

## **PLANNING COMMITTEE AGENDA**

**Tuesday 26th May 2020 at 7:15pm**

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

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

To access the meeting please use the link below:

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

---

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

**Membership:-**

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

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

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

A WRIGHT  
Chief Executive

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

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

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

## **Public Question Time Registration**

In response to Coronavirus the Council has implemented new procedures for public question time.

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

The Council reserves the right to decline any requests to register if they are received after this time.

Registered participants must submit their written questions/statements no later than 9am on the day of the meeting by emailing them to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

Participation will be via the submission of a written question or statement which will be read out by the Chairman or an Officer during the meeting. All written questions or statements should be concise and should be able to be read within the 3 minutes allotted for each question/statement. The question/statement will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted question/statement.

The order in which questions and statements will be read is members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

Members of the public can view the meeting via the Council's YouTube Channel - Braintree District Council Committees.

**Documents:** All documents for this meeting are available on the Council's website. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk) or [www.braintree.gov.uk/info/200141/committee\\_timetable\\_committees\\_and\\_meetings](http://www.braintree.gov.uk/info/200141/committee_timetable_committees_and_meetings)

**YouTube Broadcast:** Please note that this meeting will be recorded and available on the Council's YouTube Channel - Braintree District Council Committees and will be available via: <http://braintree.public-i.tv/core/portal/home>

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

For further information on how the Council processes data, please see the Council's Privacy Policy.

[https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

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

## **PUBLIC SESSION**

## **Page**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 12th May 2020.

### **4 Public Question Time**

(See paragraph above)

### **5 Planning Applications**

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

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

#### **PART A**

#### **Planning Applications**

- a Application No. 19 01222 REM – Land North East of Inworth Road, FEERING 5-39**

#### **PART B**

#### **Minor Planning Applications**

**(There are no applications in Part B)**

## **PRIVATE SESSION**

## **Page**

### **6 Urgent Business - Private Session**

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

There are no items for Private Session for this meeting

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)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUDRACBFHE200>

## 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
16/00569/OUT	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.	Granted with S106 Agreement	19.12.17
19/00013/DAC	Application for approval of details reserved by condition no 3 of approval 16/00569/OUT - 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.	Granted	29.05.19
19/01437/DAC	Application for approval of details reserved by condition 5 of approved application 16/00569/OUT	Part Grant, Part Refused	06.09.19
19/01438/DAC	Application for approval of	Granted	11.10.19

	details reserved by conditions 6 and 13 of approved application 16/00569/OUT	
19/01439/DAC	Application for approval of details reserved by conditions 9, 12 and 14 of approval 16/00569/OUT	Pending Consideration
19/02234/REM	Application for approval of reserved matters following outline approval 16/00569/OUT - Approval of Reserved Matters (layout, scale, appearance, and landscaping) comprising the construction of 162 dwellings, new public open space, car parking and associated infrastructure works.	Pending Consideration
20/00780/DAC	see covering letter	
20/00781/DAC	see covering letter	
20/00782/DAC	see covering letter	

## 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 ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

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

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

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

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

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities are awaiting the Inspector's initial findings in the next few weeks.

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

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

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

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

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

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



into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
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
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
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
LPP60	Heritage Assets and their Settings
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

## Feering Neighbourhood Plan

The Feering Neighbourhood Plan is at an early stage of preparation (regulation 14). This means that a plan has been published for public consultation, however it's now undergoing the first round of two rounds of consultations. There are also a large number of further 'steps' in the process

required before the Feering Neighbourhood Plan can be fully adopted. In any case, the policies in the plan could change considerably by the time it is adopted, especially between Regulation 14 and Regulation 15. At this time it is unclear what changes, if any, would be required.

Paragraph 48 of the NPPF allows LPAs to give weight to relevant emerging policies subject to, inter alia, the stage of preparation and extent of unresolved objections. Thus in decision making, while the existence of the plan is acknowledged, due to its stage of preparation, it can only hold minimal to no weight in the determination of the current Reserved Matters application.

### Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement  
Open Space SPD

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

This application is being reported back to Planning Committee following deferral at Planning Committee by Members on 17<sup>th</sup> December 2019. The application was deferred in order for Officers to go back to the Applicant to address a number of issues & points of clarification with the scheme, which are summarised below:

1. Affordable housing distribution within the application site
2. Compliance with the Nationally Described Space Standards
3. Compliance with garden size standards
4. Location of the three storey flatted block
5. Location of the play space
6. The usability of the Public Open Space
7. Biodiversity net gain – trees/ landscape
8. Differentiation of character areas

The purpose of this report is therefore to identify the changes made to the application since Planning Committee held on 17<sup>th</sup> December 2019 as well as continuing to provide a thorough assessment of the merits of the application.

The Parish Council also maintain their objection to the application contrary to Officer's recommendation of approval.

### SITE DESCRIPTION

The application site comprises an irregularly-shaped, but broadly triangular, area of arable land of about 5.5ha. 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 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

Outline planning permission (Application Reference 16/00569/OUT) was approved at the site for the erection of up to 165 dwellings, which included the access to the site. This application considers the other detailed matters reserved for consideration, namely: Layout, Appearance, Scale, and Landscaping.

As part of the conditions for application reference 16/00569/OUT, a 'Site Wide Strategy' was required to be submitted before a reserved matters application could be submitted (Condition 3). The purpose of the Site Wide Strategy was to establish a set of core principles which this site, and the remaining wider strategic allocation, would need to conform to at the detailed stage of development. The Site Wide Strategy document was approved on 29<sup>th</sup> May 2019.

The reserved matters application is therefore required to accord with the core principles of the Site Wide Strategy and this will be explored throughout the report. It should be noted that the development has gone through a number of iterations since initial submission in order to address concerns raised by Officers and members of the public, and now Planning Committee Members as appropriate.

In respect to 'Layout', although the outline application gained approval for up to 165 dwellings, the development now proposes 162 dwelling units (including 65 Affordable dwelling units) in order to provide a higher quality layout. The roads are divided up into their respective hierarchies as agreed in the Site Wide Strategy; Access is taken as agreed from London Road in the 'Boulevard hierarchy', which will form the main route through to the other parcels of development when they come forward. The boulevard would comprise dwellings accessed via private drives, footways and symmetrical banks of trees. The 'Street' hierarchy would primarily contain footways but on a standard carriageway, and include parking in tandem at the side of houses accessed from the road directly. The 'Lanes' would comprise shared surface

roads with parking either at the front or at the side of each dwelling. The 'Green Lanes' would comprise a one sided footpath with a stronger concentration of 2½ storey houses. Finally, the affordable housing would now be concentrated primarily in three areas of the site.

In respect to 'Appearance,' the aforementioned character areas define the style and appearance of each of the dwellings, as well as their respective boundary treatments. For example, the 'Boulevard' would be characterised by brick dwellings with some examples of mock-Georgian detailing, while the 'Streets' would introduce a mixture of brick and render, and the 'Green Lanes' would introduce some weatherboarding onto the house types.

In respect to 'Scale', the development comprises a mixture of 1, 2, and 2½ storey dwellings, and two 3 storey apartment buildings. The main scale is 2 storey, while the instances of 2½ storey are primarily concentrated in areas overlooking public open space. The 3 storey flat buildings have been relocated so they would be adjacent to the proposed public open space.

In respect to 'Landscaping', the layout also includes two areas of open space and seeks to retain existing hedging/trees on the site which are of more significance. The way that the open space has been designed is that it would likely be able to be linked to the wider allocation when that comes forward for development. It is therefore aiming to be holistic in its approach and not prejudice the wider allocation.

## CONSULTATIONS

### Historic England

Maintain the view that they do not wish to offer any comments. Suggest seek views of local Historic Buildings Consultant.

### Historic Buildings Consultant

For the plans considered by Planning Committee held on 17<sup>th</sup> December 2019, the Historic Buildings Consultant identified less than substantial harm on the setting of Cobham Oak Cottages from the proximity of the three storey flatted block.

Following receipt of the latest revised plans following deferral from Planning Committee which relocated the flatted block, the Historic Buildings Consultant identified a reduction of harm to the setting of Cobham Oak Cottages. However, the Historic Buildings Consultant still identified less than substantial harm (at the lower end) to the general principle of developing the site:

*"As stated in my previous consultation, the north western section of the site is located behind Cobham Oak Cottages, a Grade II\* listed building (list entry number: 1123836), which features a Grade II listed water pump within the site (list entry number: 1169412). The grade II listed public house, The Old Anchor, is opposite, further west of the application site*

*(list entry number: 1169347). The buildings form a collection of buildings indicative of the historic appearance of Gore Pit, a small hamlet now part of the larger village of Kelvedon.*

*The revised plans for the site have relocated the proposed three-storey blocks of flats, which were an initial cause for concern, further away from Cobham Oak Cottages. The south western corner of the site will now be occupied by two storey dwellings and parking. This is an improvement, creating a development which will have a much lower visual impact upon the setting of the listed building, comparative to the originally submitted plans.*

*In terms of its setting, the existing surrounding development has greatly altered the way in which Cobham Oak Cottages are understood and experienced, encroaching upon its once relatively rural location. An additional large-scale development of the land to the rear of the house could thus be considered as causing cumulative harm to the significance of the heritage asset, by detracting from its setting. However, due to existing dwelling north east Cobham Oak Cottages, which severs the relationship between the building and the fields beyond, this harm would be considered at the low end of less than substantial and therefore should be weighed against any public benefit there may be from the rest of the scheme.”*

#### Highways England

Continues to offer no objection.

#### Essex Police

Continues to comment that the boundary treatments appear suitable. Raise some issues with the lighting plan from a security perspective (*N.B the lighting plan is indicative only at this time*).

#### ECC Archaeology

Continues to have no comments until discharge of condition application is submitted. No further conditions needed.

#### Essex County Council SUDS

Initially raised an objection to the discharge of conditions 12-14 on the Outline consent. However further information was provided and the SUDS Officer had no objection.

#### Essex Highways

Following receipt of the latest revised plans, the Highways Officer requested some minor amendments to the layout to include traffic calming measures.

These were subsequently included and therefore Essex Highways had no objection.

#### ECC Ecology

No objection to the development. Identified that no further measures should be required before determining the application, subject to the mitigation contained within the HRA – Appropriate Assessment being approved in full by Natural England (they have since approved). Initially recommended a condition in respect to biodiversity enhancement, however identifies that this has been completed. Requests two further conditions in respect to badgers and lighting.

#### Natural England

No objection subject to appropriate mitigation being secured.

#### BDC Waste Services

No objection to the latest revised plans. The revised refuse and recycling plan satisfies the requirements needed for Braintree District Council to carry out refuse and recycling collections.

#### BDC Strategic Housing Officer

Identified no objection to the latest revised plans, however identifies the following considerations in respect to the distribution of affordable housing:

*“In reference to recent revisions to the above application that include substitution of an affordable 2 bed house for a 3 bed house and modifications to the clustering of the affordable housing element of the proposal. I confirm we are happy with the changes given the constraints in terms of the site’s shape coupled with 40% of the housing being affordable. On all large housing schemes our usual recommendation is to cluster the affordable units in reasonable numbers rather than pepper potting them throughout.*

*Historically, pepper potting of affordable homes was initially encouraged by Government. This followed the move towards mixed tenure development in the late 1980’s which provided alternatives to uniform estates with mono-tenure which were thought to segregate socio-economic groups. However, because of difficulties in management the pepper potting method has commonly evolved into a preference for grouping affordable housing into clusters. This approach is greatly favoured by registered housing providers because they consider this to be most practical way to provide effective management.”*

#### BDC Landscape Services

Identified no objection to the latest revised plans. Suggest more information is requirement on the management of the public open space areas, but outlines

this could be covered by the Landscape and Ecological Management Plan of Condition 11 from the Outline Consent.

## PARISH / TOWN COUNCIL

### Feering Parish Council

*[Summarised responses received on 22/08/2019 and 03/12/2019 in advance of Planning Committee held on 17<sup>th</sup> December 2019]:*

Feering Parish Council accept the principle of residential development at the site but have the following summarised objections to the initially submitted layout:

- Plans not consistent with character of Feering
- Little variation across the site
- Missed opportunities with the layout – mews development, terraces etc
- No examples of three storey buildings - harm to heritage asset
- Development at the front of the site should overlook near access/or future roundabout
- Edge to Threshelfords Business park poorly articulated
- No right of way behind dwellings on Inworth Road
- Affordable housing too concentrated in one area of the site
- Severe impact on highway network
- Not sufficient services or facilities in village to meet the needs of residents
- Not sufficient amount of unallocated parking
- Domination of private frontage parking in 'Lanes' character
- Open spaces will be attenuation basins for SUDS and therefore not useable
- Green spaces poorly integrated to built form
- Boulevard missed opportunity to provide regular tree planting and wider verges
- Greater opportunity to provide more trees throughout the development
- No clarification on hedge work at the front of the site
- The Parish Council maintain their objection to the revised scheme considering that the plans do not go far enough to address their concerns

*[Summarised response received on 26/02/2020 following revised plans post Planning Committee held on 17th December 2019]:*

- Acknowledge positive changes made since committee
- Continue to accept principle of development but still have concerns relating to detail
- Principle of three storey dwellings unacceptable in Feering
  - Uncharacteristic and not found elsewhere
  - Set precedent
- Site Wide Strategy in conflict with Feering Design Guide



- Flat blocks uninspired design
- Limited trees in 'street' character area
- Safety and usability of Suds attenuation basins
- Parish Council wish to take ownership of the open space (but acknowledge deed of variation required to Outline consent)
- Limited housing mix not meeting needs of the area
- Lack of sustainable measures proposed
- An Appropriate Assessment is needed for HRA

#### Kelvedon Parish Council

*[Summarised responses received on 12/08/2019 & 06/12/2019 in advance of Planning Committee held on 17<sup>th</sup> December 2019]:*

Kelvedon Parish Council accept Principle has been established however still had the following summarised concerns:

- Significant strain on the highway network
- Many other developers in area also now granted consent which will add additional traffic
- Other undetermined applications which will also add traffic
- No site wide master plan
- Should be referencing best practice documents
- Design of houses not high quality – choice of materials not good aesthetically for roads in lanes area
- Three storey flat block near to Grade II\* listed property not acceptable
- Pepper potting of affordable housing required
- Public open space is poorly designed
- Tree surveys are incomplete
- TPO's should be made on the trees adjoining the PROW at the rear of the site
- Low walls should be removed from design
- No details of bin stores
- Shared surface isn't shared space in the road hierarchy
- Entrance to boulevard is weak
- Planting of morus nigra overhanging a public footpath not good
- Low hedge between plots 28-156 not appropriate in this area

*[Summarised response received on 13/03/2020 following revised plans post Planning Committee held on 17<sup>th</sup> December 2019]:*

- Welcomes relocation of the flatted block
- Raises a number of concerns over a number of the specific tree planting species proposed
- Roads too lengthy and could be better designed
- No electric charging points for the flats
- Not clear on depth of SUDS features
- Foul drainage system appears to go below canopies of existing trees

## REPRESENTATIONS

Prior to the Committee held on 17<sup>th</sup> December 2019, there were 60 objections received setting out the following summarised concerns / objections:

- Infrastructure not sufficient - unacceptable impact on traffic until new A12 slips are built
- Numerous major developments occurring in Feering/Kelvedon & Tiptree which would only increase pressure on the roads
- Access to the station too far from the site for walking
- Services and facilities not sufficient to cope with demand
- Three storey out of character with village and could set precedent
- Overly urban features such as railings
- Monotonous designs & inadequate landscaping – street scenes misleading
- 165 dwellings too many for size of land
- Harm to setting of Grade II\* Listed Building – the heritage statement submitted late in process not comprehensive or accurate
  - To approve would be contrary to law protecting listed buildings
- Different design to outline approval – overdevelopment, too dense and lack of imagination
- Insufficient back-to-back distances
- Overlooking, loss of amenity and light – contrary to policy
- Lack of visitor parking – and poorly distributed
- Road sizes inadequate and not accord with policy – footpaths are also too small
- Development requires sufficient off road parking& cycle parking
- Access to the site insufficient – cars traversing over speed limit already – accident since ground works for archaeology started on site
- Roundabout or T-Junction?
- No supporting employment provision – no capacity in existing villages
- Potential problems with contractors parking on high street during construction
- No safe walking route on Inworth Road from houses to Threshfords Business Park
- Poor pedestrian permeability across the site
- No safe walking route from development to local schools – crossing should be updated and footpaths widened
- Development premature to wider allocation and neighbourhood plan – doesn't confirm to design code being prepared
- Strip of land at rear of houses on Inworth Road is now a wildlife haven
- Moving hedgerows should not be allowed
- Other wildlife will now be harmed – land not been farmed for 16 years
- Developer using out of date ecology report
- Insufficient drainage/sewage capacity at the site
- Sea level rise- need to retain all green land

- Climate emergency – developer should provide full analysis of Co2 emitted from development
- Public Right of Ways incorrectly shown
- Building on part of land they do not own
- Development doesn't confirm to DAS
- Does not deliver sustainable development
- Very little has changed on the revised plans
- Drainage issues from hardstanding
- No lifts in 3 storey flats – not good for people with limited mobility
- No electric charging points
- No equipped play space
- No information on lighting

Since the re-consultation period of the 7<sup>th</sup> of February, a further 36 objections/comments have been received from multiple addresses (some the same address) including two objections from the respective Feering Ward Councillors. Kelvedon & Feering Heritage Society also maintain their objection to the application.

The objections generally reiterated a large number of more general comments raised above (impact on infrastructure etc) and thus these will not be repeated in full; instead comments will be replayed that more focused on the detailed merits of the revised plans:

- Not materially changed from previously deferred application
- Density of development still too high – cramped and overdeveloped
- Not sufficient mix of housing to meet needs of village
- Tenure should be more varied
- Three storey flats still out of character
- Insufficient information on open space & children's play area
- Affordable housing still too concentrated
- Works to access started impacting on protected tree
- Not enough biodiversity enhancement
- No/insufficient footpaths or cycle ways
- Insufficient parking
- Pedestrian safety issues in the lanes character area
- Need to address design issues
- Continued detrimental impact on setting of Grade II\* Listed Building
- Minimal landscaping in back gardens
- Lack of street lighting
- Lack of sustainability credentials

## REPORT

### PRINCIPLE OF DEVELOPMENT

The principle of developing this site for residential has been established through the grant of outline planning permission (Application Reference

16/00569/OUT). Matters of Access have also been previously approved. As such, this proposal considers matters reserved for consideration at the outline planning application stage, namely: Appearance, Scale, Layout and Landscaping.

This report will consider the merits of the application, and refer to those issues 1-8 raised by Members at the deferral of the application at the meeting of the 17<sup>th</sup> December 2019 throughout the report as appropriate.

## SITE ASSESSMENT

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, the Governments 'National Design Guide 2019' places increased importance on the importance of good design, amenity, wellbeing and sense of place for all developments.

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

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Following the grant of outline planning permission, the proposed development has gone through numerous iterations following discussions at pre-application and application stage. These discussions sought to improve the overall quality of the layout and design of the development, while adhering to the agreed Site Wide Strategy. The development has been further revised to take into account of comments made by Members at Planning Committee held on 17<sup>th</sup>

December 2019. The development now proposed is therefore a reflection of further successful negotiations between the Council and the Developer.

### Character Areas

In respect to the character areas, the approved Site Wide Strategy comprised four different character areas on the site; the 'Boulevard,' the 'Streets,' the 'Lanes,' and 'Green Lanes.' The aim of each character area is to provide a street hierarchy which is notably different as one would transverse through each area of the development. It is expected that these character areas would be continued through in the remaining wider allocation when that is to come forward. This site acts as Phase 1 of the wider allocation, and it is therefore extremely important to secure an appropriate and successful street hierarchy through the agreed Site Wide Strategy.

At Planning Committee held on 17<sup>th</sup> December 2019, Members had some general comments on the character areas and sense of place being created, commenting that some areas look similar. Since the Planning Committee, the character areas remain unchanged in terms of their key features. This is because these features were approved as part of the Site Wide Strategy which was a condition attached to the outline approval. It is important to note however that the Site Wide Strategy was heavily influenced by the existing characteristics of Feering; from the concentration of different house types (detached/semi etc), key buildings, building positions and frontages, parking, materials, landscaping, architecture/styles and more general detailing such as chimneys and boundary treatments.

The proposed character areas therefore are a result of seeking to retain and enhance key characteristics found in Feering, but also create its own identity and character which would be able to be replicated across the wider development site. Furthermore, while not required by law, the Council consulted the Parish Council on the particulars of the Site Wide Strategy before it was approved. The Parish Council raised a number of more detailed points, all of which were not being considered at that time (layout etc). The only comment that the Parish Council had in respect to four street types was that it was not typical of the Essex Design Guide. There were no specific comments made about the other detailed particulars of the character areas. Officers responded to the Parish Council at the time setting out:

*"It should be noted that the SWS (site wide strategy) isn't meant to be so detailed that it covers the actual proposed layout, numbers of flats, houses, where affordable housing is etc. These details will be sorted at the Reserved Matters stage. Principally the SWS is concerned with discharging the condition attached to the outline which talks about character and public realm strategy, as well as parking strategy etc. By defining the hierarchy of streets and other particulars the SWS is doing that.*

*In terms of character, it is important to respond to local context while also providing a good sense of place for the development. This SWS will hopefully inform the wider allocation strategy also. As such, following the*

*Essex Design Guide streets isn't necessarily always the correct way for development to proceed."*

In terms of reviewing each of the character areas in more detail, the first and perhaps most important character area is the 'Boulevard.' The strategic allocation is expected to accommodate over 750 new dwelling units when it comes forward. It is therefore important to establish a definitive character which will form the spine road throughout the wider site. The 'Boulevard' would therefore comprise wide verges, a wide 6.75m road, a 2m footpath on one side and a 3m foot/cycle path on the other side. Dwellings would be detached and semi-detached and accessed from private shared surface drives from the boulevard. Trees with a 75-100 year life expectancy would be included along the boulevard and planted at regular intervals in order to create an appropriate sense of place and arrival into the development. There is also some visitor parking within the verges but these are generally more limited in number.

The Boulevard character area is probably the most distinct character area, with the road widths and trees not necessarily found elsewhere in Feering as it currently exists. However, in this development, the overall area of 'Boulevard' would be limited as it would go through the top part of the site, but would comply with the principles as set out in the Site Wide Strategy. Concerns have been raised by residents about the urban nature of the layout; however the development due to its size has to create its own character and sense of place for future occupiers. As such, to accommodate the total number of dwellings proposed across the entire allocation, a more urban solution is appropriate to provide the necessary character variations and sense of place. In any case, the Boulevard area does pick up other similar features found in Feering such as mock Tudor architectural detailing and private drives.

Moving into the 'Streets' character area, this is the next tier down in terms of the street hierarchy. It would comprise more traditional 5.5m wide roads with footpaths either side which is more characteristic of most modern cul-de-sac development (and development found in Feering). It would also include a minimum of 2m frontage for each dwelling with low railings to enclose the frontage space, and assist in providing its own character as one traverses through the site. Railings in the front areas are limited to this part of the site only, thus it will be distinctive in terms of character from other areas of the site.

Dwellings would either be detached or semi-detached. In the layout, the 'Street' character area comprises two elements; the main link road which would comprise the above features (railings etc), but also a subsidiary shared surface road which would come off of this. This shared surface road within the 'Street' character area would not wholly conform to the principles agreed in the Site Wide Strategy. Rather, it has been deliberately designed to identify that it is not the main route through to the site, but instead a dead end to signal that that it is not the correct way to proceed further into the

development. It does however propose a pedestrian route through this area to ensure permeability across the site.

In any case, this area has a large number of similarities to the 'Street' character area by virtue of the design of the houses and also the tandem parking. As such, the area would not look out of keeping within the 'Streets' Character area, and would instead be an appropriate design solution. Overall, it is considered that the proposed layout in this area would largely conform to the 'Street' character area in the Site Wide Strategy and provide a suitable variation in character from the main boulevard area.

The site then moves logically into the remaining two character areas; the 'Lanes' and the 'Green Lanes.' Both these character areas are similar in their characteristics, although include key subtle differences. Starting with the 'Lanes,' these comprise a 6m shared surface road with a predominance of frontage parking, some tandem parking and parking courts. A key principle in the Site Wide Strategy is that with frontage parking, there would be a strip of landscaping and tree for every four spaces. This has now been achieved. The frontage parking would also generally incur the requirement of a low brick wall and footpath fronting that. The dwellings would be predominantly terraced or semi-detached, with odd examples of detached dwellings. This character area also includes the two flatted buildings. The 'Green Lanes' by comparison comprise 5.5m roads with a 2m footpath on one side, and open space on the other side. Parking would be in tandem and the dwellings would be a mixture of detached and semi-detached. Visitor parking would be located around some areas of the open space.

Matters of means of enclosure have been conditioned as part of the Outline Consent, however have also been included on a means of enclosure plan. In terms of more general comments; the plan shows a number of different solutions depending on the context of the site. Firstly, a 2m high close boarded fence would form the eastern boundary of the site in the 'Street' character area. Back gardens would comprise 1.8m high timber panel fencing, while tandem parking areas would consist of a standard 1.8m close boarded fence. 1.8m Brick walls would front any prominent boundary with the public realm. 1.2m railings would be located on the frontage of dwellings in the 'Street' character area. There are also examples as previously discussed of low 0.6m brick walls in front of parking areas to protect amenity. While these details would be secured at the discharge of condition stage, it shows that the public realm would comprise high quality features which will only add to the overall character and sense of place created by the development.

Taking into account all of the above, it is considered that the reserved matters application would comply with the Site Wide Strategy in respect to the street hierarchy and character areas. It is considered that these areas take sufficient cues from the existing character of Feering, while being highly transferrable to the remainder of the wider allocation when this comes forward. As such, while the character areas have not changed since Planning Committee held on 17<sup>th</sup> December 2019, Officers remain of the view that they are acceptable and comply with the approved Site Wide Strategy. Additional Illustrate plans will be

presented at Planning Committee to assist in illustrating the differences between the character areas.

### Appearance and Materials

In terms of appearance, the character areas define the style and appearance of each of the dwellings. The 'Boulevard' would be characterised by brick dwellings with some examples of mock-Georgian detailing. The 'Streets' would introduce a mixture of brick and render. The 'Lanes' would be primarily just brick but comprise smaller house types than those on the boulevard. The 'Green Lanes' would start to introduce some weatherboarding onto the house types with brick plinths, a mixture of brick and weatherboard, and solely brick. Some house types are specific to certain areas, however generally speaking the main differences are secured through the material choices and boundary treatments as discussed above.

Materials have been suggested, however Officers have not recommended this as an approved plan as the exact choices of materials are not considered to be acceptable as submitted. These would subsequently be approved by way of discharge of the relevant materials condition on the outline consent. The affordable units and market units have been designed to secure a tenure blind design. Chimneys have also been added on key dwellings (market and affordable) in the street scene. Some dwellings have also been provided with feature brick plinths to add visual interest. Porches are consistent across the development, primarily consisting of a flat cap design.

### Quantum, Mix and Scale

In respect to the overall quantum of development, the outline application gained approval for up-to 165 dwellings. However, in order to address initial design and layout concerns, the development now proposes 162 dwelling units which includes 65 affordable dwelling units. Following Planning Committee held on 17<sup>th</sup> December 2019, there has been some further minor amendments to the mix of the units to reflect changes made to the layout & house types.

In terms of the market units:

Type	No
2 bed 3 person house	14
3 bed 4 person house	35
4 bed 5 person house	28
4 bed 6 person house	20
Total	97



In terms of the affordable units:

Type	No	Affordable Rent	Shared Ownership
1 bed 2 person flat	9	9	0
2 bed 4 person flat	6	6	0
2 bed 4 person house	33	19	14
3 bed 5 person house	11	5	6
3 bed 6 person house	2	2	0
4 bed 6 person house	2	2	0
2 bed 4 person bungalow - Part M(3)	1	1	0
3 bed 5 person bungalow - Part M(3)	1	1	0
Total	65	45	20

In respect of scale, the development comprises a mixture of 1, 2, and 2½ storey dwellings, and two 3 storey apartment buildings (totalling 15 flats). The 2½ storey dwellings are primarily concentrated in areas overlooking public open space, while the development is predominantly 2 stories in height. The one storey bungalows (2 in number) would be on the south western aspect of the site.

A large number of concerns have been raised about the principle of three storey development in Feering, stating that it is out of character with the village.

Firstly, in respect to the principle of three storey buildings, while perhaps not clearly shown in the indicative layout submitted with the Outline application, three storey was not ruled out in its entirety, with the Officer commenting that:

*“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”.”*

In addition, while it is acknowledged that three storey buildings are not typical of Feering as it currently exists, Officers must ensure that any development here would not prejudice the wider allocation coming forward. If the principle of three storey development is resisted now, it could have significant implications on the remaining strategic allocation by resisting 3 storey development. That said, Officers would not accept a large number of three storey buildings as that would be wholly uncharacteristic and not appropriate in this edge of settlement context.

Notwithstanding this, the principle of three storey buildings at the site was not discounted by Members at Planning Committee held on 17<sup>th</sup> December 2019. Members did however raise concern about the close proximity and subsequent impact of the larger three storey flatted block on the Grade II\* Listed Building 'Cobham Oak Cottages' (Issue 4). In light of the concerns raised, Officers have held further discussions with the Applicant who have revised the proposed layout so both three storey flatted blocks would be relocated away from Cobham Oak Cottages and are now proposed to be located adjacent to the areas of open space within the site. The relocated flat blocks would therefore be prominent in views from the central area of open space within the site. As such, it is considered that the three storey flat blocks would now feature as landmark buildings which was something that was envisaged at the outline consent stage.

As such, while residents' concerns are noted, due to the above it is considered that the principle of a small amount of three storey accommodation is acceptable and that it has been effectively demonstrated through the submitted plans that it can be successfully achieved on the site.

### Layout & Open Space

In terms of general layout particulars, the development would aim to positively respond to its existing context by backing onto development on London Road and Inworth Road, while internally creating its own character with blocks of houses backing on to each other, and some dwellings fronting onto open space. The layout also fulfils an objective on the outline permission to provide a potential footpath link from the development through to the Ridgeon's site. The layout also provides a footpath connection to join up to the existing Public Right of Way adjacent to Threshfords Business Park.

The development would comprise two areas of open spaces. Some of the open space would act as attenuation basins as part of the SUD's features. At Planning Committee held on 17<sup>th</sup> December 2019, members raised concerns about the potential usability of the open space areas, and requested further information be provided to illustrate how these areas can be used (Issue 6).

The re-consultation period was supported with a sectional drawing and attenuation tiers showing the level differences, with indications of how full the area would be in certain rainfall scenarios. In summary:

- The attenuation basins (all tiers) would be completely dry for 249 days per year
- For a one in two year rainfall event, the upper tier would flood to a depth of 30mm with the entire pond draining within 21 hours
- For a one in five year rainfall event the upper tier would flood to a depth of 175mm with the entire pond draining within 28 hours
- The average annual rainfall for East Anglia equates to 5.4mm per rainy day – this storm water would be fully contained within the pipe networks and low flow channels.

As such, on a usual rainy day, both the upper and lower tiers of the attenuation basins would remain dry (i.e not underwater). It would only be the low flow channel which may be underwater in more prolonged periods of rainfall. The remaining lower and upper tiers will not be underwater unless there is a significant rainfall event, typically occurring once every two years. However even in these rainfall events, the areas will drain quickly and become usable again. It should also be noted that the S106 agreement for the outline consent does not exclude SUDs within the amount of Open Space that is required to be provided at the site.

Overall, Officers remain of the view that the areas of open space would provide usable amenity space for future occupiers, and be fully useable for most of the year, with only the low flow channel likely to be under water for those prolonged rainfall days.

The open space would also contain the play space area required by the S106, although this would be outside of the attention basin area. For the avoidance of doubt, this has now been indicatively shown on the general site layout plan for Members information. However, the exact particulars of the play space and the location will be secured through the S106. Overall, taking into account all of the above, it is considered the amenity areas would provide acceptable useable areas of amenity for future residents.

The site also retains a strip of land to the rear of the properties on Inworth Road providing an established right of access from their rear gardens. The development as proposed would respect this access.

#### Affordable Housing Distribution

In terms of the location of the affordable dwelling units, this was one of the concerns raised by Members at the Planning Committee held on 17<sup>th</sup> December 2019 (Issue 1). Members were concerned that the concentration of affordable housing in one area of the site would not be good design and potentially create undesirable and anti-social settings within the site. Members sought instead to secure 'pepper potting' of the affordable housing around the site. Pepper potting however, is not a technique routinely used or supported in either recent or current residential development proposals. The Housing Officer sets out that this is because:

*"Historically, pepper potting of affordable homes was initially encouraged by Government. This followed the move towards mixed tenure development in the late 1980's which provided alternatives to uniform estates with mono-tenure which were thought to segregate socio-economic groups. However, because of difficulties in management the pepper potting method has commonly evolved into a preference for grouping affordable housing into clusters. This approach is greatly favoured by registered housing providers because they consider this to be most practical way to provide effective management".*

While it is accepted Registered Providers might not raise concerns about the potential issues of over clustering of affordable units, it is important to meet their requirements, as otherwise the affordable units may not be able to be taken on or built out. Affordable housing therefore may not be able to be delivered, thus potentially significantly reducing the overall social benefit of the scheme. A fine balance must therefore be found between the need to cluster the affordable units, against the need to avoid an over concentration of units to create a harmonious layout.

Since the 17<sup>th</sup> December 2019 Planning Committee, the developers have revised the tenure mix of the layout to provide three distinct clusters of affordable housing, rather than two clusters on the previous layout considered at Planning Committee. The three clusters would also be separated by a greater number of market dwellings compared to the scheme deferred at Planning Committee. The first cluster would be on the North West aspect of the site, the second cluster in the centre of the site, and the final cluster on the South Western aspect of the site. The affordable housing was previously concentrated within the 'Lanes' area of development, however it has since been extended out to a small extent into the 'Street' hierarchy.

As well as effective management needs, the concentration of affordable housing clusters (albeit now in smaller concentrations) partly comes from the defined character areas which the site is creating as part of the approved Site Wide Strategy (as discussed above).

The 'Lanes' character area primarily contains the smaller bedroom housing which more heavily features in the Affordable stock, as opposed to the market stock which is primarily larger housing (number of bedrooms). The Boulevard Hierarchy contains the largest 4 bedroom properties which would not be appropriate to meet the needs of affordable housing. The 'Street' hierarchy again would principally contain larger house types of which most would not be suitable to contain the affordable housing in its entirety; although in this case four affordable units have since been located in this area in order to try and assist in the spreading of the clusters. In any case, the affordable units have been designed to be tenure blind.

Furthermore, the developer has provided a letter from Greenfields, a Registered Provider of affordable housing in the District, setting out that they are happy with the affordable housing layout as now proposed, and would take on the units if an agreement could be reached with the Developer. The Housing Officer also has no objection to the location and clustering of the affordable housing now proposed.

Taking into account all of the above, while pepper potting has not been able to be secured, Officers consider that the further breaking up of the affordable housing clusters secured post the 17<sup>th</sup> December 2019 Planning Committee are acceptable and meet the necessary requirements of a Registered Provider and the Housing Officer. It is therefore considered that the affordable housing locations are acceptable.

### Quality of Internal and External Amenity

At Planning Committee held on 17<sup>th</sup> December 2019, members raised concerns in respect to the lack of compliance with the garden sizes set out in the Essex Design Guide, and the quality of internal accommodation as set out in the Nationally Described Space Standards (NDSS) (Issue 2 and 3).

In terms of external amenity (garden areas), previously 152 of 162 dwellings accorded with the standard. With revisions to the layout, the development can now provide 100% compliance with the Essex Design Guide standards for garden areas; 50sq.m for a two bedroom property and 100sq.m for a three plus bedroom property.

In terms of internal amenity, previously 75% of the market dwellings complied with the NDSS, while a 100% of the affordable dwellings complied. Officers have successfully secured that the scheme would now deliver 100% compliance with the NDSS.

The NDSS are not formally adopted by Braintree District Council, however these standards provide a good indication whether the quality of internal accommodation would be good or not for future occupiers. In this case, given that now all market and affordable dwellings comply with the NDSS, it is considered the development is acceptable in this regard.

In terms of defensible space, each dwelling would be provided with a suitable means of protection. Low brick walls have also been included in front of parking spaces where the parking does not correspond directly to the house that it is in front of. This is a principle that was established within the Site Wide Strategy and this development would comply with it accordingly. Back to back distances between residents would meet the Essex Design Guide standards. It is considered that these particulars are acceptable.

### Traffic Management, Parking & Waste Collection

In terms of parking, the development would accord with the Parking Standards, in that a one bedroom dwelling would provide 1 space, and a 2+ bedroom dwelling would provide two parking spaces. In accordance with the character areas the type of parking will vary, but all spaces would comply with the 2.9m by 5.5m size requirement. There would also be an additional 47 garage spaces measuring 7m by 3m (reduced from 50 on the previous scheme). There are also 41 visitor spaces proposed as part of the development (in accordance with standard). The visitor parking would be dispersed across the site, but also concentrated around the open space areas of the site. Formalising the parking in this way around the open space will assist in reducing curb side parking against these areas and provide a better designed solution.

The parking courts for the flats have been re-worked through negotiations with Officers to provide two separate access points, as opposed to a single access

point with landscaping breaking up the two areas. Any frontage parking would not have more than 4 spaces without being broken up by a tree and strip of landscaping in accordance with the Site Wide Strategy. As such, taking into account the above, it is considered that parking at the site would be appropriate, generally accord with standards set out in the Parking Standards and also those agreed in the Site Wide Strategy.

In terms of waste collection, each dwelling will be able to be accessed from the core spine road, with pull distances of 20m or below for the waste team, and no more than 30m the drag distances for residents to put their refuse on the highway. Overall it is considered that these particulars are acceptable.

In terms of traffic management measures, these were something that were added after the most recent round of consultation post Planning Committee held on 17<sup>th</sup> December 2019. These include both hard and soft features to assist in reducing vehicle speeds in the development. As these plans refer to very minor changes to the layout and matters of technical detailing, they were not formally re-consulted on, but uploaded to the website with more than a week remaining on the re-consultation period following Planning Committee held on 17<sup>th</sup> December 2019.

### Heritage

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 sets out that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal"*.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan 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.

The north western side of the application site is behind Cobham Oak Cottages, a Grade II\* listed building (list entry number: 1123836), which features a Grade II listed water pump within the site (list entry number: 1169412). Originally a hall house, Cobham Oak Cottages dates in part from the thirteenth century with many subsequent alterations, including its division into three properties, as it is at present. The Grade II listed public house, The Old Anchor, is opposite, further west of the application site (list entry number: 1169347). The buildings form a collection of buildings indicative of the historic

appearance of Gore Pit, a small hamlet now part of the larger village of Feering.

The impact on the Grade II\* Listed Building was also something that was raised by Members at Planning Committee held on 17<sup>th</sup> December 2019. As a consequence, and as previously discussed in the report, the three storey flatted blocks have now been relocated to a different part of the site, away from the setting of the Grade II\* Listed Building. The development now proposes two storey dwellings behind the Grade II\* Listed Building. An updated addendum to the heritage statement was also provided to supplement the revised plans.

The Historic Buildings Consultant considers that the relocation of the three storey block is an improvement, *‘creating a development which will have a much lower visual impact upon the setting of the listed building’*. Therefore it is considered the revised scheme goes a considerable way to address concerns by Members about the setting of the Grade II\* Listed Building.

The Historic Buildings Consultant still however identifies a less than substantial harm to the setting of the Grade II\* Listed building from the development. This harm arises from the overall principle of the residential development of the site, as opposed to the form of development now proposed. The Historic Buildings Consultant however acknowledges that the existing dwelling behind Cobham Oak Cottages ‘severs’ the relationship between the building and the field beyond, and thus attributes harm at the ‘lower end’ of less than substantial. The principle of residential development at the site has already been established through the Outline approval. Moreover, the Historic Buildings Consultant at the time considered that the residential development of the site would not detrimentally harm the setting of Cobham Oak Cottages.

Notwithstanding the above, the most up-to-date heritage comments should be carried forward, and thus the application considered with the harms against the benefits.

In this case, there are considerable public benefits which would arise from the development; these include but are not limited to the sites highly assessable location, contribution to the housing supply, contribution to the vitality of the settlement through increased revenue and S106 contributions for services. It is considered that the weight to be attached to these benefits would outweigh the less than substantial (at the lower end) harm that would arise to the setting of the Grade II\* Listed Building. As such, in the heritage balance, it is considered that the heritage harms would not outweigh the public benefits. The wider planning balance exercise is carried out at the end of the report which considers all harms and benefits of the development.

#### Impact on Neighbour Amenities

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good

standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. In addition, the Essex Design Guide states that new development which backs onto existing development should have gardens of 15m depth to rear boundaries, with a minimum of 25m separation distance between the rear elevations of each property, to be acceptable from neighbouring impact perspective.

The site is bounded to the North East by agricultural buildings/land, to the North West by residential properties fronting London Road and the Ridgeon's industrial site, while to the West and South West are the backs of properties on Inworth Road, and furthest south is Threshelfords Business Park.

Firstly, the properties on London Road which back onto the site all contain long gardens, averaging approximately 30-35m in length from the rear of the properties. Plots 144-154 all back onto these properties, with the average plot depth of 12m. As such, while there would be a short reduction on the 15m depth to rear boundaries, overall the back to back distance would be far in excess of 25m, and actually total in the region of 42m at the very smallest distance. It is therefore considered that the proposal would not have a detrimental impact on those residential properties fronting London Road. Holmfield is one property on London Road which also has Plot 162 to the rear/side of it. However due to orientations, and separation distances, it is considered that Holmfield would still not be detrimentally affected by virtue of overlooking, overshadowing or overbearing.

Secondly, the properties on Inworth Road which back onto the site contain long gardens, averaging approximately 40m in length to the backs of houses. Plots 122-96 all back onto these properties, with an average plot depth of 9m, but a further 3m gap for the strip of land behind, so also around 12m to the common boundary. As such, again while there would be a short reduction on the 15m depth to rear boundaries, overall the back to back distance would be far in excess of 25m, and actually total in the region of 50m at the very smallest distance.

In terms of the other common boundaries, these would be non-residential and thus not needing to be afforded the same level of protection. However in any case, it is considered that the development would not unacceptably prejudice these areas. Taking all of the above into account, it is considered that the development is acceptable from a neighbour impact perspective.

### Landscaping & Ecology

In respect to 'Landscaping,' detailed proposals have been submitted with the application in order to enhance the overall quality and sense of place of the development. The layout also includes two areas of open space and tries to retain existing hedging/trees on the site which are of more significance. The way that the open space has been designed is that it would likely be able to be linked to the wider allocation when that came forward for development. It is



therefore aiming to be holistic in its approach, as well as providing a potential access across into the wider allocation. The development also proposes long life trees to be planted in the 'Boulevard' character area, which will only add to the overall quality and sense of place created by the development.

Concerns have been raised in respect to tree/hedgerow lost in connection with the application, however these particulars have already been agreed in principle with the grant of outline planning permission. Overall the Landscape Officer has no objection to the development subject to securing other details like open space management through conditions attached to the outline approval.

Concerns were raised primarily by Kelvedon Parish Council in respect to the choices of planting species proposed. While some of the species listed for use across the site are not native species, this does not mean they are without merit. As climate change continues to have an influence it is necessary to plant not only native species, but also those that could do well in the changing climate. The landscaping condition as part of the outline planning permission for the site requires replacement planting for any plants that die within five years of completion of the development, so if any of the shrubs do not establish, even with the specified addition of compost as detailed in the Planting Specification, they must be replaced. Furthermore, the group of lime trees to the south of the site have been preserved as part of TPO 23/2019. As such, while these concerns are noted, it is considered the proposed planting schedule is acceptable.

In addition to the above, the Council's Ecology Officer has no objection to the application, requiring two additional conditions in respect to protecting badgers and a wildlife sensitive lighting scheme. The condition to protect badgers is that it emerged from general site clearance, that there was a badger sett on the site. As such, no works can take place in this area until an appropriate licence is obtained from Natural England. The condition is to ensure that the Councils Ecology Officers are also happy with the measures proposed. Previously a biodiversity enhancement strategy was proposed, however as part of the Outline consent (and S106 agreement), further details were submitted and have been considered acceptable by the Ecology Officer. Natural England have also confirmed that they have no objection to the development subject to the HRA being secured. The HRA has already been sent and agreed in principle by Natural England, therefore the remaining work is to secure the contribution if the Reserved Matters is approved.

At Planning Committee held on 17<sup>th</sup> December 2019 Members queried what biodiversity net gain would be able to be delivered on the site (Issue 7). These measures are contained within the Landscaping and Ecological management document submitted to discharge obligations in the S106 connected to the outline application. Although not for approval as part of this Reserved Matters Application, these measures would include:

- The installation and suitable location of 43 bat and bird boxes /other features on houses and trees (overseen by the Ecological Clerk of Works (ECoW) where necessary)
- Plants known benefit to birds & bats would be included within the planting scheme
- Lighting mitigation strategies
- Holes for hedgehogs in fencing for 'Hedgehog highway'

Concerns have been raised that the ecology surveys submitted with the Outline approval are now out of date. However, the Ecology Officer is satisfied that the development can proceed on the site without further surveys, as measures to protect and enhance biodiversity and wildlife have been secured as part of the Outline approval. As such, while residents' concerns are noted, it is considered the proposal is acceptable in this regard.

### Highway Issues

The access to the site has been previously accepted at the Outline Approval Stage. Thus the means of access have been agreed. A blue dotted line is indicated on the plans to illustrate land that could be left to provide a roundabout, should the need arise in future. However, for the purposes of this development, Officers can only consider what is now shown and what has previously been approved. If a roundabout was required at a later date, it would need to go through all necessary stages to be considered acceptable. As such, it is considered the access arrangements are acceptable as shown, and integrate with the overall development well.

A large number of concerns from the Parish Council and residents have been raised in respect to the overall traffic impact that the development would have. It is stated that the local area would not be able to accommodate any further traffic until such time that the infrastructure is improved and the A12 widening takes place. While these concerns are noted, the overall traffic impact of the development was previously considered at the outline stage, and found acceptable by Essex Highways. As such, these particulars cannot reasonably be considered again at this stage, as the reserved matters application only focuses on the finer details of the development e.g. layout. Therefore, while residents' concerns are noted, these particulars have previously been considered acceptable.

### Flooding and Drainage Strategy

The applicant proposes to utilise a sustainable urban drainage system with a piped system which would discharge surface water within two shallow attenuation basins within the open areas of the site. These particulars have been covered in more detail in the 'Layout' section above.

Essex County Council have been consulted as the Lead Local Flood Authority and have no objection to the proposal. Any outstanding matters in respect to surface water drainage would be secured through conditions attached to the outline approval.

## Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As the development is over 100 dwellings, it is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£122.30 per dwelling) for delivery prior to occupation. These matters are to be secured via a Unilateral Undertaking. The applicant has agreed to meet with this contribution.

## PLANNING BALANCE AND CONCLUSION

Paragraph 11 of the NPPF stipulates that at its heart 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 approving development proposals that accord with the development plan without delay; but 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 the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The principle of residential development at the site is established under the existing outline consent 16/00569/OUT. The applicant seeks permission only for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

In this case, there are considerable public benefits which would arise from the development; the site would be in an accessible location and would significantly contribute to the Districts Housing Land Supply. The development would secure contributions to local infrastructure including schools and doctors surgery, and would provide a high quality design and layout which will set the precedent for the wider allocation. Against these benefits, there would be 'less than substantial' harm at the lower end to the setting of the Listed Building 'Cobham Oak Cottage'. However, in accordance with Paragraph 196 of the NPPF, it is considered that the benefits of the development would outweigh the less than substantial heritage harm.

Officers consider that the submitted revised plans address concerns raised by Planning Committee held on 17<sup>th</sup> December 2019. These were:

1. **Affordable housing distribution within the application site** - A better distribution achieved
2. **Compliance with the Nationally Described Space Standards** - Achieved
3. **Compliance with garden size standards** - Achieved

4. **Location of the three storey flatted block** - Relocated away from the Listed Building
5. **Location of the play space** - Identified (although details would need to be submitted pursuant to the S106 agreement)
6. **The usability of the Public Open Space** - Explained/clarified
7. **Biodiversity net gain – trees/ landscape** – Identified but will be achieved and set out within Landscape and Ecological Management Plan
8. **Differentiation of character areas** - Better identified

As such, Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms. Overall it is considered that the detailed proposal constitutes a sustainable residential development in an appropriate location and accordingly it is recommended that the Reserved Matters are approved.

### RECOMMENDATION

It is therefore recommended that the application is GRANTED subject to the approved plans, conditions and the applicant entering into a suitable Unilateral Undertaking to cover the following RAMS contribution:

- A financial contribution of £19,812.60 towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site.

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

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

### APPROVED PLANS

Location Plan	Plan Ref: 18-2758-001	
Specification	Plan Ref: 012	Version: L
Dimension plan	Plan Ref: 013	Version: K
Street elevation	Plan Ref: 014	Version: F
Street elevation	Plan Ref: 015	Version: D
Street elevation	Plan Ref: 016	Version: D
General Plans & Elevations		Plan Ref: 060
Proposed Elevations	Plan Ref: BSP958-1.PL-01	Version: B
Proposed Elevations	Plan Ref: BSP958-1.PL-02	Version: B
Proposed Floor Plan	Plan Ref: BSP958-1.PL-03	Version: A
Proposed Floor Plan	Plan Ref: BSP958-1.PL-04	Version: A
Proposed Floor Plan	Plan Ref: BSP958-1.PL-05	Version: A
Proposed Elevations	Plan Ref: BSP959.PL-01	Version: A
Proposed Elevations	Plan Ref: BSP959.PL-02	Version: A

Proposed Floor Plan	Plan Ref: BSP959.PL-03	Version: A
Proposed Floor Plan	Plan Ref: BSP959.PL-04	Version: A
Proposed Floor Plan	Plan Ref: BSP959.PL-05	Version: A
Proposed Elevations	Plan Ref: NSS.281-1_NSS.372-1	
Proposed Floor Plan	Plan Ref: NSS.281-1_NSS.372-1	
Proposed Plans	Plan Ref: NSS.374.PL-01	
Proposed Plans	Plan Ref: NSS.375.PL-01 (tudor)	
Proposed Elevations	Plan Ref: 384_384-1.PL-01	
Proposed Floor Plan	Plan Ref: 384_384-1.PL-05	
Proposed Elevations	Plan Ref: RV401.472-1.PL-01	
Proposed Floor Plan	Plan Ref: RV401.472-1.PL-05	
Proposed Elevations	Plan Ref: RV401.476-1.PL-03	
Proposed Floor Plan	Plan Ref: RV401.476-1.PL-06	
Proposed Elevations	Plan Ref: RV401.489-1.PL-03	
Proposed Floor Plan	Plan Ref: RV501.489-1.PL-06	
Proposed Plans	Plan Ref: NSS.282_NSS.282-1.PL-01	
Proposed Plans	Plan Ref: NSS.372.PL-01	
Proposed Plans	Plan Ref: NSS.372.PL-02	
Proposed Plans	Plan Ref: NSS.375.PL-02	
Proposed Plans	Plan Ref: RV402.470-1.PL-01	
Proposed Plans	Plan Ref: RV402.470-1.PL-02	
Proposed Floor Plan	Plan Ref: RV402.472-1.PL-05	
Proposed Elevations	Plan Ref: RV401.476-1.PL-01	
Proposed Elevations	Plan Ref: RV401.476-1.PL-02	
Proposed Plans	Plan Ref: RV401.477-1.PL-01	
Proposed Plans	Plan Ref: RV401.487-1.PL-01	
Proposed Elevations	Plan Ref: RV401.489-1.PL-02	
Proposed Floor Plan	Plan Ref: NSS.M2B4P.PL-02	
Proposed Elevations	Plan Ref: NSS.M2B4P.PL-01	
Proposed Plans	Plan Ref: NSS.374.PL-05	
Proposed Plans	Plan Ref: NSS.375.PL-05	
Proposed Plans	Plan Ref: NSS.375-1.PL-05	
Proposed Elevations	Plan Ref: 384_384-1.PL-06	
Proposed Floor Plan	Plan Ref: RV501.472-1.PL-05	
Proposed Plans	Plan Ref: RV402.470.PL-01	
Proposed Plans	Plan Ref: RV401.477.PL-01	
Proposed Plans	Plan Ref: RV401.477.PL-02	
Proposed Plans	Plan Ref: RV401.487.PL-01	
Proposed Elevations	Plan Ref: RV401.489.PL-01	
Proposed Elevations	Plan Ref: RV401.489.PL-08	
Proposed Floor Plan	Plan Ref: RV501.489.PL-06	
Proposed Floor Plan	Plan Ref: NSS.282_NSS.282-1.PL-01	Version: A
Proposed Elevations	Plan Ref: NSS.282_NSS.282-1.PL-02	Version: A
Proposed Elevations	Plan Ref: NSS.376.RV701_NSS.281.PL-01	
Proposed Floor Plan	Plan Ref: NSS.376.RV701_NSS.281 PL-01	
Proposed Plans	Plan Ref: NSS.375.PL-01	
Proposed Elevations	Plan Ref: NSS.807.PL-01	
Proposed Floor Plan	Plan Ref: NSS.807.PL-03	
Proposed Elevations	Plan Ref: NSS.807-1.PL-01	
Proposed Floor Plan	Plan Ref: NSS.807-1.PL-03	

Proposed Elevations	Plan Ref: NSS.372_NSS.281_NSS.376-1	
Proposed Elevations	Plan Ref: NSS.372_NSS.281_NSS.376-1	
Proposed Floor Plan	Plan Ref: NSS.372_NSS.281_NSS.376-1	
Proposed Plans	Plan Ref: BSP960.PL-01	
Proposed Plans	Plan Ref: BSP961.M3BB5P.PL-01	
Proposed Plans	Plan Ref: SH02-1.PL-01	
Proposed Plans	Plan Ref: GL01.PL-01	
Proposed Plans	Plan Ref: GL02.PL-01	
Proposed Floor Plan	Plan Ref: BSP961.M3BB5P.PL-02	
Proposed Elevations	Plan Ref: RV1-NSS.M861.PL-01	
Proposed Floor Plan	Plan Ref: RV1-NSS.M861.PL-02	
Proposed Floor Plan	Plan Ref: BLO-008	
Proposed Elevations	Plan Ref: BLO-007	
Proposed Plans	Plan Ref: BSP978-NSS.M3B6P25	
Proposed Elevations	Plan Ref: RV1-NSS.M866-1.PL-01	
Proposed Floor Plan	Plan Ref: NSS.M866-1.PL-02	
Proposed Elevations	Plan Ref: RV301-NSS.M3B5P.PL-01	
Proposed Floor Plan	Plan Ref: RV301-NSS.M3B5P.PL-02	
Landscaping	Plan Ref: EA142-LS-001F	
Landscaping	Plan Ref: EA142-LS-02F	
Landscaping	Plan Ref: EA142-LS-03G	
Landscaping	Plan Ref: EA142-LS-04G	
Landscaping	Plan Ref: EA142-LS-05G	
Site Plan	Plan Ref: 002	Version: AP
Massing Plan	Plan Ref: 003	Version: M
Refuse Information	Plan Ref: 004	Version: L
Parking Strategy	Plan Ref: 005	Version: M
Garden Study	Plan Ref: 008	Version: T
Planning Layout	Plan Ref: 009	Version: L
Tenure Plan	Plan Ref: 010	Version: K
Other	Plan Ref: 011	Version: M

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

#### Reason

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

- 2 Any works which could affect Badgers shall not in in any circumstances commence unless the local planning authority has been provided with a licence issued by Natural England, pursuant to Wildlife & Countryside Act 1981 and the Badger Protection Act 1992, authorising the specified activity/development to go ahead.

A Method Statement for Badgers shall also be submitted to the local planning authority, which outlines the finalised mitigation, enhancements and monitoring measures secured under the Licence prior to any works affecting the badgers.

#### Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). This is necessary to ensure that this application provides net gains for biodiversity, as outlined under paragraph 170d of the NPPF.

- 3 Prior to first occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

#### Reason

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

#### SUBMITTED PLANS

Topographical Survey	Plan Ref: 15155-15-01	
Boundary Treatment	Plan Ref: 020	Version: E
General	Plan Ref: 18-2758-012	Version: H
Lighting Plan	Plan Ref: 1804-166-016	Version: E
Design and Access Statement		Plan Ref: Part 1
Design and Access Statement		Plan Ref: Part 2
Boundary Treatment	Plan Ref: 006	Version: M
Materials Details	Plan Ref: 007	Version: M

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER