

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 29 August 2017 at 07:15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

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

A WRIGHT  
Acting Chief Executive

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 1st August 2017 (copy previously circulated).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

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

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

**PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 16 00569 OUT - Land North East of Inworth Road, FEERING</b>	<b>5 - 58</b>
<b>5b</b>	<b>Application No. 17 00341 OUT - Bury Farm, Bury Lane, HATFIELD PEVEREL</b>	<b>59 - 107</b>
<b>5c</b>	<b>Application No. 17 00503 OUT - Land South of Longmead Court Nursing Home, London Road, BLACK NOTLEY</b>	<b>108 - 128</b>
<b>5d</b>	<b>Application No. 17 00681 FUL - Green Farm, The Green, WHITE NOTLEY</b>	<b>129 - 138</b>

**PART B**

Minor Planning Applications:-

- |           |  |                  |
|-----------|--|------------------|
| <b>5e</b> | <b>Application No. 17 00738 FUL - 3 Waterfall Cottages, Park Road, RIVENHALL</b> | <b>139 - 147</b> |
| <b>5f</b> | <b>Application No. 17 00853 FUL - Morelands Farm, Bures Road, WHITE COLNE</b>    | <b>148 - 155</b> |

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

*At the time of compiling this Agenda there were none.*

**PRIVATE SESSION**

**Page**

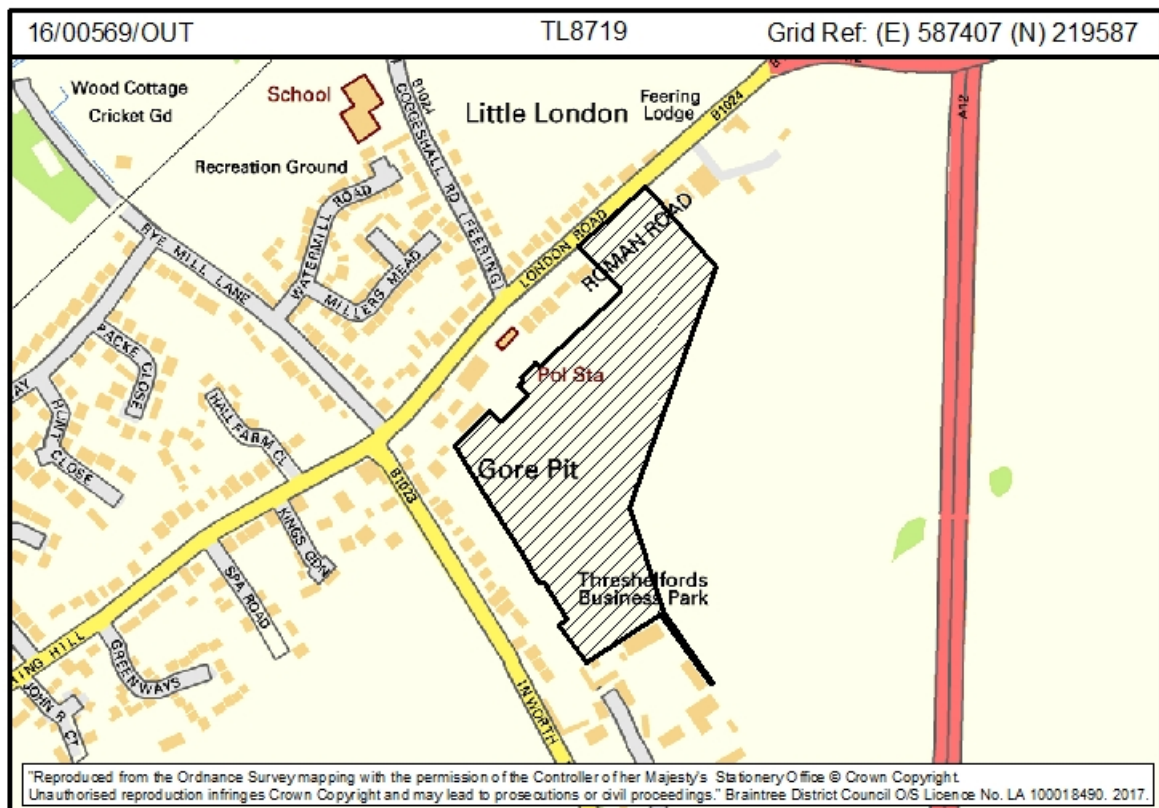
**8 Urgent Business - Private Session**

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

## PART A

APPLICATION NO:	16/00569/OUT	DATE VALID:	23.03.16
APPLICANT:	The Crown Estate C/o Agent		
AGENT:	Amec Foster Wheeler Mrs Helena Deaville, Gables House, Kenilworth Road, Leamington Spa, CV32 6JZ		
DESCRIPTION:	Outline planning application to include up to 165 dwellings (C3), vehicular access from London Road, public open space, landscaping, associated infrastructure, drainage works and ancillary works. Detailed approval is sought for access arrangements from London Road, with all other matters reserved.		
LOCATION:	Land North East of Inworth Road, Feering, Essex		

For more information about this Application please contact:  
Mr Clive Tokley on:- 01376 551414 Ext.  
or by e-mail to:



## SITE HISTORY

15/00012/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development comprising of 180 dwellings.	Screening/ Scoping Opinion Adopted	02.10.15
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## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

### Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside

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

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP17	Housing Provision and Delivery
LPP22	Strategic Growth Location - Land at Feering
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### National Planning Guidance

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

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)  
Essex Design Guide for Mixed Use and Residential Areas (2005)  
Essex Design Guide Urban Place Supplement (2005)  
External Lighting Supplementary Document  
Open Space Supplementary Planning Document

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 brought before the Planning Committee because it is of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications.

Notation

The village envelope for Feering (inset 24 of the Braintree District Local Plan Review) is drawn within the rear gardens of the houses backing onto the site. The application site is entirely outside the village envelope and therefore the proposal conflicts with Policy RLP2 of the 2005 Local Plan review. The development plan policies for the supply of housing do not demonstrate a five year supply of housing land as set out in the NPPF. Paragraph 49 of the NPPF indicates that in these circumstances those policies are not up-to-date. Paragraph 14 of the NPPF indicates that where relevant policies are out-of-date planning permission should be granted for sustainable development unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

The site forms part of the larger area of land identified in the PDLP as Strategic Growth Location – Land at Feering (SGL). Policy LPP 22 indicates that the SGL will accommodate up to 750 new homes and sets out a number of criteria for its development. This allocation is the subject of objections and therefore can be given limited weight in decision taking. However it indicates the Council's response to the need to provide significant additional housing land within the Local Plan and this application must be determined against the Council's current inability to demonstrate that it has a five year supply of housing land as set out in the NPPF.

This report considers the proposal against both national and local policies and concludes with a planning balance which weighs those policy implications against the need to deliver housing land.

## SITE DESCRIPTION and CONTEXT

The application site comprises an irregularly-shaped, but broadly triangular, area of arable land of about 5.5 Ha. The site lies to the east of Gore Pit Corner at the junction between London Road and Inworth Road. Most of the north western boundary of the site follows the rear boundaries of the builder's merchant and houses in London Road but the site has a frontage to London Road of about 86m between Holmfield House and Exchange Court. This is marked by a hedgerow with field access at its north eastern end.

The south west boundary of the site follows the rear garden boundaries of houses in Inworth Road with a short south east boundary with Threshelfords Business Park. The longest (eastern) side of the site stretches from the corner of the business park to a point to the rear of Exchange Court. This boundary cuts diagonally across fields and does not follow any defined boundaries. The applicant indicates that it owns or controls the land between this eastern boundary and the A12. The site also includes a narrow strip of land along the north east boundary of the business park that links the site with the public footpath that runs from the rear of the business park to the pedestrian bridge across the A12.

The land drops gently from London Road towards the business park with an overall fall of about 4m.

## PROPOSAL

This is an outline planning application for the development of up to 165 dwellings (C3), vehicular access from London Road, public open space, landscaping, associated infrastructure, drainage works and ancillary works. Detailed approval is sought for access arrangements from London Road with all other matters reserved.

The site access is not reserved for later approval and is proposed to be at the centre of the London Road frontage. The illustrative Masterplan indicates a wide "bell mouth" junction with rows of trees on each side curving into the site. From the entry point it is indicated that a sinuous main spine road would pass through the site with frontage housing on each side. The spine road would terminate in the vicinity of the boundary with the business park, at the lowest point of the site, where it is envisaged that a SUDS drainage feature would be developed. Development in depth is indicated on each side of the spine road as it curves through the site.

The Masterplan assists in giving an indication of how the site could be developed but it should be stressed that all matters of layout, appearance and scale are reserved for later approval. The Masterplan indicates a mix of detached, semi-detached and short terraces and the Planning Statement (PS) indicates that most of the houses would be 2 to 2.5 storeys with an opportunity for some three storey buildings as "landmarks". The PS indicates that 40% affordable housing will be provided. The PS recognises the mix of

house types and tenures requested for the site and indicates that the detailed mix of units would be agreed at reserved matters stage.

The application is supported by the following documents:

- Planning Statement
- Design & Access Statement
- Flood Risk Assessment and Outline Drainage Strategy
- Ecological Appraisal
- Landscape & Visual Impact Assessment;
- Transport Statement
- Framework Travel Plan
- Historic Environment Desk Based Assessment
- Phase 1 and 2 Geoenvironmental Desk Studies
- Statement of Community Involvement
- Noise Assessment
- Air Quality Assessment
- Utilities Study
- Agricultural Land Classification Survey
- Tree survey
- Topographical Survey
- Technical Clarifications, July 2016
- Supporting Statement, July 2017

## CONSULTATIONS

### Feering Parish Council (FPC)

Objects to the planning application as the local plan has not been finalised. The site is outside the village envelope and is arable land. The applicant indicates that 22% of the area is Grade 3a (good) and 62% is 3b (moderate) quality land but DEFRA classifies it as Grade 2. (1, 2 and 3a are defined as best and most versatile land).

Infrastructure, A12 and Traffic. The road and rail system in the area are overloaded and lack capacity. Highways England plans to widen the A12 in the period 2015 to 2020. The FPC requests that a decision on this application should be postponed until it is clear how the A12 plans will affect land around the Feering North junction. The applicant's call for sites submission included a link road from Inworth Road to London Road/A12 junction. This road is not included in the application. FPC asks that the application is refused unless the road infrastructure is improved.

Increasing traffic from development results in queuing traffic at the Inworth Road junction. Crown Estates refer to large queues and delays along Inworth Road. The traffic count data is flawed. FPC asks that a mini roundabout is evaluated not just traffic lights. The flows of traffic along London Road would inevitably result in queues at the site junction.

FPC questions the conclusions of the Traffic Assessment as regards peak time traffic movements at the junction indicating that the applicant's figures are likely to be an underestimate.

There are capacity issue at the railway car park and on the commuter trains which would be exacerbated by the proposal. Peak hour traffic would be worsened by journeys to the station.

Subsequent to the initial objection, Feering Parish Council have become aware of two reports by Charles Freeman, Transport Planner, Jacobs/Essex Highways on road junctions within Braintree District, including the Inworth Road/ B1023 junction. The conclusion in the Interim Report (Appendix H) is that signalization would still leave the junction operating at over-capacity now. The interim report (page 25) also concluded that *"a modal shift .. is unlikely to provide sufficient relief"*.

Feering Parish Council are also concerned about the impact at two other local junctions:

(i) Feering 3-way junction Coggeshall Road, Feering and London Road / B1024

(ii) Kelvedon 4-way junction Station Road, Kelvedon High Street/ Feering Hill / B1024 and Swan Street

The technical report (p17) states that ...*"Amec Foster Wheeler has responded to ECC Highways ECC Highways.."* and has provided information about these junctions. Feering Parish Council has seen no information.

Feering Parish Council maintains its OBJECTION to the building of more than 30 new homes in Feering, as proposed in the previous draft Local Plan, BEFORE an all movement junction on the A12 is operational that provides a route for traffic from Feering, Coggeshall, Tiptree and other settlements to access the A12 both north- and south-bound without the need to travel along Kelvedon High Street. Please refer to Feering Parish Council's response of 19 August on policy LPP 20 *Strategic Growth Location – land at Feering* in the BDC Draft Local Plan public consultation

Feering Parish Council maintains its OBJECTION to the proposed development which would increase traffic flows at these junctions, which have poor visibility and where there is already queuing at peak times.

Whilst in theory Kelvedon with Feering and hence the Crown Estate sites in Feering have good connectivity, in practice the roads and rail systems are already overloaded and lack capacity.

Should this application be approved, Feering Parish Council request that construction vehicle site access is ONLY allowed from the east / north east i.e. ONLY from the existing limited A12 junction 24 Kelvedon North / Feering. Construction vehicle site access must NOT be allowed from other directions – i.e. NO use of A12 junction 23 Kelvedon South, Kelvedon High Street, Inworth Road/ B1023, Coggeshall Road Kelvedon / Station Road nor of Coggeshall Road Feering.

In other words construction vehicles from London / the south must travel up the A12 to the A12/A120 Marks Tey junction using the double roundabouts there to turn round to travel back to the A12 to exit at the limited A12 junction

24 Kelvedon North / Feering. Similarly construction vehicles from the A120 west must also route via the A12/A120 Marks Tey junction and must not access the local roads from Coggeshall.

Feering Parish Council also request that construction vehicle site access is restricted to weekday NON peak daytime traffic times.

Connectivity walking and footways/pavements. The southern end of the site is about 1500 to 1700m from the station. This is beyond the traditional cut off distance for walking to a station and it cannot be assumed that people would walk to the station. The facilities in Kelvedon are 1.5km or further from the site and it is likely that people will drive to them. The route is not cycle friendly.

The proposed 1.8m footpath on the side of London Road does not comply with the minimum 2.0m in the Essex Design Guide – FPC requests that it is increased to a minimum of 2m. FPC considers that the proposed crossing across London Road to connect with the pavement on the west side of Coggeshall Road (which leads to the school and community centre) is inadequate and a potential safety issue in view of the traffic on London Road. The sight lines at the junction between Coggeshall Road and London Road are poor and FPC would wish to see improvements to visibility for pedestrians and drivers.

Schools - capacity and walking distance. ECC estimates that 50 primary school places would be needed by the development. Feering School is about 300/350 from the site entrance. (About 800m from the south end of the site). This is on the limit of how far people will walk. It is forecast to have 8 surplus spaces by 2019/20. Kelvedon Primary Academy is considerably further away – 1.6 km from the site entrance. ECC advises that Kelvedon Primary is forecast to have 75 surplus spaces by 2019/20. FPC considers that parents would be likely to drive to Kelvedon Primary- thereby exacerbating parking at the school which is already difficult.

Facilities. Feering Parish Council OBJECT to the current planning application 16/00569/OUT for up to 165 homes by Crown Estates proceeding as a stand-alone application as it would compromise the positioning of facilities in one of the locations desired by local people - close to London Road / B1024 [at the north / NNE end of site FEER 233]. It is appreciated that the application is an outline application, but facilities will not be required of such a stand-alone application.

Therefore the site of 16-00569-OUT must NOT be a stand-alone application. It MUST be a phase of the up to / minimum of 1000 homes in the BDC draft Local Plan policy *LPP20 Strategic Growth Location – land at Feering*. Please refer to Feering Parish Council's response of 19 August on policy LPP 20 in the BDC Draft Local Plan public consultation

Layout/Illustrative Masterplan. It is not clear how the figures on the application form correspond with the 40% affordable housing quoted elsewhere. The actual number of built social housing is generally less due to viability arguments.

FPC shares the concern of the BDC urban design officer regarding the adequacy of the parking proposed in the master plan. FPC requests an updated masterplan clearly showing roads, footways and parking spaces/garages.

The link to footpath 18 and to the business park is welcomed.

There is insufficient parking in the business park and FPC is concerned that the overflow would spill into the estate road. There are issues with roadside commuter parking elsewhere in Feering and Kelvedon and it is essential to ensure that adequate off-road parking is provided in case on street controls are introduced. FPC is concerned that there are insufficient turning spaces for refuse and delivery vehicles.

### **Enlarged SUDS / drainage basin – location & density implications.**

Feering Parish Council OBJECT to the proposed location of the enlarged drainage basin at the southern end of site 16/00569/OUT – see Appendix C of the revised illustrative masterplan (Amec Foster Wheeler technical clarifications report, July 216). Whilst this is stated to be at the lowest point of elevation of THIS 16/00569/OUT outline application, it is not the lowest point of site FEER 233 and so not of the overall LPP 20 policy sites (FEER230+ FEER232+ FEER233). The lowest point of the overall site is Domsey Brook. The proposed drainage basin site could potentially provide a location for business related development with extra car parking – being adjacent to the existing Threshelford Business Park – or for higher density / higher rise homes. No business development or extra business car parking is envisaged in the current 16/00569/OUT application. The “Alternative Illustrative Masterplan” with the enlarged infiltration basin, in Appendix C of the Technical Clarifications report, shows a decrease in the land for housing to 4.46ha from the previous 4.56 ha. It is noted this “Alternative Illustrative Masterplan” no longer provides a residential dwellings density figure - which was given as 30.1 dph gross and 36.2 dph net in the previous Illustrative Masterplan. The requirement for an enlarged infiltration basin WILL result in either a reduction in the number of homes or an increase in the housing density. An increased housing density is not in keeping with the current rural non-urban environment of Feering.

The infiltration basin is included in the 0.95 ha public open space allocation in the Illustrative Masterplan. To meet the requirements of Braintree District Council’s Open Spaces SPD, the draft S106 Heads of Terms (p7 of the Amec Foster Wheeler technical clarifications report) requires the provision of a total of at least 0.85 ha of on-site open space comprising of:

- at least 0.46 hectares of ‘parks and gardens’,
- at least 0.31 hectares of ‘amenity Green Space’,
- at least 0.08 hectares of ‘Provision for Children and Young People’

It is not clear to Feering Parish Councillors how much of the 0.95ha of open space is the infiltration basin and how Braintree Council’s allocation requirements will be met. Also, as already noted, Feering Parish Council object to the proposed location of the drainage basin southern extremity of the

site adjacent to Theshelfords Business Park. Councillors wish the public open space to be in a more central location(s) in order to be easily accessible to the majority of the new homes and to the community at large. Is tree / shrub planting compatible with a drainage basin?

In summary – FPC objects to the proposal and requests that a decision is postponed until after all sites in Kelvedon/Feering have been evaluated. FPC does not wish to see piecemeal development with no consequent serious infrastructure improvements. We wish to see development considered as a whole and assessed as a whole phased development with commensurate infrastructure in terms of roads, primary school places, playing fields, medical facilities etc. in place as development proceeds rather than at the end or not at all.

### Essex County Council Highways and Transportation

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

This application has been looked at on its own merits, however, we are aware of the proposed allocation in the draft Braintree Local Plan and the Preferred Option Assessment produced by Essex County Council on behalf of Braintree District Council in March 2017. The assessment of the application and transport assessment was undertaken with reference to the National Planning Policy Framework and in particular paragraph 32, the following were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. Site visits were undertaken on a number of occasions.

The measures outlined below improve the accessibility of the site on foot and by bus and thus helps to mitigate the impact of the application on the highway. Considerable time was spent looking at the junction of Inworth Road/London Road/Rye Mill Lane junction in terms of the current situation, future situation up to 2025 and the impact of this development on in relation to that future growth. The junction is currently over capacity and queuing occurs in the peak period on Inworth Road, this will be exacerbated by future traffic growth. This development, while obviously impacting on the junction, has less impact than the predicted future growth. A number of options were put forward by the developer to mitigate the impact of the development, which were tested through modelling. It was agreed that an overall improvement could be achieved through signalisation of the junction, the length of the queue on Inworth Road would be reduced but, as expected, increased queues would be experienced on London Road. However, the timing of the signals could be adjusted to optimise the flows in response to

traffic demands and the amenity for pedestrians improved with the provision of a pedestrian phase to the signal.

Therefore, in order maintain flexibility and implement the most appropriate scheme in relation to future traffic conditions and accounting for possible highway schemes relating to the A12 and/or the draft allocation that may come forward, a contribution of £300,000 is required, such contribution to be available for 10 years so that the highway authority can improve the capacity and safety of the local road network including London Road, Inworth Road and the junction thus mitigating the impact of the development.

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following obligations and conditions:**

1. **Construction Management Plan:** No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities
2. **Access** Prior to first occupation of the development, provision of an access on to B1024 (London Road) as shown in principle on drawing 'Proposed site access Priority Junction July 2016' to include a 6.75 metre carriageway, two 2 metre footways, and a minimum radius of 8m. The road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5m metres by a minimum of 120m to the north east and 114m to the south west along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.
3. **Footway and pedestrian crossing:** Prior to first occupation a 2m wide footway shall be provided on the B1024 (London Road) to link the footway on the proposed access and the existing footway to the southeast of site. And a pedestrian crossing in the form of an island refuge (minimum of 1.5m in width) with associated drop kerbs, tactile paving and localised widening of the existing footway to 2m on the south eastern side of the road (as shown in principle in drawing London Road/ Coggeshall Road junction proposed layout January 2016),

4. **Bus stops:** Prior to first occupation the two bus stops on either side of the B1024 (London Road) to the south west of the site shall be upgraded with new shelters, seating, raised kerbs, and to be made Real Time Passenger Information ready. All details to be agreed with the Local Planning Authority in consultation with the Highway Authority.
5. **Pedestrian access to PROW 78-18:** Prior to first occupation provision of a pedestrian access and link of minimum width 2m, onto PROW 18 (Feering) as shown in principle on the illustrative master plan, to be built to adoptable standards, exact alignment to be agreed through a reserve matters application, access to be maintained in perpetuity thereafter.
6. **Inworth Road / London Road / Rye Mill Lane Junction:** Prior to commencement payment of £300,000 pounds (index linked from the date of this recommendation) to be made to the Highway Authority for the design and provision of such capacity, safety or accessibility enhancements that the highway authority deem necessary to mitigate the impact of the development on the B1024 (London Road ) and/or Inworth Road and in particular at the junction of Inworth Road/London Road/Rye Mill Lane junction. Monies to be retained for a minimum of 10 years after 1<sup>st</sup> occupation of the development.
7. **Travel Information Pack:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, , (to include six one day travel vouchers for use with the relevant local public transport operator).
8. **Electric vehicle charging** points to be incorporated within all garages.
9. **Parking:** The number of vehicular and cycle parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009.

#### Highways England

No objection (as regards effect on trunk roads and special roads - A12).

#### Essex County Council Historic Buildings and Conservation Adviser

The nearest heritage asset is Cobham Oak Cottages (Grade II\*), the pump associated with Cobham Oak Cottages and the Old Anchor Public House are listed Grade II. The pump associated with Cobham Oak Cottages is listed grade II in its own right. Whilst historically the cottage had an association with the fields to the east the intervening houses mean that the heritage asset is experienced in a confined built-up setting with no visual or physical link to the application site. The proposal would not harm the setting of this Listed Building.

The Old Anchor Public House is across the road and is separated from the site by Inworth Road and the modern development at the junction. The Public

House is mainly experienced in views along the B1024 and the proposal would not alter the way in which the heritage asset is experienced. I therefore have no objection from a conservation perspective.

#### Historic England

No comment on the proposal. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

#### Kelvedon and Feering Heritage Society

Strongly objects the proposal. It is outside development limits in the local plan. The A12 corridor and this site in particular are the wrong place for housing due to deficiencies in infrastructure. The A12 is over capacity with widening not due for completion for a number of years. Kelvedon High Street which is the core of the Conservation Area and other local roads are congested with traffic accessing the A12. The station car park is regularly full and rush hour trains are in short supply. The site is more than 10 minutes' walk from the village centre and people are more likely to use their cars.

The proposal would cause significant harm to the character of Kelvedon and Feering. Concerned that a precedent would be set for the development of other land in applicant's ownership.

#### Braintree District Council Urban Design

In the main the drawing illustrates a reasonable degree of character variation across the site and a strong sense of place that has some sympathy to the village. The layout however is not achievable in the form described by the illustrative masterplan because there is inadequate car parking shown across the site.

The omission of adequate land for car parking has allowed the designer to create a layout that has a strong relationship to the pattern of development in Feering with well-proportioned front gardens and an openness within the streets that reflects the density of the village and lack of enclosure.

Making this layout compliant with adopted standards for car parking and back to back distances between dwellings would have a significant impact on the sense of place and townscape qualities within the illustrative masterplan. When considering the number of units and the amount of car parking that would be needed to meet the adopted standards of the Council I would suggest that the layout would not accommodate this number of units.

As an example, the Cul-de-Sacs within the layout have so few spaces that there wouldn't even be enough space in the carriageways to accommodate the number of spaces required.

Should this site be acceptable in principle I would suggest that the applicant should be asked to demonstrate how many units can be accommodated at the site in accordance with the adopted guidance of the Council so that the Council has confidence in the outline permission being realistic in its number and the potential quality of the layout and the sense of place created.

#### Braintree District Council – Landscape Services

##### *Landscape Setting*

The study carried out for the Council in 2015 by the Landscape Partnership identifies the application site within area 4C which comprises smaller scale arable fields divided by a fragmented hedgerow structure. The area was indicated to have “medium” landscape capacity to absorb development. The analysis considers the level of visual containment within the wider landscape and the close associations with adjoining “urban” fabric as presenting relatively good opportunities to mitigate development in this location. The analysis indicated that mitigation would include improving the framework of tree and shrub planting, creating stronger buffers to the A12. Additional planting would also be required to maintain the well vegetated settlement edge when viewed from outside the parcel. There is the opportunity to reinforce the character of the settlement with development that reflects local characteristics incorporated into the newly created settlement fringe. The public footpath to the southern boundary should be protected with the opportunity to create green links between the extended settlement and the wider landscape.

In this context the proposal would provide inadequate screening to the north eastern boundary and the visual intrusion should be mitigated by a more substantial belt of landscaping that is out of the control of individual householders. The SUDS feature and the linear feature running south could be suitably planted to provide a greater depth of planting. A suitably designed SUDS scheme would enhance bio diversity.

The road frontage through Feering and Kelvedon is punctuated by large mature trees and I would prefer to see this reflected in the proposal.

Broadly I would hope to see changes to the masterplan that picked up the need to provide a well-vegetated settlement edge.

##### *Biodiversity*

The main bio-diversity value of the area lies within the hedgerows and field margins. The ecology report does not identify any particular issues but there will need to be a suitable mitigation strategy for bats and reptiles in particular.

## Braintree District Council – Environmental Health

### *Noise*

The report submitted by Amec Foster Wheeler dated March 2016 comments that noise from the Ridgeons yard may become more noticeable when houses are built and create a screening effect from A12 noise which currently dominates the site.

The report concludes that it is acceptable to have part of the garden above the upper guideline level in BS8233 of 55dB(A) as this is indicated in the PPGN. In fact the PPGN does not specifically state this it merely confirms that the noise impact can be partially offset but in practice if garden areas are provided and occupiers do not use them because of the noise then this could be an unacceptable adverse effect.

The report identifies the need for further analysis and confirmation of noise levels once the site layout is known but provisionally states that internal noise levels may be met and that the external noise levels can be met by screening. The report fails to consider maxima levels. It further suggests that noise from the Ridgeons site may be more noticeable once the proposed buildings screen against the dominant A12 noise. It will be the case that further detailed prediction of this should be provided to allow a BS4142 assessment to be carried out.

If there is a decision to grant then a further report shall be submitted to provide details of the design and layout and screening that will be implemented to obtain the noise levels which are mentioned within the report.

### *Contaminated Land*

The reports confirm that there is a significant risk to human health due to the presence of pesticides on the land. The top soil is therefore unsuitable for use on the development. A remedial strategy is required and remediation would need to be validated.

### *Air Quality*

I agree with the conclusions in the report but would also add that there will be some adverse effect from increased traffic from the site onto Inworth road. The report contains no information relating to proposals to promote alternatives to road vehicle use.

It is recommended that if there is a decision to grant that conditions are imposed to require a dust and mud control scheme which shall be approved by the local authority and adhered throughout the site clearance and construction phase.

It shall further be required that a travel plan is prepared to provide details also of how lesser polluting transport will be promoted.

If there is a decision to grant then it is recommended that the following are required as conditions:

Provision of a dust and particulate matter control scheme to be approved by the planning authority and the scheme shall be adhered to during site clearance and construction.

To minimize any adverse effects on air quality, provision of a comprehensive travel plan and details of mitigation/design measures to reduce the need for travel, reduce polluting motorized vehicle use, to improve public transport, to promote cycling and walking and to promote sustainable travel plans.

Provision of a noise assessment report to confirm that resultant levels meet good WHO internal and external levels as given in BS8233 along with no exceedance of 45dB(A) as a maximum noise level within bedrooms between 2300 and 0700 hours. The noise assessment shall also include a BS4142 assessment of the noise from local commercial activities including the builder's yard. The report shall determine the mitigation required to achieve the required noise levels and to not give rise to an adverse effect as determined by BS4142.

Inclusion of a standard contaminated land condition.

Provision of external lighting plans prior to installation to ensure no artificial light nuisance is caused to existing occupiers.

Inclusion of hours of working to control site clearance and construction works.

#### Braintree District Council – Housing

In accordance with policy CS2 of adopted Core Strategy to seek affordable housing, the proposal for up to 165 residential dwellings requires 40% (66 homes) of the dwellings to be provided for affordable housing. It is acknowledged that details concerning the mix of affordable dwellings will be subject to reserved matters applications but as the applicant has provided an indicative site layout drawing and referred to an indicative affordable housing mix in the planning statement, I confirm the mix below is considered appropriate to match housing need. This is a snapshot at this particular time and of because timescales, it will be necessary to review our requirements as reserved matters.

- 12 x 1 Bed 2 person flats
- 16 x 2 bed 4 person flats (would have no objection to these being 2 bed houses)
- 24 x 2 bed 4 person houses
- 10 x 3 bed 6 person houses
- 2 x 4 bed 7 person houses

- 1 x 2 bed 4 per wheelchair bungalow (compliant with Part M Cat 3 of Building Regulations)
- 1 x 3 bed 5 per wheelchair bungalow (compliant with Part M Cat 3 of Building Regulations)

Additional factors concerning affordable housing that should be considered are as follows:

- Affordable housing mix to be delivered proportionately in each phase
- Affordable housing should be clustered in 3 areas of site
- Affordable dwellings should be deliverable without reliance on public subsidy
- Affordable homes should be built to conform to standards acceptable to the Homes and Communities Agency at the point of construction
- Accessibility requirement for 25% of ground floor flats and all 3 bedroom houses to meet Lifetimes Homes equivalent Part M Cat 2 of Building Regulations
- 70 /30 ratio of affordable rented tenure over shared ownership tenure

#### Essex County Council – Education

(Updated consultation response of 10/10/2017).

I have assessed the application on the basis of 165 houses, assuming that all the units have 2 bedrooms or more. A development of this size can be expected to generate the need for up to 14.8 early years and childcare (EY&C) places, 49.5 primary school, and 33 secondary school places.

The proposed development is located within the Kelvedon and Feering Ward. According to Essex County Council's childcare sufficiency data, published in January 2017 there are 13 providers of early years and childcare in the area. Of these 1 are full day care nurseries; 3 are sessional pre-school, 1 is a maintained nursery school, and 8 childminders. Overall a total of 8 unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient full day care provision/free entitlement places to meet demand from this proposal. It is, thereby, clear that additional provisions will be needed and a project to expand provision would be required. This equates to £14,519 per place and so, based on the demand generated by this proposal set out above, a developer contribution of £215,607 index linked to April 2016.

This proposed development is located within reasonable travelling distance of Feering Primary School and Kelvedon St Mary's Church of England Primary Academy. These schools are forecast to have a surplus of 83 places between them by the school year 2019-20. No contribution for additional primary school places is therefore, requested. However the developer should ensure

that safe and direct walking/cycling routes are available to the nearest primary school.

The nearest secondary school to this proposed development is Thurstable School and Sixth Form Centre. The school has a capacity of 1,275 places. The school is forecast to have a surplus of 161 places by the school year 2019-20. A contribution for additional secondary school places is, therefore, unlikely to be requested, unless other significant housing developments are brought forward in the area. However the nearest secondary school is over 3 miles from the proposed development and therefore Essex County Council is obliged to provide transport to the school, at a cost to Essex County Council of £4.44 per day for 190 days per year; a standard academic year. It is the practice of Essex County Council to seek costs for a 5 year period. This development would generate the need to provide transport for an additional 33 secondary pupils, the cost would be £139,194 index linked to April 2016.

The education Authority would be required to provide transport to the secondary school and in accordance with the Councils normal policy a contribution of £139,194 is sought for transporting pupils for a period of five years.

#### Essex County Council – SuDS

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

**Lead Local Flood Authority position** Having reviewed the Flood Risk Assessment (FRA) and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the above mentioned documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1 - No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Discharge to the ground. Following infiltration testing, should it be demonstrated that soil conditions are not suitable, discharge should be limited to 6.8 l/s for all rainfall events up to the 1 in 100 year event plus 40% climate change.
- Provide sufficient storage to manage rainfall on site during the 1 in 100 year event plus climate change and a 10% allowance for urban creep.
- Provide treatment for all elements of the development in line with the CIRIA SuDS manual (C753)

Condition 2 - No works shall take place until a scheme to minimise the risk of site flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the commencement of development.

Condition 3 - No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Condition 4 - The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

#### Anglian Water Services

There are no assets owned by or subject to an adoption agreement with Anglian water within the site boundary.

The foul drainage is in the catchment of Coggeshall Water Recycling Centre that will have available capacity.

The sewerage system has capacity for the flows.

#### Essex County Council – Minerals and Waste

No objection.

## Essex County Council – Archaeology

London Road is Roman in origin and there was a small military fort at Kelvedon. Evidence for the road and roadside settlement and activity has been revealed elsewhere.

A trial trench evaluation and geoarchaeological assessment has been completed which has identified a small concentration of archaeological activity within a limited area of the site. Remains have been found close to the business park (possibly Iron Age). The few remaining features were post medieval and none were dated to the Roman period. However the presence of the road and potential for features close to it has not been fully explored due to access issues. Given the potential for remains associated with the road to survive beyond the area already evaluated further investigation will be required. Where archaeological areas would be affected by the development they will need to be excavated.

Recommended that three conditions are imposed:-

- 1 No development or preliminary groundworks can commence until a programme of archaeological excavation has been secured and undertaken on the areas identified within the evaluation in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
- 2 No development or preliminary groundworks can commence until a programme of archaeological excavation has been secured and undertaken on the areas identified within the evaluation in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority..
- 3 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of field work, unless otherwise agreed in advance with the local planning authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

## NHS England

Due to capacity levels in the area and current priorities there is no intention to seek a contribution. NHS England would not wish to raise an objection.

## REPRESENTATIONS

One letter of support provided that the Council are able to insist as a condition of approval that the Crown Estate pays a suitable proportion of the cost of an upgraded A12 junction.

116 representations of objection/comment:-

The site is not allocated for development and the proposal would not comply with the development plan.

Loss of pleasant surroundings, Grade II agricultural land and rural character.

Concern about precedent for more development in the area.

This development does not take into account the Neighbourhood Plan which Feering Parish Council are currently undertaking.

The proposal represents a 20 percent increase in the number of households in Feering. The amount of housing would be disproportionate to the village and would change its character for the worse.

Development should be based on a strategic local plan not increments of 150 houses at a time.

Infrastructure should be in place before any large developments take place. Access to the A12 (North and South) needs to be improved before any more development takes place in Feering, Kelvedon and the surrounding towns and villages. The proposal would increase traffic joining the A12 resulting in further delays and accidents.

It is imperative that high quality foot and cycle access are conditioned into this development.

Local roads are already congested and can't cope with more traffic. Inworth Road is busy with long queues at the junction with London Road. Kelvedon High Street is heavily congested with traffic and all day parking. The increased traffic resulting from this development will make the situation worse. Residents will drive to shops in Kelvedon and to the station which is more than 10 minutes' walk away. Parking congestion in Kelvedon and around the station will deteriorate significantly. Commuters will not cycle. Payment should be made to the Council to improve the road system before the development is commenced. Traffic lights at Inworth Road would make things worse.

The effect on rail services has not been addressed. The Station car park is already full and the trains from Kelvedon are over-subscribed. The bus service is inadequate.

Inworth Road is barely a road more a lane and has no footpath. This creates hazards for pedestrians and is very dangerous to cross with the high volumes of traffic and insufficient pavements and crossing places.

The site cannot accommodate the number of dwellings proposed whilst achieving the development and design standards of the local plan. Inadequate provision is made for parking. The density is significantly greater

than the adjacent housing in Inworth Road. The amount of development should be reduced and the open space increased.

Services and infrastructure in Feering would be put under severe strain.

Primary schools are overcrowded. No undertakings have been made to provide extra places. Secondary schools in Coggeshall and Tiptree are oversubscribed. The nearest doctors in Kelvedon are over-subscribed.

There are no shops and very little employment in Feering.

London Road drains down towards Kelvedon leading to flood waters on the road during periods of heavy rain. If the drainage offered by the site is lost because of building, the volume of draining water will increase thereby causing further problems.

Concern about the effect on wildlife – owls and bats seen in the area.

A condition should be included to appropriately screen/buffer the current properties, on both Inworth and London Roads, from overlooking the new development

The application makes insufficient commitment to Affordable housing - none of the houses would be affordable.

The open space proposed would not benefit existing residents

Being within a triangle formed by the A12, Inworth Road and London Road residents of the proposal would be subject to poor air quality.

Concern that the proposal may increase crime.

Nearby residents would suffer from noise pollution during the construction period and light pollution thereafter.

Insufficient attention has been given to energy efficiency and conservation.

The operator of the builders' merchant points out that their opening hours are 07:00 to 17:00 Monday to Friday and 08:00 to noon on Saturday. The business generates noise and the developer should include acoustic reduction measures to limit its effect on the occupiers of the proposed houses.

## **REPORT**

### **Planning Policy Context – housing**

#### *5 Year Housing Land Supply*

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which “meet the full objectively assessed needs for market and affordable housing”, together with an additional buffer, which in the case of Braintree is considered to be 5%. The NPPF and NPPG provide guidance on the determination of the current availability of land for housing and based on that guidance and the assessment of housing need the Council’s view is that, as at 31st March 2017, the supply of housing land is 3.91 years. A further quarterly review of the 5 year land supply position found that as at 30<sup>th</sup> June 2017 the forecast supply for 2017-2022 was 4.32 years. The NPPF indicates that where the supply of land falls short of 5 years the relevant policies for the supply of housing should not be considered to be up-to-date.

Paragraph 14 of the NPPF indicates that where relevant policies are out-of-date planning permission should be granted for sustainable development unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Recent case law indicates that policies that restrict housing development (such as those that identify settlement boundaries) are not policies for the supply of housing; however when considering development proposals outside those boundaries regard must be had to the underlying need to boost significantly the supply of housing as indicated in Part 6 of the Framework.

The absence of a 5 year housing land supply is therefore a material consideration which should be given substantial weight in the planning balance as set out at paragraph 14 of the NPPF.

In considering the weight to be given to restrictive policies, such as RLP2 and CS5 regard should be had to the following; i) the degree of shortfall, ii) the steps being taken to meet the shortfall and iii) the function that the policies are performing. Those issues are considered in the report that follows.

### **Principle of Development**

#### **Site specific local policy considerations**

The Development Plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Core Strategy (CS) sets out the identified settlement hierarchy in the District for the purpose of the Development Plan. Kelvedon is identified as a Key Service Village with a good level of services whereas Feering is an “other village”. The CS indicates that development within the other villages will be of a scale and type to cater for purely local needs.

The Core Strategy also identifies the Spatial Strategy for the District, setting out where new development should be located and stating (para.4.15) that the objective of the Spatial Strategy is:

*‘To preserve and enhance the character of the rural heartland of the Braintree District, its countryside and villages, by supporting development that is needed to make settlements and the rural economy more sustainable and protect and enhance the natural environment and;*

*To concentrate the majority of new development and services in the Main Towns of Braintree, Witham and Halstead, at new Growth Locations at Braintree and Witham and in the Key Service Villages’.*

A small part of the site (with a frontage to London Road) was allocated for residential development in the Pre-Submission Site Allocations and Development Management Plan (2014) (site reference FEE4H). That plan was abandoned; however the allocation of FEE4H in the 2014 Plan had outstanding objections. In the light of paragraph 216 of the NPPF that draft allocation carries limited weight.

The Development Plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). Local Plan Review Policy RLP2 (Town Development Boundaries and Village Envelopes) 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 relates to development in the countryside and states that such development will be restricted to ‘uses appropriate to the countryside’. Policy CS5 does not define the term “uses appropriate to the countryside” but the Spatial Policy in paragraph 4.24 (the Countryside) indicates that within the countryside development will be severely restricted and the limited range of developments indicated to be appropriate to the countryside does not include residential development.

The application site is located adjacent to but outside the Village Envelope of Feering and is situated in the countryside where residential development of this nature is “not appropriate”. The proposed residential development of the site would conflict with Policy CS5 and RLP2. These policies are fundamental to the spatial strategy and protection of the countryside which lie at the heart of the development plan and therefore a direct conflict with them represents a departure from the adopted Development Plan as a whole. The conflict with these policies is a matter to be weighed in the balance against the requirement to ensure that adequate provision is made for housing land.

The Publication Draft Local Plan (PDLP) identifies a proposed strategic growth allocation for up to 750 homes within the plan period (Policy LPP 22). The strategic site comprises three blocks of land. One of these is to the north west of London Road extending to the railway line, and the other two are south of London Road on each side of Inworth Road. The application site forms part of the largest roughly triangular area to the north east of Inworth Road and south east of London Road.

Policy LPP 22 – Strategic Growth Location – Land at Feering, outlines the policy requirements for the development including affordable housing, appropriate employment, location for a new primary school or community centre, community facilities including a contribution to or location for new NHS facilities, retail provision, recreation and provision for a Gypsy and Traveller site. Other requirements include contributions to an all-directions A12 junction at Feering. The policy goes on to state that development proposals which would compromise the delivery of an identified strategic growth location will be resisted.

The allocation is at an early stage and has not yet been the subject of challenge and examination. The allocation is the subject of objections and therefore in the light of paragraph 216 of the NPPF that draft allocation carries limited weight. It is nevertheless a material consideration in the determination of this application.

### **National Policy Considerations**

The proposal is contrary to both the adopted Local Plan Policy RLP2 and Core Strategy Policy CS5. These are fundamental to the strategy set out in development plan and the proposal is therefore not in accordance with the Development Plan.

Paragraph 14 indicates two courses of action for the decision-taker

- a) where a development proposal is in accord with the development plan it should be approved without delay; and
- b) where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless:-
  - i) any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole; or
  - ii) specific policies in the Framework indicate development should be restricted.

As indicated above the proposal does not accord with development plan and therefore sub-paragraph a) does not apply.

Paragraph 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority

cannot demonstrate a five year supply of deliverable housing sites. The Council is currently unable to demonstrate a five year supply and it is therefore necessary to consider sub paragraph b) above. Whilst not explicit in that sub paragraph the over-arching objective within the NPPF, as explicitly expressed at the outset in paragraph 14, is the presumption in favour of sustainable development. Therefore the entreaty in sub paragraph b) relates to “sustainable” development.

Paragraph 7 identifies the three limbs of sustainable development and paragraph 8 draws attention to the mutual dependency of the economic, social and environmental facets of sustainability. The policy around sustainability is encapsulated in paragraph 9 which states that the pursuit of “sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life”.

### **Feering Neighbourhood Plan**

Braintree District Council has received an application from Feering Parish Council to designate a neighbourhood area under S61g of the Town and Country Planning Act 1990 (as amended). The application proposes that the neighbourhood area would cover Feering Parish. A consultation was held between 11th December 2014 and 30th January 2015 and the Neighbourhood Plan application was agreed by Cabinet on 30th March 2015.

A Vision Statement has been published and a Neighbourhood Plan open day was held in February 2017; however the Neighbourhood Plan remains at a very preliminary stage in its development and therefore can be given no weight.

### **Sustainability of Location**

The site lies on the edge of the village and has relatively easy access to local shops and services, the primary school and community facilities. The site entrance is on a bus route and the site is within about 1.4 km of Kelvedon railway station which provides links to London and the employment centres of Colchester and Chelmsford. The sustainability of the location within the A12 corridor is reflected by its allocation as part of a strategic development site in the PDL.

### **Agricultural Land**

The site is indicated by Natural England to fall within an area of Grade 2 land. The report draws attention to the Natural England Technical Information Note 049 (TIN 049) which indicates that Agricultural Land Classification maps are not sufficiently accurate for use in assessment of individual fields or development sites and should not be used other than as general guidance.

The application includes a detailed report on the quality of the land for agricultural use. That report concludes that the quality of the land varies across the site with about 1.2 Ha at its northern end, with a frontage to London Road, being within sub-grade 3a and the remainder being 3b and 4. The study indicates that about 22% of the land is of “good quality”, falling within the definition of best and most versatile land, and the remaining 78% is of moderate or poor quality.

The full value for agriculture of a relatively small area of land can best be determined with reference to the quality of adjacent land with which it could be farmed. The report submitted with the application does not consider the land to the south and east and therefore it is not possible to make a fully informed assessment; however based on the information submitted it is reasonable to conclude that the 3a land continues into the land to east. Nevertheless taking account of the small area of 3a land and that about 50% of it is between the gardens of frontage dwellings in London Road it is considered that the proposal would not result in the loss of a significant amount of best and most versatile land.

### **Landscape Character and Appearance**

Bullet point 5 within the twelve core planning principles set out in paragraph 17 of the NPPF indicates that planning should “take account of the different roles and character of different areas..., recognising the intrinsic character and beauty of the countryside”. The importance of this principle was emphasised by Brandon Lewis MP, Minister of State for Housing and Planning on 27 March 2015 when he wrote to the Chief Executive of the Planning Inspectorate about landscape character in planning decisions. The letter indicates that *“decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable in the local context”*.

The application site is part of a more extensive area of agricultural land between London Road, Inworth Road and the A12. The three roads cut the wider area off from the agricultural land and open countryside around the village limiting the views into the area. As a result the context of the site is limited to the open fields to the south and east and the developed and undeveloped frontages of London Road and Inworth Road.

Within this context the undeveloped character of the site limits the extent of the built up area of Feering and provides a setting for the rear of the frontage buildings and the business park. Most of the site is cultivated agricultural land with a short length of hedgerow crossing the land. Most of the eastern boundary with the open fields is not defined by any natural or man-made feature.

The presence of garden vegetation and hedges provides some screening of the rear of the frontage buildings from the open land; but the observer walking

the footpath to the south of the site is aware of the presence of the settlement nearby.

The most public indication of the proposal would be the closure of the undeveloped gap in London Road. This separates the developed frontage to the west (which extends almost continuously through both Feering and Kelvedon) from the cluster of development at Exchange Court. The frontage is marked by a thin hedge which contrasts with the walls and shrubs to the west and the tall trees to the east. The gap enables views from London Road, including from the dwellings on the north side, into the agricultural land with higher wooded land beyond the A12. There is no public access to the field from London Road but it provides a visual link to the open countryside to the south.

The countryside here comprises arable fields divided by fragmented hedgerows. The site is in an area which the Braintree District Settlement Fringes Evaluation of Landscape Analysis Study of this area (June 2015) indicated had a “medium” capacity to absorb development. Whilst the proposal would change the immediate character of the application site it is considered that it would not materially detract from the role played by the countryside in this area. Subject to appropriate detailing of the south eastern edge of the site it is considered that it would not be harmful to the character or appearance of the countryside. The landscape officer indicates that additional planting would be required to maintain the well-vegetated settlement edge; however all matters apart from access are reserved and both the layout of the development and landscaping would be the subject of later approval. The London Road frontage is a continuation of the urban area to the west and is opposite frontage development to the north. It is considered that within the constraints of the access road and visibility splays it would be possible to create a frontage that would reflect the character of the area.

The proposal would change the character of the site and its immediate surroundings; however it is considered that the proposal would not conflict with the objectives of Policy CS8 which indicates that development must have regard to the character of the landscape and its sensitivity to change.

### **Access and Traffic**

Considerable local concern has been raised both by residents and the Parish Council about the effect of the proposal on traffic conditions in the area. The proposal has the potential to affect local traffic issues in two ways. Firstly through the creation of a new vehicular access to London Road and secondly through the generation of additional traffic on the local highway network. In addition to vehicular traffic, consideration must be given to pedestrian and cycle access.

#### *Site Access – vehicles and pedestrians*

Access is not reserved for later approval. The site would be served by a spine road with access from London Road. The Highways Authority (HA) raises no

objection to the proposed junction and subject to the imposition of conditions as indicated by the HA no objection is raised to this aspect of the proposal. The proposal includes the provision of 2m wide footways alongside London Road and a pedestrian crossing to provide a safe route to the footway on the north west side of London Road.

The proposal includes links to the footpath (Public Right of Way 18 – PROW 18) which links Inworth Road (just to the north of the business park) to the footbridge across the A12 and the countryside beyond. The footpath links with the path on the west side of Inworth Road to provide an alternative access to London Road to the west of Barnfield. Details of the specification for pedestrian routes within the site would be the subject of approval as part of the reserved matters process.

The HA indicates that improvements should be made to pedestrian accessibility in the immediate area including a pedestrian crossing of London Road. These are all included with the proposal.

#### *Inworth Road/ London Road/ Rye Mill Lane junction*

The Inworth Road/London Road junction is currently over capacity and this results in peak hour queuing on Inworth Road. The representations and Parish Council comments indicate that this is a major issue for the village. The HA indicates that predicted future growth would exacerbate the issues at this junction and that the development the subject of this proposal would have a harmful effect on traffic at the junction. However this would be less than that arising from future growth.

The HA indicates that the applicant has put forward a number of options to mitigate the impact of the development on the junction and that these have been tested through modelling. The HA considers that an overall improvement could be achieved through the introduction of traffic lights at the junction. The models indicate that signalisation of the junction would reduce the length of the queues on Inworth Road but would increase queues on London Road.

It is considered inevitable that the improvement of conditions on one route would worsen the conditions on another; however once installed fine tuning of the timing of the signals would enable the flows to be optimised in response to traffic demands. The safety and convenience of pedestrians would also be improved by the provision of pedestrian phases to the signals.

Considering this proposal in isolation the HA indicates that a contribution of £300,000 is needed to carry out the works necessary to mitigate the effect of the proposal on London Road and the Inworth Road/London Road junction. However in reaching this conclusion the HA is mindful of the Strategic Allocation (LPP 22) which envisages the development of up to 750 dwellings in this area within the emerging Local Plan period. The strategic allocation includes a requirement to make contributions to an all directions junction with

the A12 and the supporting text indicates that “suitable links” will be needed from that junction to Inworth Road.

The promoter of the strategic allocation (also the applicant for this application) indicates that this would take the form of a link road through the proposed allocation site to the south of the current proposal to meet Inworth Road between the business park and the existing A12 bridge. A link road would divert a significant amount of traffic away from the Inworth Road/London Road junction and the provision of an all-movements A12 junction would enable traffic to and from Tiptree and the strategic allocation to avoid the route to the A12 through the villages of Feering and Kelvedon.

The HA indicates that in isolation a signalised junction at Inworth Road/London Road would mitigate the effects of the proposal. However when the strategic allocation is adopted and developed in full, with the likelihood of a link road, traffic light control may be unnecessary. In those circumstances it would be better if the contribution towards the signalised junction were to be directed to alternative highway improvements in the vicinity. The HA therefore indicates that the contribution necessary to mitigate the effects of the proposal on highway safety and capacity should be made available for a period of 10 years to determine its most beneficial use.

In summary the traffic generated by the proposal would have a harmful effect on traffic conditions at the Inworth Road/London Road junction. This could be mitigated by the installation of a traffic light controlled junction; however in the medium term, once the network highway improvements associated with the Strategic Allocation have been carried out, the traffic controls may be unnecessary.

Taking a wide view it is considered that it would not be in the public interest immediately to invest in a signalised junction which could become redundant. In the event that the full extent of the strategic allocation did not go ahead the contribution could be used to improve the junction; however if it does go ahead the funds may be better directed to other improvements in the area.

Both residents and the Parish Council draw attention to the limited parking at Kelvedon Station and the distance from the site to the station. It is considered likely that the proposal would increase the numbers using the station. The station is some distance from the application site and reference is made to acceptable walking distances. *Department for Transport Local Transport Note 1/04 (Policy, Planning and Design for Walking and Cycling)* indicates that the mean average length for walking journeys is approximately 1 km but indicates that journeys of up to three times this distance are not uncommon for regular commuters. The absence of sufficient parking and the general traffic conditions indicated by residents and the Parish Council would encourage the use of means of transport other than the private car and it is considered that walking to the station cannot be ruled out.

## **Heritage Issues**

The site is not within a Conservation Area. There are three listed buildings in the vicinity of the Inworth Road/London Road junction; however these are separated from the site by later development. The Essex County Council Heritage officer raises no objection to the proposal and it is considered that it would have no effect on the significance of those heritage assets.

## **Design and Layout**

The application is made in outline with all matters of layout, scale, appearance and landscaping being reserved for later approval. The urban design officer and landscape officer (as well as third party objectors) have made a number of comments about the illustrative masterplan and there is concern that the site may be of insufficient size to accommodate the number of dwellings proposed in an acceptable manner. However the application is described as being for “up to” 165 dwellings and this is stressed by the applicant in a technical clarification submitted during the life of the application. This description does not relate to a specific number of dwellings but places a cap on numbers. Further the ultimate mix of dwellings and their size would be the subject of reserved matters.

Whilst the comments about the masterplan are noted it is considered that the general approach that it adopts would be appropriate for the development of the site. It is considered that the masterplan has not demonstrated explicitly that the site is capable of accommodating 165 dwellings; however it is also considered that a development approximating to (but no more than) that number could be accommodated on the application site.

The control exercised by the Council at reserved matters would enable the Council to ensure that the development of the site would comply with Policy RLP9 of the adopted Local Plan which requires a high standard of design and layout in all developments and Policy CS9 of the Core Strategy which requires ‘the highest possible standards of design and layout in all new development’. That approach would accord with the NPPF which indicates that planning should always seek to secure high quality design (Paragraph 17 - Core planning principles) and that ‘good design is a key aspect of sustainable development’ (Paragraph 56).

The Parish Council indicates concern that as a stand-alone application the proposal would compromise the positioning of facilities in one of the locations desired by local people (close to London Road /B1024). The applicant (and promoter of the strategic site) has no right of access to the site from the vicinity of the Inworth Road/London Road junction and this is not indicated as a requirement in the strategic allocation. Policy LPP22 gives no indication of the potential disposition of uses and facilities within the strategic allocation.

The applicant comments that the area of land closest to the junction would be one of the least accessible locations within the scheme. The applicant states

*“Such land uses need to be located on key routes close to other facilities to encourage their use and to ensure that they are well used and viable. The early draft illustrative masterplan showed the new local centre including a primary school located in the centre of the new development as a central focus for the new residents. However, since this was developed, the emerging local plan policy now refers to a new primary school or community centre. If it was decided that it would be preferable to expand the existing school on site and re-locate the community centre onto the Crown Estate’s land, then it may be appropriate for the community centre to still be located near the school, perhaps on Crown land north of London Road”.*

Development of the facilities envisaged as part of the strategic allocation within the current application site would be physically closer to the residential areas to the west than some parts of the strategic site, but they would be more distant from the area around the Green to the north west of the railway than other parts of the LPP22 site.

Taking account of the whole of the strategic site which includes land to the south west of Inworth Road and the north west of London Road it is considered that the proposal would not inhibit the development of facilities that are required by the strategic development in a manner that would be beneficial both to occupiers of the proposed dwellings and to the existing residents of the area.

The Parish Council indicates that the area at the southern end of the site (indicated as public open space/infiltration basin) should be available for parking for Threshelfords Business Park or as an area for business development. Whilst the parking issues within the Business Park are acknowledged there can be no requirement for parking facilities which are not related to the current proposal to be provided on this site. The development of part of the site for business would reduce the amount of land that is more acutely needed for residential development and the absence of business development would not be a reason for refusing permission for this proposal. The Parish Council questions the combination of public open space and infiltration basin, however the detailed design of this area, and the overall provision of public open space, are reserved matters for later consideration.

## **Open Space**

The provision for open space would satisfy the Council's normal requirements. The delivery and future maintenance of the POS could be controlled by condition and a planning obligation. Residents comment that the open space would not benefit the existing village but such a requirement would not accord with the CIL regulations. Nevertheless the area identified as POS on the masterplan would be accessible from Inworth Road via the public footpath.

## **Effect on Neighbour Amenity**

The site shares boundaries with dwellings in London Road and Inworth Road. However those houses have long rear gardens and it is considered that it

would be possible to design dwellings such that they would not unacceptably detract from the living conditions of the occupiers of neighbouring properties as regards privacy, light and outlook. The proposal would introduce activity and lighting at the rear of the frontage dwellings; however subject to appropriate detailing there is no reason to conclude that this would unacceptably detract from living conditions.

The construction period would be likely to have an effect on the living conditions of nearby residents; however the effects could be mitigated by a condition requiring a construction method statement including such matters as working and delivery hours, parking and storage areas and dust suppression. The Parish Council indicates that construction vehicles should be required to access the site from the north east only, thereby avoiding the main parts of the villages. Such a requirement would be a significant restraint on the development requiring vehicles from and to the south west to detour to the north. It is considered that it would not be reasonable to seek to impose such a restriction on amenity grounds and the Highways Authority gives no indication that a restriction is necessary on highway safety or capacity grounds; nevertheless there may be justification for such a restriction during peak hours. The HA recommends the imposition of a condition requiring a construction management plan and it is considered that this could reasonably include a requirement for delivery routes and times to be agreed.

The Environmental Health Officer indicates the need to discourage travel by private car. Whilst this cannot be prevented the measures recommended by the HA as regards travel information packs and bus shelters would promote and may encourage the use of public transport.

### **Amenities of the Occupiers of the Proposed Dwellings**

At its southern boundary the application site abuts commercial development at Threshelfords Business Park. Along the northern boundary the site bounds a car dealer's site, a builders' supplies depot and the parking area at the rear of Feering police station.

The most recent indication is that the southern part of the site would accommodate a SUDS feature and open space resulting in the nearest dwelling being some distance from the business park. The layout of the site would be a matter for subsequent approval and it is considered that the presence of the business park would not significantly inhibit residential development in the southern part of the site.

The car dealership appears to have only a very short boundary in the extreme corner of the site and the layout of the site would be capable of taking account of any potential disturbance with a limited effect on the site as a whole. The builders' merchant however has a lengthy common boundary with the site. The merchants' site supports two large storage buildings and a display and sales building together with car parking and outside storage areas. The largest storage area abuts the application site and projects beyond the general line of the northern boundary into the site.

It is likely that the loading and unloading associated with the outside storage areas and the movement of vehicles would result in noise and disturbance, and potentially dust, which, together with outside lighting, would detract from the living conditions of the occupiers of any dwellings in the vicinity. The layout shown on the masterplan appears to take no account of this relationship; however in order to achieve acceptable living conditions it would be necessary to ensure that the design and positioning of dwellings in this part of the site has particular regard to the use of the neighbouring land.

The application site is mostly separated from Inworth Road and London Road by existing dwellings and is some distance from the A12. The noise assessment indicates that the site would be exposed to noise from the A12 and London Road. However the noise could be mitigated by the detailed design, specification and layout of the dwellings. The Environmental Health Officer concludes that if outline permission is granted further reports will be needed to support reserved matters applications that set out the measures to be taken to mitigate off-site noise to achieve the noise levels which are mentioned within the assessment.

The air quality assessment indicates that the site does not fall within an Air Quality Management Area. The assessment concludes that whilst the site is bounded by roads there are no air quality issues that would constrain its development.

### **Trees**

The application site is mainly open arable land. The only trees are within the hedgerows and along the edges of the site. Details of landscaping are reserved for later approval and these would include the identification of trees to be retained and measures to be taken for protecting trees during construction (both on and off the site). There are no trees on or in the vicinity of the site that would be affected by the proposal such as to inhibit the grant of outline permission.

### **Biodiversity**

The Landscape Officer draws attention to the Ecological Assessment which identifies the limited ecological value of most of the site; however there is greater value in the hedgerows. The Ecological Appraisal Report indicates that a site habitat management plan is prepared and this requirement is recommended to be included in the landscaping scheme for the development.

### **Affordable Housing**

A number of residents object to absence of affordable housing; however the application proposes that 40% of dwellings would be “affordable” to accord with Core Strategy Policy CS2. The provision and details of the mix are the subject of a draft planning obligation.

## **Education**

Residents express concern about the adequacy of schools to accommodate children from the proposed dwellings. However the education authority raises no objections.

It indicates that there are sufficient early years and childcare places in the area. The two local primary schools are forecast to have a surplus of spaces sufficient to accommodate the number of children generated by the development. Most of those spaces would be at Kelvedon School which is about 1.6Km from the site entrance. The Parish Council's comment about the distance to school is noted however both schools are within a reasonable walking distance via safe routes and the education authority raises no objection to the proposal.

The nearest secondary school is at Tiptree which is over three miles from the development. In accordance with normal practice the Education Authority is seeking a contribution towards the cost of transporting pupils to that school. This is in accordance with the provisions of Part 5.3 (School transport and sustainable travel) of the Essex County Council Developers' Guide to Infrastructure Contributions (Revised Edition) 2016.

The Education Authority have also concluded that the development will generate the need for additional Early Years and Childcare capacity in the area and seek a related financial contribution based on their developer contribution formula.

## **Health**

The comments of residents are noted; however the health authority indicates that there is sufficient capacity in the area to serve the additional number of residents resulting from this proposal. Therefore no contributions are required.

## **Flood Risk and Drainage**

An assessment of flooding from fluvial/tidal, surface water, sewer flooding and groundwater sources has demonstrated that the site is at a very low risk of flooding. There is a very small risk of flooding (less than 0.1% annual probability) from rivers and the site is located within an area defined as Flood Zone 1. Surface water mapping has indicated a very low risk of surface water flooding across the site.

The proposal would increase the speed of run-off of surface water and the proposal includes sustainable drainage measures to store surface water on the site. Essex County Council as lead local flood authority raises no objection to the grant of permission, subject to suitable conditions.

The sewerage system has sufficient capacity to accommodate flows from the proposed development.

## **Relationship with Strategic Allocation**

Taking account of the current stage of the Publication Draft Local Plan 2017 the strategic allocation can be given limited weight. Nevertheless it is a material consideration which reflects the underlying strategy of the Council to significantly boost housing supply. Therefore consideration must be given to the relationship between the proposal and that strategic allocation.

The NPPF indicates that new housing should be accompanied by the provision of necessary facilities and infrastructure. This is reflected in Policy LPP22 which indicates that the delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed. The policy goes on to indicate that development proposals which would compromise the delivery of an identified strategic growth location will be resisted.

The viability assessments of the strategic allocations within the PDLP seek to ensure that the sites that are advanced are deliverable. Policy LPP22 of the PDLP indicates that in order to satisfy the objectives of sustainable development the proposed strategic site will be expected to include affordable housing, appropriate employment, location for a new primary school or community centre, community facilities including a contribution to or location for new NHS facilities, retail provision, recreation facilities and provision for gypsy and traveller site and make a contribution to an all-movement junction with the A12.

As regards housing numbers the current proposal represents about 20% of the 750 dwellings indicated in Policy LPP22. However the overall number in the Plan is constrained by the ability to deliver within the plan period and it is considered that the strategic allocation site could accommodate up to 1000 dwellings (with the current proposal therefore amounting to about 16%). Affordable housing is proposed within the current development in accordance with the adopted policies; however the development is not required to make contributions towards health care facilities, employment and retail provision, provision for gypsy and traveller site or improvements to the A12 junction.

In order to satisfy the CIL Regulations and the NPPF, planning obligations must satisfy three tests which all relate to the development proposed (that is up to 165 dwellings). It is therefore not possible to provide a binding mechanism through which the current proposal could contribute to the development of the strategic site as regards strategic education facilities, health care facilities, employment and retail provision, provision for gypsy and traveller site or A12 junction improvements.

In response to officers' concerns about the effects of the proposal on the viability of the strategic site the applicant has carried out a viability assessment based on the most recent iteration of the emerging policy. The applicant's report acknowledges the disparity between the Phase 1 houses (the current application) and the remaining dwellings within the strategic

allocation (including those beyond the plan period) as regards the “S106 obligation cost” per unit. However it concludes that the development costs of the later units would be capable of absorbing the higher per unit costs of that phase of the development as well as meeting any pro-rata under provision arising from the Phase 1 development.

The most significant unknown quantity in such an assessment is the contribution to the A12 junction. The PDLP indicates that this contribution is based on the provision of 750 dwellings, which would be capable of provision within the PDLP site in addition to the current proposals. The other major cost factor is affordable housing, but that would be fully met by the current proposal and would therefore not impact disproportionately on the remaining development.

In considering the requirements for education and health it should be noted that the threshold for new provision is not reached by the current proposal. Any contribution arising from the strategic site must reasonably relate to the amount of development within the site and must take account of the existing provision. Therefore applying CIL guidance the number of dwellings within the current development would not contribute to the overall costs; nevertheless the costs that would arise from the strategic site would be spread across a smaller number of dwellings.

The uncertainty surrounding the A12 junction works does not allow for a fully detailed viability appraisal. However given the overall number of dwellings within the strategic allocation and the full provision of affordable housing within “Phase1” it is considered that it cannot be concluded with any degree of certainty that the requirements of the strategic allocation would be rendered unviable by the separate development of Phase 1.

It is considered therefore that as regards both the physical disposition of development across the strategic site and the viability of the remaining majority of that site the proposal would not compromise the delivery of the identified strategic growth location.

## **Planning Obligation**

The applicant indicates willingness to enter into a planning obligation including:

- The provision of 40% affordable housing (70% affordable rented 30% shared ownership)
- Provision of a financial contribution of £300,000 to fund suitable junction improvements
- The provision/improvement of bus stops
- Provision and maintenance of play areas and other areas of public open space within the development
- Financial contribution based on standard ECC provisions towards Early Years and Childcare capacity

- Contribution towards secondary school transport. The level of contribution based on standard ECC provisions.
- Financial contribution towards the provision of allotments, in accordance with the Open Spaces SPD
- Financial contribution towards outdoor sports, in accordance with the Open Spaces SPD

## **Planning Balance**

The NPPF (paragraph 8) indicates that in order to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is accepted that in the real world it is not always possible to achieve gains in each dimension of sustainable development and it is therefore necessary to strike a balance between competing issues.

The Council is acting positively to ensure a continuing supply of housing land pending the adoption of the local plan. The current degree of shortfall has been described in recent appeal decisions as “moderate”. Pending the adoption of the new Local Plan the Council has granted permission for housing development on both emerging strategic allocations and elsewhere. This strategy has maintained a supply of housing land; however in the absence of the Local Plan the maintenance of a supply of housing land is reliant upon the granting of planning permission on sites such as that the subject of this proposal. The absence of a five year supply of housing land clearly weighs in the balance in favour of the proposal.

The applicant indicates that proposed development would be delivered in full within five years of permission being granted. Whilst this cannot be guaranteed, the provision of 40% of the dwellings as affordable housing within that time frame would be an additional significant benefit. In addition the applicants have agreed to the submission of reserved matters applications within 2 years (rather than the normal 3 year period). Any new housing development would provide a boost to the building industry and suppliers of materials, fittings and furnishings. Residents occupying the houses would be likely to use shops and services within Kelvedon and Feering thereby making a positive contribution to their viability. The site is in a sustainable location as regards access to local shops, services and public transport. All of these factors weigh in favour of the proposal and make a positive contribution to the social, economic and environmental dimensions of sustainable development.

The site lies within an area that has no significant landscape features and has been identified as having a “medium” capacity for development. The site currently performs the role of containing the built up area of Feering and affords an outlook over undeveloped agricultural land for nearby residents. The site is skirted to the south by a public footpath but it is of no recreational value. The development of the site would materially change the character of the land; however subject to appropriate design and landscaping it is considered that it would not be unacceptably harmful to the landscape and would not detract from the intrinsic character and beauty of the countryside.

A number of representations and responses to consultation refer to the detailed layout and landscaping. However apart from access all matters of detail are reserved for later approval. It is possible that the satisfactory resolution of those matters would result in a smaller number of dwellings than indicated in the Master Plan; however the applicant points out that the proposal is for a development of up to 165 dwellings and the actual number would be determined through the reserved matters process. It is considered that the site is capable of accommodating, as a maximum, in the order of the 165 dwellings and that detailed site-specific concerns that have been raised are not sufficient to refuse outline planning permission. The details of layout and scale submitted at reserved matters stage will need to show compliance with relevant parking amenity space standards and back-to-back distances.

The proposal would result in additional traffic using the already over-capacity Inworth Road/London Road junction. The highways authority is satisfied that the effect of this proposal would be mitigated by traffic light controls at that junction, which would significantly improve traffic conditions in Inworth Road, and the provision of pedestrian crossing facilities that would improve pedestrian safety in the area. The potential diversion of funds to contribute to the highways issues arising from the strategic development would result in a short-term worsening of conditions at the junction; however it is considered that this pragmatic approach would prevent the wasteful expenditure arising from the provision of a potentially unnecessary traffic light junction and is supported.

Overall it is considered that the harm arising from the conflict with the development plan, the limited harm to the character and appearance of the area and the potential harm arising in the short term as a result of traffic in the area would not significantly or demonstrably outweigh the significant benefits that would arise from the proposal.

## CONCLUSION

The proposal would be a departure from the adopted development plan as a whole as regards settlement boundaries and development outside those boundaries. However in the absence of a 5 year housing land supply the weight to be given to those policies that limit development beyond established settlement boundaries is reduced.

In reaching a decision on this application regard should be had to one of the Core Planning Principles set out in paragraph 17 of the NPPF which indicates that planning should be genuinely plan-led and that it should pro-actively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

The granting of permission on this site would pre-empt the formal consideration and adoption of the new local plan. However it is considered that the proposal would not prevent the physical development of the site in

accordance with Policy LPP22 of the PDLP and there is no reason to conclude that the viability of the strategic development and its ability to deliver the requirements of Policy LPP22 would be compromised by the proposal.

There would be merit in considering the development of this application site as part of the overall strategic development site identified in the PDLP. However the application must be determined on its own merits and it is considered that there can be no justification for delaying a decision or concluding that the proposal is premature. It is concluded that in the absence of the PDLP allocation, as a stand-alone site, the proposal would accord with the provisions of paragraph 14 of the NPPF. When considered in the context of emerging Policy LPP22 it is concluded that the proposal would not compromise the delivery of the strategic growth location.

In summary it is concluded that the proposal would be sustainable development that would not result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, when judged against the provisions of paragraph 14 of the NPPF, permission should be granted.

### RECOMMENDATION

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

- **Affordable Housing** – 40% affordable (in accordance with Core Strategy Policy CS2), of which 70% are to be affordable rented and 30% shared ownership. The specific mix to be agreed at reserved matters stage to reflect the latest affordable need at the time but to include 1 x 2 bed 4 person wheelchair bungalow and 1 x 3 bed 5 person wheelchair bungalow (compliant with Part M Cat 3 of Building Regulations)
- **Education** – i) Financial contribution towards secondary school transport costs to Thurstable College. The level of contribution will be based on a standard Education Authority formula, dependent on the actual number and size of dwellings that will be constructed. Payment to be index linked to April 2017, ii) Financial contribution for Early Years and Childcare provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number and size of dwellings to be constructed, index linked to April 2017.
- **Highways & Transport** – i) A financial contribution of £300,000 for the design and provision of such capacity, safety or accessibility enhancements that the Highway Authority deem necessary to mitigate the impact of the development on the London Road and/or Inworth Road and in particular at the junction of Inworth Road/London Road/Rye Mill Lane Junction. Monies to be retained for a period of 10 years after 1st occupation of the development; ii). No dwelling to be occupied until an access on to B1024 (London Road) has been provided as shown on drawing 'Proposed site access Priority

Junction (Ref 37518-Lea081b.dwg Pricg02) July 2016' to include a 6.75 metre carriageway, two 2 metre footways, and a minimum radius of 8m. Said access to be provided with visibility splays with dimensions of 4.5m by a minimum of 120m to the north east and 114m to the south west along the nearside edge of the carriageway, provided before first use of the junction and thereafter retained free of obstruction; iii) No dwelling shall be occupied until:-

1) a 2m wide footway has been provided on the B1024 (London Road) to link the footway on the proposed access and the existing footway to the south east of site and; 2) a pedestrian crossing in the form of an island refuge (minimum of 1.5m in width) with associated drop kerbs, tactile paving and localised widening of the existing footway to 2m on the south eastern side of the road (as shown in principle in drawing London Road/ Coggeshall Road junction proposed layout January 2016) has been provided.

iv) No dwelling shall be occupied until the two bus stops on either side of the B1024 (London Road) to the south west of the have been upgraded with new shelters, seating, raised kerbs, and to be made Real Time Passenger Information ready. All details to be agreed with the Local Planning Authority in consultation with the Highway Authority.

- **Public Open Space** (on-site) a minimum area of at least 0.88 hectares of formal and informal Public Open Space, to include at least 0.08 hectares of 'Provision for Children and Young People' to include an equipped play facility, to meet the requirements of the Council's Open Spaces SPD. Setting up of a management company to deal with the ongoing maintenance of the on-site open space. In the event that the Parish Council wanted to take on responsibility for the open space, a commuted sum to cover maintenance for a 25 year period would be agreed, in accordance with the updated figures from the Open Spaces SPD.

- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage, to be spent on the provision of new, or improved outdoor sports facilities.

- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans. Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

## APPROVED PLANS

Location Plan	Plan Ref: 37518-LEA078	
Topographical Survey	Plan Ref: 15155-15-01	
Other	Plan Ref: 37518-LEA075A	
Access Details	Plan Ref: 37518-LEA081	Version: B

### 1 Details of the:-

- (a) scale,
- (b) appearance
- (c) layout of the buildings; and
- (d) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

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

### Reason

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

- 2 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 165 dwellings, with public open space, vehicular access, landscaping and associated infrastructure and works.

### Reason

To ensure a satisfactory form of development having regard to the amount of development which the illustrative plans indicate could be accommodated within the site.

- 3 No reserved matters application shall be submitted until a site-wide strategy which addresses the principles that will apply to the following aspects of the development has been submitted to and approved in writing by the Local Planning Authority:
  - Details of the planned phasing of the development of the site, including the provision within that phasing of the pedestrian link to be provided to Public Right of Way 18;

- The parking strategy for the development
- The waste management strategy for the development
- Details of the character areas and public realm strategy for the development
- Details of the external lighting serving communal routes and areas within the development
- The strategy for provision of broadband infrastructure to serve all dwellings
- Details of the way in which the development could accommodate a pedestrian/cycle way route linking the development site to the adjoining site at the corner of Inworth Road/London Road junction.

Reserved matters applications submitted pursuant to Condition 1 of this permission shall only be submitted in accordance with the approved site wide strategy.

#### Reason

In order to ensure a development that delivers a high quality and inclusive design and layout which promotes community well-being.

- 4 The construction of the site access, for which full permission is granted, 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 and to ensure that a suitable access is provided to the highway in the interests of highway safety.

- 5 No development or preliminary ground works shall commence until

1) a programme of archaeological excavation has been secured and undertaken on the areas identified within the evaluation in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and:

2) a programme of archaeological excavation and mitigation has been secured in those areas that have not been previously evaluated. A proposed mitigation strategy should be submitted by the applicant and approved by the planning authority prior to the works commencing.

A post excavation assessment shall be submitted to the local planning authority within six months of the completion of field work (unless otherwise agreed in advance with the local planning authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and

submission of a publication report.

Reason

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

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

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. Wheel and underbody washing facilities;
- v. Safe access to/from the site including details of routes to be used by heavy goods vehicles associated with the development of the site.
- vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. Measures to control the emission of dust and dirt during the proposed development;

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 by ensuring that parking and activity associated with the development is contained within the development site. To ensure that provision is made for HGV access to the site, parking and loading clear of the highway and that loose materials and spoil are not brought out onto the highway in the interests of the safety and convenience of highway users in accordance with Policy DM 1 and DM20 of the Highway Authority's Development Management Policies February 2011. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 7 No site clearance, or construction work shall take place on the site, including starting of machinery and delivery of materials and no vehicular movements relating to the construction of the development to, from or within the site shall take place outside the following times:-

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

Reason

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

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

Reason

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

- 9 Prior to the commencement of development on the site an investigation of the surface soils across the site shall be carried out in accordance with the recommendations set out within part 9.3 of the Phase 2 Geoenvironmental Interpretive Report produced by amec foster wheeler dated February 2016 and submitted with the application.

A copy of the findings of the investigation together with a remediation scheme (if necessary) to bring the site to a suitable condition for the residential occupation of the site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. No dwelling shall be occupied until the agreed remediation scheme has been carried out.

Reason

To ensure that risks from contamination of the surface soils to the future users of the land are minimised. Investigation must be completed prior to development commencing in order to ensure that measures for controlling any contaminants are taken from the outset of the development.

- 10 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works including (but not limited to) informal public open space and children's play area. This shall include plant/tree types and sizes, plant numbers and distances, measures to be taken to protect existing trees and hedgerows both on and adjacent to the site during construction, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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

seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

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

#### Reason

To enhance the appearance of the development and its integration with the neighbouring development and open countryside and to safeguard and enhance the biodiversity of the area.

- 11 The landscaping scheme required by Condition 1 shall include a landscape and ecological management plan (LEMP) as indicated in part 4.1 of the of the Ecological Appraisal Report produced by amec foster wheeler dated February 2016 and submitted with the application. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed particularly the as regards bat and reptile habitats.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

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

#### Reason

To ensure that the biodiversity of the site is enhanced and effectively managed following the completion of the development.

- 12 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
- Discharge to the ground. Following infiltration testing, should it be demonstrated that soil conditions are not suitable, discharge should be limited to 6.8 l/s for all rainfall events up to the 1 in 100 year event plus 40% climate change.
  - Provide sufficient storage to manage rainfall on site during the 1 in 100 year event plus climate change and a 10% allowance for urban creep.
  - Provide treatment for all elements of the development in line with the CIRIA SuDS manual (C753)

#### Reason

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

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

#### Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 14 No works shall take place until a Maintenance Plan detailing the

maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason

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

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

Reason

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

- 16 The submission of reserved matters for the appearance and layout of the buildings shall be accompanied by a noise assessment report to confirm that resultant levels meet good WHO internal and external levels as given in BS8233 with no exceedance of 45dB(A) as a maximum noise level within bedrooms between 2300 and 0700 hours. The noise assessment shall also include a BS4142 assessment of the noise from local commercial activities including the builder's yard. The report shall determine the mitigation required to achieve the required noise levels and to not give rise to an adverse effect as determined by BS4142 and those measures of mitigation shall be incorporated into the design and layout of the dwellings.

Reason

To ensure a satisfactory living environment for the future occupiers of the proposed development.

- 17 Prior to the first occupation of the development, a report validating the noise mitigation measures required by Condition 16 and confirming that such measures have achieved the required noise mitigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the approved noise mitigation measures are carried out in full in the interests of protecting the amenity of future residents of the development.

- 18 Each Reserved Matters application that seeks approval of the appearance

and layout of the dwellings as detailed within Condition 1 shall include full details of the location and design of the storage areas and collection points for refuse and recycling bins. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. No dwelling shall be occupied until the refuse bins, and where applicable, storage areas and collection points, for that dwelling have been provided and are available for use.

**Reason**

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

- 19 A pedestrian access and link to PROW 18 (Feering), of minimum width 2m, as shown in principle on the submitted illustrative master plan and built to adoptable standards shall have been provided prior to the completion of the relevant phase of the development in accordance with the site wide strategy agreed pursuant to Condition 3 of this permission. The exact alignment shall be included as part of a reserved matters application and the access to the PROW shall be maintained in perpetuity thereafter.

**Reason**

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

- 20 No dwelling shall be occupied until its associated parking area and/or garage has been provided as indicated on the approved reserved matters for that dwelling. The parking and garage areas shall thereafter remain available for use by the occupiers of the associated dwellings.

**Reason**

To ensure that adequate off-road parking is available for all residents and to provide residents with access to more sustainable forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) and paragraph 35 of National Planning Policy Framework (2012).

- 21 The number and specification of vehicle and cycle parking spaces shall be in accordance with the standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 as adopted by the local planning authority in November 2009.

**Reason**

To ensure that appropriate parking is provided in the interests of highway safety and efficiency.

- 22 Prior to the first occupation of the development details of electric vehicle

charging points for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the occupation of each dwelling to which they relate.

Reason

In the interests of facilitating sustainable transport for future residents.

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

Reason

In the interests of visual amenity.

- 24 Prior to the installation of any meter cupboards on the dwelling details of the location, design and materials for the relevant phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity.

- 25 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure within the relevant phase of development 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 development and shall be permanently retained as such and only in accordance with the approved details.

Reason

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

- 26 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should this survey reveal the presence of any nesting species, no development shall take place within those areas identified as used for nesting during the period specified above unless otherwise agreed by the Local planning Authority.

Reason

To ensure nesting birds are not disturbed during the development.

- 27 Prior to the first occupation of the development, details of the provision and implementation of a Residential Travel Information Pack shall have been submitted to and approved in writing by the Local Planning Authority and the approved Information Packs shall have been supplied to residents, in accordance with the approved details for implementation.

Reason

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

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://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 Your attention is drawn to condition 4 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).
- 4 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and

Geological Conservation - Statutory Obligations).

- 5 In respect of Condition 16 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.
- 6 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.
- 7 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'.
- 8 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at [www.braintree.gov.uk/streetnaming](http://www.braintree.gov.uk/streetnaming). Enquiries can also be made by emailing [streetnaming@braintree.gov.uk](mailto:streetnaming@braintree.gov.uk).
- 9 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.
- 10 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments of 161 Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- 11 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. This will include the submission of detailed engineering drawings for approval and safety audit. 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).
- 12 The Public Right of Way network is protected by the Highways Act 1980.

Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath/bridleway/byway no 18 (Feering) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

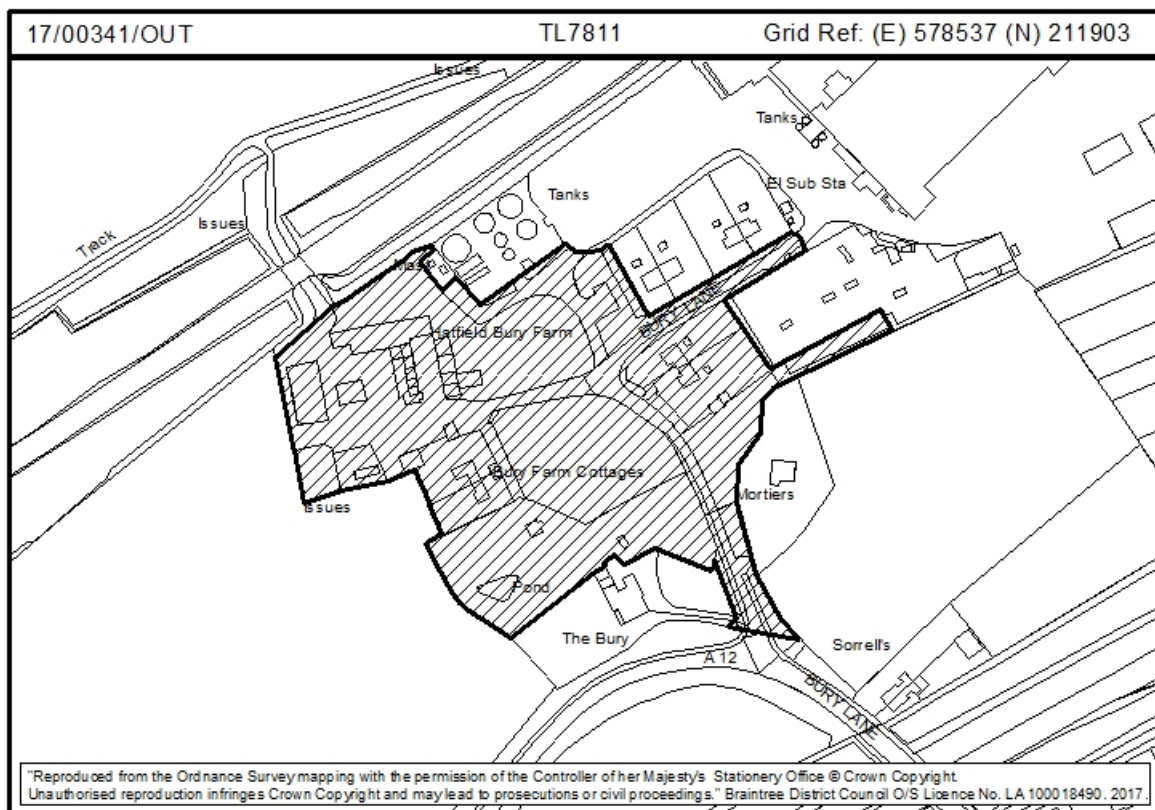
- 13 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- 14 The applicants are advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO1 - Ringway Jacobs, Essex County Council, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.
- 15 The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- 16 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- 17 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- 18 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 19 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 20 The applicant is advised that the bus shelters will be subject to a commuted sum payment for maintenance.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00341/OUT DATE: 21.03.17  
 VALID:  
 APPLICANT: The Honourable J F Strutt  
 Terling Place, Terling, Essex, CM3 2QW  
 AGENT: Thomson Planning Partnership Ltd  
 Mr Andrew Thomson, 9 Willow Drive, Bunbury, Cheshire,  
 CW6 9NY  
 DESCRIPTION: Application for outline planning permission, with all matters reserved with the exception of access, for the erection of up to 46 dwellings (Use Class C3), public open space, vehicular access and associated infrastructure.  
 LOCATION: Bury Farm, Bury Lane, Hatfield Peverel, Essex, CM3 2DG

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



## SITE HISTORY

00/01632/TEL	Proposed installation of 2 dual polar antennas, 2 dishes and a new equipment cabin	Permission not Required	11.10.00
01/00914/TEL	Extension of a vodafone equipment cabin to 3x2.5x3 metres	Permission not Required	27.06.01
01/00915/TEL	Replacement of BT cellnet equipment cabinet with a BT cellnet UTMS cabin 3.7x2.5x3 metres	Permission not Required	27.06.01
96/01438/TEL	Erection of 15m lattice tower with antennas and associated equipment cabin	Permission not Required	24.12.96
97/00808/FUL	Increase height of mast from 15m to 20m to accommodate telecommunication equipment	Granted	11.08.97
99/01104/TEL	Proposed GSM 900 equipment up-grade to existing radio site	Permission not Required	13.08.99
96/01007/COU	Conversion of building containing three flats to form a day nursery with parking area and alterations to form alternative site access	Granted	24.02.97

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
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
RLP38	Conversion of Rural Buildings
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas

RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

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

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
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
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP19	Strategic Growth Location - Land East of Broad Road, Braintree
LPP31	Comprehensive Redevelopment Area - Land between A12 and GEM, Hatfield Peverel
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
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
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document  
Essex Design Guide  
External Lighting Supplementary Planning Document  
Open Spaces Supplementary Planning Document  
Open Spaces Action Plan  
Essex Parking Standards Design and Good Practice 2009

#### Other Guidance

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

#### Draft Hatfield Peverel Neighbourhood Plan 2015 – 2033

ECN3	Broadband and Mobile Connectivity
ECN4	Protection of Commercial Premises
ECN5	Public Realm
HPE2	Natural Environment & Biodiversity
HPE5	Sport and Recreation Provision
HPE6	Protection of Landscape Setting
HPE7	Flooding & SUDs
HPE8	Heritage
FI1	Transport and Access
FI2	Parking
FI5	Developer Contribution
HO1	Design of New Developments
HO3	Affordable Housing
HO4	Minimum Garden Sizes

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## NOTATION

The application site is located outside the Hatfield Peverel Village Envelope as designated in the Braintree District Local Plan Review 2005.

The application site is proposed for allocation (as part of a slightly larger site) for residential development (for up to 20 dwellings) in the emerging Draft Local Plan under draft Policy LPP3. This Policy also covers a wider comprehensive redevelopment area on land between the A12 and the Great Eastern Mainline. This draft allocation was approved for consultation by Full Council on 5<sup>th</sup> June 2017 and the public consultation ended on 28<sup>th</sup> July 2017.

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

## SITE DESCRIPTION

The application site is located outside but immediately adjacent to the north-western Village Envelope of Hatfield Peverel as identified within the adopted Development Plan.

It measures approximately 2.26 hectares and consists of a mixture of brownfield land, residential curtilages and a small paddock which is classed as agricultural land. Bury Farm itself consists of a complex of farm buildings which are located in the north-eastern area of the site and are currently occupied by several small businesses. A small paddock sits centrally within the site with two existing dwellings located immediately to the west and a further two located to the east with associated curtilage. Immediately to the south of the site is a larger detached dwelling with substantial associated curtilage part of which falls within the application site.

The application site is bounded to the north partly by the mainline railway, partly by the former Arla Dairy site and partly by 4 existing dwellings on Bury Lane. To the west lies further countryside and to the south the A12 slip road beyond an existing dwelling (The Bury). To the east the site is bounded by a further existing dwelling (Mortiers), agricultural land and the former Arla Dairy site.

Vehicular access to the site is taken from Bury Lane, which leads into the site from its southern boundary.

In terms of gradient, the site as a whole has a modest fall of approximately 7.5 metres from east to north-west.

## PROPOSAL

The applicant seeks Outline Planning Permission with all matters reserved except for access, for up to 46 dwellings with associated infrastructure, public open space and landscaping. The applicant originally proposed a scheme of up to 51 dwellings and included part of the agricultural field located to the west of Bury Farm within their site boundary. However, following a request from Officers the applicant agreed to amend the site boundary to comply with the proposed allocation in the emerging Local Plan.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The scheme would utilise the existing vehicular and pedestrian access point to the site from Bury Lane, on the site's southern boundary. Besides access all other matters regarding the proposed development (appearance; landscaping; layout and scale) are Reserved Matters.

The applicant has, in addition to the site location plan submitted an illustrative Masterplan to demonstrate one way in which the site might accommodate the quantum of development proposed. The Masterplan identifies the developable area of the site, areas of public open space; structural landscaping and internal access roads.

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

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement (including illustrative Masterplan)
- Transport Assessment
- Foul Drainage Analysis
- Flood Risk Assessment and Drainage Strategy
- Utilities Statement
- Contaminated Land Assessment
- Landscape and Visual Appraisal
- Ecology Report
- Arboricultural Impact Assessment
- Air Quality Assessment
- Noise and Vibration Assessment

## CONSULTATIONS

### BDC Waste

No objection.

### BDC Environmental Health

No objection. Following the submission of further information in relation to noise impact and following the revised site layout which moves the proposed dwellings further away from the A12 no objection subject to noise related conditions being attached to any permission granted.

The recommendations of the applicant's Phase 1 Land Contamination Assessment shall be carried out. Details of any external lighting shall also be provided and details of electric vehicle charging points. Standard conditions in relation to noise from piling; hours of working and a dust management scheme are required.

No objection on Air Quality grounds following the receipt of further information during the course of the application.

### BDC Landscape

No objection. Landscape Visual Appraisal provided by the applicant provides a comprehensive assessment of the site and its visual context within the landscape setting. In the landscape evaluation analysis completed by The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes June 2015) identifies the area of land within which the application site is located (Parcel 1a) as having medium capacity for development. The level of containment within the landscape partly derived from the site location between lines of major transport infrastructure and the former Arla Dairy site suggests that the development of the site would benefit from a suitable consideration of how the area can be enhanced by an imaginative and sympathetic approach to the landscape setting where the existing character is largely determined by the local topography, an attractive group of mature trees and the assemblage of rustic farm buildings.

Suitable mitigation measures will need to provide confidence that the built form of the development can be assimilated within the existing settlement edge and within the context of the adjacent Arla Dairy site but also screened/contained so that it does not adversely impact on the adjacent land parcel further to the west and within the setting of parcel 1b which is considered to have a low capacity for development. The latter contains the valley corridor for the River Ter, part of PROW-34 and a set of elements including trees and copse that provide character and form. The assessment of the landscape points out that many hedges have been lost and the proposal has the opportunity to reintroduce these features within the landscape framework for the proposed development.

Arboriculture – the applicant's Arboricultural report provides an acceptable assessment of the existing trees on the site. There are 3 category A trees within the landholding including two mature Oaks. BDC would expect any detailed layout to retain Category A and B trees. The group of trees in the south-eastern corner of the site has a strong amenity value including an Oak Tree (T21) which is identified as a principal landscape tree and should be retained within an area of open space that provides a suitable buffer between the trees and any adjacent properties. New boundary planting will also provide visual containment to the site.

### BDC Ecology

The applicant has submitted a preliminary Ecology Report which identifies two European (Natura 2000) sites as being located within 10km of the application site. An HRA Screening Report is required for the site and is addressed separately.

The report also identifies the need for further survey work in relation to bats and reptiles which should inform the master planning of the site and addresses those issues around disturbance to bats through works to the buildings and appropriate mitigation for bats and reptiles as part of the proposals. Planning conditions will therefore be required to cover this additional survey work.

Bats – the additional survey information will be required to inform the masterplanning of the development. Further bats surveys will be required on those buildings identified as high-moderate potential for bat roosts – namely 14, 15, 16, 17 and 18. The emphasis needs to be on the buildings which will be affected by the development which is the rustic barns which are situated within the application site.

Reptiles – the applicant's Ecology Survey identifies that there is potentially suitable reptile habitat in the north of the site which is in close proximity to the highly suitable habitat of the railway corridor. Reptile presence is therefore considered likely. Reptile surveys are identified as being necessary and should inform an Ecological Design Strategy (EDS) addressing mitigation and enhancement. A condition is also required stating that no development shall commence until an EDS addressing suitable mitigation and enhancement for bats and reptiles has been submitted to and approved by the LPA. It should be expected that the EDS will form an integral part of the masterplan for the development.

### BDC Housing Research and Development

No objection. 40% affordable housing required which based on scheme of 46 units would equate to 18 affordable homes. Recommend that a tenure mix of 70% Affordable Rent and 30% shared ownership is secured.

Affordable dwellings should be deliverable without reliance on public subsidy, clustered in two areas of the site and should be built to conform to standards acceptable to the Homes and Communities Agency.

Affordable house types should meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations.

#### ECC Historic Environment Officer (Archaeology)

No objection. Site lies within a historic farmstead and site of Hatfieldbury which appears on the 1<sup>st</sup> edition OS maps and is likely to be of earlier origin. There are possible elements of historic farm buildings surviving and the configuration of farm buildings depicted on modern mapping is similar to those on historic maps. The survival of any historic farm buildings is unclear as a Heritage Statement has not been submitted and no details of the barns are provided in order to make an assessment. Also unclear whether the buildings are to be demolished or converted. An assessment of the buildings will need to be made and if of historic origin a historic building record will need to be made prior to their demolition or conversion in order to elucidate the origins and evolution of this historic site.

In addition the site lies south of Church Hills which is considered to be the original location for the Domesday Manor and Parish church, structural elements have been recovered from the fields to the North of the site. Finds dating to the 13<sup>th</sup> century have also been recovered south of the site and the area between is considered to have a high probability for remains associated with the medieval village of Hatfield Peverel.

Planning conditions relating to the securing of a programme of historic building assessment and recording and archaeological evaluation are therefore required.

#### ECC Economic Growth and Development

No objection. Proposed development is located within the Hatfield Peverel and Terling Ward. For Essex County Council to meet its statutory duties it must facilitate sufficient places to meet free childcare entitlement demand and ensure a diverse range of provision so that different needs can be met. A Developer contribution of £60,109 index linked to April 2017 is required to expand early years and childcare provision within the ward to meet demand from the development.

With regard to primary school provision, the development is within the priority admissions area of Hatfield Peverel Infant and St Andrews Junior Schools. Both Schools are full in some year groups and although there is some surplus capacity there is concern that not all children moving to this development will be able to gain a place. There are a significant number of development proposals within Hatfield Peverel and it is now clear that, if permitted, this cumulative impact will require additional primary school places to be provided. A new school site on the Lodge Farm development has been secured and this

would be within walking distance of the proposal. A financial contribution of £218,399 index linked to April 2017 is therefore required.

With regard to secondary places, prior to the implementation of the revised Community Infrastructure Levy regulations on 6<sup>th</sup> April 2015 the County Council would have sought a developer contribution for additional secondary places. However, the implementation of the revised regulations restricts the pooling of contributions for a specific item of infrastructure to contributions from 5 separate planning applications. The County Council has therefore decided not to request a contribution because the scale of the development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might in the future preclude the County Council from seeking a contribution from a larger development, should there already be 5 contributions requested for a particular project to add school places in the area.

#### ECC Flood and Water Management

No objection following the receipt of additional drainage strategy information. Request conditions requiring a detailed surface water drainage strategy to be submitted at the Reserved Matters stage, a scheme to be submitted and approved to safeguard against offsite flooding during the development's construction and a requirement for standard SUDs Maintenance Plan.

#### ECC Historic Buildings Advisor

No objection. Development site does not impact upon the setting of a listed building or other designated heritage asset. The farm complex is evident on the 1<sup>st</sup> edition OS maps and elements of this do appear to have survived, albeit in a considerably altered state. Having inspected the site I do not believe that there is a reason to object to the proposal from a heritage perspective, as there would be limited weight to place on the retention and preservation of the buildings as per the balancing act set out in paragraph 135 of the NPPF. Support the proposed conditions set out by the Historic Environment Officer, including the requirement for a historic building record.

#### ECC Highways

No objection. Conditions/s106 Obligations relating to the following are required:

- Submission and approval of a Construction Traffic Management Plan
- Improvements to the Bury Lane/A12/B1137 junction to provide access to the proposal site. Improvements shall include but not be limited to a minimum 5.5m wide proposal site access road carriageway with 2no. minimum 2m wide footways and maximum 10m kerbed radii with dropped kerbs/tactile paving
- Upgrade to current Essex County Council specification the two bus stop which would best serve the proposal site (details to be agreed with the LPA prior to commencement of development)

- Residential Travel Information Packs in accordance with Essex County Council guidance
- There shall only be cycle and pedestrian (no vehicular) connections between the proposal site and land immediately to the north-east and south-east.

#### Highways England

No objection subject to a condition stating that prior to occupation of the development the highway improvements (signs and slow markings) to the A12 slip road have been carried out in accordance with submitted drawing MMD-370442-C-DR-00-XX-003-SITE-ASCCESS-A12-OFFLSIP-BURY-LANE (or alternative layout form having no less effect in terms of highway safety) subject to such design modifications as the appropriate Highway Authority may decide to make.

Also request that the Highways Agency Informative re s278 agreements dated March 2017 should be appended to any planning permission.

#### NHS

No objection. Existing GP Practice does not have the capacity to accommodate the additional growth resulting from the development.

The development would have an impact on healthcare provision in the area and its implications, if unmitigated would be unsustainable.

The development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the NPPF, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity at the Sidney House Surgery by way of extension, refurbishment or reconfiguration. A developer contribution of £17,342 would therefore be required with payment made before the development commences.

#### Network Rail

No objection. The developer must ensure that their proposal both during construction and after completion of works on site does not encroach on Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; place additional load on cuttings; adversely affect any railway land or structure; over-sail or encroach upon the air-space of any Network Rail land or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

### Anglian Water

No objection. The development site is in the catchment of Witham Water Recycling Centre which has capacity to treat the foul drainage flows from the proposed development. Anglian Water also confirmed that the public foul sewerage network has a capacity for the scheme.

### Hatfield Peverel Parish Council

Objection. The application is not supported for the following reasons:

1. Outside of the village envelope
2. Not supported by the Parish Council in the call for sites for the emerging Local Plan
3. Not allocated in the emerging Neighbourhood Development Plan
4. Inadequate infrastructure for the village due to recent applications granted at Stonepath Meadow and Gleneagles Way
5. Provision of more than the identified number of homes needed in the Parish by the granting of the Stonepath Drive and Gleneagles Way applications
6. The impact of the future A12 widening scheme

A second consultation response was received in relation to the revised scheme:

Objection. The application is not supported for the following reasons:

1. Outside of the development boundary
2. Not supported by the Parish Council in the call for sites for the emerging Local Plan
3. Not allocated in the emerging Neighbourhood Development Plan
4. Inadequate infrastructure due to the cumulative impact of proposed development within the Parish
5. Provision of more than the identified number of homes needed in the granting of outline planning permission for the former Arla site for up to 145 dwellings
6. The impact of the future A12 widening scheme
7. The potential for two junctions being very close to each other to serve Bury Farm and Sorrells Field off the A12 slip road is both dangerous and of concern

### REPRESENTATIONS

Two consultation exercises were carried out as the applicant originally proposed a development of up to 51 dwellings and included part of the agricultural field to the west of Bury Farm within the application site. Following a request from Officers this was reduced to 46 dwellings and the site boundary amended to accord with the proposed allocation boundary in the emerging Local Plan.

### Original Scheme (Up to 51 dwellings)

In response to the original consultation 7 letters of objection were received. The main reasons of objection are summarised below:

- Development is not supported by the Neighbourhood Plan. Neighbourhood Plan acknowledges that the site forms part of the Comprehensive Development Area but does not allocate this site for development
- Development is not within the Village boundary
- Development is not supported by the Parish Council
- Necessary to consider the cumulative impact of development in Hatfield Peverel including pollution/infrastructure which has not been done
- Affordable housing occupants will be less likely to afford eco-friendly modes of transport thereby increasing pollution in an area with already high levels of pollution
- BDC are flooding the village with development far in excess of that in the Neighbourhood Plan. Therefore object to this overdevelopment which is neither required nor desired by residents
- Statement of Community Involvement submitted clearly identifies the concerns of the village. Highest concern is in relation to infrastructure issues with traffic off the A12 slip and its likely closure due to the proposed A12 widening. Also the entrance/exit from the old Arla site onto Station Road mixing with Station traffic, Pines Estate traffic and Terling Village traffic. All this traffic will create a bottleneck at The Street junction with Station Road
- ECC education documentation requests safe walking and cycling routes – how will these be provided to Witham and Boreham as the village school will be filled with children from the Gleneagles and Stonepath Drive developments who will live nearer and be entitled to a place. Walking route into Witham alongside the A12 has no protective barriers for pedestrians or cyclists
- If the Sorrell's Field site ever provides a through route more traffic would also be able to exit onto Station Road
- What village infrastructure is BDC providing for the future traffic build up as this development and others progress? Gridlock will result
- Site access is dominated by the A12 slip road which is very busy
- Development will exacerbate this congestion as will developments outside the Village such as Lodge Farm in Witham and Wood End Farm
- Concerned over further congestion at The Street/Bury Lane junction which is congested, tight for HGV's and suffers poor visibility
- Increase in air pollution from increased traffic congestion
- Premature to consider this development before the A12 widening route is finalised
- Arla Dairy site identified as providing homes for Parish residents and towards the District's needs. Infrastructure cannot cope with development beyond this
- Does not offer bungalows required and evidenced by the Neighbourhood Plan

- Site provides some of the scarce employment opportunities within the Parish. The loss of these reduces the sustainability of the Parish and we are drifting into becoming a dormitory village
- Site not supported in the call for sites by the Parish Council
- Potential for two junctions to be very close to each other to serve Bury Farm and Sorrells Field off the A12 slip road is a concern
- Concerned over integration of proposed new build with existing dwellings on the site
- Located on greenbelt land
- Lack of school places and GP facilities particularly when taken with other recent and proposed developments at Hatfield Peverel
- Village is set to expand by more than 500 dwellings, an increase of around 28% in the Parish and almost 36% in relation to Hatfield Peverel. This is not sustainable
- S106 contributions won't benefit the village as there is no room to expand the GP Surgery or the schools so patients/pupils will be forced to travel outside the village
- Application should not be rubber stamped just to meet housing numbers
- Draw your attention to Section 2 of the Publication Draft Local Plan June 2017: p10 (Introduction) item 2.2; p28 Development Boundaries – item 5.15 and 5.18; p29 LPP1 paragraph 2; p24 Key Service Villages – item 5.6; p20 Vision and Objectives – paragraph 5, first sentence

#### Revised Scheme (Up to 46 dwellings)

No additional representations were received in response to the second consultation on the revised scheme.

### REPORT

#### Principle of Development

#### 5 Year Housing Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The Council's view as at 30<sup>th</sup> June 2017 is, that its forecast supply is 4.32 years. Although there have been a small number of applications approved since this calculation the Council does not consider that it has a current five-year supply. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for*

*the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.*

The impact of this is demonstrated at paragraph 14 which states that “At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision-taking.....

For **decision-taking** this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 14 of the NPPF.

## **Site Assessment**

### **The Adopted Local Plan**

The application site is located adjacent to but outside the Village Envelope of Hatfield Peverel as identified in the adopted Local Plan.

Policy RLP2 of the adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes and that outside these areas countryside policies will apply.

Policy CS5 of the Core Strategy provides guidance on development in the countryside and states that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate to the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is currently designated as countryside and the applicant's proposal to develop the site in a residential capacity is therefore a departure from the adopted Development Plan which conflicts in particular with adopted

Policies RLP2 and CS5. The physical impact of developing the site in terms of factors such as landscape character and biodiversity are addressed in detail in the remainder of this report. With regard to the general principle of developing the site in a residential capacity, adopted Policies RLP2 and CS5 follow the District wide spatial strategy set out in adopted Policy CS1, which was based on the housing numbers required for the District derived from the Regional Spatial Strategy. This is outdated and the Council are fully engaged in preparing a new Local Plan based on a revised and significantly higher housing numbers requirement. As part of this new Local Plan and in order to meet the higher housing numbers required in the District new sites have been identified for allocation, of which the current application site is one.

In addition, the Council are not currently able to demonstrate a 5 year housing land supply meaning that paragraph 49 of the NPPF is engaged and relevant policies for the supply of housing should not be considered up to date.

Against this context, whilst the conflict with existing Local Plan Policies RLP2 and CS5 is recognised, it is considered that these policies can be given only limited weight and that the emerging Local Plan and the presumption in favour of sustainable development required by the NPPF should be given greater weight.

#### The Application Site and the Emerging Local Plan

The new draft Local Plan proposes to allocate the site, as part of a slightly larger site (which also includes the detached dwelling and remaining curtilage located to the immediate south of the current site boundary) for residential development for up to 20 dwellings under draft Policy LPP31. Draft Policy LPP31 covers a wider comprehensive redevelopment area on land between the A12 and the Great Eastern Mainline and includes the adjacent Arla Dairy site.

It should be noted that Policy LPP31 has been subject to one round of public consultation and accordingly in light of para. 216 of the NPPF must be considered to carry less weight than other policies which have been subject to two rounds of public consultation and, where required, objections resolved.

The current proposal to develop this site for up to 46 dwellings is therefore partly in accordance with the emerging Local Plan, as it is not comprehensive in scope and is for a higher number of units than the 20 proposed under the emerging Local Plan.

This proposal considers only one part of the comprehensive development area. However, it should be noted that the emerging Policy does not require the submission of a comprehensive scheme/masterplan for the entirety of the comprehensive development area. Given the nature of the land available and the fact that this is an outline application, those details which are fixed safeguard future pedestrian and cycle linkages and site design. Therefore it is possible to ensure that the overall site is developed as a comprehensive scheme notwithstanding the development is brought forward by way of

separate applications. Furthermore, the illustrative masterplan for the site takes direct account of the adjacent sites within the comprehensive development area and Officers are satisfied that the development of these sites would not be prejudiced as a result of this proposal and moreover the development of this site would not prejudice the delivery of the other aspirations of the emerging policy.

Draft Policy LPP31 goes on to set out a number of points which the development of the sites identified as being part of the Comprehensive Redevelopment Area should address. Access and capacity improvements to Station Road Car Park are identified and the current planning application (16/02096/OUT) for the re-development of the former Arla dairy site has sought to address access improvements through the associated s106 Agreement. Improvements to the capacity of the Station Car Park are not a matter which, in Officer's opinion can be justified under the Community Infrastructure Levy tests as being necessary to make this development acceptable in planning terms nor could the application site physically provide such measures.

A suitable link road between Bury Lane and Station Road to be agreed with the Highway Authority is also required by the draft Policy. However, in considering the adjacent planning application for the re-development of the Arla Dairy site, as well as the current planning application the Highway Authority have advised that they would not support such a link road as they consider it would be used as a cut through from the A12 slip road to Station Road to the detriment of the future residents of the Arla Dairy site. Given the advice of the Highway Authority it is considered appropriate to deviate from the emerging policy and not seek to secure the link, giving significantly less weight to this element of the policy.

Contributions towards highways enhancements on Bury Lane, including safer access from the A12 slip road are also listed as being required. Rather than a contribution, the applicant proposes a scheme of highway safety works to the junction of Bury Lane with the A12 slip road and Highways England have no objection subject to a condition to ensure that these measures are implemented. Officers therefore consider that the aim of the policy will be met in this regard.

Contributions towards enhanced pedestrian and cycle access on Station Road and Bury Lane linking to The Street are also required by Policy LPP31. However, the Highway Authority have advised that they do not consider that there is the physical scope to provide such works and that they do not wish to require these by way of condition or s106 Agreement. They have instead requested the upgrading of identified bus stops as set out in the s106 Heads of Terms below. Given the advice of the Highway Authority on this matter it is considered appropriate to depart from this element of the emerging policy to which significantly less weight is given.

Draft Policy LPP31 goes on to state that the provision of structural landscaping to mitigate adverse noise and air pollution from the A12 and to

provide visual separation from the highway is required. The application site sits in close proximity to the A12 slip road rather than the A12 itself, however the illustrative masterplan demonstrates how limited structural landscaping could be utilised. At this stage it is not a matter of detail which is secured and as such can be left for the reserved matters stage, however comfort can be drawn that the policy requirements can be met.

Finally, draft Policy LPP31 states that policy compliant affordable housing provision; financial contributions towards early years and childcare provision; financial contributions towards primary and secondary education facilities and towards community facilities including health provision should be made by the identified sites within the comprehensive redevelopment area. With the exception of a contribution towards secondary school provision; (which has not been requested by the County Council for the reasons set out above in their consultation response) the identified contributions would be made by this development and have been set out in detail in the s106 Heads of Terms below which are considered to reasonably meet the policy requirements. Officers also consider that with regard to secondary school contributions a comprehensive scheme for the entire comprehensive development area would, on a current policy and needs basis be unlikely to be required to make a secondary school contribution for similar reasoning.

Having considered this application in relation to the requirements of draft Policy LPP31, Officers do not consider that the fact that this site has been brought forward as a freestanding planning application would result in the loss of any benefits which could have been achieved if the site had been brought forward as part of an application covering the entire comprehensive redevelopment area.

It is therefore necessary to consider the application on its merits, taking into account the fact that it is a departure from the adopted Development Plan but is partly in accordance with the emerging Local Plan when assessing the overall planning balance, the proposed number of units and the acceptability of the development on its merits.

#### Hatfield Peverel Neighbourhood Plan

Hatfield Peverel's Neighbourhood Area was designated in March 2015. The draft Neighbourhood Plan has been the subject of a public consultation under Regulation 14 of the Town and Country Planning Act with the consultation ending on 30<sup>th</sup> September 2016.

Following this the Plan was submitted to Braintree District Council under Regulation 15 of the Town and Country Planning Act for review prior to the commencement of the second public consultation under Regulation 16 which finished on 17th July 2017.

The Neighbourhood Plan is not yet adopted and has not been through the examination or referendum process. Its weight therefore is assessed in light of paragraph 216 of the NPPF and whilst it may indicate a direction of travel for

policy it can be given only limited to moderate weight as a material consideration in the determination of the current planning application as per Chapter 20, Part 1 of the Neighbourhood Planning Act 2017.

The draft Neighbourhood Plan directly allocates (with an associated Policy) only one site, the former Arla Dairy site for residential development. The Parish Council have objected to the application and have stated in their objection that the Bury Farm site is not allocated for residential development in the emerging Neighbourhood Plan. However, the emerging Neighbourhood Plan cannot propose less sites than the emerging Local Plan or it would, at examination be found unsound on the basis that it does not accord with the Local Plan. The emerging Neighbourhood Plan acknowledges the emerging Local Plan's proposed site allocations, which include the allocation of Bury Farm for housing and contains a map at page 55 which identifies Bury Farm as being included within the emerging Local Plan Comprehensive Redevelopment Area as a (proposed) allocated housing site. Although the draft Neighbourhood Plan does not itself include a specific policy to allocate the Bury Farm site or make specific reference to proposed housing numbers on the site it does make reference to the emerging Local Plan proposed allocation and it therefore must be interpreted as applying the same number of dwellings (up to 20) for the site.

The proposed development is therefore partly in conflict with the emerging Neighbourhood Plan as the scheme proposes up to 46 units rather than the up to 20 proposed on the slightly larger site identified in the BDC emerging Local Plan which is referenced in the emerging Neighbourhood Plan.

However, given that limited to moderate weight only can be applied to the emerging Neighbourhood Plan the development must still be assessed against the wider context of the site and both policy and guidance. In the situation where across the District there is a lack of a five year supply the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF becomes a factor to take into account and the emerging neighbourhood plan cannot be seen as determinative.

#### Location and Access to Services and Facilities

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

It is therefore accepted that at the strategic level the village of Hatfield Peverel is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding areas, in common with the other key service villages.

The site itself is considered to be positioned in a sustainable location, an important factor in the proposed allocation of the site for residential development in the emerging Local Plan. Hatfield Peverel, as a key service village provides a wide range of facilities and services which are easily accessible from the application site by foot or bicycle. These include for example a library; recreational ground; Doctors and Dentists Surgeries; Pharmacy; Nursery; several Pubs; a church; two food stores; an Indian takeaway and Infant and Junior Schools.

Hatfield Peverel Railway Station, which runs to London Liverpool Street via Chelmsford at a rate of 3 services per hour during peak periods is located approximately 300m from the site. Currently, there is no access through the Arla Dairy site meaning that the railway station can only be accessed from Station Road, at a distance of approximately 1km. However, at the time of writing, the Arla Dairy site is the subject of a current planning application for residential development which has a resolution to grant planning permission subject to the completion of a s106 Agreement which is currently being agreed. This permission provides for a pedestrian/cycle link between the Arla Dairy site and Bury Lane where the current application site is situated. The site has already been cleared in preparation for re-development and Officers consider that this site will come forward. The railway station would then be only 300m walking distance from the current application site.

With regard to bus services, the nearest bus stop is located on Station Road, approximately 280m from the site boundary where Bury Lane and the A12 slip road intersect providing regular links to Chelmsford, Colchester and Maldon in addition to providing school only services.

#### Brownfield Land

The application site consists partly of previously developed or 'brownfield land'. The NPPF (para 17) places significant weight on the effective use of land by re-using previously developed (brownfield) land. The proposed development would partially result in the effective re-use of an area of brownfield land and this is a factor which weight in favour of the scheme. This must however be balanced against the fact that the remainder of the site is greenfield land with associated landscape, ecological and agricultural implications which are considered in more detail below.

#### Loss of Employment Land

Part of the application site is currently occupied by several small businesses, including a garage and a scaffolding business. The proposed development would result in the loss of these employment uses, however the site is not protected for such use by either adopted or emerging planning policy. Whilst

the loss of the existing employment is a factor in assessing the planning balance, the small number of businesses involved and importantly the fact that the land is not safeguarded for such use means that only very limited weight can be given to this loss.

### Design, Appearance and Layout

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

The current application is an outline application with all matters reserved except access. The applicant has submitted, in addition to a site location plan an illustrative masterplan which demonstrates one way in which the application site could accommodate the proposed quantum of development.

The applicant seeks permission for the erection of up to 46 dwellings at a gross density of approximately 20.3 dwellings per hectare. The illustrative masterplan shows a layout centred around the existing paddock which is located within the application site and utilises this as a more formal green. The 5 existing dwellings on the site are retained and the scheme makes provision for the possible retention and conversion of the older farm buildings, allowing for the fact that these are of some historic merit. Access is provided by the existing Bury Lane access from which smaller roads lead into the depth of the site.

The majority of the trees on the site are shown to be retained and the western site boundary, which faces onto open countryside makes provision for a limited landscape buffer with outward facing dwellings beyond.

Pedestrian and cycle access through to the adjacent Arla site would be facilitated to ensure permeability.

The illustrative masterplan proposes a mix of dwelling types and sizes ranging from 2 and 3 bed town houses, 3 and 4 bed semi-detached dwellings and 3, 4 and 5 bed detached houses.

In terms of parking provision, the illustrative masterplan makes provision for two spaces per dwelling for the majority of plots with some plots providing 1 space per dwelling. Some areas of visitor parking could also be accommodated although the 12 required spaces are not clearly demonstrated at this stage. Officers consider that the site would be able to make full parking provision at a rate of 1 space per 1 bed dwelling; 2 spaces per 2 or more bed dwellings and 0.25 visitor space per dwelling but that some 1 bed units would need to be included within the final dwelling mix. A condition is recommended

to ensure that the required parking standards are adhered to at the reserved matters stage.

Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered to be acceptable and is in keeping with both the site's location on the edge of a key service village and with the need to facilitate on site landscaping, open space and the retention of existing landscape features.

With regard to unit numbers, the 20 units proposed for the (slightly larger) site in the emerging Local Plan allocation was not based on a detailed masterplan led approach. The current planning application sets out a detailed illustrative approach for the site and demonstrates to Officer's satisfaction that 46 units could be accommodated on the site with an acceptable layout being achieved. Therefore, whilst the degree of conflict with both the emerging Local Plan and the emerging Neighbourhood Plan in terms of unit numbers is recognised, Officers consider that the detailed design and layout exercise undertaken by the applicant has demonstrated that the site could in fact accommodate the higher number of units proposed. This balancing process assesses the policy need for the delivery of housing and the lack of a five year supply as significant factors to push the delivery of housing against indicative figures which are not part of the adopted policy framework. Accordingly it is considered that the departure from the emerging policy for a greater number of units is proportionate and should be afforded significant weight.

### Landscape

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

The Council's Landscape Officer has assessed the application and has no objection on landscape grounds stating that the Landscape Visual Appraisal provided by the applicant provides a comprehensive assessment of the site and its visual context within the landscape setting. The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes June 2015) identifies the application site as falling within a larger area of land (evaluated as Parcel 1a) which has medium capacity for development (sites being rated from low; medium-low; medium; medium-high and high in category).

The Council's Landscape Officer also states that the level of containment within the landscape, partly derived from the site's location between lines of major transport infrastructure and the former Arla Dairy site, suggests that the development of the site would benefit from a suitable consideration of how the area can be enhanced by an imaginative and sympathetic approach to the landscape setting where the existing character is largely determined by the local topography, an attractive group of mature trees and the assemblage of rustic farm buildings.

Suitable mitigation measures will be required to ensure that the built form of the development can be assimilated within the existing settlement edge and within the context of the adjacent Arla Dairy site but also screened/contained so that it does not adversely impact on the adjacent land parcel further to the west and within the setting of parcel 1b which is considered to have a low capacity for development. The assessment of the landscape points out that many hedges have been lost and the proposal has the opportunity to reintroduce these features within the landscape framework for the proposed development.

With regard to trees, the applicant's Arboricultural report identifies 3 Category A trees including two mature Oaks. The Council's Landscape Officer also states that the group of trees in the south-eastern corner of the site has a strong amenity value including an Oak (Tree T21) which is identified as a principal landscape tree and should be retained within an area of open space that provides a suitable buffer between the trees and any adjacent properties. Overall the Council would expect any detailed layout to retain all Category A trees; and Category B trees where achievable. New boundary planting would also provide visual containment to the site.

The illustrative masterplan submitted in support of the application demonstrates a site layout which would allow the retention of all the Category A trees and many of the Category B trees on the site; the planting of new trees and hedges along the site boundaries and the incorporation of a limited landscape buffer around the periphery of the site in addition to the retention of a large area of public amenity space in the centre of the site.

Overall, Officers do not consider that there are grounds to refuse the application on landscape impact.

### Ecology

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

The site consists of a mixture of agricultural buildings and associated curtilage, a small number of dwellings with associated residential curtilage and a small area of greenfield agricultural land; the majority of which is of relatively low ecological value. There are also a number of established trees on the site, the majority of which would be retained.

The applicant submitted an Ecological Appraisal in support of the application incorporating a Phase 1 Ecology Survey with associated Preliminary Bat Roost Assessment.

The Appraisal identifies the habitats within the site as consisting of buildings (modern and old); arable farmland; arable grassland; improved grassland; hedgerows; scattered broadleaf and coniferous trees and a pond and that the majority of habitats which would be lost would be of negligible ecological importance.

Some trees and buildings were found to have the potential to support roosting bats and the need for further emergence/re-entry surveys was identified at the detailed design and layout stage.

A reptile presence/absence survey is also recommended prior to the removal of the area of tall ruderal and scrub vegetation in the northern area of the site with a mitigation strategy for reptiles being required if necessary prior to the reserved matters approval. The Ecology Report also identifies opportunities for Ecological enhancement in the form of installing bat and bird boxes at appropriate locations within the development site, hedgerow planting and the enhancement of the existing pond on the site.

Braintree District Council's Ecology and Landscape Officer has no objection to the proposal subject to the planning conditions requiring additional Bat Survey information; Reptile Surveys and an Ecological Design Strategy (EDS) addressing mitigation and enhancement.

In terms of the wider Ecological context, the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area (SPA) and Ramsar Sites, known collectively as 'natura 2000 sites' are located approximately 7.9km south east of the site. It is therefore necessary for BDC to prepare a Habitat Regulations Assessment (HRA) Screening Report which is being undertaken at the time of writing. The County Ecologist, who prepares HRA Screening Reports on behalf of BDC does not consider it likely that the HRA process will demonstrate that a significant likely effect (which would trigger the need for further appropriate assessment) would be caused by the proposed development on natura 2000 sites based on experience and a number of other similar assessments done on nearby sites. The Officer recommendation for approval is therefore subject to the outcome of this Screening exercise.

### Highways and Transport

The applicant seeks outline permission with all matters reserved except access for which full approval is sought. A Transport Assessment and detailed access drawing have been submitted in support of the application. The Transport Assessment takes account of both the proposed development and the proposed development at the adjacent Arla Dairy site which at the time of writing has a resolution to grant planning permission.

The existing access to the site is taken from Bury Lane, where a junction between the A12 slip road and the lane is formed. The applicant proposes to re-use this existing access following its upgrading. The proposed upgrades,

which have been agreed with Highways England would include a slow marking in the road and a junction warning/direction signs to warn users of the A12 slip of the approaching Bury Lane junction. Shrubbery would also be cleared to improve visibility splays and footpaths constructed on both sides of Bury Lane leading into the application site with this section of Bury Lane being widened to 5.5m in width with 2m footways either side to accommodate this.

In terms of trip generation, the applicant's Transport Assessment was based on a proposal for 50 dwellings at the current application site and 171 at the former Arla Dairy site. These numbers have since been reduced to 145 dwellings at the Arla Dairy site and 46 dwellings at the current application site which would in fact generate a lesser number of vehicle movements.

The Transport Assessment compares the traffic generated from the use of the site as a Dairy with the proposed use and estimates only a modest difference with equivalent to between 1 – 2 additional vehicles every 2 minutes during the AM and PM peak hours. Modelling software was used to assess the impact of traffic generated from the development upon the junctions at Terling Road/Bury Lane junction and Station Road/Site Access junction; Station Road/The Street; Bury lane/ The Street and the A12 off-slip/Bury Lane. Some capacity issues were identified at the Bury Lane/The Street junction which were identified as being 'slight', with an increased delay when turning right onto The Street although the delay was found to impact a negligible number of vehicle movements and thus only a small amount of queuing was observed.

Overall, Essex County Council Highways and Highways England as the statutory Highway Authorities have no objection to the proposed development and state that from a highway and transportation perspective the impact of the proposal is acceptable subject to planning conditions requiring:

- The completion of the proposed improvements to the Bury Lane/A12 slip road junction prior to occupation of the development
- Improvements to Bury Lane within the application site widening it to a minimum of 5.5m wide with 2no. minimum 2m wide footways and maximum 10m kerbed radii with dropped kerbs/tactile paving
- Submission and approval of a Construction Traffic Management Plan
- Cycle and pedestrian only (no vehicular) connections between the proposal site and land immediately to the north-east and south-east

In relation to the final point raised, BDC Officers consider that the cycle and pedestrian link to the south-east is not in fact a necessary requirement as the land to the south-east is proposed to allocation for residential development in the emerging Local Plan and development on this site would be expected to bring forward its own pedestrian and cycle link which would address this matter.

In addition, the proposed S106 Agreement would include a requirement for the developer to provide the following:

- Upgrades to the two bus stops which would best serve the proposal site (details to be agreed with the LPA prior to commencement of development)
- The provision of Residential Travel Information Packs in accordance with Essex county Council guidance

The applicant's Transport Assessment identifies the requirements of the Essex County Council Parking Standards (2009) as being the relevant standard for on-site parking provision. Officers consider that the proposed quantum of development could accommodate a layout which meets the required parking standards. It is recommended that this level of provision is required by way of planning condition for the purpose of clarity.

Overall, it is not considered that there are any grounds to justify a refusal of planning permission in relation to highway matters.

#### Impact Upon Neighbour Amenity

The application site includes a number of existing dwellings which would be retained. In addition to this, there are existing dwellings adjacent to the site's southern, northern and eastern boundaries and there will be further dwellings located adjacent to the site's northern and eastern boundaries when the former Arla Dairy site is developed.

The illustrative Masterplan includes both existing and proposed dwellings on the application site and proposed dwellings on the adjacent Arla Dairy site and demonstrates how the site could be developed to ensure that there is no unacceptable impact upon the amenity of the occupants of both the existing dwellings and proposed dwellings on both sites.

#### Heritage

There are a number of existing agricultural buildings on the site. None are listed and the site is not located in a Conservation Area, however several of the farm buildings are considered to be of some historical merit. The Council's Historic Buildings Consultant has been consulted and has no objection to the proposal, stating that the farm complex is evident on the 1<sup>st</sup> edition OS map and elements have survived albeit in a considerably altered state.

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect such assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Historic Buildings Consultant has advised that there would be only limited weight to place on the retention and preservation of these buildings but that a historic building record condition should be utilised to mitigate the harm from this development. The illustrative masterplan shows how the buildings could be retained, however the application is for all matters reserved other than

access and it must therefore be assumed (on a worst case basis) that the buildings would be demolished. The effect of the application would therefore be the loss of the non-designated heritage asset, however the significance of the asset is not considered to be substantial and Officers consider that the public benefit of achieving new housing on this site to help address the housing shortfall within the District together with the other identified benefits outweighs the loss of the non-designated asset.

### Other Matters

#### **Archaeology**

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application. They have identified that the site lies within a historic farmstead and site of Hatfieldbury which appears on the 1<sup>st</sup> edition OS maps and is likely to be of earlier origin.

The survival of any historic farm buildings is unclear as a Heritage Statement has not been submitted and it is not clear at this outline stage whether the buildings are to be demolished or converted. An assessment of the buildings will need to be made and if of historic origin a historic building record will need to be made prior to their demolition or conversion.

In addition the area is considered to have a high probability for remains associated with the medieval village of Hatfield Peverel.

Planning conditions relating to the securing of a programme of historic building assessment and recording and archaeological evaluation are therefore required.

#### **Construction Activity**

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

#### **Air Quality**

In relation to air quality, following the submission of further information during the course of the application the Council's Environmental Services Team have no objection and have advised that the applicant's Air Quality Report demonstrates that in general terms air quality objective levels will not be exceeded and that no further concerns are raised.

## **Noise**

The application site is located in-between the A12 and the mainline railway which is an important consideration with regard to the amenity of future occupiers of the proposed development. The applicant submitted a Noise Report in support of their application to which the Council's Environmental Health Officer originally raised an objection, on the basis that insufficient detailed information had been submitted regarding final site layout and detailed noise mitigation measures.

The application is an outline application and the final design and layout of the site would be considered at the reserved matters stage, however following the submission of further additional detailed information by the applicant the Council's Environmental Health Officer has no objection to the proposal, subject to a noise levels condition to ensure that noise impact from the A12 and the railway does not have an unacceptable impact upon the future occupants of the development.

## **Flood Risk and Surface Water Drainage**

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and propose to utilise a Sustainable Urban Drainage system to satisfactorily cater for surface water run-off from the proposed development. Surface water would be held in 3 locations; a storage channel running along western site perimeter, a storage pond located in the green space in the centre of the site and below ground attenuation located under the farm courtyard at the northern end of the site before being discharged into the existing watercourse located adjacent to the northern site boundary.

The Lead Local Flood Authority (Essex County Council) consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The details of the surface water drainage scheme would be agreed at the Reserved Matters stage and the County Council have specified a number of conditions which it is recommended are attached to any permission granted relating to the required content and management of this scheme.

## **Agricultural Land**

The application site includes a small paddock which is classed as agricultural land and is graded as best and most versatile Grade 2 ('very good'). Its development would result in the permanent loss of this land. Paragraph 112 of the NPPF requires Local Planning Authorities to take into account the economic and other benefits of such land and that where significant development of such land is demonstrated to be necessary, the Local Planning Authority should seek to use areas of poorer quality land in

preference to that of a higher quality. The site as a whole measures approximately 2.26 hectares and the paddock which constitutes the agricultural land in question forms only a part of this.

Given its small size and current use as an informal paddock it is not considered either that its loss would constitute the significant development of best and most versatile agricultural land nor that economic and other benefits of retaining the paddock in its existing form are substantial, particularly in the context of the wider area and the District as a whole. In addition, the site is proposed for allocation for residential development by the Council in the emerging Local Plan and the loss of this land is considered necessary on a strategic level to meet the District's housing need. Officers do not therefore consider the loss of this land weighs significantly against the granting of planning permission when considering the planning balance.

### **Reserved Matters Timescales**

The applicant has agreed, at Officer's request, to reduce the time period for the submission of Reserved Matters from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current outline planning application and would result in the development being brought forward earlier than could normally be expected, which in turn would assist the Council to address the current shortfall in the 5 year housing land supply.

### **Site Assessment Conclusion**

There are no objections to the application from any statutory consultees.

Overall Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

### **Section 106**

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

### **Affordable Housing**

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is not located in an urban area and the provision of 40% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 40% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 46 dwellings this equates to 18 dwellings.

The Council's Strategic Housing Team require a 70/30 tenure mix (rent over shared ownership) to be secured. The affordable dwellings are required to be clustered in two areas of the site, to be proportionately delivered and without public subsidy. House types and ground floor flats should be compliant with either lifetime homes standards or Part M 2 of Building Regulations. All affordable units must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction.

## **Healthcare**

NHS England advise that the existing GP Practice does not have the capacity to accommodate the additional growth resulting from the development. The development would have an impact on healthcare provision in the area and its implications, if unmitigated would be unsustainable.

The development must therefore, in order to be considered under the presumption in favour of sustainable development advocated in the NPPF, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity at the Sidney House Surgery by way of extension, refurbishment or reconfiguration. A developer contribution of £17,342 will therefore be required.

## **Open Space**

Policy CS10 requires new development to make appropriate provision for publically 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 informal and casual open space on site (which should exclude SUDs with a financial contribution towards the provision of off-site outdoor sports facilities; equipped children's play areas and allotments.

In terms of off-site contributions, the Open Space SPD requires a financial contribution of approximately £71,700 toward the off-site provision of, or improvements to outdoor sports facilities; equipped children's play areas and allotments. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

## **Highways and Transport**

Upgrades to the two bus stops which would best serve the proposal site (details to be agreed with the LPA prior to commencement of development).

Residential Travel Information Packs are also required for new occupiers of the development.

## **Education**

Essex County Council have advised that the proposed development is located within the Hatfield Peverel and Terling Ward. For the County Council to meet its statutory duties it must facilitate sufficient places to meet free childcare entitlement demand and ensure a diverse range of provision so that different needs can be met. A Developer contribution of approximately £60,109 towards Early Years and Childcare provision is required. The development is located within the priority admissions area of Hatfield Peverel Infant and St Andrew's Junior Schools. Both Schools are full in some year groups and although there is some surplus capacity overall there is concern that not all children moving to this development will be able to gain a place. A developer contribution of approximately £218,399 towards primary school place provision is required.

## **Ecology**

A mitigation package towards the development's impact upon the natura 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites, a financial contribution to the improvement of the public rights of way network within the vicinity of Hatfield Peverel and the promotion of circular walking routes near the application site to new residents. The final detail of the mitigation package will be identified during the HRA screening process.

## **CONCLUSION**

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. 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. However it is for the decision maker to assess the weight of each of the relevant factors and policies in light of the guidance and reach a decision on that basis.

The application site is located adjacent to but outside the Village Envelope of Hatfield Peverel as identified in the adopted Local Plan and is located in the countryside. The applicant's proposal to develop the site in a residential capacity must therefore be considered as a departure from the adopted Development Plan where Policies RLP2 and CS5 restricts such development to sites within Village Envelopes and seeks to control development in the countryside to that which is considered appropriate. The physical impacts of

developing this site in the countryside have been assessed in detail above and Officers do not consider that such impacts would warrant recommending the refusal of planning permission. The weight that can be given to these adopted policies is also considered to be limited, given their basis upon a superseded (and significantly lower) housing target for the District and the current lack of a five year supply.

However the emerging Publication Draft Local Plan proposes to allocate the site (as part of a slightly larger site) for residential development as part of a wider comprehensive redevelopment area. The slightly larger site of which the application site forms part would provide a residential development of up to 20 dwellings.

The emerging Neighbourhood Plan acknowledges the emerging Local Plan's proposed site allocations, which include the allocation of Bury Farm for housing and contains a map at page 55 which identifies Bury Farm as being included within the Comprehensive Redevelopment Area as a (proposed) allocated housing site. Although the draft Neighbourhood Plan does not make specific reference to proposed housing numbers on the Bury Farm site and does not have a specific policy allocating development to the site it does make reference to the emerging Local Plan proposed allocation and it therefore must be interpreted as applying the same number of dwellings (up to 20) for the site, and broadly accepting of development in this area.

The current proposal is for a residential scheme of up to 46 dwellings and is therefore in partial conflict with both the emerging Publication Draft Local Plan and the emerging Neighbourhood Plan in that it exceeds the number of dwellings proposed for the site. Both of these emerging Plans can be given some weight, although, based on their stage of development, it is considered that this weight is limited to moderate. The degree of conflict with the emerging local plans policies is limited and where there is divergence there are clear grounds for diverting from the emerging plan as detailed above.

In terms of economic and social sustainability, the development would bring significant public benefits including a substantial number of both market and affordable houses, the provision of public open space on site and financial contributions towards the off-site provision of children's playspace; allotments and outdoor sports facilities; the upgrading of two existing bus stops and safety improvements to the A12 slip road/Bury Lane junction. It would also generate a number of construction jobs during the build phase in addition to providing new residents to Hatfield Peverel to provide further support for existing services and facilities.

Environmentally, the site has been assessed as having the capacity to accommodate the proposed quantum of development without significant adverse impacts on the wider landscape. The site is capable of providing strategic landscaping and public open space in according with Braintree District Council's adopted policy requirements. The site also consists partly of brownfield land which would be re-developed under the current proposal and

is well located for future residents to access the mainline rail service and to provide pedestrian and cycle access into Hatfield Peverel.

The development would make a notable contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. This view is strengthened by the applicant's agreement to a foreshortening of the period for the submission of the reserved matters application leading to earlier delivery. The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement. Officers are content that the delivery of the proposed units could be expected within the current 5 year supply period.

The proposal would be a departure from the adopted development plan and would involve partial conflict with the emerging Local Plan and the emerging Neighbourhood Plan. In terms of other adverse impacts, the proposal would result in the loss of a limited amount of existing employment on the site; the loss of a very small amount of agricultural land consisting of an existing paddock; the potential loss of a non-designated heritage asset the significance of which is not considered by Officers to be substantial and some impact upon the Bury Lane/The Street junction which has been identified as being 'slight' with only a small amount of queuing being observed during traffic modelling.

In conclusion, this application relates to the development of a site located adjacent to but outside a village settlement boundary, for the provision of up to 46 dwellings, including 40% affordable dwellings. Although currently considered as countryside in the adopted Local Plan, the site is being promoted for allocation for residential development in the emerging Publication Draft Local Plan and this proposed allocation is acknowledged in the emerging Neighbourhood Development Plan. Both these latter Plans carry some weight, although this is limited due their stage in preparation, but they do indicate the emerging change in direction of land use policy for this particular site. As with all development proposals, the NPPF is clearly a material consideration and the Local Planning Authority must take account of its explicit guidance in relation to how it should consider applications for residential development where there is a lack of five year supply.

Paragraph 12 of the NPPF makes clear that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

It is the case that the District Council cannot demonstrate a five year housing land supply and this clearly affects the weight that can be attached to adopted policies which might affect the acceptability of providing housing in certain

locations and this point is emphasised by the planning balance that LPAs are required to undertake under paragraph 14 of the NPPF.

In this particular case, there are not considered to be any specific policies in the Framework that would indicate that a development of housing at this site should be restricted. This means that the LPA must consider the proposals in the context of the “tilted balance” indicated by the first bullet point of paragraph 14 of the NPPF; i.e. to consider whether the adverse impacts of the approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

The development would result in the development of a site located in the countryside for a higher number of dwellings than is currently proposed in the emerging Local Plan, however the number of dwellings proposed has resulted from a detailed masterplanning exercise and the applicant has demonstrated to Officer’s satisfaction that the site is capable of accommodating the proposed quantum of development.

The emerging policy has not benefited from such a detailed masterplanning exercise for the site and this therefore is a material consideration to justify the departure from the emerging policy and accept the higher projected numbers on this site.

Overall, when considering the economic, social and environmental limbs of sustainable development as identified in the NPPF, it is concluded that the benefits of granting permission for the proposed development of this partially brownfield site which will deliver an appreciable boost to housing supply within the District outweigh the limited adverse impacts and departures from the adopted and emerging policy objectives. Accordingly approval is recommended.

## RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The Habitat Regulations (HRA) Screening Report concluding that no likely significant effect will be caused and;
- 2) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
  - **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered in two areas of the site; delivered without reliance on public subsidy; with an accessibility requirement for 25% of ground floor flats and all houses to meet Lifetime Homes or equivalent Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction).

- **Education** (financial contribution toward Early Years and Childcare and towards Primary School provision required based on the County Council's standard formula, index linked to April 2016).
- **Healthcare** (financial contribution of £17,342. Trigger point for payment being prior to the commencement of development).
- **Public Open Space** (financial contribution toward outdoor sports provision, equipped children's play space and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Upgrading of bus stops** (The upgrading of the two closest bus stops to the application site with details to be agreed with the Local Planning Authority).
- **Ecology** (mitigation package to mitigate the development's impact upon natura 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites and to the improvement of the public rights of way network within the vicinity of Hatfield Peverel and the promotion of circular walking routes near the application site. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA screening process).

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

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

#### APPROVED PLANS

Location Plan  
Access Details

Plan Ref: 016-030-P001  
Plan Ref: MMD-370442-D-DR-00-XX-003

Version: REV C

1 Details of the:-

- (a) scale;
- (b) appearance;
- (c) layout of the building(s); and
- (d) landscaping of the site.

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

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

Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 46 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 3 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy.

- 4 Prior to the occupation of the development the access shall be implemented as shown on drawing MMD-370442-C-DR-00-XX-003 including the highway improvements (signs and slow marking) to the A12 slip road subject to such design modifications as the appropriate Highway Authority may decide to make.

Reason

To ensure the access is constructed to an acceptable standard and to ensure that the strategic road network can continue to operate as part of the national system of routes for through traffic in the interests of highway safety.

- 5 Prior to occupation of any dwelling, the access at its centre line shall be provided with a visibility splay with dimensions of 72m x 2.4m x 88m, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600 mm in height at all times.

Reason

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

- 6 No development shall commence, 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:
  - Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition and construction working hours.

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

Reason

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

- 7 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation.

The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 10 a) Prior to the commencement of development a comprehensive survey shall be undertaken in accordance with the further works identified as being necessary in the applicant's Geo-environmental desk Study Report completed by Mott Macdonald and dated 16 February 2016 to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.
- b) Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed

in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

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

#### Reason

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

- 11 No development or conversion shall commence until a programme of historic building assessment and recording (if required) has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local planning Authority.

#### Reason

To enable full investigation and recording of this site of historical importance. The implementation of the agreed programme of historic building assessment and recording is required prior to the commencement of development to ensure that the assessment and recording is carried out before construction works start.

- 12 No development or preliminary groundworks shall commence until a

programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological evaluation is required prior to the commencement of development to ensure that the evaluation is carried out before construction works start

- 13 No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved by the Local Planning Authority pursuant to Condition 12.

Reason

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

- 14 The applicant shall submit to the Local Planning Authority a post-excavation assessment (to be submitted within 6 months of the completion of fieldwork). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

Reason

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

- 15 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Limiting discharge rates to 7/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that the development of the site is carried out in accordance with an approved drainage scheme.

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

#### Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. These details need to be agreed prior to the commencement of development to ensure that measures to minimize the risk of offsite flooding are in place when works commence on the site.

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

prior to the commencement of development to ensure that a system is installed which is properly maintained.

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

**Reason**

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

- 19 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.

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

**Reason**

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The tree protection details are required prior to the commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

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

Reason

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

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

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

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

Reason

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

- 25 No above ground works shall commence in the relevant phase of the development until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

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

- 26 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:
- a minimum of 1 car parking space per 1 bedroom dwelling;
  - a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
  - a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and to include a minimum of 4 blue badge bays plus 4% of total capacity; and
  - standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 27 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

Reason

To ensure nesting birds are not disturbed during the development.

- 28 No development shall commence unless and until;

- a) suitable Bat Surveys as recommended in the submitted Ecological Assessment and Preliminary Bat Roost Assessment completed by Tyler Grange dated 3rd of March 2016 have been undertaken.
- b) suitable Reptile Surveys as recommended in the submitted Ecological Assessment and Preliminary Bat Roost Assessment completed by Tyler Grange dated 3rd of March 2016 have been undertaken.

The results will inform an appropriate Ecological Design Strategy (EDS) addressing mitigation and enhancement (including timescales for implementation) and the EDS, Reptile Surveys and Bat Surveys will be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Reason

In order to assess whether there are protected species in the locality and to ensure all impacts resulting from development are taken into account and mitigated. The Ecological Design Strategy is required prior to the

commencement of development to ensure that mitigation measures can be put in place as required.

- 29 Any Reserved Matters application relating to layout shall demonstrate that the connection between the application site as identified on the approved Site Location Plan and the immediately adjacent former Arla Dairy site to the north-east shall be restricted to cycle, pedestrian and an emergency vehicle access only. There shall be no other vehicular access between the application site and the former Arla Dairy site. There shall also be no vehicular access connection between the application site and the land immediately to the south-east of the application site with the exception of an emergency access if one is required.

Reason

To protect highway efficiency of movement and safety.

- 30 Any Reserved Matters application for layout, scale and appearance shall demonstrate that:
- a) All external amenity areas shall achieve a noise level of < 50 dB LAeq,16hr. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the external noise limit. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.
  - b) Internal noise levels shall not exceed noise levels given within Table 4 of BS8233 (2014) Guidance on Sound Insulation and Noise Reduction in Buildings. The maximum level of 42dB(A) arising from passing trains shall not be exceeded within bedrooms between the hours of 2300 to 0700 hours. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the internal noise limits. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

With reference to determining the levels of insulation then it should be recognised that the performance of acoustic insulation schemes may be below that specified as it is affected by the quality of installation, materials used, source noise spectrum assumed and in future years general wear and tear of the components and therefore there should be a safety margin to account for this within calculations submitted.

Reason

In the interests of the amenity of future occupants of the development.

- 31 Prior to the first occupation of the development a report validating the noise mitigation measures required by Condition 30 and confirming that such measures have achieved the required noise mitigation standards shall be submitted to and approved in writing by the Local Planning

Authority.

Reason

To ensure that the approved noise mitigation measures are carried out in full in the interests of protecting the amenity of future residents of the development.

- 32 All garden sizes across the development shall comply with the minimum standards set out in the Essex Design Guide 2005 which requires the following:
- a minimum of 100 sqm for 3 or more bed houses
  - a minimum of 50 sqm for 1 or 2 bed houses
  - a minimum of 25 sqm of private amenity space for all flats. Balconies or terraces over 5 sqm in extent may count towards the total garden provision for flats provided that the Local Planning Authority considers that they are acceptable in terms of design and amenity.

Reason

To ensure that the layout of the site is acceptable in the interests of protecting the amenity of future residents of the development.

- 33 Prior to the first occupation of the development details of electric vehicle charging points for the proposed dwellings shall be submitted to and approved by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the occupation of each dwelling to which they relate.

Reason

In the interests of facilitating sustainable transport for future residents.

- 34 Any Reserved Matters application relating to layout shall be accompanied by a strategy for the following:

- details of a strategy for Broadband provision to the new dwellings

The Development shall be carried out in accordance with the approved strategy.

Reason

To ensure that an acceptable level of broadband provision is made to each of the new dwellings.

- 35 Any Reserved Matters application relating to layout shall be accompanied by details of a pedestrian and cycle link from the application site to the adjacent former Arla Dairy site located immediately to the north-east. The details of the pedestrian and cycle link shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

## Reason

To ensure that a pedestrian and cycle access is achieved from the application site to the adjacent former Arla Dairy site to provide occupants of the application site with a direct link to the railway station in the interests of sustainable transport.

## INFORMATION TO APPLICANT

- 1 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 2 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 diversion works should normally be completed before development can commence.
- 3 Your attention is drawn to the consultation response received from Network Rail on 13th June 2017 which sets out a number of requirements which any Developer will need to comply with.
- 4 Your attention is drawn to the consultation response received from Highways England on 25th July 2017 which sets out a number of requirements in relation to Section 278 Agreements which any Developer will need to comply with.
- 5 All residential developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and will ensure that the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- 6 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.

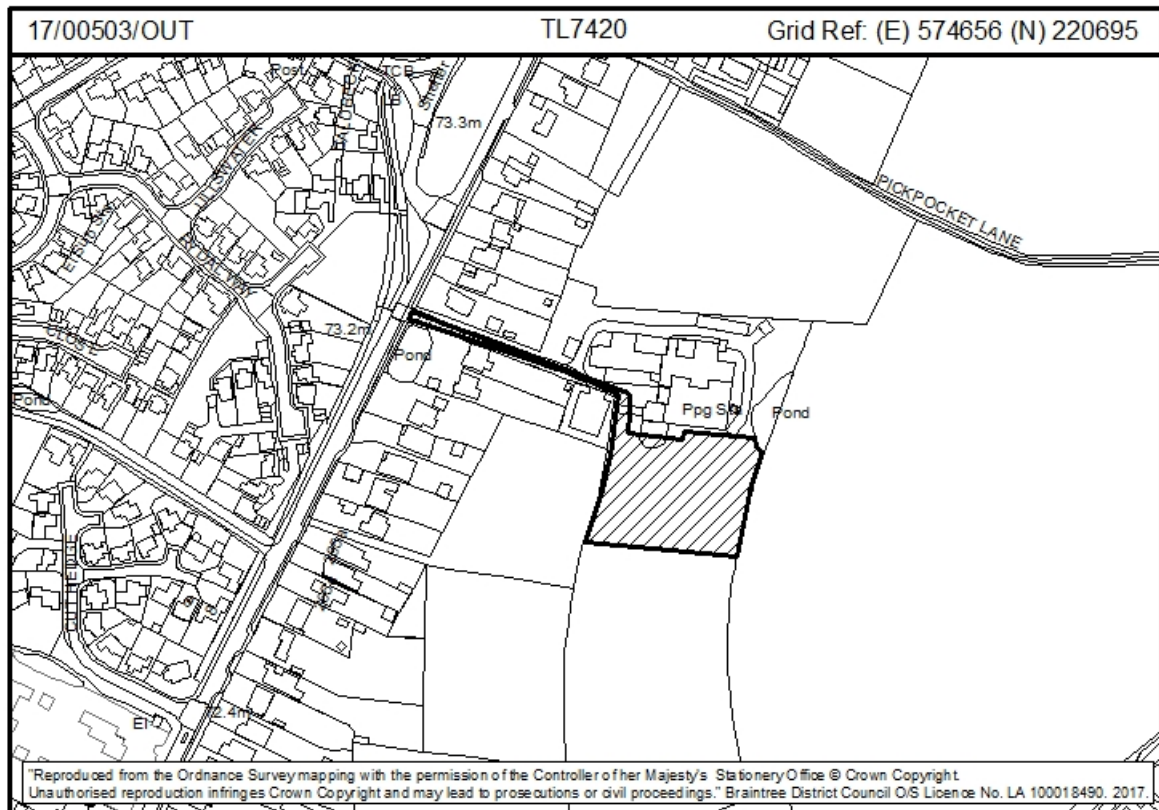
- 7 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at [www.braintree.gov.uk/streetnaming](http://www.braintree.gov.uk/streetnaming). Enquiries can also be made by emailing [streetnaming@braintree.gov.uk](mailto:streetnaming@braintree.gov.uk).
- 8 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.
- 9 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SUDs which may form part of the future register, a copy of the SUDs assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk)
- 10 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 11 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the Essex County Council SUDs consultation response dated 10th May 2017.
- 12 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00503/OUT      DATE: 28.03.17  
 VALID:  
 APPLICANT: David Lidford  
 C/o Agent  
 AGENT: Burywood Property Consultants  
 Mr David Cohen, 14 Highclere Road, Great Notley,  
 Braintree, Essex, CM77 7WX  
 DESCRIPTION: Application for outline planning permission with all matters  
 reserved for the erection of 5no. detached dwellings,  
 garages and access  
 LOCATION: Land South of Longmead Court Nursing Home, London  
 Road, Black Notley, Essex

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



## SITE HISTORY

None.

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

## National Planning Guidance

National Planning Policy Framework (NPPF)

## National Planning Practice Guidance (NPPG)

### Braintree District Local Plan Review 2005

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

### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
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
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP18	Strategic Growth Location - Land East of Great Notley, south of Braintree
LPP35	Specialist Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP79	Surface Water Management Plan
LPP81	External Lighting

### Supplementary Planning Guidance/Other Documents

Essex Design Guide  
ECC Parking Standards – Design and Good practice

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

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

In addition, Black Notley Parish Council has objected to the application which is contrary to the Officer's recommendation.

### NOTATION

The application site is located outside the development boundary for Great Notley as designated in the Braintree District Local Plan Review 2005. The application site is proposed for allocation as part of the strategic growth location identified on land East of Great Notley in the Publication Draft Local Plan under draft Policy LPP18. This draft allocation was approved for consultation by Full Council on 5<sup>th</sup> June 2017 and the public consultation ended on 28<sup>th</sup> July 2017. The application has been advertised as a departure from the Council's adopted Development Plan.

### SITE DESCRIPTION

The site comprises a rectangular parcel of amenity land measuring 0.5ha to the East of Longmead Nursing Home in Black Notley Parish. It would share an access with the nursing home and as such is accessed from London Road in Great Notley. The site subject to this application currently serves as amenity land for the care home. It is laid to lawn, contains a number of mature trees and is bounded by trees/hedging to the east, south and west, with the nursing home located to the north. The square-shaped plot is situated 100m from London Road at the end of the access that serves the Nursing Home and two dwellings.

In terms of wider context, the site is due east of Great Notley but is located within the Parish of Black Notley. The development boundary in the current adopted Development Plan runs along London Road, approx. 55m from the site. The Publication Draft Local Plan also proposes a much larger new allocation of approximately 1,750 new homes (BLAN 114 – Land East of Great Notley, South of Braintree), with 97 of those already granted planning permission on a site further south on London Road. This Strategic Growth location includes land immediately to the north, east and south of the application site. The site in this case is located adjacent to the development boundary of Great Notley although it is within the Parish of Black Notley. As such, taking into account the above, the report will place a heavier focus on the sites relationship with Great Notley for assessment purposes.

### PROPOSAL

This is an outline planning application, with all matters reserved, for the erection of 5no. dwellings. The dwellings are proposed as market dwellings with no retained connection to the established use on site. All matters have been reserved and therefore this application is simply seeking to establish the principle of residential development on the site. The application is supported by an indicative layout showing 5 detached, two storey dwellings in a cul-de-sac arrangement with all dwellings centred on an internal spine road. Each dwelling is shown to be served with a private amenity space and car parking. Existing boundary treatments are to be retained and strengthened. Provision

is also shown for footpaths to allow for permeability to the wider draft allocation of housing land that is identified as BLAN114 (refer above). The indicative site plan shows that access to the development would be through the care home onto the existing access onto London Road.

## CONSULTATIONS

### Braintree District Council Engineers

Not aware of any surface water issues affecting the site.

### Braintree District Council Landscape Services

No objection to the application, but highlight the importance of boundary hedgerows in providing a sense of enclosure and the need to protect these features from damage during development.

### Braintree District Council Environmental Services

No objection to the application subject to the imposition of conditions relating to:

- Site clearance hours
- No pilling
- Dust and mud
- Contamination survey

### Essex County Council Highways

Consider the application to be acceptable, and recommend the following summarised conditions:

- Visibility splays as indicated on the approved plans
- Vehicle parking dimensions
- Cycle parking
- Surface material
- Residential travel information packs

### Black Notley Parish Council

Object to the application for the following summarised reasons:

- Local Plan not at stage yet to allocate this site for residential
- As such, a backland site in open countryside
- Highways opinion required
- Tree survey to be completed and hedgerows retained
- 6 parking spaces will be lost on the home
- Sewage connection problems

## REPRESENTATIONS

Three objections have been received from 225 London Road, 251 London Road and 249 London Road outlining the following summarised objections:

- Increase traffic using London Road
  - Fast road with no crossings
  - Traffic calming measures should be put in place
- Shared access to nursing home
  - Quiet access – 5 dwellings would lead to much increased activity
  - Potential for adoption close to London Road?
  - Dangerous access off of London Road
- Outside of village envelope
- Nuisance caused by development – traffic obstruction, infrastructure and services
- Noise impact and lighting impact of access road
- Concerns about 'possible future access to development'
- Electricity cables – expect these to be put underground

## REPORT

### Principle of Development

### 5 Year Housing Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The Council's view is that it's forecast 5 year housing supply at 30<sup>th</sup> June 2017 is 4.32 years. Although there have been a small number of applications approved since this calculation the Council does not consider that it has a current five-year supply.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

The impact of this is demonstrated at paragraph 14 which states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running

through both plan-making and decision-taking. For decision-taking this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 14 of the NPPF.

#### The Application Site and Emerging Local Plan

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

The site is located outside of Great Notley Village envelope and as such is on land designated as 'Countryside' in the Braintree District Local Plan Review (2005) and the Core Strategy. Policy RLP2 states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. The site in this case is located with the grounds of the existing care home unit that is accessed from London Road.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks to erect 5 dwelling units on land outside of a village envelope which would be a departure from the adopted Development Plan and would be situated within a backland context.

The Council is currently preparing a new Local Plan which will replace the Core Strategy and Local Plan Review and will be used to guide development up to 2033. The plan sets out the housing requirements for the District, allocates sites for new housing development and sets out strategic and detailed planning policies. This it seeks to achieve by concentrating growth in

the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities.

The Emerging Local Plan was adopted as a Publication Draft at Full Council on the 5<sup>th</sup> June 2017 and consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. It is anticipated that it will be submitted to the Planning Inspectorate later in 2017, followed by public examination. Having regard to Para.216 of the NPPF, it is considered that some weight should be afforded to the principles and strategies set out in the Publication Draft Local Plan.

The application site is located outside designated development boundaries in the currently adopted Local Plan. However, the emerging Publication Draft Local Plan proposes this site, in conjunction with the entirety of the care home facility, to be included in a strategic allocation for new development for approx. 1,750 new homes over a large area (BLAN 114 – Land East of Great Notley, South of Braintree) under Policy LPP18. This Strategic Growth location includes land immediately to the north, east and south of the application site.

The Emerging Policy LPP18 sets out a number of requirements of the wider site in relation to the requirements for services and community facilities. It contains a specific policy requirement that the site should be planned in a holistic way and not as smaller portions of separate development. Any piecemeal development that would in some way compromise the overall strategic allocation would incur significant objection from the Local Planning Authority. These particulars are explored further below.

### Site Location

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

The hierarchy within the draft Emerging Local Plan also identifies 3 Towns which are the largest urban areas in the District. Although the site is within Black Notley Parish, which is classed as an 'Other Village', it is in closest proximity to Great Notley, which is identified as a 'Town' in connection with Braintree and Bocking in the Settlement Hierarchy. The application site in this case is located outside of the defined settlement boundary of Great Notley and Black Notley, and is therefore located in the countryside, which is at the bottom of the settlement hierarchy identified in the Core Strategy and Publication Draft Local Plan.

However, as stated above, the land in question is allocated for residential development in the Emerging Publication Draft Local Plan Policy LPP18. Policy LPP18 seeks to achieve all of the key attributes of new housing development on the land including affordable housing, employment uses, new primary school, community facilities and local retail outlets, public open space and s106 requirements. Policy LPP18 acknowledges that the development would occur in phases to ensure that the proposed dwellings were supplemented by infrastructure and services. It also sets out that access would be expected from London Road and Notley Road, with the provision of footpaths and cycleways to integrate the development with the existing settlement pattern. It sets out that piecemeal development which would undermine the Strategic Growth Location in connection with the Emerging Publication Draft Local Plan in any way would be resisted.

Although this application relates only to a very small part of the site subject of the draft allocation, it must be considered on its merits. The site is located adjacent to the defined development boundary of Great Notley, with an existing access that is currently utilised by the care home and also other residential premises fronting London Road. The development would not therefore require the creation of an additional access. The site is considered to be in a reasonably sustainable location, on the edge of Great Notley, where there are a range of services and facilities that are accessible by walking or cycling. There is also good access to public transport. The sustainability of the location will be a factor when applying the planning balance and determining whether the development would undermine the Strategic Growth Location.

#### Implications for Care Home

Consideration is also required in respect of the loss of amenity and car parking for the function of the care home. Emerging Publication Draft Policy LPP35 states that new care home development should have access to everyday services including health, parking should be in line with the Councils Adopted Parking Standards and an appropriate level of amenity should be provided.

Concerns from representations have been raised that the development would result in the loss of 6 parking spaces for the care home.

The Adopted Parking Standards (2009) stipulate a maximum parking space requirement of 1 space per full time equivalent staff and one visitor space per 3 beds. The total number of staff employed at the site is 74 (full and part time), but due to the sites 24 hour operation only a small percentage are working at any time. In addition, there are 52 numbers of beds with approximate 10-12 visitors per day between 10am and 8pm. The current number of parking spaces totals approx. 40 spaces. The indicative site plan shows that three spaces would be relocated by the access road to the other side of the existing car park. As such, no car parking spaces would be lost for the care home.

The site contains a garden area immediately behind the care home which is segregated from the wider amenity land which forms the development proposal. The proposal would result in a loss of amenity space of approx. 3,600sq.m. However, the amenity space that would be retained would be approx. 1000sq.m. It is considered that the remaining amenity space would be adequate to serve the needs of residents of the care home.

As such, taking into account all of the above, it is considered that the proposed development would not detrimentally affect the functioning of the care home to be compliant with the objectives of Policy LPP35.

### Sustainable Development

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

The proposal would not 'boost significantly' the supply of housing by itself, but the introduction of 5no. dwellings would contribute to the District's 5 year housing supply. The development would see some benefit to existing care home access which will be upgraded to safely facilitate additional vehicular movements that would also benefit the care home and existing residents using the access. As such, it is considered the development would deliver some economic and social benefits, albeit these benefits would be moderate due to the scale of the development.

In terms of the environmental strand, the site is directly adjacent to a defined settlement boundary and is mainly surrounded by agricultural land. The site however is relatively self-contained within the existing grounds of the care home that is screened by vegetation on the east, south and west boundaries from the surrounding open countryside. In terms of the adopted Braintree District Council Local Plan 2005, the site is not covered by any particular landscape designation. The illustrative site plan demonstrates how the site could accommodate the proposed quantum of development whilst retaining the existing landscape buffer around the periphery of the site, allowing the retention and bolstering of existing tree and hedge lines and the provision of areas of strategic landscaping. A landscaping scheme would be required via condition with a tree protection plan put in place on any reserved matters application.

As such, taking into account the self-contained nature of the site, the existing landscape features and the overall indicative layout, it is considered that any future development around the site would not be compromised by the development of this site in isolation. It is therefore considered the development would not undermine the Strategic Growth Location or the core objectives of Policy LLP18.

### Design, Appearance and Layout

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

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedrooms should be provided with 100sq.m or more. Furthermore, policy RLP56 of the Braintree District Local Plan Review requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009. These Standards indicate that for 2-bed+ properties, a minimum of 2 parking spaces, measuring 5.5m x 2.9m, should be provided.

The current application is an outline application with all matters reserved. The applicant has submitted an indicative site plan demonstrating that 5 detached houses could be accommodated on the site centred around an internal spine road. In addition, although design and layout would be a reserved matter, the general principle of this level of development on the site is considered acceptable. Existing trees and hedging on the boundary of the site would be retained and strengthened which can be secured by condition. The retention and strengthening of the boundaries of the site would be important in avoiding piecemeal development that would compromise the overall wider strategic allocation of the site.

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

Concerns raised in representations have been received with regard to the possible future pedestrian access from the wider Strategic Land Allocation through the proposed development as indicated on the indicative site plan. The concern arises from the possible future use of the site as a cut through alongside the care home facility to access London Road. Officers considered

the possible permeability of the site in the context of the Strategic Land Allocation and have determined pedestrian links through the site would not be appropriate. This is because the existing care home is a relatively secure facility of which its wider security could be compromised by virtue of high numbers of future pedestrian movements. The layout is indicative at this stage but the need to limit the use of the access is considered a material consideration and, accordingly, that aspect of the indicative plans need to be resisted at this outline stage. A condition can be applied which makes clear that the scope for access is not part of the approval.

As such, it is considered that 5no. dwellings can be achieved at the site with all required amenity and parking for new development.

#### Impact on Neighbour Amenity

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

As stated above, the siting and size of the dwellings is only indicative at this stage and detailed elevations, layout, appearance and scale are not required to be submitted. Therefore it is not possible to assess the impact on neighbouring amenities at the present time. This will be a matter for consideration at the detailed application stage. However, taking account of the site's location, it is considered that the amenities of neighbouring properties could be adequately protected at the reserved matters stage.

#### Highway Issues

Access is a reserved matter for later approval. However, at this outline stage, the Local Planning Authority needs to be satisfied that safe vehicle and pedestrian access can be achieved to the site. As a matter of fact, the development can only be accessed via the existing care home access from London Road.

The development proposes indicatively to upgrade and utilise the existing access onto London Road which also serves the care home and No.245, 249 and 251 London Road. Concerns have been raised with regard to the intensification of the access and likely impacts upon vehicular and pedestrian safety entering and existing London Road. In this case it is proposed that the access entrance is upgraded and widened from approx. 3.9m to 6m, with the instillation of lines and T-junction style markings. A full kerb would also be provided, which would go into a shared surface with cars approx. 23m from the road junction.

The Highways Officer has no objection to the utilisation and upgrading of this access for the proposed development. As such, it is considered that the development would be able to achieve safe access to the site. Nevertheless,

this application needs to secure the provision of that access, and its upgrading. These matters therefore must be addressed by condition.

### Construction Activity

Concerns have been raised with regard to the potential for noise and other pollutants as a result of the development. However, the Council's Environmental Services Team have been consulted regarding the proposed development and have no objection subject to a number of conditions which include, in relation to construction activity, conditions to control hours of working, details relating to any piling to be carried out on site and submission of a dust and mud control scheme for approval. It is considered these conditions would adequately protect the amenity of neighbouring properties to the site.

### Sewage and Drainage

Concerns have been raised with regard to the sewage capacity and potential drainage in the area. The development proposes to utilise a soakaway on the site and connect to the sewage system. This would require approval of the relevant utility company to connect to the sewage network. It is considered development of this scale would not incur significant sewage capacity issues that would prevent the development coming forward. It is therefore considered the proposal would be acceptable in this regard.

### Other Utilities

There is a telegraph pole in relatively close proximity to the entrance of the site. However, it is understood that the pole would remain its current position as its relocation would not be required to facilitate the development. A representation discussed the possibility of putting the power cables underground. However, this is not something that can be secured via the Local Planning Authority; it would require an application to UK Power Networks.

### CONCLUSION

As set out above, the development of new housing bring benefits but those benefits need to be weighed against any adverse impacts of residential development. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should be afforded less weight if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted as set out in paragraph 14 of the NPPF.

It is acknowledged that the provision of market housing would bring modest social and economic benefits which would also contribute towards the District's 5 year housing supply. In addition the development would provide jobs during the construction stage and some increased demand for local services. Furthermore, while of less weight in the planning balance, the access is indicatively proposed to be upgraded for the benefit of the care home and other residents. Such benefits would be consistent with the social and economic dimensions of sustainable development; however they would be moderate due to the scale of the development. The care home facility would also retain sufficient car parking and amenity space to enable it to function appropriately for its use.

With regards to its impacts on the countryside, although its location is physically separate from other residential development on London Road, it has been concluded that it would not give rise to any significant visual harm to the landscape due to its enclosed nature. The site is in close proximity to the settlement boundary of Great Notley and would have access to a good level of services and amenities to meet the future needs of occupiers. Taking into account the self-contained nature of the site, the existing landscape features and the overall indicative layout, it is considered that a development of 5 dwellings at the site would not compromise the achievement of a satisfactory development of the wider strategic allocation. It is therefore considered the development would not undermine the Strategic Growth Location or the core objectives of Policy LLP18.

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

As such, when conducting the planning balance in the context of Paragraph 7 and 49 of the NPPF, it is considered that the principle of development in this case is acceptable. Furthermore, it is considered 5 no. units could be accommodated on site in a manner which will deliver an acceptable standard of amenity for prospective residents, safeguard the amenity of existing residents and would not prejudice the future strategic development of the wider site.

### 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

- 1 Details of the:-
  - (a) scale;
  - (b) appearance;
  - (c) layout of the building(s);
  - (d) access thereto;
  - (e) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

#### Reason

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

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

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

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

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

#### Reason

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

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

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

#### Reason

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

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

#### Reason

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

- 9 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant

noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason

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

- 10 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

- 11 The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason

To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 12 Vehicular access to the development shall be from London Road using the access which serves the care home, and from no other route.

Reason

To ensure that safe access is provided.

- 13 At reserved matters stage, details of the proposed improvements to the existing care home access from London Road to the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The access improvements shall be implemented only in accordance with the approved details prior to the first occupation of the dwellings subject of this permission.

Reason

To ensure that safe access is provided.

- 14 No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

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

**Reason**

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

- 15 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

**Reason**

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

**Reason**

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

- 17 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:
- a minimum of 1 car parking space per 1 bedroom dwelling;
  - a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
  - a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and

- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

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

Reason

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

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

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

Reason

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

- 20 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 5 dwellings, parking, landscaping and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 21 Prior to construction a scheme(s) including an implementation timetable for the following shall have been submitted to and approved in writing by the Local Planning Authority:

(a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

(b) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved

details and thereafter so maintained.

Reason

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

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

Reason

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

23 The pedestrian links as shown on the indicative block plan do not form part of this approval. The details of the site layout submitted at reserved matters stage shall indicate that no access will be available between this site and the adjoining land to the east, south and west.

Reason

The layout is indicative at this stage, but the need to limit the use of the access is considered a material consideration and, accordingly, that aspect of the indicative plans needs to be resisted at this outline stage because the existing care home is a relatively secure facility of which its wider security could be compromised by virtue of high numbers of future pedestrian movements.

INFORMATION TO APPLICANT

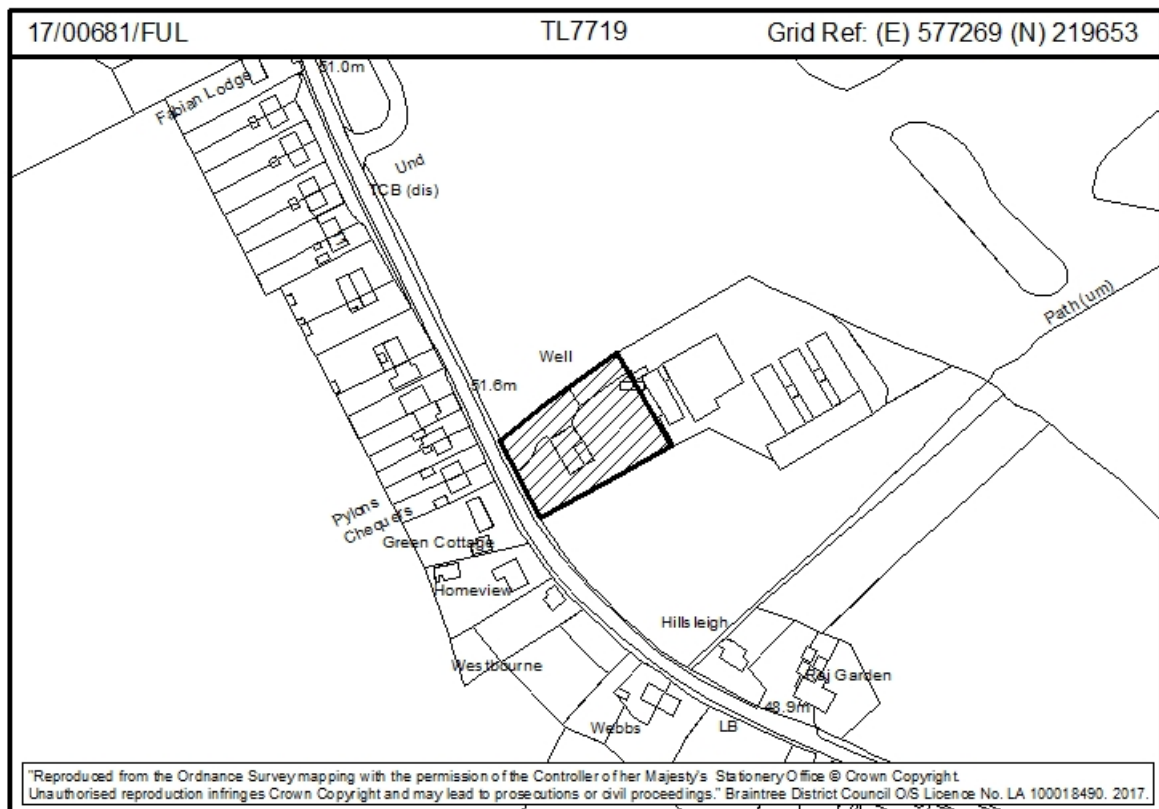
- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO4 9YQ.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00681/FUL DATE: 11.04.17  
 VALID:  
 APPLICANT: Mr C and Mrs J Blatch  
 Home View, The Green, White Notley, Witham, Essex, CM8 1RF  
 AGENT: Andrew Stevenson Associates  
 21A High Street, Great Dunmow, Essex, CM6 1AB  
 DESCRIPTION: Erection of replacement dwelling with associated landscaping  
 LOCATION: Green Farm, The Green, White Notley, Essex, CM8 1RG

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



## SITE HISTORY

14/00367/ELD	Application for an Existing Lawful Development Certificate relating to an agricultural occupancy condition	Granted	15.05.14
16/02097/FUL	Erection of replacement dwelling with associated landscaping	Withdrawn	31.01.17

## 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, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16<sup>th</sup> June to 28<sup>th</sup> July 2017.

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

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

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

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

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

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

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP15	Replacement of Dwellings in the Countryside
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
LPP1	Development Boundaries
SP6	Place Shaping Principles
LPP39	Replacement Dwellings in the Countryside
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

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

This application is brought before the Planning Committee as it was considered, in consultation between the Development Manager, the Chairman and Vice Chairman of the Committee that it could be significant in its impact.

### SITE DESCRIPTION

The site comprises a single storey dwelling located off of Witham Road in White Notley. The dwelling was erected in 1982 as an agricultural worker's dwelling (planning reference P/BTE/0192/82/FL/N). This condition was removed in 2014 through a Certificate of Lawful Existing Use application

(14/00367/ELD) as it was demonstrated that the dwelling had not been occupied in accordance with the agricultural occupation condition for a period of 10 years or more.

The stretch of Witham Road closest to the application site comprises a row of ribbon development predominantly on its western aspect. The eastern side of Witham Road is much more rural in character with green spaces and only sporadic residential development. The application site in this case is sited on the eastern side of Witham Road and is surrounded by a golf course to the north, agricultural farm buildings to the east, arable / open fields to the south, and opposite ribbon development to the west.

The existing dwelling is highly prominent in views from Witham Road heading northwards, due to its close proximity to the road and the topography/nature of the land, which is relatively open and at a lower level than Witham Road. The agricultural buildings at the rear are also visible but are far less prominent in views due to their significant set back from Witham Road.

## **PROPOSAL**

The application proposes to demolish the existing single storey bungalow at the site and erect a large part two storey, part one and a half storey dwelling. This proposal follows a previously withdrawn application which sought a larger replacement dwelling (application reference 16/02097/FUL refers). The approx. dimensions and floor space are outlined below (measured from plans) for ease:

### **Existing Single Storey Dwelling**

Form: two bed single storey bungalow

- Footprint: 148sq.m
- Existing ground floor space: 133sq.m
- Max height: 5.9m
- Length: 16.5m
- Width: 6.8m [shortest] 11.3m [max]

### **Withdrawn Replacement Dwelling (application 16/02097/FUL)**

Form: four bed part two storey part single storey 'H' plan dwelling

- Footprint: 215.7sq.m
- Ground floor space: 178sq.m
- First floor space: 163sq.m
- Max height: 7.9m
- length 18.2m (core) + 3.2m (side extension)
- Width: 11.9m

## **Current Proposed Replacement Dwelling**

Form: four bed part two storey part single storey 'H' plan dwelling

- Footprint: 217sq.m
- Ground floor space: 189sq.m
- First floor space: 163sq.m
- Max height: 7.1m
- length 15.8 (core) + 2.9m (side extension)
- Width: 12.4m

## **CONSULTATIONS**

### **Essex County Council Highways**

No objection.

### **Braintree District Council Engineers**

Not aware of any surface water issues affecting the site.

### **White Notley and Faulkbourne Parish Council**

No objection.

## **REPRESENTATIONS**

9 representations of support and three general comments have been received for the application detailing the following comments:

- Current bungalow visually unappealing
  - Proposed dwelling much more appealing
  - Improve the visual appearance of the green
- Landscaping not practical as existing
  - Revised proposal rectify this
- Style of properties already mixed in area
- Agricultural buildings at rear already prominent in street scene
- Land ownership concerns

## **REPORT**

### **Principle of Development**

The application site is located outside of a designated Town Development Boundary or Village Envelope and it is therefore located within the countryside for planning purposes. Policy RLP2 and Emerging Policy LPP1 states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside

policies will apply. Policy CS5 of the Core Strategy states that development shall be restricted to those uses appropriate to the countryside in order to protect and enhance the landscape character, biodiversity and amenity of the countryside.

Notwithstanding this, Policy RLP15 allows for replacement dwellings to be erected provided that they comply with the following criteria:

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 would 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.

Emerging Draft Policy LPP39 reiterates the above and further states that the size of the replacement dwelling should not be significantly larger than the original dwelling, irrespective of any outbuildings demolished on the site and should be appropriate to the countryside setting.

The proposal complies with the first and second elements of the abovementioned criteria. The plot for the existing dwelling is large which could satisfactorily accommodate a larger replacement dwelling. The existing dwelling is also not of historic or architectural value. As such, the proposal is considered to comply with points three and five above. The consideration of the fourth criterion is discussed below.

#### Design, Appearance and Layout

The NPPF requires as a core principle for planning to always seek to secure high quality design. The NPPF is clear that planning should not impose architectural styles or particular tastes and should not stifle innovation, originality or initiative. It is however proper to seek to promote or reinforce local distinctiveness. Planning permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area. The NPPF also requires planning to recognise the intrinsic character and beauty of the countryside.

Policy RLP90 of the Local Plan Review and CS9 of the Core Strategy both seek to secure high quality design in all developments. Policy CS8 of the Core Strategy also states that new development must have regard to the character of the landscape and must enhance the local landscape character.

The context of Witham Road on its western aspect comprises predominantly simple architectural forms that all are of their time but importantly sit visually together with sympathetic massing and scale. The existing bungalow however is sited on the eastern aspect in an isolated position from other residential development on Witham Road. The existing dwelling is highly visible in the street scene from views South-North on Witham Road due to the land topography and openness which is a distinct characteristic of the east side of Witham Road.

The existing bungalow is of relatively standard design and size for a dwelling of its type; an elongated plan form (16.5m length by 6.8m [min] / 11.8m width [max] and 5.9m high) with a footprint of 148sq.m and a total floorspace of 133sq.m.

The replacement dwelling would be stepped slightly further back from Witham Road and would attempt to take on a similar form in terms of overall length to the existing bungalow (18.7m total) but critically enlarge the overall width and height to 12.4m and 7.1m respectively. This would therefore incur a total footprint of 217sq.m with a total floorspace of 352sq.m for both ground and first floors. The proposed replacement dwelling would therefore be significantly larger in footprint (+69sq.m), floor space (+219sq.m), height (+1.2m), width (+5.6m) and length (+2.7m) than the existing bungalow.

To accommodate all of the above floorspace, the replacement dwelling has been designed to be part two storey and part one and a half storey in a 'H' plan arrangement. The two storey elements would be two gables at either end of the dwelling with a large one and a half storey middle core with roof dormers. It is considered that the replacement dwelling attempts to provide too much accommodation and becomes visually contrived in doing so. The proportions of the dwelling are not traditional yet the design attempts to apply traditional features to a built mass that is too bulky for them. This is evidenced by the requirement of false pitches and the significant area of flat roof located on the core segment of the building which would not represent good design.

In addition, it is considered the ground floor appears too squat and untraditionally wide whilst the upper floor has a vertical emphasis and dominates the appearance. The pattern of fenestration would also have no coherence between floors with the front elevation having two scales of windows each with different emphasis. The entrance and porch design appear to be of an Arts and Crafts influence, especially under the chalet style roof. The overly large entrance and its lack of simplicity does not appear to be an appropriate architectural design that has sympathy to the different styles of the projecting, jettied gables.

In the central element of the front elevation is another type of dormer in a long roof that extends down to provide a porch. It is considered this central element is far too distinct from the other parts of the house and of a different architectural style to the farm house-like jettied gables. The appearance is of competing styles and elements that do not form a visually coherent building.

It is considered the single storey side element that contains an office and utility rooms would not relate well to the one and a half storey main dwelling. The lean-to side element would traditionally be provided on a two storey main building, where the full two storeys would not be visually competing with the monopitch of the single storey element. The two roof pitches together however with the catslide dormers would provide a contrived and overly complicated elevation to the front and side aspects. It is considered that there are many competing elements within the front elevation and an underlying confusion of identity which comes from the poor relationship between forward projecting gables and the chalet style central element.

The south east elevation has a chimney that would appear disproportionately short with a pot and detail that should be above the roof line. The stack has a catslide dormer in close proximity which gives a cramped and overly complicated appearance in the roof plane. At just over 4 metres to the eaves these side elevations are more akin to full two storeys in visual impact than the more disguised front elevation.

As such, it is considered this design has little sympathy in massing, scale and detail to the character of the area and the more sincere and simple architectural forms that create the locally distinctive pattern of development. It is considered its form and mass would appear out of character in the context with the contrived cosmetics of the architectural design unsuccessfully relating to the context and failing to disguise what is a significant overall floorspace.

Reference has been made in the supporting statement and from representations to the existing impact of the agricultural buildings to the rear of the site. It is considered however the agricultural buildings are far less prominent from Witham Road due to their significant setback distance. In addition, while the buildings are visible, they epitomise the rural character of this side of Witham Road. As such, it is considered the existence of the agricultural buildings at the rear is not justification to allow an overly large and dominant replacement dwelling in this case.

Enhanced landscaping proposals have also been proposed on the south aspect of the site (as indicatively shown on the submitted block plan). It is considered the proposed planting would do little to mitigate the overall scale and bulk of the proposed replacement building, and would in any event take time to become established. As such, it is considered that proposed additional landscape planting would not be sufficient to mitigate the overall scale and bulk of the proposed replacement dwelling in the countryside.

It is therefore considered that due to the significant scale and mass of the replacement dwelling, coupled with the poor design would have a detrimental impact upon the open landscape where the dwelling would be sited. This would therefore be in direct conflict with point four set out in policy RLP15 and would have a greater impact and be more intrusive in the landscape than the original dwelling, contrary to policies RLP15 and RLP90 of the Local Plan

Review, Draft Policy LPP39 of the Emerging Draft Publication Local Plan and policies CS5, CS8 and CS9 of the Core Strategy.

### Impact on Neighbour Amenities

Policy RLP90 states that there should be no undue or unacceptable impact upon neighbouring residential amenities.

Due to the positioning of the replacement dwelling, it is considered that the amenities of neighbouring properties to the rear would not be detrimentally affected by virtue of overshadowing, overbearing or overlooking.

### Highway Issues

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009.

The access to the site would remain unchanged from Witham Road. In addition, the site would be able to accommodate two parking spaces at sizes 2.9m by 5.5m. Furthermore, Essex Highways have no objection to the application. As such, it is considered the highway impacts of the development are in this case acceptable.

### CONCLUSION

In this case, it is considered the significant scale and mass of the replacement dwelling, coupled with its poor design, would have a detrimental impact upon the open landscape where the dwelling would be sited. This would result in a development which would have a greater impact and be more intrusive in the landscape than the original dwelling, contrary to Policy RLP15 of the adopted Local Plan.

### RECOMMENDATIONS

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

- 1 The proposed dwelling would be of a form, size, height and massing that would have a greater impact and be more intrusive in the landscape than the modest bungalow it would replace. Moreover, the elevational treatment, although traditional in its conception, appears incongruous in the context of the substantial mass of the proposed dwelling which only serves to exacerbate the prominence of the proposed dwelling, the detriment to the open character of the countryside and the conflict with Policies RLP15 and RLP90 of the Braintree District Local Plan Review, Draft Policy LPP39 of the Braintree District Emerging Draft Publication Local Plan and Policy CS5 of the Braintree District Core Strategy.

### SUBMITTED PLANS

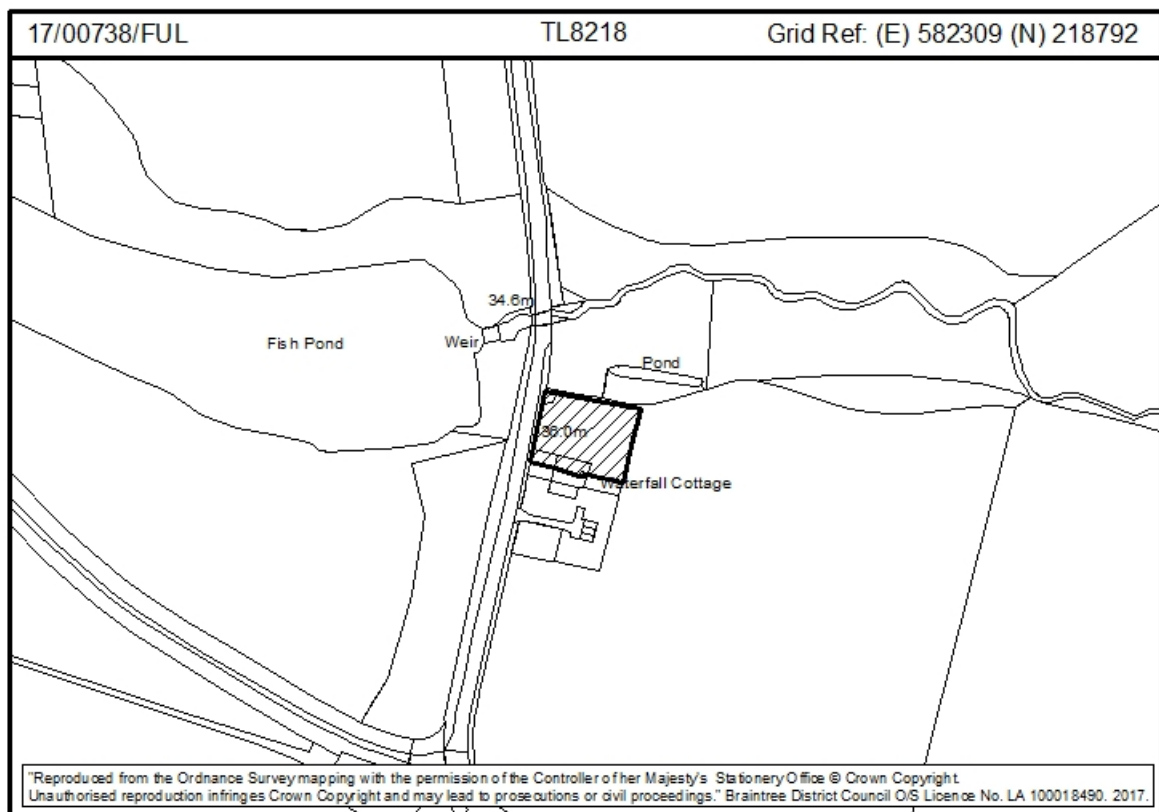
Location Plan	Plan Ref: 01
Existing Block Plan	Plan Ref: 02
Proposed Block Plan	Plan Ref: 03 B
Proposed Floor Plan	Plan Ref: 04 B
Proposed Elevations	Plan Ref: 05 B
Proposed Elevations	Plan Ref: 06 A
Section	Plan Ref: 07 C
Existing Plans	Plan Ref: 600:2 A

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/00738/FUL DATE: 24.04.17  
 VALID:  
 APPLICANT: Vicky Long  
 3 Waterfall Cottages, Park Road, Rivenhall, Essex, CM8 3PR  
 AGENT: Neil Jennings Architect  
 Mr Neil Jennings, Brockwell Studio, 2 Brockwell Lane, Kelvedon, Essex, CO5 9BB  
 DESCRIPTION: Demolition of rear conservatory, erection of two storey side extension and loft conversion  
 LOCATION: 3 Waterfall Cottages, Park Road, Rivenhall, Essex, CM8 3PR

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



## SITE HISTORY

16/01124/FUL	Erection of two storey side extension, loft conversion and detached garage	Withdrawn	06.09.16
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## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP65	External Lighting
RLP84	Protected Species
RLP90	Layout and Design of Development

## Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP81	External Lighting

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee for determination due to an objection from Rivenhall Parish Council which is contrary to Officer's recommendation.

## SITE DESCRIPTION

The site comprises an end of terrace dwelling off of Park Road in Rivenhall Parish. The topography of the land slopes downwards in a northern direction. The site is located in a remote location with surrounding arable fields nearby. The northern tip of the site is also located within Flood Zone 3 due to the proximity of Rivenhall lake.

## PROPOSAL

The proposal comprises the erection of a two storey side extension measuring 4.7m in width, 6.7m in length and 7.7m to ridge height. The materials include slate roof tiles to match existing, a painted render finish with uPVC windows.

The proposal also includes the demolition of an existing rear conservatory and a loft conversion.

## CONSULTATIONS

### Braintree District Council Landscape Services

No objection to the application:

The findings from a bat survey at No.1 Waterfall Cottages identified the presence of bats in the roof void above their property (which was identified to be shared with the other properties in the terrace). As such, the Landscape Services officer required No.3 Waterfall Cottages to carry out their own bat survey to determine the existence of any bats. The survey was conducted by Greenwillow Associated LTD dated July 2017.

In response to the bat survey of No.1 Waterfall Cottages, the comments from the Landscapes Officer were as follows:

*“The roof at 3 Waterfall Cottages appears to be in good condition and may have been replaced relatively recently along with the soffits, the internal facings of the void are draped in polythene sheeting which would be unattractive to bats. The connecting area between the two cottage voids (2 and 3) are also heavily cobwebbed and no evidence of bat droppings were found. The recommendations suggest further survey work but since this will be limited to access to the applicants property the survey is likely to be limited and will probably still not give a comprehensive assessment; it seems reasonable under the circumstances that the decision on the application is supported by an informative about the applicants responsibilities as and when they chose to proceed.”*

The landscape officer was therefore satisfied that the application could be approved with the aforementioned informative.

### Rivenhall Parish Council

Object to the application with the following summarised comments:

Extension proposed too large for row of cottages  
All night lighting detriment to wildlife  
Roosting bats in inter-linked roof space

## REPRESENTATIONS

Four objections have been received from No.1 Waterfall Cottages (two reps), No.2 Waterfall Cottages and Abbots Hall Farm detailing the following summarised objections:

- Bats present in roof space – confirmed by bat survey at property (No.1)

- Bats also present around the cottage
- Issues of existing light pollution – proposal would add further light pollution
- Size and scale of proposed extension too large – while width reduced from withdrawn scheme overall massing is increased from previous proposal due to increase in height
- Render not appropriate on brick cottages – colour not specified

Two letters of support have also been received from Park Gate Farm House (Park Road) and Colemans Farm outlining the following summarised comments:

- Proposal in keeping with cottages
- Little disturbance during construction
- Light pollution can be mitigated against

## REPORT

### History

The site was subject to a previous application reference 16/01124/FUL which sought the erection of two storey side extension, loft conversion and detached garage. This application was withdrawn following concerns expressed by officers to the applicant regarding the size and fenestration of the extension and the siting and size of the garage. The current proposed application has reduced the width of the extension while altering fenestration details. It also removes the garage aspect in its entirety from the application. The application also proposes to demolish an existing rear conservatory extension and include a loft conversion. These elements were initially not included in the description of development, however following correspondence with the applicant these particulars were added to the description of development.

The merits of the current proposed two storey side extension are considered below.

### Principle of Development

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP18 of the Braintree District Local Plan Review and Policy LPP 38 of the Braintree District Publication Draft Local Plan reiterate this, allowing for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, subordinate, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

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

It is considered the principle of erecting extensions is acceptable at the site subject to other relevant policy considerations discussed in more detail below.

### Design, Appearance and Layout

The existing terrace of cottages is relatively simple in character with a red brick finish, solid course and window lintels. The cottages have remained relatively unaltered at the front with the only changes including porches / roof canopies. The bricks on the application site (No.3) have also been cleaned which distinguish No.3 from the other two cottages.

The application in this case proposes a two storey side extension to No.3. The extension would measure 4.7m in width (reduction by 0.2m from withdrawn scheme), 6.7m in length, and a total height of 7.7m (an increase of 0.6m from withdrawn scheme). The current revised scheme has therefore reduced the overall width of the extension but raised the height to better relate to the existing row of cottages. The extension would also be stepped back and stepped down from the front elevation and main ridge height respectively. In addition, the proposed render finish will help distinguish the original terrace and the extension element so there is a clear visual difference. The fenestration details have also been simplified dramatically on the front and side elevations from the previously withdrawn scheme; the large area of glazing to the front has been removed, while the proposed front dormer has also been removed and replaced with a traditional window as the extension has increased in height. In addition, a conservatory addition at the rear of the building is proposed to be removed which would reduce the overall built form on the dwelling.

It is considered that the extension would still represent a large addition to the existing terrace of cottages. However, with the aforementioned reduction in width, increased height, simplification of fenestration and removal of conservatory, it is considered on balance that the extension would not have a detrimental impact on the character of the cottage, or the row of terraces it relates to. It is therefore considered the proposal is acceptable in this regard.

The proposed loft conversion would not require any physical changes to the exterior of the roof; the only additions would be two velux windows on the rear roof plane. It is considered that this is also acceptable.

### Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies RLP17 and RLP90 state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Due to the size, scale and positioning of the extension, it is considered the proposal would not give rise to detrimental impacts upon neighbouring properties by virtue of overlooking, overshadowing or overbearing. As such, it is considered the proposal is acceptable in this regard.

### Highway Issues

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009.

There would not be any material changes with regard to parking or access requirements at the site. As such, it is considered the proposal is acceptable in this regard.

### Ecology

Policy RLP84 states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by emerging draft Local Plan Policy LPP68.

In this case, the residents of No.1 Waterfall Cottages conducted their own bat survey in their loft space which confirmed the presence of 1 bat. The report states that the roof spaces between the three terraced cottages contain small gaps which a bat could fit through to enter the loft space of the other two cottages. The report concluded that a further survey was required in the roof space of No.3 Waterfall Cottages as they were proposing to convert the loft.

A bat survey was therefore conducted in the roof space of No.3 Waterfall Cottages and a report submitted to the Council. The Landscape Services Officer has studied both reports in detail and highlighted that no evidence of bats were found in the roof of No.3. Furthermore, it is identified that other evidence including recent works to the loft including new soffits and polythene sheeting are not attractive to bats. As such, the Landscapes Services Officer

had no objection to the application, subject to an informative reminding the applicant of their legal obligations regarding the protection of bats.

### Other Issues

#### Lighting

Policy RLP 65 (external lighting) is referenced in a letter of objection regarding lighting that currently occurs and would occur with the extension at the site. Policy RLP65 is however implicit in that it only relates to proposals for external lighting that require planning permission. Domestic lighting on an existing property would not require planning permission and as such the Local Planning Authority could not reasonably impose any control over lighting at the site.

### CONCLUSION

The principle of erecting an extension is acceptable. The extension would add significantly to the floorspace at the property, but its size, form and elevational treatment would represent an appropriate addition to the terrace of cottages. There would be no detrimental neighbouring or highway impacts associated with the proposal. The bat survey findings show no evidence of bats in the roof space and as such development can proceed with an attached informative to 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: 1609/01
Proposed Plans	Plan Ref: 1609/03B
Site Plan	Plan Ref: 1609/04

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

#### Reason

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

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

#### Reason

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

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

Reason

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

INFORMATION TO APPLICANT

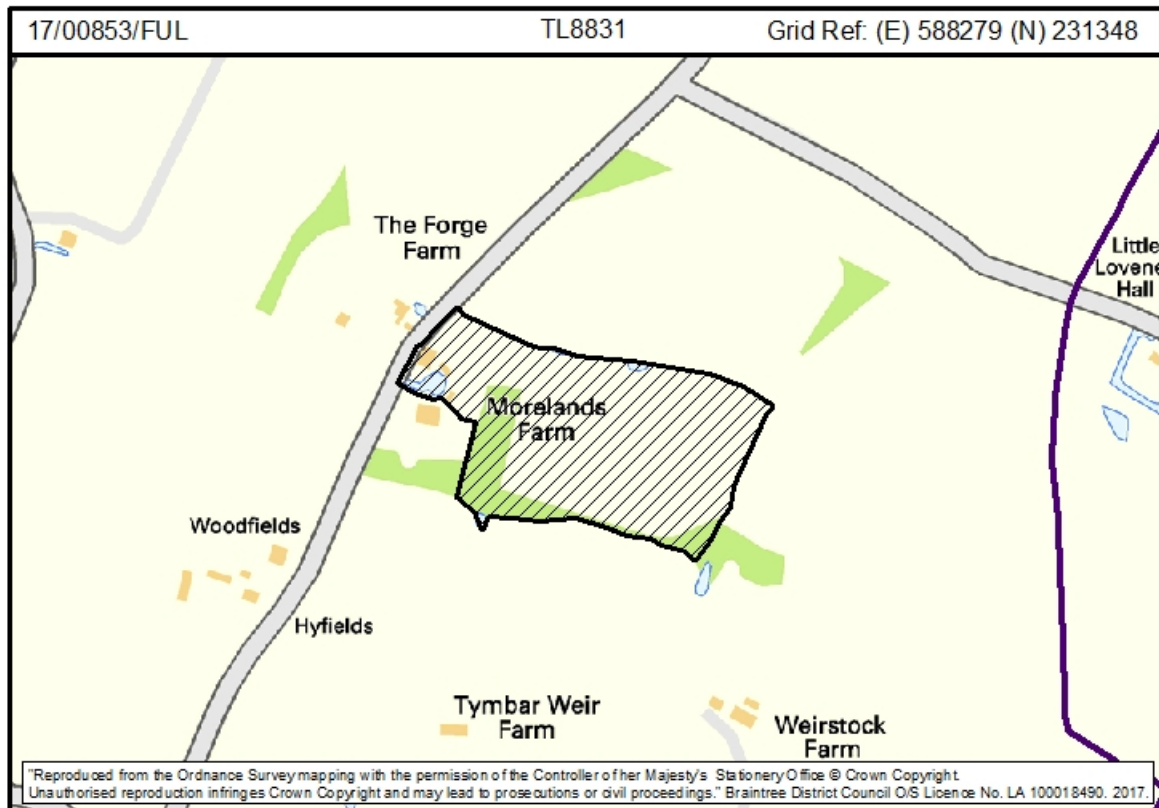
- 1 The applicant has a legal responsibility to ensure that bats, as a protected species, are not killed, injured or disturbed as a consequence of their actions. The results of the survey and the conditions prevailing in this part of the roof void including the use of polythene sheeting inside the roof void gives a low likelihood of bat activity at the time the survey was commissioned; however, there is always the possibility that species might occupy the site between the time of the assessment and the commencement of works on the site. If any protected species are discovered during any construction works a qualified ecologist should be contacted for advice or assistance on whether a licence is required from Natural England before work can proceed. Further details of the legal obligations in this regard can be found at [www.gov.uk/guidance/bats-protection-surveys-and-licences](http://www.gov.uk/guidance/bats-protection-surveys-and-licences).

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/00853/FUL DATE: 13.06.17  
 VALID:  
 APPLICANT: Mr & Mrs S Snowling  
 Morelands Farm, Bures Road, White Colne, Essex, CO6 2QF  
 AGENT: Mr Nigel Chapman  
 Nigel Chapman Associates, Kings House, Colchester Road, , Halstead, CO9 2ET,  
 DESCRIPTION: Alterations and extensions consisting of replacement porch, demolition of rear lean-to and erection of two storey rear extension.  
 LOCATION: Morelands Farm, Bures Road, White Colne, Essex, CO6 2QF

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



## SITE HISTORY

91/00531/E	Proposed Touring Caravan Site		
91/00539/E	Proposed Touring Caravan Site		
05/00232/COU	Conversion of redundant farm barn and associated lean-to structures into annex accommodation for holiday lettings	Granted	05.12.05
15/01429/FUL	Conversion of barn to a dwelling	Granted with S106 Agreement	31.03.16
16/01581/DAC	Application for approval of details reserved by condition nos. 8 and 9 of approved application 15/01429/FUL	Granted	22.12.16
16/02169/FUL	Erection of detached annex building	Withdrawn	06.02.17
17/00455/FUL	Retention of garage and garden store	Refused	21.06.17
17/00689/DAC	Application for approval of details reserved by condition no. 6 of approved application 15/01429/FUL	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, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16<sup>th</sup> June to 28<sup>th</sup> July 2017.

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP90	Layout and Design of Development

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

CS5	The Countryside
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
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee because the agent is related to a member of staff.

## SITE DESCRIPTION

Morelands Farm is a detached dwelling located in the countryside approximately 2 miles to the northeast of White Colne. The dwelling is located close to the road at the western end of the site. There is a semi-circular driveway adjacent to the dwelling with a vehicular access at either end on to Bures Road. There are mature trees to the northwest of the house encircled by the driveway. There is ample parking for vehicles within the curtilage. The property is set in an extensive plot with formal gardens behind the house leading to an outdoor pool, stables, and lawned area with paddocks beyond. The Forge Farm opposite the site is Grade II Listed.

## PROPOSAL

The proposal seeks approval to demolish the existing small porch at the front elevation and to erect a larger porch. It is also proposed to demolish an old lean-to at the rear which houses a boot room and to erect a two storey rear extension to provide a larger kitchen, dining area, and boot room at the ground floor; and to rearrange and increase the footprint of the accommodation at the first floor to gain a master suite.

## CONSULTATIONS

Parish Council – No comment

Landscape Services – No response received

Ecology – A Habitat Suitability Assessment in respect of Great Crested Newts (Arbtech Consulting Ltd, June 2017) has been submitted as part of the application. The preliminary survey has determined that Great Crested Newts are unlikely to be present and thereby affected by the proposed development. It is therefore considered unnecessary for further survey works to be completed. To ensure there is no disturbance or harm caused to protected species the applicant should be reminded that if Great Crested Newts are found during demolition of the old extension (or at any other time during building works) then the work should cease immediately and further advice sought from a qualified ecologist.

## REPRESENTATIONS

None

## REPORT

### Principle of Development

The site is located in the countryside where development is strictly controlled. The proposal relates to an existing dwelling.

Core Strategy Policy CS9 Built and Historic Environment seeks to promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment. Furthermore, the adopted development plan requires that proposals for new development be in harmony with the character and appearance of the surrounding area. RLP90 seeks a high standard of layout and design in all developments, large and small in the district.

Policy RLP18 Extensions to Existing Dwellings in the Countryside states inter alia that: Planning permission will be granted for the extension of a habitable, permanent dwelling in the countryside, subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position...The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings.

Policy LPP 38 Residential Alterations, Extensions and Outbuildings states that: Residential alterations, extensions and outbuildings will be permitted, provided they meet all the following criteria; a. There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The Council will have regard to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings b. The property design, siting, bulk, form and materials of the alteration, extension or outbuilding should be compatible with the original dwelling and character of the area c. Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position d. There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing of light or an overbearing impact e. There should be no adverse material impact on the identity of the street scene and/or the appearance of the countryside f. There should be no unacceptable adverse impact on any heritage asset or their setting g. In the countryside, new outbuildings should be well related to the existing development on the site and within the curtilage of the dwelling.

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 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. The more important the asset, the greater the

weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

Policy LPP 60 Heritage Assets and their Settings states inter alia that the Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.

There is therefore no objection in principle to an extension(s) in this location subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity, or any heritage assets.

#### Design, Appearance and Layout

The house is mainly finished in render with some black boarding at the rear. The roof is tiled. Materials and finishes are proposed to match existing.

There is a small porch at the front of the dwelling just wider than the front door and approximately 1 metre in depth. It is proposed to replace this with a slightly larger porch with a footprint of approximately 2.4 x 1.7 metres. The porch would be rendered and have a pitched roof, and would look very similar to the existing arrangement.

It is proposed to create a new gable at the southwestern end of the building to create a double gable at that end. A new hipped gable is also proposed at the rear with a single-storey element between the two rear gables. A hipped and flat roof section was proposed between the two gables at the southern end of the property this was considered to appear overly bulky and following discussion with the applicant the roof has been amended to reduce visual bulk in this area. Two domed rooflights were also proposed over the en-suite and the landing: these were considered to be out of keeping with the host and following discussion with the applicant these have been changed to flat top conservation style rooflights.

It is considered that the porch and extensions are subordinate to the host, and that the proposal is in keeping with the host and the character of the area, and will not be detrimental to heritage assets.

### Impact on Neighbour Amenity

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

### Highway Issues

It is considered that there are no highways impacts associated with the development.

### CONCLUSION

In this case, it is considered that the revised proposal is acceptable in terms of design and highway considerations and there would be no detrimental impacts upon neighbouring residential amenity or heritage assets. The proposal is considered to be in keeping with the host and the character of the area.

### RECOMMENDATIONS

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

Proposed Floor Plan	Plan Ref: 16/901/6	Version: d
Proposed Elevations	Plan Ref: 16/901/9	Version: b
Proposed Sections	Plan Ref: 16/901/10	Version: b
Location Plan	Plan Ref: 16/901/1	
Block Plan	Plan Ref: 16/901/12	

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

#### Reason

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

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

#### Reason

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 The applicant is reminded that if Great Crested Newts are found during demolition of the old extension (or at any other time during building works) then the work should cease immediately and further advice sought from a qualified ecologist.

TESSA LAMBERT  
DEVELOPMENT MANAGER