerns included who would be responsible for managing the new 'parking areas' and whether they could be constructed without the agreement of each of the property owners along Gilda Terrace as they each own the lane at the end of their gardens. Because there can be no certainty that the parking spaces can be delivered, the applicant has withdrawn this element of the proposal. The Highway Authority are aware of this and raise no objection in respect of the lost layby.

Flitch Way Improvements

A number of objectors refer to concerns about 'improvements' to the Flitch Way, with references to a tarmac path and lighting. Whilst improvements to make the Flitch Way more useable throughout the year were proposed as part of the larger Brook Green application no such proposals have been made as part of this application.

Essex County Council Country Parks service manage this part of the Flitch Way and the Highways Officer has liaised with the Country Park Rangers regarding the proposals. The proposed pedestrian / cycle path connection to the Flitch Way would need to cross ECC owned land to connect to the Flitch Way path and the County Council would want the path to be designed and constructed to an agreed standard. If planning permission were to be granted then the Rangers have asked that details are agreed of measures to prevent additional paths being created from the site and connecting to the Flitch Way. The County Council also note that the development would lead to an increase in walkers and cyclists along the Flitch Way. To mitigate the increased use and help manage the impacts of the development along this stretch of the Flitch Way the County Council has requested a financial contribution of £40,000 to be spent on Flitch Way improvements. These improvements could include improvements to surface water drainage and to the surface, although the surface improvements would use similar materials to those previously used to create path and it is not envisaged that the monies would be used to tarmac parts of the Flitch Way.

Strategic Road Network

Whilst Essex County Council as the highway authority provide the Council with advice concerning development proposals in respect of the local road network, advice concerning the impact of development on the Strategic Highways network is provided by Highways England.

The Council received two consultation responses from Highways England (HE). The first (dated August 2018) stated mitigation would be necessary due to the potential impact on the Strategic Road Network that HE manage – in this case the A120.

Based on the applicant's Transport Assessment, the impact of this proposed development would be relatively small, with the calculated queues increase from 145 to 155 vehicles on the Pods Brook Road approach to Rayne Road and from 146 to 153 vehicles on the A120 eastbound off-slip. Whilst acknowledging that this level of additional queueing might be minimal it could have the potential to cause a queue of traffic to tail back to the preceding junction and, in the case of the A120 eastbound off-slip, on to the main line of the A120. Therefore, some form of mitigation is required.

Whilst Highways England indicated that some minor junction improvements at the Rayne Road / Pods Brook Road roundabout might be required in mitigation they also acknowledged that this is a relatively small increase on an already-excessive queue; there are known issues with the modelling system used in this type of situation; and it is also possible that the queue lengths concerned might not materialise if road users re-assign to avoid congestion. Around the time of the Brook Green appeal the applicant engaged in further dialogue with Highways England, primarily concerning the 'Brook Green' application but by extension this application too. Prior to the inquiry Highways England agreed that the mitigation for the Brook Green development could be delayed, and it would appear this caused Highways England to revisit their recommendation on this application. A second consultation response was produced in September 2018 which stated that Highways England now offered no objection and did not consider that any planning conditions or mitigation was necessary.

In conclusion on Highway considerations, whilst it is accepted that the development would generate additional traffic movements and this is likely to create additional issues with congestion any impact that would arise would not be assessed as being severe, or warrant refusal of the application, subject to the sustainable transport measures being implemented and contributions made for further cycle and pedestrian path improvements. Furthermore there is no objection from Highways England or Essex County Council, who are the highway authority. Subject to securing appropriate mitigation there is no reason that the application would need to be refused due to highway considerations.

Impact upon Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan states Planning permission will only be granted where [amongst other things] '*There shall be no undue or unacceptable impact on the amenity of any nearby residential properties*'. The NPPF states that planning policies and decisions should create places that amongst other things provide a high standard of amenity for existing and future users.

The Council has received a number of written representations from residents living adjacent or near the site which raise concerns about the impact of the development on their amenity.

As noted above within the Highway and Transportation section, the proposed development would be served by a new 5.5m wide carriageway with 2m footways on either side. The access plans show that there would be a 6m wide strip of land, which would be landscaped, between the edge of the footways and the boundaries of the neighbouring properties. The new road would be located relatively closely to existing residential dwellings and this would result in a change in to the living conditions enjoyed in those properties as all vehicular traffic and a lot of the pedestrian and cycle traffic serving the development would pass the flank of the houses and past their rear gardens. Whilst there would be an impact on those immediately neighbouring the access Officers are mindful that the properties stand adjacent to Rayne Road, which itself can be a busy road, and it is not considered that the increased noise and disturbance caused by the access arrangements would result in undue or unacceptable impacts.

Representations have been received expressing concern about maintaining the existing arrangements to access the rear of their properties. The plan showing the proposed access arrangements show vehicular access being retained to the existing parking areas at the rear of Gilda Terrace with proposed vehicle cross overs shown. It is possible that there may need to be some temporary restrictions on the access arrangements whilst particular elements of work are carried out, but this would be a matter for the applicant to address in the event that planning permission were granted.

Although the application initially sought detailed permission for some housing on the site, the application now only seeks Outline planning permission and layout is one of the Reserved Matters. The Essex Design Guide states that a reasonable standard of amenity and privacy can be achieved between two storey dwellings where they stand at least 25 metres apart, when directly facing each other, and that new dwellings should not be located within 15 metres of existing residential boundary. Given the size of the site and the fact that is greenfield, there is no reason that new dwellings cannot be set back or orientated appropriately within the site, sufficiently for the privacy and amenity of neighbours to not be compromised.

Other concerns include the noise and disruption arising from construction activity, and these fears have been heightened for some residents by disturbance from the housing development at Rayne Lodge which is currently underway near the site on the northern side of Rayne Road. To some degree planning conditions can be used to limit and control demolition and construction activity but it is inevitable that local residents would be exposed to disturbance and issues like dust even with the most well run construction site. These issues would however be temporary and concerns about problems arising from demolition and construction would not be a reason to withhold planning permission.

Loss of Agricultural Land

Policy CS8 of the Adopted Core Strategy is also concerned with the protection of the best and most versatile agricultural land and Paragraph 170 of the NPPF also requires that planning decisions should consider the economic and other benefits of the best and most versatile agricultural land.

No information has been supplied regarding the agricultural quality of the land within this application, however the larger Brook Green application did include survey data which showed that the application site was assessed as Grade 3a which means that it is classified as Best and Most Versatile agricultural land.

Whilst the Council are directed to use areas of poorer quality land in preference to that of a higher quality, national planning policy does not prohibit the use of Best and Most Versatile Agricultural Land for development. It is the case that the majority of the District is identified on regional maps as being ALC Grade 2 or 3. As a result Officers do not believe it will be possible to meet the District's housing need without using agricultural land that is classified as being '*Best and Most Versatile Land*'.

Whilst it is acknowledged that the proposals could result in the loss of high quality agricultural land, Officers do not consider that this can be substantiated as a grounds for refusal due to the level of development required by the NPPF to meet the District's Objectively Assessed Housing Need when so much of the undeveloped land in the District is likely to be classified as '*Best and Most Versatile*' based on the Regional ALC maps. Whilst this does not constitute a reason for refusal there would be an additional conflict with Policy CS8 of the Adopted Core Strategy in this respect.

PLANNING OBLIGATIONS

The applicants Planning Statement states that Heads of Terms were not discussed with Officers prior to the application being submitted, however they acknowledge that they would be prepared to enter into a s106 Legal Agreement to secure the delivery of planning obligations that would meet the relevant statutory tests.

Affordable Housing

In accordance with Policy CS2 of the Adopted Core Strategy, on a development of this size and in this location the Council, the Council would seek the provision of 30% of the housing to be provided as Affordable Housing. In the event that maximum number of dwellings were built then 36 dwellings would be required to be provided for affordable housing, with 30% of the Affordable Housing being provided as Intermediate Housing and the remaining 70% provided on an Affordable Rent tenure.

The Council's usual requirements in respect of Affordable Housing would also need to be secured – namely that all dwellings accessed at ground level are required to be compliant with Building Regulations Part M Category 2 (Accessible & Adaptable) and compliant with the Nationally Designed Space Standards. With an Outline planning application, such as this, the actual mix of Affordable Housing would not usually be agreed until Reserved Matters stage. The Council's Housing Enabling Officer has however indicated that to meet local housing need two of the Affordable Homes should comprise of Bungalows that meet Building Regulations Part M Category 3A for Wheelchair Users.

Education

The Education Authority, Essex County Council, have assessed the likely impact that the development would have on the education system. As part of the application is submitted in Outline it is not possible to state definitively what the impact would be until the exact number of dwellings and the size of the dwellings. If 80 dwellings, with two or more bedrooms were erected on the site, then the Education Authority advise that a development of this size can be expected to generate the need for up to 10.8 Early Years and Childcare (EY&C) places, 36 primary school, and 24 secondary school places.

Early Years and Childcare - The County Council advise that there is limited capacity within existing preschool and Early Years and Childcare settings and that in order that they meet their responsibilities they are required to ensure that there are sufficient places in a range of settings to meet demand. A financial contribution of £17,422 for each additional place required is sought by the Education Authority, with the actual amount paid dependent on the number of qualifying dwellings that are built.

For information only the County Council has advised that if all 120 dwellings are qualifying units then there would be a need for an additional 10.8 places which would mean a financial contribution of £188,158 would be required (index linked to April 2018).

Primary Education - This development sits within the priority admissions area of Rayne Primary School, which has an official net capacity of 259 places. The School is close to capacity in some year groups and may not have

sufficient unfilled spaces to meet the full demand for places generated by a development of this size.

A financial contribution of £15,281 for each additional place required is sought by the Education Authority, with the actual amount paid dependent on the number of qualifying dwellings that are built.

For information only the County Council has advised that if all 120 dwellings are qualifying units then there would be a need for an additional 36 school places which would mean a financial contribution of £550,116 would be required (index linked to April 2018).

Secondary Education - It is anticipated that there will be sufficient secondary school places to accommodate a development of the size.

Healthcare

The CCG has confirmed that there are two practices that would be directly impacted by the proposed development being located within 2km of the application site – the Blandford House Medical Centre and the Great Notley Surgery. The CCG confirm that neither practice has spare capacity currently to accommodate the additional growth resulting from the proposed development. The development could generate approximately 288 residents and subsequently increase demand upon existing constrained services. To mitigate the potential impact on healthcare services a financial contribution of up to £45,400 (index linked) is requested. As this is an outline planning application the financial contribution would be £378.33 per dwelling.

Highways

As set out above, the Highway Authority have recommended that financial contributions are paid to mitigate the impacts of the development - £50,000 towards the Springwood Drive roundabout improvement scheme and £40,000 towards Flitch Way improvements. A highway works agreement is also required to secure the highway works on Rayne Road and associated with the new access arrangements to the site and the provision of 3m wide link from the application site to connect to the existing Flitch Way surfaced path, with suitable access and maintenance arrangements.

HRA Mitigation

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Special Protection Area and Ramsar site & Essex Estuaries Special Protection Area. In accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, and as part of a package of mitigation measures a financial contribution (currently £125.58 per dwelling) towards offsite visitor management measures at the protected sites.

Public Open Space

The Council's Open Spaces SPD sets out the process for determining what sort of Public Open Space (POS) should be provided within a new housing development, and the Adopted Core Strategy (Policy CS10) specifies the Council's standards for the quantum of Open Space that should be provided. These documents indicate that a minimum of 0.63ha of POS would need to be provided on the site to comply with the Open Spaces SPD and Core Strategy.

The submitted Parameter Plan indicates the provision of a minimum of 1.37ha of POS within the application site. Whilst it is noted that the quantum of Open Space being provided is in excess of the Council's minimum standards it is considered that this level of POS has been proposed primarily because of the site's constraints and is necessary to create a buffer between the built development and the Flitch Way.

The S106 agreement should secure this minimum level of provision and require its provision in general accordance with the submitted Parameter Plan. The obligation should also require the provision of an Equipped Play Area within the site, with the value of the play equipment to meet or exceed the level specified in the Open Spaces SPD (as updated).

In addition to the provision and setting out of the Public Open Space there is also a need for suitable long term future management arrangements for these areas as well as the new foot / cycleway connection to the Flitch Way.

Allotments & Outdoor Sports

The Open Spaces SPD states that a development of this size is not required to provide allotment or outdoor sports facilities within the application site. The SPD instead states that a financial contribution will be required to mitigate the increased demand for allotments and Outdoor Sports facilities arising from this development. The level of contribution would be calculated based on the number and size of dwellings that are built and in accordance with the contribution levels specified in the updated tables in the Open Spaces SPD.

In addition to the other reason for refusal Officers recommend that the lack of an agreed S106 forms a further reason for refusal. Whilst it is acknowledged that the applicant indicated through their submission that they accepted a need for a legal agreement to cover planning obligations, in this instance Officers have not sought to negotiate a S106 legal agreement with the applicant as the proposed development is recommended for refusal. It is recommended that the lack of a legal agreement / planning obligation forms a further reason for refusal.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11 d), that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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

Summary of Adverse Impacts

The adverse impacts and the weight that should be accorded to these factors are set out below.

Conflict with the Development Plan - Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning

permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF emphasises that the planning system should be “genuinely plan led”.

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policies CS1 and CS5 of the Adopted Core Strategy with regard to the Council's spatial strategy as it proposes development outside defined development boundaries and within the countryside. It would also conflict with Policies CS8 and CS9 of the Adopted Core Strategy and Policies RLP80 and RLP90 of the Adopted Local Plan due to its impact on the character and appearance of the surrounding area and failure to respect landscape character and sensitivity regard to the character of the landscape and its sensitivity to change. The application therefore generally fails to accord with the development plan as a whole.

Whilst negligible weight can be applied to the conflict with Policies CS1 and RLP2, as their primary purpose is to restrict development, Policy CS5 aims are much wider and the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – Officers afford more than moderate weight to the conflict with Policy CS5.

It has also been identified in this report the proposal does not have regard to the character of the landscape and its sensitivity to change or respect and respond to the local context. It would fail to enhance the locally distinctive character of the landscape in accordance with the Braintree District Landscape Character Assessment and would therefore conflict with Policies CS8 and CS9 of the Adopted Core Strategy. The proposal would not be in harmony with the character and appearance of the area and nor would it successfully integrate into the local landscape, contrary to the requirements of Policies RLP90 and RLP80 of the Adopted Local Plan respectively. The underlying objectives of these policies are considered to be consistent with the NPPF and consequentially the conflict with these policies should be given significant weight.

Conflict with the Draft Local Plan - Taking account of the impacts identified within this report the proposal would be contrary to a number of policies contained within the Publication Draft Local Plan, including: Policy SP2 - The adverse effects of granting permission would significantly and demonstrably outweigh the benefits; Policy SP6 - Development does not respond positively to local character and context or protect assets of natural value and fails to enhance the quality of existing communities; Policy LPP1 - Development located outside development boundaries and would not protect the character and beauty of the countryside; Policy LPP17 - This site has not been proposed to be allocated for development, whereas sites that are considered suitable for residential development of 10 dwellings or more to meet housing need are identified on the proposals maps; LPP50 - Development of the site does not respect and respond to the local context which is especially important in areas of high landscape sensitivity; Policy LPP 55 - The

development would not reflect the area's local distinctiveness or be sensitive to the need to conserve local features of landscape importance; LPP71 - The development fails to consider the different roles and character of different landscape areas and the proposals that would not be sympathetic or successfully integrate into the character of the landscape as identified in the District Council's Landscape Character Assessments.

Although Part One of the Draft Local Plan has been subject to examination Part Two which contains the majority of the Development Management policies is yet to be subject to examination. In accordance with Paragraph 48 of the NPPF, given the stage of preparation of the emerging Local Plan and the unresolved objections to the strategy, it is considered that only limited weight can be attached to these identified conflicts with the Draft Local Plan.

Separation of Braintree and Rayne - The application forms part of a tract of land identified as a Green Buffer in the Draft Local Plan. Policy LLP72 of the Draft Local Plan seeks to restrict development within the Green Buffers to minimise the coalescence and consolidation between built areas and preserves the setting of those areas. Whilst only limited weight can be applied to merging policies in the Draft Local Plan the policy on green buffers highlights the role of the land between Braintree and Rayne in maintaining separation between the settlements.

Officers consider that the proposed development would reduce the sense of separation that is currently experienced by users of the Flitch Way and Rayne Road. As the Planning Inspector stated in their report on the Brook Green inquiry whilst there is no specific provision within the NPPF development which does diminish the separation between separate and distinct settlements can result in harm that should be considered as part of a Planning Balance exercise. Officers consider that in this case moderate weight should be attached to the identified harm.

Harm to the Character & Appearance of the Area - It is considered that the proposed development would cause harm to the character and appearance of the area, most significantly in respect of the application site itself but also more widely within the Landscape Character Area A12, although this harm would be at a lower level. The development would also reduce the sense of openness enjoyed by users of the Flitch Way and result in the loss of views across the site that users of the Flitch Way currently enjoy. This combination of harm to landscape character; failure to respect the specific landscape qualities of the site; and harm to the visual amenity of sensitive receptors are considered to be contrary to Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policies RLP80 and RLP90 of the Adopted Local Plan and this harm is considered to carry significant weight.

Loss of Best and Most Versatile (BMV) Land - The site has been assessed as being BMV land. In accordance with Paragraph 170(b) NPPF, the loss of BMV land would be an adverse consequence of the proposed development. However, due to the predominance of BMV land across the District and the

level of housing, Officers consider that this conflict is afforded only very limited weight.

Conflict with the NPPF - For the reasons outlined above specific conflict has been identified with Paragraphs 127 and 170. These conflicts undermine the environmental objectives of sustainable development, as they would not contribute to protecting or enhancing our natural and built environment and these adverse impacts are such that the proposal is not considered to constitute sustainable development when assessed against the policies of the NPPF as a whole and this conflict is given significant weight in the determination of this application.

Main Public Benefits

Delivery of Market and Affordable Housing - The most obvious benefit of the proposed development would be the net provision of up to 118 dwellings (allowing for the demolition of the two existing dwellings to create the site access), of which up to 36 dwellings would be provided as Affordable Housing.

In the event that outline planning permission were granted then there would still be the need to gain approval for the Reserved Matters. As Members will be aware agreement of Reserved Matters will usually involve Pre-Application discussions before submission of formal applications. It should be noted that this application initially sought approval of all matters in respect of the first phase of the development but Officers raised so many issues with the details submitted that the applicant chose to withdraw that part of the application given the amount of work that would be required to address Officers concerns. When Reserved Matters are granted there is likely to still be a need to discharge pre-commencement conditions before development could commence so whilst granting permission would increase housing land supply the site would not be deliverable immediately and there is no certainty over how long it would take for the delivery of housing from the site. It is however acknowledged that the development would make a contribution to boosting the supply of homes, which has social and economic benefits, and this would be a significant benefit that should be given significant weight in favour of the proposal.

Accessibility of Location - The delivery of housing on the site, between the town of Braintree and the village of Rayne, would mean that the homes would be in a location where it would be possible to access existing services without having to rely on the private car, however Officers consider that the applicant has over-stated the site's sustainability credentials in respect of accessibility. There would be a limited number of public transport options that would be readily available to future residents and the distances to access some services would be beyond the distances that would be considered to be attractive to most future residents. The Flitch Way does offer opportunities for walking cycling to access services but the Flitch Way is unlit, which is likely to discourage use during the hours of darkness, which would be a particular issue in the winter months and the weather would limit the extent to which all

future residents will consider the Flitch Way to be an attractive option. As there would be some choice available to use accessible modes of transport to access local services and facilities the accessibility of the site would attract some moderate weight in providing housing which seeks to avoid undue reliance on the private car.

Economic and Social Benefits - Although no specific details have been provided it is also acknowledged that a development of this nature would create jobs during the construction period, both directly and indirectly. It is also accepted that new residents would consume goods and services at local businesses, increasing economic activity. As these economic and social benefits would arise from any similar sized housing development, including one without the above adverse impacts, it is considered that these should be given limited weight.

Public Open Space - The Parameter Plan indicates that 1.37ha of the application site would be made available as Public Open Space, representing approximately 28% of the application site.

The proposed area of Open Space exceeds the minimum level of provision that the Council's Open Space standards would require for a development of this size, although Officers consider that this 'over-provision' when measured against standards is largely due to the need to mitigate the impact that the development would have on the Flitch Way and has been necessary to try and make the development acceptable. It would include the provision of an equipped play area and a dog exercising area. Whilst the areas would all be publicly accessible and linked to the Flitch Way Officers consider it is unlikely that it would be regularly used by residents other than those who live on the development, so this public benefit could be attributed very limited weight.

S106 Financial Contributions - The Council would expect that a development of this size and in this location would make a number of financial contributions towards the provision of local services (Ecological Protection, Education, Health, Highways, Allotments & Outdoor Sport) however these contributions are all required to mitigate the impacts of the development and would not deliver a significant wider public benefit.

Planning Balance

Having considered the adverse landscape impacts, along with the conflict with the adopted Development Plan and emerging policies contained within the Draft Local Plan, when weighed against the public benefits identified it is considered that the harm would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and as such the application is recommended for refusal.

RECOMMENDATION

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

1 The application site is outside the built-up area, and lies beyond any designated development boundary in the development plan. Policy RLP2 of the Adopted Local Plan Review states that outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy seeks to restrict development in order to protect and enhance the landscape character and amenity of the countryside.

The site is within area LCA12 of the Braintree District Landscape Character Assessment. This is a landscape characterised by a narrow shallow valley which cuts into an area of farmland plateau. In the vicinity of the application site, woodland cover is reduced and the valley becomes more open with larger arable fields that slope down to meet at Pods Brook. The proposed development would have unacceptable effects on this landscape character area, and also on the landscape character of the application site itself. It would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, which seek to maintain cross valley views and ensure any new development on valley sides is small scale. The new residential development would also have an adverse visual impact on the sparsely populated valley.

The application site lies close to the Flitch Way, a long distance path and cycle way which provides an accessible, well used and much valued resource that enables residents and visitors to appreciate a sense of openness and views of the countryside. The proposed development would give rise to unacceptable visual effects from a number of publicly accessible viewpoints, including along the Flitch Way. Tree planting along the north of Flitch Way could provide some mitigation, but would not compensate for the loss of views across the open fields; and would in itself foreshorten such views, thus removing the appreciation of the countryside context.

The application site is also located within a parcel of land that has been identified as having a Low capacity to accommodate new development in the Braintree District Settlement Fringes Evaluation of Landscape Analysis (2014).

The application site forms part of an undeveloped area of land which has long been recognised as playing an important role in maintaining separation between the settlements of Braintree and Rayne. That is reflected in the Publication Draft Local Plan, which identifies an area of land between Braintree and Rayne (which includes the application site) as a Green Buffer. The construction of housing on the rising land behind Gilda Terrace would consolidate the depth of development at the edge of Braintree, and would reduce the sense of separation which is currently experienced by users of the Flitch Way.

It is therefore considered that the proposal is contrary to the development plan taken as a whole. The site is outside the built up area and the proposal would fail to protect and enhance the landscape character and amenity of the

countryside (CS5). The proposal does not have regard to the character of the landscape and its sensitivity to change or respect and respond to the local context. It would fail to enhance the locally distinctive character of the landscape in accordance with the Braintree District Landscape Character Assessment (CS8 and CS9). The proposal would not be in harmony with the character and appearance of the area (RLP90) and nor would it successfully integrate into the local landscape (RLP80). These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. There are no other material considerations which indicate that permission should be granted.

2 Policy CS2 of the Adopted Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Adopted Core Strategy and Policy RLP138 of the Adopted Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. Policy RLP84 of the Adopted Local Plan Review states that the Council will where necessary impose planning obligations to ensure that new development will not have an adverse effect on protected species by reducing disturbance of habitats is managed and reduced to a minimum.

These requirements would need to be secured through a S106 Agreement. Whilst the applicant has indicated a willingness to make a planning obligation to ensure that community and infrastructure facilities are provided at the time of issuing this decision a S106 Agreement had not been prepared or completed. In the absence of an obligation the proposal would conflict with the development plan as regards:-

- The provision of 30% of the housing on the site as affordable housing
- A financial contribution towards the provision of Early Years & Childcare provision and Primary School education
- A financial contribution towards the provision of primary health care
- The provision, delivery and maintenance of Public Open Space, with a minimum area of 1.37ha, and including an equipped play area and other areas of public open space. Management arrangements to include the path connecting the application site to the Flitch Way
- A financial contribution towards the provision of Allotments and Outdoor Sports facilities in accordance with the Council's Open Spaces SPD
- Suitable agreements with Essex County Council in respect of the site access on Rayne Road and associated highway works and the provision of a 3m wide path connecting the application site to the path on the Flitch Way
- Financial contribution of £50,000 towards Highway Improvements at the Springwood Drive roundabout and £40,000 towards improvements to the Flitch Way

- Financial contribution of £125.58 per dwelling to fund off-site Visitor Management at the Blackwater Special Protection Area and Ramsar site & Essex Estuaries Special Protection Area

As such the proposal is contrary to the above policies and adopted SPD.

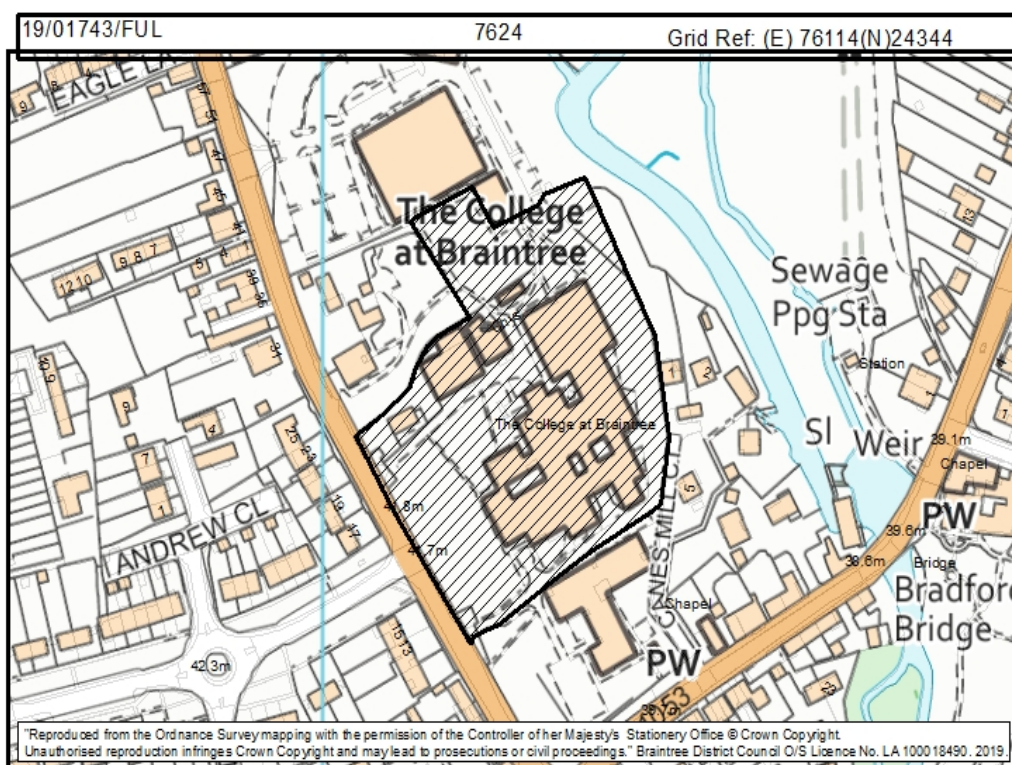
SUBMITTED PLANS

Location Plan	Plan Ref: 1002	
Concept Plan	Plan Ref: 3205	Version: B
Parameter Drawing	Plan Ref: 3502	Version: A
Other	Plan Ref: 5003	Version: A

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

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=PYAHTMBFI/M200>

SITE HISTORY

02/02225/FUL	Renewal of Application No. 97/00436/FUL - Change of use of land for stationing of 4 Hallam Cabins for a Further 5 years	Granted	07.01.03
76/00151/P	Change of use to showroom	Granted	23.03.76
77/01170/LB	Erection of trade sign	Granted	24.01.78
80/00805/P	Change of use from showroom/warehouse to office.	Granted	22.07.80
82/01205/P	Change of use from office/showroom to showroom/warehouse including wholesale and limited retail outlets for sports, ballet leisure and dance gear.	Granted	06.01.83
76/00209/P	Erection of changing rooms at rear of foundry classroom (CC/1/76)	Deemed Permitted	21.04.76
76/00764/P	Two relocatable classrooms (CC10/76)	Deemed Permitted	24.08.76
81/00995/P	Renewal of temporary permission for provision of two relocatable classrooms. (CC/16/81)	Deemed Permitted	28.10.81
83/00767/P	Provision of four temporary classrooms. (for youth training scheme) (CC/13/83)	Deemed Permitted	
86/01388/P	Continued use of additional teaching accommodation	Deemed Permitted	26.11.86
78/01683/	Proposed provision of 3m high chain link fencing to car park front boundary.	Granted	15.08.79
89/00216/P	Change Of Use To Offices (Architectural Design)	Granted	31.03.89
89/01670/P	Erection Of Extensions And Alterations As Part Of Its Conversion Into A Tertiary College	Deemed Permitted	23.10.89
90/00562/PFBN	Provision Of Two		02.05.90

90/01803/PFBN	Relocatable Classrooms Continued Use Of Four Jack Leg Cabins And Two RI3 Relocatable Classrooms		15.01.91
93/00784/FUL	Erection of double relocatable classroom	Granted	02.08.93
94/00283/FUL	Erection of single storey extension to reception and refectory	Granted	20.05.94
95/00868/TEL	Proposed telecommunications installation on the roof of Braintree College	Permission not Required	22.08.95
95/01427/FUL	Demolition of existing sports hall and temporary classrooms and redevelopment with new sports hall, teaching facilities, offices and ancillaries	Granted	09.04.96
97/00436/FUL	Retention of 4 Hallam cabin classrooms	Granted	13.06.97
98/00486/FUL	Erection of extension to existing music and drama department to form 2 new changing rooms and 1 additional spare/music room	Granted	01.06.98
99/01002/TEL	Installation of replacement cabin - Amendment to application no. 95/868/TEL	Permission not Required	28.07.99
05/02433/FUL	Erection of rear timber canopy to the back of C block	Granted	10.02.06
06/02260/FUL	Provision of 2 no. portakabins to provide additional teaching facilities	Granted	10.04.07
09/00150/FUL	Change of use of land for stationing of 4 no. portacabins - Renewal of expired planning application (02/02225/FUL)	Granted	12.03.09
14/01005/FUL	Retrospective application - conversion to a residential teaching and learning facility.	Part Grant, Part Refused	11.11.14
14/01008/FUL	Natural ventilation upgrade to the existing sports hall fabric.	Granted	17.09.14
15/01377/FUL	Erection of new (STEM) 2	Withdrawn	01.02.16

16/01013/FUL	storey teaching accommodation block Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. Provision of an external material store to the northern corner of the site	Granted	09.08.16
16/01810/VAR	Application for variation of Condition 2 of approved application 16/01013/FUL (Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. - Amendments include an increase in the size of the substation and alterations to the elevations and site plan including louvre sizes, cycle racks, extension to store and materials store, proposed flue.	Granted	02.12.16
18/00847/FUL	Removal of high level windows, doors and fascias throughout. Installation of new high level windows, full height curtain walling doors and fascias.	Granted	03.07.18
18/01253/FUL	Proposed two-storey STEM (Science Technology Engineering Mathematics) building with associated landscaping including external spaces, car park provision, new gate/barrier, provision of cycle hoops and bin/refuse storage.	Granted	14.11.18
19/00287/VAR	Application for variation of condition 11 following grant of planning permission 18/01253/FUL - to amend the weekday working hours to 0730-1730 hours and to amend Saturday working hours to 0800-1600 hours.	Application Returned	
19/00319/DAC	Application for approval of details reserved by conditions 5 and 9 of	Granted	24.10.19

	approved application 18/01253/FUL.		
19/00654/VAR	Application for variation of condition 11 relating to hours of working following grant of planning permission 18/01253/FUL	Granted	19.07.19
19/00676/VAR	Application for variation of condition 2 following grant of planning permission 18/01253/FUL - Alterations to submitted plans to facilitate reduction in building height, change of cladding material, alterations to fenestration, alterations to parking area and relocated and revised capacity of soakaway tank.	Granted	31.10.19
19/01317/FUL	The installation of a 30 metre high tower supporting 6 no. antennas and 4 no. dishes for EE and H3G and 3 no. antennas and 2 no. dishes for CTIL, and the installation of 8 no. equipment cabinets for EE and H3G and 3 no. cabinets for CTIL, all within a secure compound, and development ancillary thereto.	Refused	07.11.19
20/00006/TEL		Planning Permission Required	02.03.20
20/00555/FUL	Demolition of block B and extension to hardstanding to form a carpark.	Pending Consideration	
20/01305/FUL	The installation of a 25.10-metre-high telecommunications lattice tower accommodating 6no antenna apertures, 4no transmission dishes and 9no ground-based equipment cabinets within a secure fenced compound, and ancillary development thereto.	Pending Consideration	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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 examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP19	Sheltered Housing
RLP20	Residential Institutions in Towns and Villages
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments
RLP150	Educational Establishments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP35	Specialist Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas

LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Neighbourhood Plan

None

Other Material Considerations

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)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

SITE DESCRIPTION

The application site comprises the former Braintree College, a use that has now ceased. To the west of the site is Church Lane, of which both vehicular accesses are served. To the south is the Church Land Doctors Surgery and Canes Mill Court which continues to the east of the site and serves 5 residential dwellings. To the north west of the site are a number of listed buildings, included a Grade 2* building known as Boleyns. The application site wraps around the rear of this property to the east. To the north of the site are the new college premises known as the STEM building, and to the east of the site is the River Blackwater, however none of the application site lies in a flood zone.

To the south of the site is the boundary of the Bradford Street Conservation Area and therefore there are a number of trees protected on the land located to the south of the proposed care home vehicular access.

The site currently comprises 7,950m² of floorspace related to the college, spread over approximately half of the application site. The site comprises nine buildings ranging in design and height from single storey up to seven storeys (21m). The large seven storey building was constructed during the 1960s, being of a functional typical design of the era. To the west of the existing buildings within the site is a large landscaped area, containing a variety of mature trees. Beyond this area is a red stock brick wall, of which parts are in a poor state of repair.

PROPOSAL

This application is seeking full planning permission for the demolition of the existing college buildings, structures and facilities and the construction of a 75no. bed care home and 19no. age-restricted dwellings. The proposal also includes alterations to one of the existing vehicular access points, and the construction of new infrastructure including a new sub-station, visitor car parking, hard and soft landscaping and Suds feature.

The existing boundary wall along Church Lane would be demolished and rebuilt to enable the width of the existing pavement to be increased to 2m wide.

The care home is proposed in the southern portion of the site and would be accessed via the existing vehicular access that also serves the Church Lane doctor's surgery. The building has three storeys and contains 75no. en-suite bedrooms, lifts, assisted bathrooms, hair/nail salon, kitchen area, café/bistro space for residents, staff/manages space, 13 day spaces some with roof terraces, laundry area, staff room and therapy rooms.

During the life of the application the overall external design of the care has changed significantly. The mass of the building is broken down into different elements to create visual interest and has a modern design with a simple pallet of materials, including red and dark stock bricks and off-white render.

Six parking spaces are shown to the south of the car home, and a larger car parking area is shown to the north east of the care home. A new bin store and substation are also shown in this area.

To the north of the new care home are 19no. private dwellings which are proposed to be for those aged 55 and over and/or those with or those supporting someone with a disability. These dwellings would be served by an existing vehicular access located opposite 19 Church Lane. The proposed dwellings are located along a main spine road that runs the width of the site, which then turns to the north and south and both terminate with a section of private drive.

During the life of the application, the scheme was revised from 20 units to 19 and the mix of dwellings were altered from being all bungalows to a mix of dwellings, including detached bungalows, detached chalet houses, semi-

detached houses and detached two storey houses. An area of open space is proposed to serve the new dwellings and is located centrally in the northern portion of the site.

The large area of existing mature trees located to the western side of the site is proposed to be retained, and would form a unique area of public open space accessible by both the care home residents and the occupiers of the 19no. dwellings.

CONSULTATIONS

Anglian Water

The foul drainage from this development is in the catchment of Bocking Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

ECC Independent Living/ Extra Care

No comments received.

BDC Economic Development

No comments received.

BDC Ecology

No objection subject to securing conditions regarding biodiversity mitigation and enhancement measures and a lighting strategy.

ECC Education

No financial contributions are sought.

BDC Environmental Health

No objection and recommend conditions regarding contamination, a dust and mud control management scheme, hours of construction and no piling.

Historic Buildings Consultant

No objections, and suggests conditions regarding the submission of a materials schedule, submission of hard and soft landscaping, programme of historic building recording and the submission of said report.

ECC Highways

No objection and suggests conditions regarding the submission of the Construction Management Plan, provision of residential travel information packs, 2m wide footway between the northern and southern site accesses and improvements to the bus stop opposite the southern site access on Church Lane.

BDC Housing Research and Development

Affordable housing Policy CS2 would usually apply to the residential unit element requiring 30% of these units be provided as affordable homes. However, the applicant has set out clear argument in the submitted planning statement that Vacant Building Credit should be applied in this proposal.

Confirm therefore we accept Vacant Building Credit applies and no affordable housing will be provided through this application.

Health and Safety Executive

No comments received.

BDC Landscape Services

Comments made in relation to the retention of a number of trees on site and the proposed landscaping scheme. Conditions are suggested regarding the submission of an updated Arboricultural Report (to include a tree protection plan, arboricultural implications assessment and arboricultural method statement) along with a detailed landscaping scheme and maintenance plan.

NHS

Financial contribution of £17,480 towards the refurbishment of the first floor of the Church Lane Surgery.

Environment Agency

No comments received.

ECC Suds

No objection and request conditions regarding the submission of a detailed surface water drainage scheme, maintenance plan and yearly logs of maintenance.

BDC Waste Services

The amended plans are sufficient for waste storage, and collections.

REPRESENTATIONS

10 representations received from 7 addresses making the following comments:

Original proposals

- Developments of this sort offer a great lifestyle choice. An added bonus is that the College has been able to build new premises ensuring the continuation of further education in Braintree, vital for the young people of our town.
- The provision of a care home will fulfil the need for more care places to cope with the growing numbers in the town looking for such provision and having the entrance here combined with the present doctors' surgery makes sense.
- The proposed development is of a high standard with a variety of bungalow sizes and plenty of space between them.
- Good to see the trees to the front of the site being retained.
- Rather bland design, good materials should be secured.
- Concern about the loss of the front wall, as it could be curtilage listed, there should be a condition requiring approval of a sample brickwork to which the new work should conform.
- Concerns over loss of trees, a landscaping scheme should be submitted.
- No objection to the proposal as screening is to be provided along the boundary of Boleyns.
- New development could result in parking along Church Lane, which would impeded access for existing residents - suggest extending the double yellow lines.
- Concern about impact on services provided at the adjacent surgery.
- Concerns about loss of privacy to 181 Bradford Street.
- Extra traffic from the suite could result in more accidents on the roundabout that links Coldnailhurst Avenue and Church Lane.
- There would be major disruption also during the building phases as the road network in the immediate area is not conducive to heavy plant and lorries.
- Inconvenience for existing residents by increased numbers of ambulances and paramedic vehicles that would be accessing the new care home.
- Setting of Grade 2 star listed property should be protected, particularly in relation to the boundary screening.

Revised Proposals

- Concerns that the revised designs are not improvements.
- Two of the age restricted dwellings now have two stories, with 5 bedrooms.
- Revised design of care home would be as out of odds as the College buildings were.

- Concern about the loss of the front wall, as it could be curtilage listed. The replacement should use materials of a similar quality.
- Concern that the relocation of the wall would result in the loss of a number of trees for the site, which would change this part of the streetscene.
- Please reject these amendments.
- Traffic calming would be required due to an increase in traffic from the re-developed site.
- Parking restrictions should be increased in the area.

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 whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

5 Year Housing Land Supply

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

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

The Development Plan

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

The application site is located within the Town Development Boundary in Braintree, where new development is considered acceptable in principle.

Within the Draft Local Plan, the application site has been allocated for residential development.

Overall, in terms of the Adopted Local Plan, the Adopted Core Strategy, the Draft Local Plan and the NPPF, the principle of the re-development of the site is supported in planning policy terms.

Loss of Educational Establishment

Policy RLP150 of the Adopted Local Plan relates to Educational Establishments. It seeks to prevent their redevelopment unless it can be shown that:

- a. the use of the site is clearly redundant and no other alternative educational or community use is needed or can be found; or
- b. satisfactory alternative and improved facilities will be provided; or
- c. the area to be redeveloped is in excess of government guidelines for space standards taking into account future educational projections.

Further, public open space requirements locally will be taken into account as will the site's contribution to remedying deficiencies.

The Colchester Institute have a long-term transformational vision of a 'Centre of Advanced Technology' in Braintree and to transform curriculum delivery to a suite of technical and professional programmes focusing on STEM (Science, Technology, Engineering and Mathematics) subjects. The first phase of this was completed in April 2017 with the opening of a 'STEM Innovation Centre' through the conversion of an under-utilised sports hall.

To build on this further and facilitate the delivery of STEM subjects, the College require an additional building, which is being built to the north of the application site after planning permission was granted under application reference 18/01253/FUL.

The application site currently comprises nine buildings that are beyond useful economic life and unfit to support STEM curriculum delivery, restricting the College from delivering these subjects which provide students with skills desired by local employers.

After the identification of the application site within the Draft Local Plan for residential development, the College decided to sell the site for development.

With the development of these two new STEM buildings, the existing buildings currently on the application site are now vacant, as of August 2019.

Officers are content that the proposal complies with Policy RLP150 of the Adopted Local Plan as satisfactory alternative and improved facilities are being provided to the north of the application site.

Need for Specialist Accommodation

National government guidance states that local authorities should plan for a mix of housing based on current and future demographic trends and needs of the different groups in society.

The ADMP recognises that some people, such as the elderly or disabled, may need specialist housing provision, which is specifically designed for their needs. Essex County Council produced a Market Position Statement published in 2015. This statement projects that by 2025 Braintree will have seen a 34% increase in the number of older people (defined as those 65 and over) within its population, the second largest increase in Essex and as such will likely experience a shortfall in specialist housing. The current level of extra care housing in Essex is considered low by national standards. The abovementioned statement highlights Essex County Council's approach to elderly care being led by promoting independence with a key focus on developing extra care housing.

Policy RLP20 of the Adopted Local Plan provides guidance with regarding the development of residential institutions within the District. This policy states that:

Within predominantly residential areas in towns and villages, permission will be given for the development of residential care homes providing that:

- *the quality of design is in keeping with surrounding properties and landscape in terms of scale, form, layout and materials;*
- *there is sufficient amenity open space;*
- *boundary treatments provide privacy and a high standard of visual amenity both for residents and neighbouring properties;*
- *provision is made for the storage and recharging of wheelchairs and invalid carriages;*
- *there are shops, health facilities and regular public transport services, in close proximity to the site;*
- *parking is provided in accordance with the Council's standards.*

Policy LPP35 of the Draft Local Plan states that specialist housing is defined as accommodation, which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults, and may include some elements of care and support for everyone who lives there.

Proposals for specialist housing provision are allocated on the Proposals Map and will be permitted within development boundaries providing that all the following criteria are met:

- a. Everyday services that users would expect to access, such as shops should be available on site or should be located close by and be able to be accessed by a range of transport modes*
- b. Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents*
- c. Parking should be provided in line with the Council's adopted standards*
- d. There is an appropriate level of private amenity space to meet the needs of residents*

The Objectively Assessed Need projections indicate that the population aged 65 or over is going to increase over the plan period from 134,682 in 2015 to 205,906 in 2037, a rise of 52.9% across the Housing Market Area.

The older population is expected to rise by 51% in BDC over the plan period (SHMA 2015).

Given the dramatic growth in the older population and the higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options in the future and this facility will help meet that need.

The application submission has been supported by a Needs Assessment which states that given the advances in health, people are choosing to remain in their current properties for longer periods of time, so whilst many Local Authorities still choose to use a 55+ age restriction for specialist housing, the average occupancy age for LifeLong Homes is 60+. Therefore, whilst a restriction of 55+ is specified within this application (to correspond with local policy), data from ages 60+ has been used to drive calculations of need.

The tables below highlight the acute ageing population within Braintree and Bocking South Ward (where the application site is located):

Braintree District	2019	2020	2025	2030	2035
Total population 65 and over	31500	32100	35700	40400	44700
Total population 65 and over %		2%	12%	22%	30%

Bocking South Ward	2017	2022	2025	2030	2035
Total population 65 and over	1281	1375	1432	1563	1659

The proposal seeks to address the needs of those from 60+, with care needs ranging from none at all (fully independent) to high end dementia care. LifeLong Homes are designed to cater to those aged of 60+, with the majority of residents being between 60-79. Therefore, the assessment age band used to generate the data in the Local Needs Assessment for the proposed specialist accommodation is 60-79. The Local Needs Assessment is summarised in the tables below:

Area – Bocking South Ward	2022	2025	2030	2035
Total Potential New Homes Requirement for Local Residents Aged 60-79	92	93	102	112
Proposed Development				
Number of units proposed on-site	19			
% of need addressed through the proposed dev. (assessed against each time frame as if the development was delivered in that period)	21.8%	21.4%	19.5%	17.9%
Compounded need assuming proposed development delivered in year 2022	72	73	82	92

The Care Needs Assessment was based on a District wide need and produced using ONS data. The table below shows the forecast demand, and whilst it shows a current oversupply up until 2025, the proposed care home would not be delivered until 2023/2024, which means it would represent an effective method of addressing demand as it arises beyond 2025.

Care bed requirement in the Braintree District	2019	2020	2025	2030	2035
Current elderly care home bed supply (all types)	1148				
Surplus / Demand	140	121	6	(145)	(282)

Officers are content the proposals comply with guidance from the NPPF, Policy RLP20 of the Adopted Local Plan and Policy LPP35 of the Draft Local Plan.

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.

During the life of the application, Officers and the applicant have worked proactively together to create layout that would sit comfortably within the existing pattern of development in the wider area and to ensure that the two distinct parts of the scheme coexist successfully. The northern portion of the application site would contain 19no. dwellings, and when the application was originally submitted 20no. dwellings were proposed which were all bungalows. The layout and dwelling types have been amended to ensure that there would be a gradual increase in building height across the site (north to south) from bungalows along the northern boundary, to the three storey care home to the south. Officers are content with the design approach as the two distinct portions of the site successfully relate to each other.

A traditional design approach has been used across all of the dwellings, such as simple gable roofs and gable features and simple pallet of materials which are used to extenuate some features. Small dormer windows are used on three of the detached houses and two storey gables are proposed on another of the two detached houses.

The dwellings are located along a main spine road which terminates in a T junction, beyond which are two sections of private drives which would serve a

number of the proposed dwellings. At the centre of the dwellings a small area of open space which would also contain 5no. grasscrete visitor parking spaces.

It is considered that the dwellings and layout provide a scheme with architectural variation, yet overall is a cohesive scheme which has an appropriate character for this town 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. To ensure that these relationships between properties and the size of the garden spaces are maintained, it is recommended that a condition removing permitted development rights for extensions is attached to any grant of consent.

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

The overall layout of the site has been designed to ensure that acceptable distances would be maintained between the care home and the plots 16-19. A distance of at least 25m is proposed between the rear of these properties and the North West facing elevation of the care home. Officers are content that this distance is sufficient to ensure that the amenity of the new occupiers of these dwellings would be satisfactorily protected.

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.

The appearance of the care home has altered significantly during the life of the application and now has a simple, modern appearance. The scale of the building is broken down in different elements, which is emphasised by the use of a varied pallet of materials.

To the west of the care home is a large area of open space, which incorporates a significant number of existing mature trees which are to be retained. Care Home residents along with residents of the 19no. new dwellings will have access to the open space. This large tree filled area contributes to the character of the site and the retention of the trees would ensure that the new development beyond will successfully integrate into the existing streetscene along Church Lane.

Based on the application proposals Essex County Council Vehicle Parking Standards 2009 requires a maximum of 49no. on-site parking spaces for the Care Home. The proposals include 26no. parking spaces. Officers acknowledge that this is below the requirements of the adopted standards.

Members are aware of the sustainable location of the application site, and that is served by 5 different bus routes. Furthermore the site is located within densely populated area, and it is possible that some members of staff and some visitors could live locally.

The level of parking provision provided onsite accords with the amount provided on the Churchill Retirement Living Development site in Witham, 18/02304/FUL, which the Planning Inspector considered appropriate when determining an earlier appeal at the site. While the nature of this proposal is different to the one subject of this application, Officers do consider that this offers a useful guide which demonstrates that a lower provision of parking may be acceptable in sustainable locations.

To ensure that both visitors and employees utilise sustainable methods of transport, it is considered reasonable and necessary to impose a condition requiring the submission of a travel plan. The LPA would expect the travel plan to include but not be limited to details of nearby bus networks, cycling routes, safe walking routes and a car sharing initiative.

Given the above, Officers conclude that on balance the site provides a sufficient level of off-street car parking and the proposal complies with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan.

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.

The site is well distanced from nearby residential properties opposite the site along Church Lane. To the north of the site is a property known as Boleyns and Plots 1 to 5 that are located along the southern and western boundaries that adjoin Boleyns and single storey bungalows. It is considered that they are located a sufficient distance from this property and as they are single storey it is considered that the amenity of the neighbouring property would be suitably protected.

To the east of the site lie a number of properties in Canes Mill Court. No.1 lies the closest to the site and adjacent to proposed Plot 13. This new dwelling is a bungalow and is located a sufficient distance from No.1 Canes Mill Court and therefore Officers conclude that the relation with the existing neighbouring property is acceptable.

No.5 Canes Mill Court is separated from the western boundary of the site by the road that serves all 5 properties in Canes Mill Court. No.5 fronts the access road that would serve the care home and a physical distance of at least 17.5m would be maintained between the two buildings. Officers are content that this distance is sufficient to maintain an acceptable amenity level for the occupiers of No.5 Canes Mill Court.

The proposal therefore complies with Policy RLP90 of the Adopted Local Plan, Policy LPP55 of the Draft Local Plan and the NPPF.

Impact on Heritage Assets

The site lies to the north of the Bradford Street Conservation Area and there are a number of listed buildings nearby, including a Grade II* listed dwelling known as Boleyns.

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.

Policy RLP95 of the Adopted Local Plan Policy states that built or other development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that: the proposal does not detract from the character, appearance and essential features of the Conservation Area

and is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings.

Policy LPP56 of the Draft Local Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affects a Conservation Area.

The Historic Building Consultant concludes, that the proposed redevelopment of the site and the demolition of the existing 1960s college buildings would have an enhanced effect on the heritage assets identified in the vicinity of the application site and the Conservation Area. A number of conditions relating to materials, a landscaping scheme and historic building recordings are recommended and are considered appropriate.

A building recording condition is recommended given the important part the college has played in the education of local community for a number of years, including notable alumni such as artist Grayson Perry and astrophysicist Lisa Harvey-Smith. It is considered that an archived recording of these buildings would mitigate against the loss of the college buildings.

The proposal therefore complies with Policy RLP95 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, the NPPF and Policy LPP56 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.

Policy CS8 from the Adopted Core Strategy states that all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District.

Policy LPP71 from the Draft Local Plan states that in its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Furthermore where development is proposed close to existing features, it should be designed and located to ensure that the condition and future retention/management will not be prejudiced but enhanced where appropriate.

The application site contains a large landscaped area which is particularly visible from Church Lane. The applicant proposes to retain this area and a

significant number of the mature trees and for it to become public open space. Some leylandii trees located close to the existing western boundary wall are to be removed to allow for sufficient space for the wall to be rebuilt 2m from the kerb. No objection is raised to the loss of these trees and in fact it is considered that the removal of these trees will ensure that some more important trees on the site will thrive.

No objection is raised to the application by the Council's Landscape Officer. A number of specific landscaping conditions, including the submission of an updated Arboricultural Report (to include a tree protection plan, arboricultural implications assessment and arboricultural method statement) along with a detailed landscaping scheme and maintenance plan are recommended.

It is considered that the application complies with Policy RLP80 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP71 of the Draft Local Plan.

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 small re-alignment improvement to the kerb line to the southern access point is proposed and is acceptable to ECC Highways.

The Highways Authority raise no objection to the proposals and have requested conditions regarding the submission and approval of a construction management plan, provision of residential travel information packs for new residents, improvements to the southern site access as shown in principle on submitted documents W721/206 and improvements to the bus stop opposite the southern site access on Church Lane, to include a new pole, flag and timetable case.

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

Ecology

The application has been supported by the documents, Preliminary Ecological Appraisal and Bat Scoping Survey report (Geosphere Environmental Ltd, July 2019), Water Vole survey report (Geosphere Environmental Ltd, September 2019) and Bat Roost Survey report (Geosphere Environmental Ltd, July 2019) which relate to the likely impacts of development on Protected & Priority habitats and species and identification of proportionate mitigation, particularly for bats, otters and water vole.

The survey reports have confirmed that otter and water vole are present on the River Blackwater adjacent to the development site. Therefore, the recommended mitigation measures as detailed in the Water Vole survey report (Geosphere Environmental Ltd, September 2019), to ensure that there

is no disturbance to protected species arising from development during construction or post construction, must be detailed through the provision of a Construction Environmental Management Plan (CEMP), which is recommended to be secured by condition. The CEMP should also include details of the precautionary construction methodology as detailed in the Preliminary Ecological Appraisal and Bat Scoping Survey report (Geosphere Environmental Ltd, July 2019), to ensure no harm comes to other protected and priority species particularly, badgers, hedgehogs and breeding birds.

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

The mitigation measures identified in the Preliminary Ecological Appraisal and Bat Scoping Survey report (Geosphere Environmental Ltd, July 2019), Water Vole survey report (Geosphere Environmental Ltd, September 2019) and Bat Roost Survey report (Geosphere Environmental Ltd, July 2019)) should be secured by condition and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

It is recommended that if external lighting is to be installed as part of these proposals, a wildlife friendly lighting scheme must be provided for this application to avoid impact of lighting of trees and of the River Blackwater corridor. These features may be used by bats for foraging and commuting and otter and water vole presence has been confirmed on the River Blackwater. Therefore, a wildlife sensitive lighting scheme should be secured as a condition of any consent prior to occupation.

Biodiversity enhancements should be secured to ensure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy, secured by Condition, and should include the recommendations for biodiversity enhancement as detailed in the Preliminary Ecological Appraisal and Bat Scoping Survey report (Geosphere Environmental Ltd, July 2019), Water Vole survey report (Geosphere Environmental Ltd, September 2019) and Bat Roost Survey report (Geosphere Environmental Ltd, July 2019), and should also include provision of bird and bat boxes, native planting and hedgehog friendly fencing for this application.

The reports provide 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 reports and their recommendations.

Habitat Regulations Assessment (HRA / RAMS)

In terms of the wider ecological context, the application site sits within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area. It is therefore necessary for the Council to complete

an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of this site.

The HRA has concluded that a financial contribution is required in order to mitigate, which would be £125.58 per dwelling erected towards offsite visitor management measures for the Blackwater Estuary SPA

These mitigation measures would be secured by way of S106 Legal Agreement and planning conditions.

Surface Water Drainage

Policies RLP67 and RLP69 of 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 Essex County Council as Lead Local Flood Authority 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 30%.

Vacant building credit (VBC) seeks to encourage the redevelopment of previously developed land, recognising the generally much higher costs of developing such land compared to greenfield sites. It takes into account existing vacant floorspace on a site and provides an exemption to affordable housing requirements accordingly to improve the viability of developing these sites.

The buildings on application site that are no longer suitable for use by the College and in the process of being vacated amount to 7,960m². The buildings are becoming vacant due to the College requiring more specialist teaching space and having made the decision to convert one building to the north of the site and to build a new building. The buildings were entirely vacant by 1st August 2019.

The total floorspace proposed by the care home and 19no. dwellings is significantly less than the vacant college buildings to be demolished. As the total amount of floorspace being demolished is more than the proposed floorspace, Officers are content that Vacant Building Credit applies and therefore no affordable housing is required to be provided on site.

Health Contributions

NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice does not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £17,480 towards the refurbishment of the 1st floor of the Church Lane Surgery.

It is acknowledged that local residents have raised concerns with regard to the impact of the development on the healthcare services provided locally. However, the NHS previously considered that financial contributions would allow them to carry out the necessary infrastructure improvements to mitigate against the impacts of this development.

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:

- £17,401 towards the repair of the existing boardwalk in Glebe Woods

This contribution would be secured through the S106 Agreement.

The layout plan indicates a larger area of public open space to the west of the site, which will ensure the retention of a significant number of the existing mature trees on the site.

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

Age Restriction

A schedule is proposed within the legal agreement to restrict the occupation of the 19no.dwelling to those 55 and over and/or those living with, or supporting someone with a disability.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. the framework is clear in its instruction at paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the housing delivery test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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).

Following significant amendments to the proposals during the life of the application have resulted in a scheme that Officers are satisfied with and are content that they would result in the successful re-development of the redundant college site.

The proposed scheme would have a number of social benefits including the provision of 19no. age-restricted dwellings and a 75no. bed care home. Furthermore during the construction period and beyond there would be economic benefits by providing new residents in the District. A further benefit would be the provision of the above policy compliance amount of public open space including the retention of the existing mature trees. The proposed redevelopment and the demolition of the existing 1960s college buildings would have an enhanced effect on the heritage assets identified in the vicinity of the site and the Conservation Area.

When considering the planning balance and having regard to the benefits outlined above, and having regard to the requirements of the NPPF as a whole, officers have concluded that the limited harms arising from the proposal, as identified within this report, would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development, subject to the completion of a Section 106 Agreement.

RECOMMENDATION

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

Health Care Financial Contribution

- £17,480 towards the refurbishment of the 1st floor of the Church Lane Surgery.

Public Open Space

- On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space and amenity land.
- Financial contribution in accordance with the Open Spaces Action Plan for: £17,401 towards the repair of the existing boardwalk in Glebe Woods

Age Restriction

- A schedule is proposed within the legal agreement to restrict the occupation of the 19no.dwellings to those 55 and over and/or those living with, or supporting someone with a disability.

RAMS Contribution

- In terms of HRA, the proposal would secure £11,804.52 towards off site mitigation (scheme to be confirmed).

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: 904-LOC	Version: A
Proposed Ground Floor Plan		Plan Ref: 00-2 rev F
Proposed 1st Floor Plan		Plan Ref: 00-3 rev I
Proposed 2nd Floor Plan		Plan Ref: 00-4 revF
Proposed Roof Plan		Plan Ref: 00-6 revG

Proposed Elevations	Plan Ref: 21-1 revK
Proposed Elevations	Plan Ref: 21-2 revJ
Site Plan	Plan Ref: 904-10D
Site Plan	Plan Ref: 904-11E
Proposed Elevations and Floor Plans	Plan Ref: 904-20B
Proposed Elevations and Floor Plans	Plan Ref: 904-21B
Proposed Elevations and Floor Plans	Plan Ref: 904-22C
Proposed Elevations and Floor Plans	Plan Ref: 904-23C
Proposed Elevations and Floor Plans	Plan Ref: 904-24C
Proposed Elevations and Floor Plans	Plan Ref: 904-25C
Proposed Elevations and Floor Plans	Plan Ref: 904-26C
Proposed Elevations and Floor Plans	Plan Ref: 904-27C
Proposed Elevations and Floor Plans	Plan Ref: 904-28C
Proposed Elevations and Floor Plans	Plan Ref: 904-29C
Proposed Elevations and Floor Plans	Plan Ref: 904-30C
Proposed Elevations and Floor Plans	Plan Ref: 904-31D
Proposed Elevations and Floor Plans	Plan Ref: 904-32C
Proposed Elevations and Floor Plans	Plan Ref: 904-33D
Proposed Elevations and Floor Plans	Plan Ref: 904-34D
Proposed Elevations and Floor Plans	Plan Ref: 904-35C
Proposed Elevations and Floor Plans	Plan Ref: 904-36B
Garage Details	Plan Ref: 904-37B
Proposed Elevations and Floor Plans	Plan Ref: 904-39B
Substation Details	Plan Ref: 904-40A
Highway Plan	Plan Ref: W721 206
Proposed Bin Collection Plan	Plan Ref: (90)1

- 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 or alteration of the 19 no. dwelling-houses/provision of any building within the curtilage of the 19. no dwelling-houses as permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and visual amenity.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason

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

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

Reason

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

- 6 No above ground development shall commence until additional drawings that show details of verge and ridge details together with windows, doors, eaves, fascia and the terminations of the weatherboarding have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 7 No demolition of the existing buildings shall commence until a programme of historic building recording to an appropriate level of detail, has been secured and undertaken in accordance with a written scheme of investigation which has been submitted and approved by the planning authority.

Reason

To enable full recording of this site of historical and local community importance.

- 8 Within 6 months of the completion of the building recoding, as required by condition 7 of this permission, a report detailing the building recoding shall be submitted to the Local Planning Authority.

Reason

To ensure an archived record of this site of historical and local community importance.

- 9 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Bat Scoping Survey report (Geosphere Environmental Ltd, July 2019), Water Vole survey report (Geosphere Environmental Ltd, September 2019) and Bat Roost Survey report (Geosphere Environmental Ltd, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) 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) and s17 Crime & Disorder Act 1998.

- 10 Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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).

- 11 Prior to the occupation of the site a Biodiversity Enhancement Strategy for Protected and Priority species shall be 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 (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).

- 12 Prior to first occupation, a lighting design scheme to protect biodiversity shall be 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, otters and water voles and where lighting is likely to cause disturbance. This should include along important routes used for foraging and commuting, resting places and river banks. It should 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, otters or water using their territory/habitat.

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 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).

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routeing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- a scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.
- details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interests of highway efficiency of movement and safety.

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

- a) Residential Travel Information Packs in accordance with Essex County Council guidance
- b) A min 2-metre-wide footway between the northern and southern site accesses as shown in principle on submitted drawing 904-10A
- c) Improvements to the southern site access as shown in principle on submitted documents W721/206
- d) Improvements to the bus stop opposite the southern site access on Church Lane, to include a new pole, flag and timetable case.

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.

- 15 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

- 16 The approved remediation scheme as required by condition 15 of this permission must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason

To ensure 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.

- 17 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.

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

- o Discharge water through infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- o 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.
- o 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.
- o Final modelling and calculations for all areas of the drainage system.
- o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

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

- 19 Prior to occupation 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 SuDS 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 Prior to the first occupation of the care home element of the development hereby approved, a travel plan shall be submitted to and approved by the Local Planning Authority. Once approved the development shall be carried out in accordance with the details approved.
The travel plan shall include but not be limited to, bus networks, cycle routes, safe walking routes and car share initiatives.

Reason

In the interests of sustainable development and promoting sustainable modes of transport.

INFORMATION TO APPLICANT

- 1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that

development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

2 The above requirements should be imposed by way of negative planning conditions or planning obligations agreements as appropriate.

In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only

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

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

All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

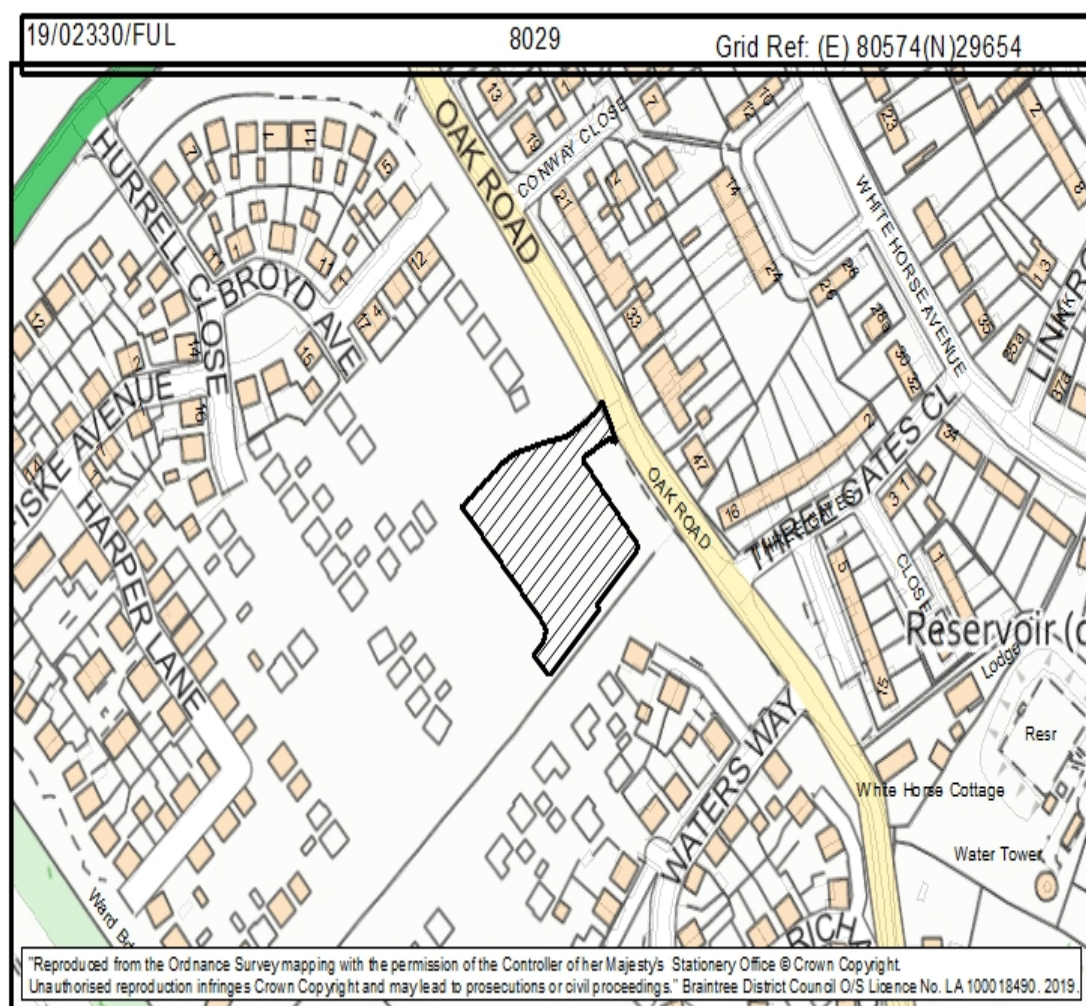
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/02330/FUL
 DATE VALID: 30.12.19
 APPLICANT: Mr Lee
 C/O Agent
 AGENT: Ms Nicky Parsons
 Pegasus Group, Suite 4, Pioneer House, Vision Park,
 Histon, Cambridge, CB24 9NL
 DESCRIPTION: Erection of 5 dwellings, with associated parking,
 landscaping details and access arrangements.
 LOCATION: Land South West Of, Oak Road, Halstead, Essex

For more information about this Application please contact:
 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=Q36F1OBFK2Y00>

SITE HISTORY

14/01580/OUT	Outline application for the erection of up to 292 residential dwellings (including up to 30% affordable housing), convenience store, parking, structural planting and landscaping, informal public open space, children's play area, surface water attenuation, 3 no. vehicular access points from A131 (1) and Oak Road (2) and associated ancillary works. All matters reserved with the exception of site access.	08.12.2014	03.06.2016	PER106
16/02186/REM	Application for approval of all matters reserved by Condition 2 of outline planning permission 14/01580/OUT (Appearance, landscaping, layout and scale), for the development of 192 residential dwellings (including 3 no. affordable housing), convenience store, parking, structural planting and landscaping, informal public open space, children's play area, allotments, surface water attenuation and associated ancillary works.	23.12.2016	31.10.2017	WDN
17/01665/REM	Application for approval of reserved matters (layout, scale, appearance and landscaping) in relation to outline application permission 14/01580/OUT at Oak Road (East),	09.09.2017	11.05.2018	PER

	Halstead, for the development of 100 new dwellings with 30% Affordable Housing, together with new allotments and public open space, drainage attenuation and associated infrastructure.			
18/01567/NMA	Application for a non-material amendment following grant of planning permission 17/01665/REM - to refine aspects of the approved layout and to enable the efficient and safe delivery of the development.	17.08.2018	03.12.2018	PER
18/02303/FUL	Retention of a temporary sales area and the change of use of residential garages located between plots 1 and 2 to a marketing suite for the period Jan 2019 - Dec 2020 including the construction of 6 car parking spaces and 1200mm high estate railings.	21.12.2018	04.04.2019	PER
19/00028/FUL	A permanent five bar entrance gate.	08.01.2019	21.05.2019	PER
19/00036/NMA	Application for a non-material amendment following grant of planning permission 17/01952/REM -to replace the brick types used to Plots 163, 165 ,177 and 178.	08.01.2019	08.04.2019	PER
19/00191/NMA	Application for a non-material amendment following grant of planning permission 17/01952/REM- minor amendment to enclosure detail.	30.01.2019	08.04.2019	REF
19/00361/ADV	11 Signs comprising of 1 x Totem Sign; 1 x Main Sign; 2 x Visitor Parking Sign; 1 x Fascia Sign; 1 x Swing Sign; 3 x Secondary Sign;	27.02.2019	04.06.2019	PER

19/01144/NMA	<p>2 x Show Homes Plaque and 8 Flags.</p> <p>Application for a non-material amendment following grant of planning permission 17/01952/REM - Black fascia removed from Plots 77-84. Full render to Plots 31-32 changed to front wrap render. Marley Rivendale Blue/Black slate replaced with Marley Modern Smooth grey to Plots 40-45 & 46-51. Forticrete Gemini Brown replaced with Marley Modern Smooth Brown to Plots 61, 62, 64, 65, 69, 70, 74-76, 93-96, 122 & 123. Wienerberger Apollo Red Multi brick changed to Ibstock Surrey Light Multi to Plots 40-47, 50, 51, 61, 62, 64, 65, 69, 70, 74-76, 85, 88, 89, 93, 94 & 97. All About Bricks Regent Stock brick changed to Ibstock Surrey Orange to Plots 48-49.</p>	26.06.2019	16.07.2019	REF
19/01177/NMA	<p>Application for a non-material amendment following grant of planning permission 17/01952/REM -to remove the cart lodge to plots 132-134 and 1.8m wall to be included to the rear and side boundaries of plots 132-134 and 147-150.</p>	28.06.2019	17.07.2019	PER

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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 examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

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
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
RLP51	Cycle Parking
RLP56	Vehicle Parking

RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP92	Accessibility

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP81	External Lighting

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards – Design and Good Practice

Affordable Housing SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Halstead Town Council has objected to the proposal (in their second consultation response) contrary to Officer recommendation.

SITE DESCRIPTION

The application site comprises a 0.28 hectare parcel of land, previously approved for the provision of a convenience store, contained within a wider development site approved under planning application reference 14/01580/OUT to deliver up to 292 dwellings. Following the submission and approval of the reserved matters, under application references 17/01665/REM and 17/01952/REM, a total of 283 new dwellings are currently being built out on the wider site. To the north of the retained hedge, which runs east – west across the site - Bloor Homes are building out the development which they are marketing as the Oakwood Hills development. To the south of the hedge David Wilson Homes are building out the remainder of the site which is marketed as the St Andrews Gate development.

The application site itself addresses Oak Road to the north-east, albeit there is a landscape buffer that will be provided between it and the highway. There is a hedgerow containing some mature trees which are subject to a tree preservation order to the south and south-east (Tree Preservation Order 12/2014). Immediately to the west and north of the site is residential development that is being built-out or is already built out.

PROPOSAL

The proposed development seeks full planning permission for the construction of five detached dwellings, including one affordable dwelling, alongside associated infrastructure including an electricity sub-station, on a parcel of land previously approved to provide a convenience store.

Access to the site would be achieved through the existing access off of Oak Road and the subsequent internal estate road layout.

The application has been amended at the request of Officers to reduce the quantum of development down from the six dwellings originally proposed.

CONSULTATIONS

BDC Environmental Health

No objections to the application on environmental health grounds, however, recommends that the details previously discharged under Conditions 13, 14, and 15 of application 14/01580/OUT, which relate to construction

management and hours of operation/working, be adhered to as part of this proposed development.

Also, due to the inclusion of a substation in the proposal, which would be in very close proximity to two of the dwellings proposed, the Environmental Health Officer has also recommended a condition requiring the submission of an acoustic report to ensure that the sub-station has no adverse impact upon residential amenity.

BDC Landscape Services

No objections raised to the proposed landscaping scheme. Noted that the preserved trees to the south of the site will remain protected under the approved Tree Protection Plan for the wider site.

BDC Waste Services

No objections raised.

ECC Highways

No objections raised.

BDC Housing Enabling Officer

As discussed within the body of the report the Council's Housing Enabling Officer is supportive of the proposals which will deliver a 4-Bed, 7-person house as an Affordable Home, which will be available on an Affordable Rent basis.

BDC Ecology

No formal response received – the Council's Ecologist confirmed that they have no new concerns regarding the proposals to develop this area for housing instead of the convenience store that was previously consented.

PARISH / TOWN COUNCIL

Halstead Town Council

In their initial response, dated the 15th January 2020, Halstead Town Council raised no objection to the proposed development. A request was though made for Officers to investigate securing additional S.106 contributions from the proposed development.

Following discussions with Officers, a revision to the proposed development was submitted by the applicant. The revised scheme included a number of changes which included reducing the number of dwellings from six to five; a number of revisions to the design and layout of the site and the house types and the provision of an Affordable Home. Subsequently, the Town Council

were sent another consultation request. In their subsequent response dated 15th July 2020, the Town Council raised an objection to the proposed development '*because of the loss of amenity and further drain on the town's resources*'. Officers explained to the Town Council that because of their objection the application would need to be reported to the District Council's Planning Committee and the Town Council were asked to clarify the reason for their objection so that this could be accurately reported to the Committee. The Town Council confirmed that this was '*The original planning consent was for a convenience store and amenity space. The Committee object to the loss of these facilities*'.

REPRESENTATIONS

One objection has been received which is summarised as follows:

- The houses proposed would be on land previously identified to provide a shop or other form of community asset.

One general comment has been received which is summarised as follows:

- There has been a reduction in trees and vegetation between the northern and southern parcels of the wider residential development.
- There has been no replacement of the lost trees or vegetation, leading to privacy issues, a reduction in wildlife habitats, and a breach of the previous planning conditions.
- Additional damage has occurred to trees and habitats as a result of debris, fences, railings, and litter.

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.

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

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites

which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

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 in the Adopted Development Plan and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Notwithstanding the above, whilst the site is located on land designated as countryside within the Council's Development Plan, in real terms it forms part of a wider residential development where the principle of development has been firmly established. This is reflected in the Draft Local Plan within which the site is identified on the proposals map, under reference GGHR 307, with the associated description citing an indicative capacity for 292 dwellings.

In light of the above, whilst in strict policy terms the proposed development represents a departure from the Development Plan, the principle of development is considered to be acceptable, and established, given the material planning context of the application site.

SITE ASSESSMENT

Planning History

In 2016 outline planning permission was granted, with all matters reserved except for access, under application reference 14/01580/OUT, for the development of the Land South of Oak Road to deliver up to 292 dwellings alongside. As well as the usual infrastructure (parking, structural planting and landscaping, informal public open space, children's play area, surface water attenuation), the Outline planning permission included a A1 retail store with an

net retail area of no more than 280m². Whilst the Council imposed a planning condition that controlled the size and use of the retail unit there was no planning condition or obligation which required that the store be built.

In 2018, reserved matters application reference 17/01952/REM which dealt with all reserved matters for development to the north of the retained hedge was approved facilitating the delivery of 183 dwellings with their associated infrastructure and a convenience store.

Although this is a 'stand-alone' / full application, it is notable from the above planning history that the addition of five further dwellings, would result in a cumulative total of 289 dwellings, and this would not exceed the maximum number of 292 dwellings previously considered to be permissible for the wider site's development.

Location and Access to Services and Facilities

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

In this case, the application site is located on a site in Halstead, which is one of the three main settlements within the District. As highlighted above, the site forms part of a wider site which has the benefit of planning permission for new residential development, which has been identified on the proposals map within the Draft Local Plan. The site is considered to be sustainable when considered against the above criteria and this weighs in favour of the proposal in the overall planning balance which is set out at the end of the report.

Loss of Convenience Store

As has already been noted, the proposed development seeks to deliver five dwellings on a parcel of land previously approved, under planning application references 14/01580/OUT and 17/01952/REM, to provide a A1 retail unit which the applicant had suggested could be used as a convenience store.

In assessing the principle of development, Officers have given careful consideration to the loss of the unimplemented convenience store. At the time that the Outline planning permission was being assessed, Officers did consider whether a planning condition or planning obligation should be imposed to ensure that the A1 store was delivered. Officers considered that the delivery of the store was not necessary to make the Outline planning permission acceptable and for this reason no planning condition or planning obligation was imposed. Officers were satisfied that if the store were provided then this would not be contrary to the Council's retail planning policies. If the A1 store were not provided then the development of up to 292 dwellings on

the site, on the edge of one of the District's three main towns, would still be acceptable on balance. It should be noted that the Planning Committee from 2016 did not list the provision of a convenience store as a benefit which should be weighed up in the planning balance. Notably, the site was concluded to be in a sustainable location with public transport, existing shops, employment, and community services all located within relatively close proximity to it. It is acknowledged that the provision of a convenience store on the site would have increased the likelihood that residents on the development would walk or cycle to the store for top-up shopping, however there is a Co-op convenience store at Ables Road, Parkfields. The store has a Post Office within it and is listed as being open daily from 6am – 11pm (7am – 10pm on Sunday). This store would be less than a ten minute walk for most people living on the Oak Road development.

The applicant in their planning statement has also noted that when the Council proposed that the site was allocated within the new Local Plan the draft allocation was purely residential. The proposals map does not show a separate allocation for a retail store and there is no site specific policy for the Oak Road development. Officers do not consider there is a policy basis for refusing this application to develop housing on the land. Nor would there be any justification for requiring the applicant to market the site for retail use to try and attract a retail operator.

Consequently, the loss of the convenience store is not considered to diminish the previous planning balance exercise completed, which pertinently weighed in favour of the overall scheme at a time when the Council was able to demonstrate a five year housing land supply. It is therefore important, in the context of the current application, to consider the loss of the unimplemented convenience store against the public benefits that would materialise from the five dwellings proposed at a time when the Council cannot demonstrate a five year housing land supply.

A detailed assessment of the proposed development, concluding with an overall planning balance, is set out in the remainder of this report.

Housing Mix and Tenure

The housing mix proposed is for four 3-bed 5-person dwellings and one 4-bed 7-person dwelling. Of these five dwellings the latter alone would be an affordable unit, representing 20% of the number of dwellings proposed.

For the purposes of adopted policy, as already discussed, the site is designated as being outside of the existing development boundary of Halstead. On that basis, ordinarily a 40% provision of affordable housing would be required from the development under Policy CS2 of the Adopted Core Strategy. However, in determining application reference 14/01580/OUT, Officers concluded that, due to the site being immediately adjacent to town's development boundary, the housing will clearly reflect the housing market in Halstead and therefore a 30% affordable housing requirement would be

appropriate for the context. The same rationale applies to this current application.

Originally the application sought approval for six dwellings, with none of the dwellings to be provided as Affordable Housing. The applicant reasoned that a development of six dwellings fell below the threshold specified in Policy CS2 of the Adopted Core Strategy when Affordable Housing is required (15 dwellings or 0.5ha in the urban areas such as Halstead). Officers disagreed with this assessment and argued that this whilst this is a full application, Officers viewed the application as a part of the larger 'Oak Road' development and that Affordable Housing was required. The applicant proceeded to offer two of the six dwellings as Affordable Housing which would have resulted in a total of 33% affordable housing provision. Following concerns raised by Officers in terms of the quantum of development proposed, the scheme was reduced to five dwellings. In the intervening period the Council's Housing Enabling Officer advised that following having analysed housing need within the town that there is a pressing need in the area for a 4-bed 7-person dwelling. With the number of dwellings reduced to 5, it was agreed that a single 4-bed 7- person dwelling would be acceptable to the Council, despite the fact that this only represents 20% of the dwellings.

The affordable housing element proposed would be subject to planning obligations under the S.106 agreement.

Design, Layout, Scale, Appearance & Landscaping

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments are, amongst other matters, sympathetic to local character and history, including the surrounding built environment. These principles have more recently been elaborated upon in greater detail within the National Design Guide (NDG). The NDG firmly reiterates that developments must be well-designed with an emphasis on beauty.

Policy CS9 of the Adopted Core Strategy, Policy RLP90 of the Adopted Local Plan and Policies LPP50 and LPP55 of the Draft Local Plan reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings to reflect or enhance the area's local distinctiveness.

The proposed development is for five detached dwellings, along with the associated amenities, parking, means of enclosure and landscaping, all laid out in an informal rectilinear fashion. This arrangement facilitates an efficient use of the relatively compact site, whilst also ensuring the proposed dwellings would respect and actively address their corresponding frontages, which is in part achieved through the strategic placement of house types that have

multiple elevations of architectural interest. To achieve this, revisions have been sought to add further detailing to blank elevations which would be prominent in the streetscene.

Furthermore, in accordance with the Site Wide Design Guide approved under Condition 27 of the Outline planning permission, as part of which the site relates to the Oak Road Frontage and Green Edge components, the dwellings are two-storey in scale, relatively consistent in their building lines, with a variety of materials proposed alongside some consistent architectural details that act as unifying features. For instance, all of the dwellings incorporate dual-pitched roofs, gable canopies, vertical boarded doors, multi-paned windows, and white barge boards. A judicious use of chimneys also adds to the architectural quality and visual interest of the dwellings.

With regards to residential amenity, the dwellings would all benefit from gardens of 100 square metres or more, each of which would be useable and acceptable for future residents in accordance with the relevant principles set out in the Essex Design Guide (EDG).

In terms of how the dwellings would be assimilated into their surroundings, the boundary treatments adjacent to Oak Road would consist of a flint panel brick wall, set behind a low-level hedge and cast iron knee rail, to the front of which would be a continuation of the footpath which encircles the wider site. For the remainder of the proposed development brick walls will be utilised in prominent locations, adjacent to the highway and public realm, with timber fencing used only in the discrete locations between plots and within rear gardens. This approach is considered to be consistent with the wider site strategy and reflective of the high-quality design approach required under the adopted and emerging design policies.

Tree planting is proposed within the cul-de-sac to the front of Plots 1 and 5, in addition to some supplementary tree planting in private gardens, and a new hedge is to be planted around the site's eastern periphery. A small section of hedge is also proposed to the south of Plot 5, softening the corner of the plot, as well as screening the access to the substation. Taking into account the limited scale and complexity of the proposed development, in this instance a suitably worded condition is considered satisfactory to secure the implementation and long-term management of the soft-landscaping proposed to the public realm through a management company appointed by the developer and funded by residents.

The substation illustrated to the south of Plot 5 is positioned in the same location as was previously approved under the preceding reserved matters application. The simple design and appearance of the substation, in combination with the soft landscaping adjacent to it, results in no notable concerns with regards to the impact of it upon the character and appearance of the proposed development or street scene. Nevertheless, the relationship between the substation and the residential amenity of Plots 4 and 5 is addressed under the noise impact heading below.

To conclude, with regards to the design, layout, scale, appearance and landscaping, the proposed development is considered to be acceptable.

Impact on Neighbour Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policies LPP50 and LPP55 of the Draft Local Plan, all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

The arrangement of the properties is relatively tight and Officers were concerned that the minimum back to back distances specified in the Essex Design Guide would not be achieved. Failure to achieve those back to back distances would have meant that habitable rooms and the private amenity areas for some of the dwellings would have been overlooked. In response the applicant has amended the house types removing the offending first floor windows. To ensure that this arrangement is maintained and that first floor windows are not subsequently added, a condition is recommended restricting permitted development rights, namely those relating to extensions and the creation of new windows and openings.

In conclusion, Officers are satisfied that there would be no harm to neighbouring or nearby residential properties as a result of the proposed development and that the occupiers of the five new dwellings would also enjoy an acceptable standard of amenity.

Highways

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan both require that all new development is provided with sufficient vehicle parking provision in accordance with the Council's adopted Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

The proposed development incorporates two dedicated spaces for each of the dwellings proposed in accordance with the above standards. In addition two visitor parking spaces are proposed to be provided in bays adjacent to the carriageway.

A dedicated parking space is also provided for utility staff attending the substation on site.

Essex County Council Highways have been consulted on the application and have raised no objections.

Ecology & Trees

Paragraph 170 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by, amongst other matters, protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan. It goes on to cite the need to minimise impacts on and provide net gains for biodiversity. These objectives are reflected in Policies RLP81 and RLP84 of the Adopted Local Plan and Policies LPP68 and LPP69 of the Draft Local Plan.

The impact of the proposed development on biodiversity is considered to be no more significant than the impacts which would have arisen from the approved convenience store. In addition, biodiversity mitigation measures, in response to the anticipated likely impacts of the wider development, have already been secured as part of a site wide strategy. Granting this planning application would not supersede the mitigation strategies already in place.

Similarly, in relation to the nearest protected trees (covered by Tree Preservation Order 12/2014), located within the hedgerow to the south of the site, the proposed development would retain a suitable buffer from them. This buffer would be commensurate to that approved between the convenience store and the protected trees. It is also important to note that the protected trees are located outside of the application site and remain safeguarded under the Tree Protection Plan secured through Condition 19 of the Outline planning permission.

Noise

Due to the location of the substation, in close proximity to Plots 4 and 5, the Council's Environmental Health Officer has recommended that an acoustic survey be secured by condition. This is considered to be an acceptable approach and a condition has been attached accordingly requiring the submission of an acoustic report, prior to the commencement of above ground development, so that any potential disturbance to residential properties can be assessed and addressed through appropriate mitigation measures.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones

of Influence of the relevant European designated sites. Whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of development proposed (a single dwelling) is below the current threshold where the Council would require payment of a financial contribution to help mitigate of development.

It is therefore concluded that the amount of development approved under schemes of 99 unit or less will be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period and it is not therefore considered that the current proposal would result in a likely significant effect on European designated sites.

PLANNING OBLIGATIONS

The following section identifies the matters which the District Council would seek to secure through a planning obligation.

Affordable Housing

The Affordable Housing in this instance comprises one 4-bed 7-person dwelling which be provided under the Affordable Rent tenure. This dwelling meets a particular local need identified by the Council's Housing Enabling Officer. It has been confirmed by an Approved Building Control Inspector that the Affordable Home has been designed to comply with Part M(4) Category 2 (Accessible and adaptable) of the Building Regulations. This is something that the Council seek to secure on new Affordable Housing as it will help ensure that new additions to the Districts Affordable Housing stock will have higher levels of accessibility and are more easily adapted which will help meet housing needs, particularly where residents have restricted mobility.

The S.106 agreement has already been drafted and agreed by both sides and can be quickly completed if Members approve a resolution to grant planning permission subject to completion of the agreement.

PLANNING BALANCE & CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the

development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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 schemes benefits, the proposed development would provide modest additional economic benefit during construction and post occupation as the residents will consume goods and services from local businesses, and a social and environmental benefit through the delivery of five well-designed homes in a sustainable location. The proposed development would also contribute towards the District's five year housing supply, albeit this is limited due to the scale of development proposed. In addition, the proposal would also simultaneously help to meet a specific need in the local area, through the provision of a larger affordable home.

Whilst they did not object to the 'loss' of the unimplemented convenience store, the Town Councils second consultation response does object to the loss of what they identify as a community benefit, however, in the context of the application site and its sustainable location, this does not equate to harm and is instead considered to have a neutral effect on the overall planning balance.

When considering the planning balance and having regard to the identified benefits and harms, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission

is granted for the proposed development subject to conditions and completion of the legal agreement to secure the Affordable Housing.

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

Section	Plan Ref: P-19-2964_07	Version: E
House Types	Plan Ref: P19-2964_03	Version: E
Site Layout	Plan Ref: P19-2964_01	Version: P
Location Plan	Plan Ref: P19-2964_02	Version: C
Materials Details	Plan Ref: P19-2964_05	Version: F
Boundary Treatment	Plan Ref: P19-2964_06	Version: E
Refuse Information	Plan Ref: P19-2964_01_07	Version: C
Amenity Space Details	Plan Ref: P19-2964_01_08	Version: C
Landscape Masterplan	Plan Ref: P19-2964_10	Version: D
Parking Strategy	Plan Ref: P19-2964_11	Version: C
Street elevation	Plan Ref: P19-2964_4	Version: E
Other	Plan Ref: P19-2964_01_09	Version: C
Substation Details	Plan Ref: P19-2964_11	
Management plan	Plan Ref: EA123-PD-044	Version: A
Other	Plan Ref: EA123-EN-301	Version: C
Landscape Masterplan	Plan Ref: P19-2964_06	Version: A

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

Reason

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

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

Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 There shall be no above ground development unless and until an acoustic report, produced by a competent person, has been submitted to and approved in writing by the local planning authority. The report shall demonstrate that the acoustic environment, both within the proposed dwellings and their gardens, complies with the standards contained in BS8233:2014. If any such report demonstrates that mitigation is needed

with respect to the electric substation adjacent to the dwellings hereby approved, then a scheme of mitigation shall be submitted to and approved in writing by the local planning authority prior to the commencement of above ground development. The approved scheme of mitigation shall be implemented prior to the first occupation of the dwellings hereby approved.

Reason

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

- 4 No dwelling shall be occupied until the car parking spaces that are to serve it, as indicated on the approved plans, have been hard surfaced. The car parking spaces shall be retained in this form at all times and 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.

- 5 No dwelling shall be occupied until the cycle storage / parking facilities that are to serve it, as indicated on the approved plans, have been provided and are available for use. The cycle stores shall be retained in this form at all times and shall not be used for any purpose other than the parking of bicycles.

Reason

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

- 6 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

To ensure adequate provision of amenity/open space to serve and enhance the development.

- 7 Prior to the first-occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas shown to be managed by a Management Company on the approved plans, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out in

accordance with the approved plan.

Reason

To ensure adequate provision of amenity/open space to serve and enhance the development.

- 8 The enclosures as indicated on the approved Boundary Treatments Plan shall be erected in accordance with the approved details prior to first occupation of each respective dwelling which they serve and shall be permanently maintained as such.

Reason

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

- 9 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwellinghouse / provision of any building within the curtilage of the dwelling-house /alteration of the dwelling-house, including any additional window or door openings, as permitted by Class A, B, C, and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions, outbuildings, and additional windows, in the interests of residential and/or visual amenity.

- 10 The external materials and finishes shall be as indicated on the approved materials plan (drawing number P19-2964_05 Rev F).

Reason

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

- 11 Apart from for gas, all service intakes to dwellings, and soil and waste plumbing, shall be run internally within buildings and not be visible on the exterior.

Reason

In the interests of visual amenity.

- 12 No electricity, gas or water meter boxes shall be fixed to the external fabric of the principal elevation of any building hereby approved.

Reason

In the interests of visual amenity.

- 13 No site clearance, demolition or construction work shall take place on the

site, including starting of machinery and delivery of materials, outside the following 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.

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

4 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.

5 Your attention is drawn to Condition 9 of this planning permission which removes permitted development rights for certain

alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

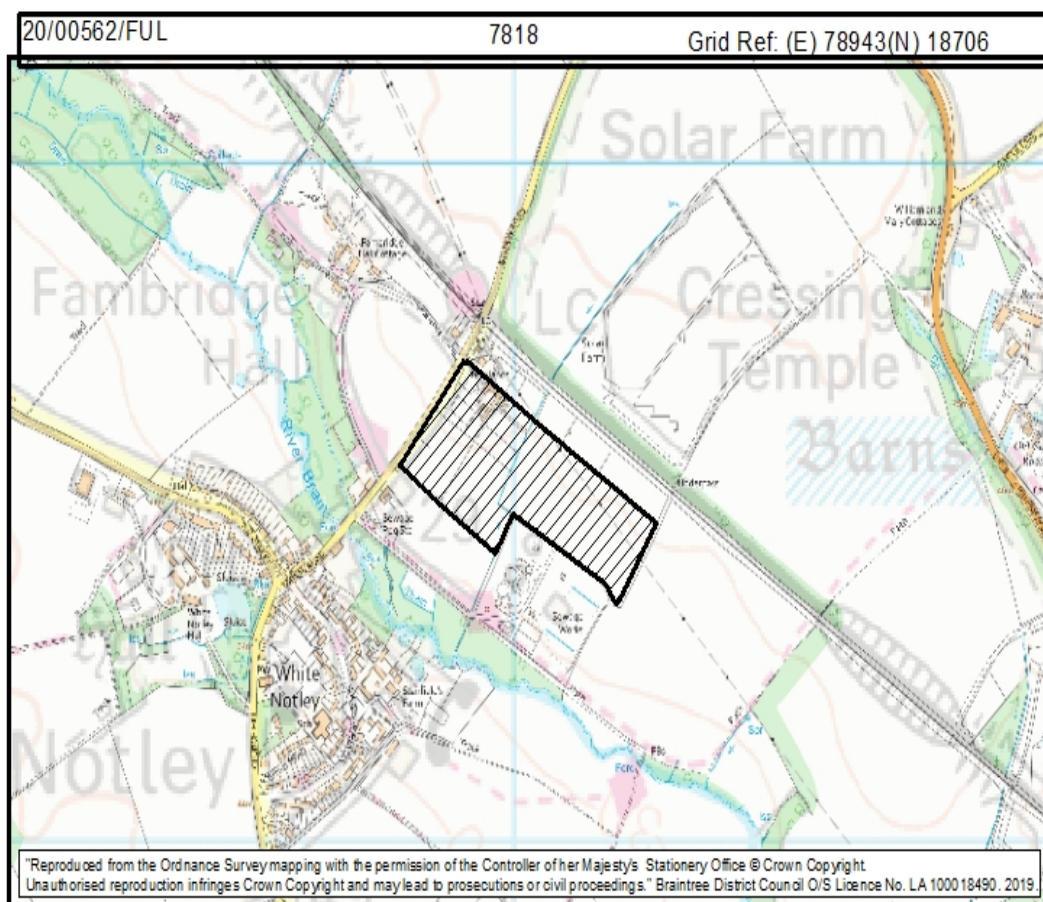
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00562/FUL
 DATE VALID: 06.04.20
 APPLICANT: Mr B Jezard
 Newlands Farm, Station Road, White Notley, Essex, CM8 1RS
 AGENT: Oswick Ltd
 Mr Damian Lockley, 5/7 Head Street, Halstead, CO9 2AT, United Kingdom
 DESCRIPTION: Demolition of the existing buildings to the north east of the site and erection of 2 No. detached residential dwellings (1 x 3 bedroom & 1 x 6 bedroom)
 LOCATION: Newlands Farm, Station Road, White Notley, Essex, CM8 1RS

For more information about this Application please contact:
 Andrew Martin on:- 01376 551414 Ext. 2591
 or by e-mail to: andrew.martin@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7ZVH0BFLKS00>

SITE HISTORY

97/00025/REF	Stationing of mobile home	Appeal Dismissed	09.02.98
98/00007/ENF	Appeal against Enforcement Notice Material C of Use	Appeal Dismissed	09.02.98
01/01012/FUL	Erection of farm office associated with stables	Granted	02.10.01
87/00970/	Erection of stables	Granted	30.06.87
88/00376/	Stationing of mobile home	Refused	13.04.88
91/01352/	Erection of agricultural buildings - Barn and pole barns and poly tunnels	Granted	13.01.92
91/01352/PFWS	Erection Of Agricultural Buildings - Barn And Pole Barns And Poly Tunnels	Granted	13.01.92
93/00958/FUL	Erection of two chicken houses	Granted	15.09.93
96/00827/COU	Change of use of land for stationing of mobile home	Refused	27.11.96
97/00460/FUL	Stationing of mobile home	Refused then dismissed on appeal	24.06.97
98/01749/COU	Proposed change of agricultural buildings to stables/storage in relation to horse husbandry and associated rest room.	Granted	15.01.99
18/01374/ELD	Application for a Lawful Development Certificate for an Existing Use - Use of building as a single dwellinghouse.	Granted	30.11.18

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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 examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP15	Replacement of Dwellings in the Countryside
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP39	Replacement Dwellings in the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Essex Design Guide – Design and Good Practice
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises a parcel of land on the east-side of Station Road to the south of White Notley Station. An existing access to the site is present off of Station Road and this access also serves the adjacent site to the north, known as Newlands, which accommodates a number of outbuildings and equestrian facilities. An existing group of dwellings are located opposite the site and adjacent to the train station.

In its present format the application site comprises a cluster of buildings, of varying sizes, all of which are arranged around a central area of hardstanding.

One of the buildings, adjacent to the main barn, has in part been established as a dwellinghouse through the grant of a Lawful Development Certificate under application reference 18/01374/ELD.

The developed area of the site is set back from the highway and reached via an egress measuring approximately 50 metres in length. With regards to the wider site, this is characterised by open fields, albeit there are instances of low level enclosures, with the landscape sloping down towards the River Brain to the south.

A sewage treatment plant is located over 150 metres to the south-east of the existing buildings on the site.

PROPOSAL

The proposed development is to demolish existing buildings towards the north-eastern boundary of the site in order to facilitate the construction of two dwellings with associated amenity space.

The dwellings would occupy footprints sympathetic to the scale of the buildings they are proposed to replace. Part of one of the buildings proposed for redevelopment is in lawful use as a dwellinghouse and as such that particular element of the proposal is considered to equate to a replacement dwelling.

In essence the proposed development seeks to intensify the existing residential use on the site through the net increase of one dwelling. On the submitted drawings the replacement dwelling is referred to as the 'Barn' whilst the additional dwelling is referred to as the 'Stables'.

A new egress would also be created to provide access to the new dwelling furthest into the site.

CONSULTATIONS

BDC Environmental Health

The Environmental Health Officer initially raised a holding objection to the application, requesting the submission of a noise survey and a preliminary land contamination assessment.

Following receipt of the requested noise survey and preliminary land contamination assessment, the Environmental Health Officer has removed their holding objection, subject to the imposition of suitably worded conditions to secure the necessary mitigation going forward.

BDC Landscape Services

No objections raised subject to securing a tree protection plan and landscape plan.

ECC Highways

Given the existing use of the buildings, the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Council's adopted standards, the proposal is acceptable to the Highway Authority.

BDC Ecology

The Council's Ecologist initially raised a holding objection due to the absence of ecological assessments undertaken. However, following the completion and submission of a Preliminary Ecological Appraisal, the Council's Ecologist is satisfied with the findings and the mitigation proposed.

The holding objection was thereafter removed subject to the imposition of suitably worded conditions to ensure the Council discharges its statutory duties.

PARISH / TOWN COUNCIL

White Notley Parish Council

The Parish Council objects to the planning application for the following reasons:

- The site is located outside of the Village Envelope of White Notley in close proximity to a previous application that the Parish Council objected to under reference 19/01795/OUT.
- Concern about the precedent that the proposed development would establish.
- Station Road is unsuitable and unsafe for pedestrian use to reach the village and train station.
- Increase in vehicular traffic would lead to further hazards on the highway.
- Proximity of site to the level crossing could also lead to vehicles queuing around the railway track, due to vehicles entering and exiting the site.

REPRESENTATIONS

None received.

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.

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 the

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

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

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 in the Adopted Development Plan 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.

Notwithstanding the above, part of one of the buildings proposed for redevelopment has been lawfully established as a dwellinghouse, meaning the site does incorporate a degree of residential use already. Furthermore, there is policy provision within the Development Plan, under Policy RLP15 of the Adopted Local Plan, for the replacement of an existing dwelling in the countryside. However, the acceptability in principle for a replacement dwelling is subject to the proposed development meeting a number of criteria, which are as follows:

1. The existing dwelling is a habitable, permanent dwelling of conventional construction;
2. The existing building is substantially intact;
3. The size and scale of the replacement dwelling is compatible with the size and shape of the plot on which it stands;
4. The replacement dwelling not have a greater impact or be more intrusive in the landscape than the original dwelling by virtue of its siting, scale, height, character and design;
5. The existing dwelling is not a building of architectural or historical value, which is capable of renovation.

In this case, whilst the area of the building currently serving as a dwelling would be demolished and replaced in conjunction with the adjoining barn, essentially enlarging the existing dwelling, the replacement dwelling would remain compatible with the size and shape of the plot on which it stands. Equally, it is considered the replacement dwelling would satisfy the other remaining criteria listed above.

Nonetheless, whilst part of the development proposed would be facilitated by Policy RLP15 of the Adopted Local Plan, the additional dwelling proposed would simply represent a new dwelling in the countryside contrary to Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy.

In light of the above, proposed development would not wholly be in accordance with the Council's Development Plan.

SITE ASSESSMENT

Location and Access to Services and Facilities

Whilst it has been accepted that part of the development proposed would be provided for under Policy RLP15 of the Adopted Local Plan, which relates to replacement dwellings in the countryside, it is equally recognised that when the scheme is taken as a whole, including the additional dwelling proposed on site, it does not fall under the provisions of that policy.

Regard therefore needs to be given to the sustainability of the site for accommodating new residential development. As has been highlighted above, with respect to the Council's Development Plan, the site is located outside development boundaries on land designated as countryside where Policy CS5 of the Adopted Core Strategy seeks, amongst other matters, to restrict development to uses appropriate to the countryside.

Nonetheless, paragraph 79 of the NPPF is also material and explains that planning policies should avoid the development of isolated homes in the countryside, albeit subject to certain exemptions. In this case the application site is located within the context of an existing cluster of development, including residential and non-residential properties, situated adjacent to White Notley Station. The proposed development would not therefore materialise in new isolated dwellings when taking into account the High Court judgement of *Braintree District Council vs Secretary of State for Communities and Local Government & Ors* [2018].

Notwithstanding the above, it follows that consideration should be given to paragraphs 102 and 103 of the NPPF, both of which make it explicit that growth should be actively managed to make optimal use of sustainable modes of transport which includes public transport, walking and cycling. To achieve this objective it is critical that development should be focussed on locations which are or can be made sustainable.

The application site is approximately 400 metres to the north of the Village Envelope for White Notley, with access to the centre of the village directly achievable by travelling southwards on Station Road, albeit the narrow highway has an absence of footpaths and street lighting. It is therefore unlikely that future occupants of the proposed dwellings would walk to White Notley for day-to-day services. Instead, it is likely that future occupants would rely on other modes of transport for daily movements, including private car use.

However, in terms of public transport links, the site is situated in very close proximity to White Notley Station where direct services are available to Braintree, Witham, Chelmsford and London. Subsequently, whilst there would be a degree of dependency on private car use, the proximity to the train station contributes notably towards the sustainability of the site.

It is also material that the land to the rear of Station House, which is the property opposite the application site, has previously been granted planning permission for the construction of a new dwelling under planning application 18/00801/FUL. In reaching the decision for that application the anticipated degree of dependency on private car use was weighed against the site's proximity to the train station. Ultimately, it was concluded that the site would be sustainably located for the scale of development sought.

In summary, with regards to this application, the site is considered to be sustainably located for the quantum of development sought. This position takes into account the site's situation within an existing cluster of residential

development, its close proximity to White Notley Station, and the existing degree of residential use established on the site.

As a further commentary, it is acknowledged that an additional planning application was submitted for three dwellings on the aforementioned land to the rear of Station House, under application 19/01795/OUT, which was subsequently refused. That decision has consequently been referenced by the Parish Council in their objection to this current application, however, that application was refused based upon site layout and proposal specific matters, not the sustainability of the site's location.

In light of the above, whilst the proposed development is considered to be sustainably located, careful consideration is still needed when assessing the acceptability of the proposed development with regards to its individual merits. A more detailed discussion of the proposed development is therefore set out in the remainder of this report.

Design, Layout, Scale & Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments are, amongst other matters, sympathetic to local character and history, including the surrounding built environment. These principles have more recently been elaborated upon in greater detail within the National Design Guide (NDG). The NDG firmly reiterates that developments must be well-designed with an emphasis on beauty.

Policy CS9 of the Adopted Core Strategy, Policy RLP90 of the Adopted Local Plan and Policies LPP50 and LPP55 of the Draft Local Plan reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings to reflect or enhance the area's local distinctiveness.

Policy CS5 of the Adopted Core Strategy, amongst other matters, seeks to ensure that new development is appropriate to the landscape character and amenity of the countryside, which reflects the requirement under Paragraph 170 of the NPPF to have regard for the intrinsic character and beauty of the countryside.

Newlands Farm currently comprises a number of existing buildings arranged around an area of central hardstanding set-back from Station Road. None of the existing buildings on the site are particularly attractive in appearance. Instead they are predominantly simplistic and functional in form. Therefore, whilst the existing buildings are not harmful to the rural character of the wider site and its surroundings, it cannot be said that they positively contribute

towards the rural context and landscape setting. Subsequently, the demolition of the existing barn, dwelling, cart-lodge and stable is not objectionable.

With regards to the two dwellings proposed, these broadly reflect the simplistic form of the buildings they are replacing, resulting in no greater impact on the landscape. For instance, the 6-bedroom dwelling proposed would reference the scale and massing of the existing two-storey scale barn and single-storey dwelling adjoined to it, meanwhile the 3-bedroom dwelling proposed would be commensurate in scale and massing to the existing single-storey stable and connected cart-lodge building.

Likewise, the elevational detailing of the dwellings proposed would be sympathetic to the site's context, incorporating simplistic and consistent fenestration design, with the unifying features proposed being the use of black timber weatherboarding and a fairly rhythmic distribution of standard windows and openings. The main material difference between the finishes of the proposed dwellings would be the roof coverings, with natural slates proposed for the larger, and pantiles proposed to the smaller dwelling.

It is also notable that no built-form is proposed other than that which would occupy previously developed land on the site. As such, the development would retain the existing degree of separation from the highway, which in turn maintains the open frontage and subservient nature of the site when viewed from public vantages along Station Road.

Overall it is considered that the design and appearance of the proposed dwellings would be legible and acceptable for their context. Moreover, given the existing buildings to be demolished are not in optimal condition, it is recognised there would be a degree of improvement over the existing aesthetic of the site materialising from the proposed development.

With regards to the layout of external amenity, each dwelling would benefit from a large private garden area in excess of the 100 square metre standard established by the adopted Essex Design Guide (EDG).

To summarise, the proposed development is considered to be acceptable in terms of design, appearance and layout. However, to ensure the site is developed satisfactorily, and to prevent residential paraphernalia from detracting from the site and its wider landscape, conditions are recommended removing permitted developments rights for the dwellings under Classes A, B, D, and E of Part 1 of Schedule 2, in addition to Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Impact on Neighbour Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policies LPP50 and LPP55 of the Draft Local Plan, all emphasise the need to protect the

amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

With regards to proposed residential amenity, the window arrangement for the two-storey barn element has been carefully configured, so that there are no first-floor windows offering vantages over the proposed single-storey dwelling. Similarly, the provision of a suitable boundary treatment between the two dwellings should ensure a suitable degree of privacy is maintained for all future occupiers, with a condition recommended to secure the submission and approval of details relating to the proposed means of enclosure.

The U-shaped single-storey dwelling would essentially have a courtyard garden enclosed by an existing outbuilding to be retained immediately to the south-east of it. On the basis that the retained outbuilding is of a lesser height, with a flat roof, it is not considered the outlook or light provision of the new dwelling would be adversely affected. Notwithstanding this, any future occupier could if they so desired demolish the existing outbuilding without requiring planning permission.

In terms of internal amenity, the quality of accommodation would be of a suitably high standard, with both dwellings exceeding the relevant minimum standards for internal space set out in the Nationally Described Space Standards (NDSS). Also, as briefly described above with regards to the window arrangements, the habitable spaces proposed would benefit from a suitable provision of light, outlook, and privacy.

Turning to neighbouring amenity, the adjacent property at Newlands to the north is in a non-residential use, with an existing line of trees along its southern boundary. Therefore, whilst the larger dwelling proposed would have north-facing first-floor windows, this would not unduly prejudice the amenity of the neighbouring site.

Moreover, despite less tree screening between the smaller dwelling proposed and the neighbouring property at Newlands, neither site would be adversely prejudiced by the resulting relationship. This is due to their respective land uses and the inclusion of only a single window, to serve a kitchen, proposed within the smaller dwelling's northern elevation.

By virtue of the proposed developments siting, scale, and proximity to the nearest dwellings, there would be no resulting harm to neighbouring residential amenity.

Highways

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan both require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

The proposed development incorporates a sufficient number of dedicated parking spaces to each of the dwellings proposed. These spaces would be in accordance with the above standards.

The Parish Council has objected to the application citing amongst other concerns that the proposed development would be detrimental to highway safety and the use of the railway crossing approximately 50 metres to the north on Station Road.

Application reference 19/01795/OUT, which pertained to a proposal for three dwellings on land to the rear of Station House, was refused on four grounds, one of which was the impact of the northernmost vehicular access sought on the safe operation of the railway crossing. This has been referred to in the Parish Council's objection to this planning application.

Notwithstanding the above, there is a material difference between this proposal and that refused under planning application reference 19/01795/OUT, namely that the access in this case is existing and is situated further from the railway crossing than that access which was a cause for concern under the aforementioned refused application. Furthermore, given the existing access already serves one dwelling, the anticipated intensification of its use is considered to be limited.

It is also notable that Essex County Council Highways have been consulted on the application and returned no objections in relation to highway safety or otherwise.

Ecology & Trees

Paragraph 170 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by, amongst other matters, protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan. It goes on to cite the need to minimise impacts on and provide net gains for biodiversity. These objectives are reflected in Policies RLP81 and RLP84 of the Adopted Local Plan and Policies LPP68 and LPP69 of the Draft Local Plan.

Following the submission of a Preliminary Ecological Appraisal, produced by T4 Ecology Ltd and dated May 2020, which incorporates a Bat Survey, the Council's Ecologist was satisfied that sufficient ecological information had been made available for the determination of the application. In addition, the Council's Ecologist found the conclusions of the ecological information to be sound, including the mitigation measures and biodiversity enhancements proposed.

Therefore, subject to the imposition of conditions securing the recommendations made in the Preliminary Ecological Survey, in addition to a condition securing a Wildlife Friendly Lighting Strategy for any future external

lighting to be installed, the Council's Ecologist raised no objections to the proposed development.

There are a small number of trees on the site which are within close proximity to the proposed development and these are situated predominantly to the front of the existing barn. A line of trees is also present along the northern boundary of the site, but these are within the confines of the property to the north, at Newlands. It is the Applicant's intention to retain the existing trees on site and integrate them into the sought scheme and the overall site landscaping.

The Council's Landscape Services Team have reviewed the application and raised no objections. However, to ensure the existing trees are safeguarded, a pre-commencement condition has been requested for the submission and approval of a Tree Protection Plan. This recommended condition has been attached in agreement with the Applicant.

Additional soft landscaping is proposed in the form a native hedge planting, enclosing the new egress, and gardens laid to lawn. A landscaping scheme has been conditioned accordingly to ensure that the soft and hard landscaping are both delivered in an appropriate manner.

Noise & Contamination

Policy RLP64 of the Adopted Local Plan requires that an applicant proposing development, on or near a site where contamination may exist, should carry out a thorough investigation, so as to establish the nature and extent of any contamination. This same objective is reflected in Policy LPP75 of the Draft Local Plan and within the NPPF.

A Phase 1 Land Contamination Assessment has been submitted by the Applicant, with the conclusions of it found to be satisfactory by the Council's Environmental Health Officer, subject to the imposition of pre-commencement conditions, regarding further ground investigations and a scheme of remediation. The pre-commencement conditions recommended by Environmental Health have been agreed by the Applicant and attached accordingly.

The Council's Environmental Health Officer also initially raised a holding objection due to the absence of submitted information to address the noise and vibration impacts of the nearby railway activities on the amenity of future occupants. A Noise and Vibration Assessment was subsequently submitted to address the holding objection raised.

Upon reviewing the findings, conclusions and recommendations of the Noise and Vibration Assessment, the Council's Environmental Health Officer was satisfied that the noise and vibration impacts upon future occupants would be acceptable, subject to a condition securing the mitigation measures recommended.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence of the relevant European designated sites. Whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of development proposed (a single dwelling) is below the current threshold where the Council would require payment of a financial contribution to help mitigate of development.

It is therefore concluded that the amount of development approved under schemes of 99 unit or less will be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period and it is not therefore considered that the current proposal would result in a likely significant effect on European designated sites.

PLANNING BALANCE & CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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 schemes benefits, the proposed development would provide a modest additional economic benefit during construction and post-occupation as the residents will consume goods and services within the District, and a social and economic benefit through the creation of two well-designed dwellings in close proximity to a sustainable mode of transport accessible at White Notley Train Station. The contribution towards the District's five year housing land supply would also be a benefit weighing in favour of the scheme, although this is limited given the scale of development proposed.

With regards to the identified harm, it is recognised there would be a degree of dependency on private car use for future occupants. Additionally, the proposed development seeks to introduce new residential development on land located outside of the Village Envelope of White Notley, contrary to Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy. However, this conflict with the adopted Development Plan is tempered by the fact there is an active residential use within the site, meaning only part of the proposed development constitutes a departure from the Development Plan, whilst a core element of it would represent a replacement dwelling in accordance with Policy RLP15 of the Adopted Local Plan. Limited weight is therefore afforded to the identified conflict with the adopted Development Plan.

When considering the planning balance and having regard to the identified benefits and harms, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

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

Section	Plan Ref: 19-062-AS-9	
Site Layout	Plan Ref: 19-062-AS-1	Version: Rev. C
Proposed Floor Plan	Plan Ref: 19-062-AS-6	Version: Stables
Proposed Elevations	Plan Ref: 19-062-AS-5	Version: Rev. A
Proposed Floor Plan	Plan Ref: 19-062-AS-4	Version: Rev. A
Location Plan	Plan Ref: 19-062-AS-8	
Proposed Elevations	Plan Ref: 19-062-AS-7	Version: Stables

- 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

To ensure that the development does not prejudice the appearance of the surrounding rural area.

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,

woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason

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

- 4 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

- 5 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason

To ensure 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.

- 6 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

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

- 7 Prior to the above ground development of the dwellings hereby approved, a Biodiversity Enhancement Strategy for Protected and Priority Species/Habitats shall be submitted to and approved in writing by the local planning authority, following the details contained within the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd, May 2020). The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason

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

- 8 Prior to the first occupation of the dwellings hereby approved, a lighting design scheme to protect biodiversity shall be 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 where lighting is 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 and Species Regulations 2017 (as amended) and the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 9 The development shall be carried out in complete accordance with all the recommendations specified within the Noise and Vibration Assessment produced by dB Consultation Ltd (Technical Report: Environmental Noise and Vibration Assessment, dated 20 May 2020). Following the implementation of the proposed recommendations, which shall take place prior to the first occupation of each of the dwellings hereby approved, the development shall thereafter be retained in accordance with the approved details.

Reason

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

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

Reason

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

- 11 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 ensure adequate provision of amenity/open space to serve and enhance the development.

- 12 The external materials and finishes shall be black timber weatherboarding, natural slate, and clay pantiles, as indicated on the approved plans. The development shall only be implemented in accordance with the approved materials and shall thereafter be permanently retained.

Reason

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

- 13 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd, May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) 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 Protected and Priority species and allow the LPA to discharge its duties under the Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 All the windows and doors proposed to the dwellings hereby approved shall be timber framed and painted black, in accordance with the approved drawings, and thereafter permanently retained as such.

Reason

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

- 15 All rainwater goods shall be black and permanently retained as such.

Reason

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

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

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

- 17 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of the dwelling-house, 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

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

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

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

Reason

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

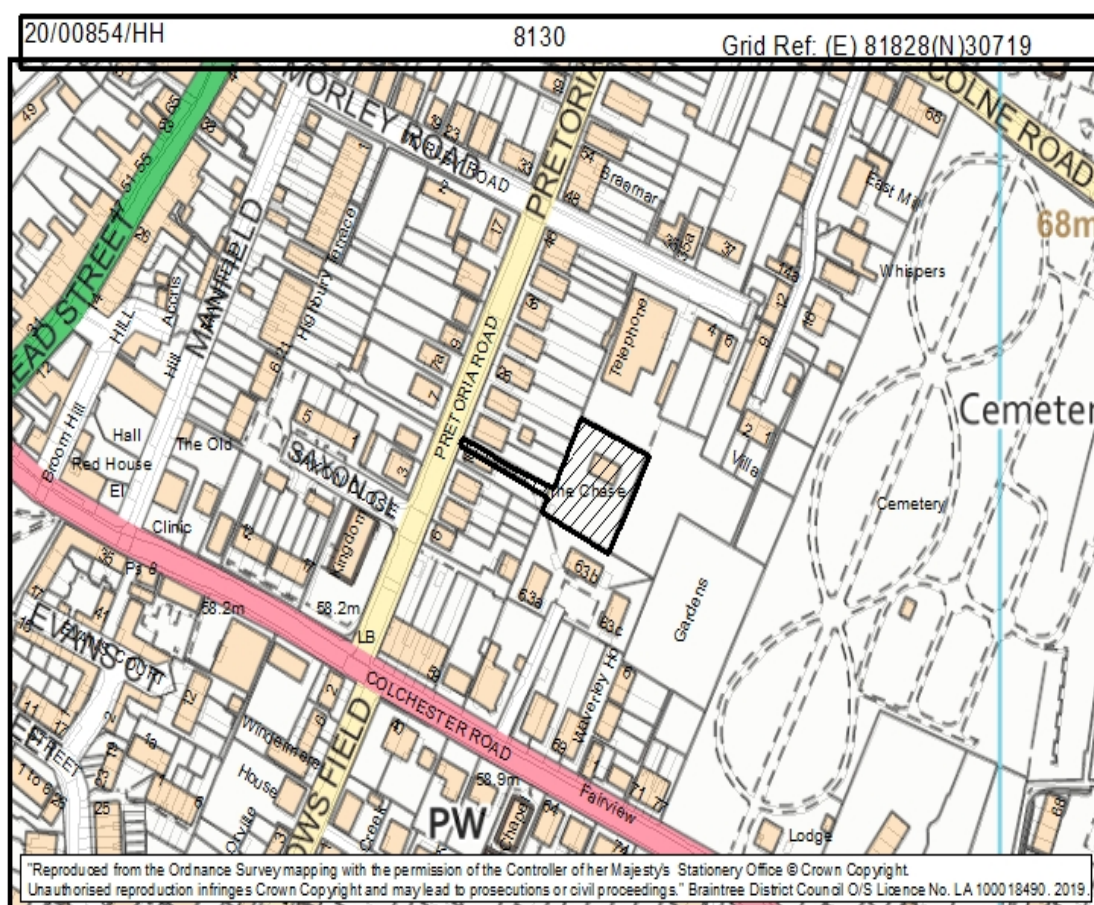
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/00854/HH
 DATE: 30.05.20
 VALID:
 APPLICANT: Mr Barry Edwards
 127 Broad Road, Braintree, CM79RZ, UK
 AGENT: Andrew Stevenson Associates
 Mr Andrew Stevenson, 21A High Street, Great Dunmow, CM6 1AB
 DESCRIPTION: Alterations and conversion of roof space to habitable accommodation, single storey side extension, and alterations to fenestration.
 LOCATION: The Chase, Pretoria Road, Halstead, Essex, CO9 2EG

For more information about this Application please contact:
 Jack Street on:- 01376 551414 Ext. 2515
 or by e-mail to: jack.street@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QB5826BFM1700>

SITE HISTORY

11/00894/OUT	Erection of a three bedroom detached bungalow	Withdrawn	02.09.11
13/00813/FUL	Erection of a detached bungalow with garage	Granted with S106 Agreement	02.10.13
17/00660/FUL	Erection of 1 No. three bedroom dwelling with associated parking and landscaping	Granted	10.07.17
88/01199/P	Erection of detached bungalow, two garages and lych gate	Granted	17.08.88
89/00353/P	Proposed extension to existing bungalow	Granted	03.04.89
11/00894/OUT	Erection of a three bedroom detached bungalow	Withdrawn	02.09.11
13/00813/FUL	Erection of a detached bungalow with garage	Granted with S106 Agreement	02.10.13
17/00660/FUL	Erection of 1 No. three bedroom dwelling with associated parking and landscaping	Granted	10.07.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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 examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

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
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the Applicant is related to a member of staff.

SITE DESCRIPTION

The application site is located within the town development boundary of Halstead as defined by the Adopted Local Plan.

The host dwelling for this proposal is 'The Chase', a single detached dwelling sited at the end of a small access road which extends from the east side of Pretoria Road (between Nos. 16 & 18). The dwelling is situated within a plot of land to the rear of gardens across Pretoria Road, and currently shares the plot with no other properties.

It is noted that a new dwelling has been previously granted planning permission southwards of the host dwelling by planning applications 13/00813/FUL and 17/00660/FUL. Neither of these permissions have been implemented, though will form material considerations in this assessment.

The Chase is currently a brick built structure with concrete pantiles to the roof and UPVC windows. The property enjoys use of a detached garage structure sited on the western perimeter of the residential footprint, and a driveway in front of said garage provides parking to the property. The immediate setting is predominantly lawn with foliage and a number of trees to the boundary.

PROPOSAL

The proposal seeks planning permission for "alterations and conversion of roof space to habitable accommodation, single storey side extension, and alterations to fenestration".

The submitted plans indicate that to achieve the aims set out in the proposal of works, the existing dwelling would undergo significant modification. The ridge height of the property would be raised approximately 0.9 metres to accommodate for proposed habitable accommodation in the roof space. The existing form of the roof would be changed as a result of these works, introducing strong gabled elements to the front, side and rear elevations.

The proposal also includes the erection of a single storey extension from the side (west) flank of the dwelling, which would extend approximately 2.6 metres from the side of the core building. The structure would be sited toward the rear of the side elevation, and would attain a height of approximately 4.5 metres. The structure would display a gabled appearance to reflect the proposed roof form elsewhere.

The application also proposes alterations and additions to the existing fenestration, including the insertion of windows at first floor level to serve the proposed rooms at this level. This includes: one roof light on the principal (south) elevation and one window in the gable, two roof lights on the side (east) elevation, three roof lights on the rear (north) elevation and various openings in the proposed gable, and windows at first and ground floor level on the western elevation.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Halstead Town Council have raised no objection to the proposal.

REPRESENTATIONS

A site notice was displayed outside the entrance to the host dwelling for a 21 day period and immediate neighbours were notified in writing. No representations have been received.

REPORT

Principle of Development

The proposal is for an extension to an existing dwelling sited within the town development boundary of Halstead as defined in the Adopted Local Plan. The application is therefore supported in principle in accordance with Policies RLP2, RLP3 and RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, though subject to criteria on design, amenity and other material considerations.

Previous permission granted for a new dwelling adjacent to the site by planning applications 13/00813/FUL and 17/00660/FUL will also form material considerations in the determination of this application.

Design, Appearance and Layout

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic

importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

Alterations and conversion of roof space to habitable accommodation.

The conversion of the roof space would require the existing ridge height to be raised by approximately 0.9 metres. The Chase is a bungalow, with just a single habitable storey at present, though it is noted that the property is sited toward the rear of gardens associated with properties that front Pretoria Road to the west. As such, the increase in height must be sensitive as to protect the amenity of neighbouring properties.

Officers note that the property is sited some 11 metres from the western boundary, and 35 metres from the rear of the nearest property at No. 22 Pretoria Road. There exists a degree of space between the property and neighbouring properties for which Officers can consider the increase in height proposed is reasonable and would not introduce any detrimental design aspects, and would not represent an unruly structure that would impact on neighbouring amenities (as discussed in detail in later sections).

The raising of the ridge height would thereafter influence a change in roof form to the current gabled elements of the existing building. The gable ends of the building as existing facing south and west appear to curve as they meet with the eaves. The proposed gables would appear more regimented and pronounced. The plans also indicate the introduction of a new gabled element to the rear. Officers consider no unacceptable elements of design are proposed, with the structures appearing well-proportioned and reasonably designed.

With regards to proposed fenestration, the proposed roof lights are considered appropriate on each plane and do not detract from the overall appearance established by the scheme. The proposed windows in the gables on the front, rear and side (west) elevations are considered well positioned, as is the opening on the rear elevation in which French doors are proposed.

Single Storey Side Extension

The ground floor extension from the western flank of the building appears as a minor addition to the overall structure. This structure would project 2.6 metres from the side of the core building, and is sited towards the rear of the western elevation of the dwelling. No great height or length is noted, with the structure appearing on proposed plans as a subordinate addition to the host dwelling.

Whilst subordinate, it is also appropriate for Officers to test whether the structure is compatible. The structure would be finished with pre-finished weatherboarding to match the rest of the dwelling, which is to be re-surfaced in this material also. The proposed roof, which is to be surfaced in plain tiles or slates to match the dwelling, appears to reflect the gable end of the core

building on the west elevation. The height is appropriate, and respects the proposed insertion of a window at first floor level on this side.

The side extension would be somewhat screened from neighbouring dwellings by the existing garage structure, in which the prominence of the addition is limited.

Overall, the plans demonstrate that the proposed side extension would be both subordinate and compatible with the outward appearance of the dwelling. The plans indicate a structure that does not detract from the character of the core building, and instead appears as a subservient addition to the side flank.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Such requirements are further enforced by the NPPF.

As discussed in the preceding section, the scheme proposes the increase of the property's ridge height, together with the insertion of the window in the gable of the west elevation. This window would face out on to the rear of the gardens associated with properties parallel to the property on this side. Officers must test and take a position as to whether this level of outlook to be gained would be unacceptable on neighbouring amenities.

Officers note that the garage structure and boundary treatments in this area (consisting of a high screen of foliage in some positions) would limit the outlook to be achieved. It is reiterated that the property is sited 11 metres from the western boundary, and 35 metres from the rear of the nearest property at No. 22 Pretoria Road. The Essex Design Guide (2005) provides guidance as to rear privacy, where it is encouraged that a distance of between 15 and 25 metres is provided between the backs of houses to minimise overlooking in urban densities. The proposed arrangement far exceeds the guided allowance.

It has been previously assessed that an acceptable level of separation would exist between neighbouring properties and the dwellings proposed by planning applications 13/00813/FUL and 17/00660/FUL. Whilst the host dwelling for this application is sited in a different location, the same conclusion has been reached in this instance.

Further, it was noted on a site visit that several house across Pretoria Road currently overlook the host dwelling more than the existing and proposed arrangements.

No other impacts on neighbouring amenity has been read. As such, the scheme is considered compliant with regards to the policy considerations referenced above.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards, which state that “prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided”. Sufficient parking provisions would be provided, whereby the development is considered compliant with the policies above.

CONCLUSION

The scheme would represent a notable enlargement of the dwelling in terms of height, and a modification of the existing form. However, Officers consider that the overall scheme would respect and enhance the existing character of the structure, with no aspects of the proposal considered unruly or detrimental to the immediate setting.

Each aspect of the scheme is compatible with the dwelling, with built additions (i.e. the rear gable and the side extension of the western flank of the building) appearing as clear and subservient additions to the overall dwelling whilst the proposed fenestration alterations are well-positioned and sized. The increase in height and the modification to the roof is a noticeable aspect of the scheme, though appears appropriate as to achieve the aim of the scheme to provide living accommodation in the roof space.

Overall, the scheme is well contained within the existing footprint of the building, and the impact on the setting would be far less intensive than previous schemes for a new dwelling adjacent to the property as granted by planning applications 13/00813/FUL and 17/00660/FUL.

Furthermore, no adverse impacts are read on neighbouring amenities. The application is recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 101
Existing Block Plan	Plan Ref: 102

Existing Ground Floor Plan	Plan Ref: 103
Existing Elevations	Plan Ref: 104
Proposed Block Plan	Plan Ref: 105
Proposed Floor Plan	Plan Ref: 106
Proposed Elevations	Plan Ref: 107

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER