

PLANNING COMMITTEE AGENDA

Tuesday 9th November 2021 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

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

Membership:-

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

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

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Health and Safety/COVID:

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

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

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

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

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

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 meetings of the Planning Committee held on 28th September 2021, 12th October 2021 and 26th October 2021 (copies to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A Planning Applications

5a	App. No. 19 01896 OUT - Land North of Woodend Farm, Hatfield Road, WITHAM	6-92
5b	App. No. 20 00128 OUT – Land North of Colchester Road, WITHAM	93-127
5c	App. No. 21 00726 FUL – Land South of The Limes, GOSFIELD	128-178
5d	App. No. 21 00822 FUL – Land off Rectory Road, STISTED	179-208

PART B Minor Planning Applications

There are no applications in Part B

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

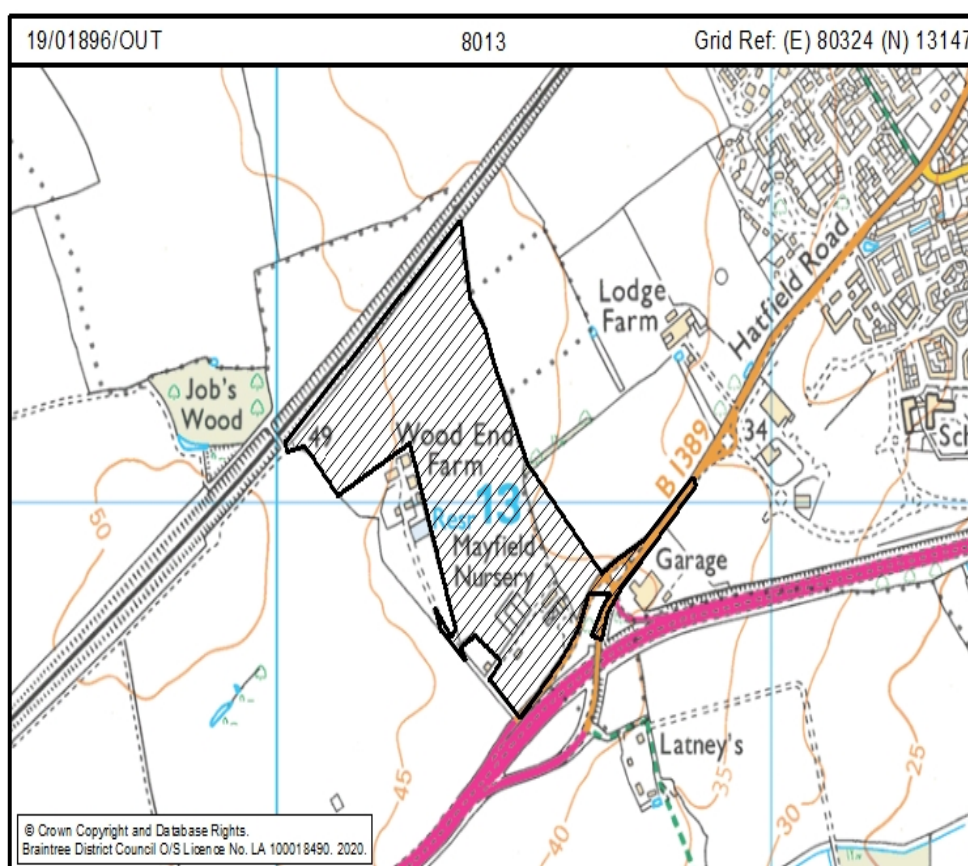
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/01896/OUT
DATE VALID: 16.10.19
APPLICANT: Ms L Meeson
C/O Agent
AGENT: Kevin Coleman
270 Avenue West, Skyline 120, Great Notley, CM77 7AA
DESCRIPTION: Application for Outline Planning Permission with all matters reserved. Up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.
LOCATION: Land North Of Woodend Farm, Hatfield Road, Witham, Essex

For more information about this Application please contact:
Alison Rugg on:- 01376 551414 Ext. 2522
or by e-mail to: alison.rugg@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZH391BFIY100>

SITE HISTORY

None

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP4	Prevention of Town Cramming
RLP6	Affordable Housing in Rural Areas
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP23	Strategic Growth Location - Wood End Farm, Witham
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP48	New Road Infrastructure
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

Other Material Considerations

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

Essex Minerals Local Plan (2014)

Policy S8 Safeguarding Mineral Resources and Mineral Reserves

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

NOTATION

The application site is located outside the Witham Town Development Boundary as designated in the Adopted Local Plan.

The site is proposed for allocation for a residential development (up to 450 dwellings and standalone nursery) in the Section 2 Plan and is identified as one of the Council's proposed Strategic Growth Locations (Policy LPP23).

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The Application Site lies to the north-west of Hatfield Road, on the south side of Witham and is approximately 18.9ha in area. It sits to the west of the site known as Lodge Farm, which is currently being developed by Redrow Homes, and to the north east of the Maltings Lane Estate. The Site is bounded to the north-west by the London-Norwich railway line (operated by Abellio Greater Anglia), and to the south-east by the A12.

The application site can be broadly split in to two distinct uses at present. The majority of the site is used for agricultural crop production, whilst the lower southern end of the site is fenced off from the agricultural land and used for commercial purposes. The main commercial uses can be accessed directly from Hatfield Road and consist of a florist, party balloon business, car valeting business, and a scaffolding company.

The site comprises a single field unit with the peripheral field boundary marked predominantly by hedgerows, and in places hedgerow trees. The southern section of the site is occupied by commercial premises, primarily a car dealership, which comprise a range of buildings, areas of hardstanding and circulation space, accessed off Hatfield Road. A shelterbelt encloses the north of the commercial area. The landscape beyond the site to the north, west and south comprises field units interspersed with woodland blocks.

Immediately adjoining the Application Site on its south-western boundary, but excluded from the Application Site, is Wood End Farm itself, and an additional

residential property, known as Mayfield Cottage, both of which are currently accessed from a private drive, adjacent to the red line boundary, that leads from the B1389/Hatfield Road close to its junction with the A12. The access arrangements will not be amended for these dwellings/uses as part of this proposal.

In addition to the farmyard buildings and the farm house, Wood End Farm also includes a former agricultural barn now used as a place of worship for the Kings Ministries Trust, and another former agricultural barn which is used as offices following the grant of planning permission in 2011. These existing uses at Wood End Farm will be retained.

In the wider context further to the south-west, beyond the access drive referred to above serving Mayfield Cottage and the farmyard, lies open countryside in agricultural use that serves to separate Witham from the neighbouring village of Hatfield Peverel, which lies approximately 1km away from the Application Site boundary at its closest point.

Witham Town Centre is located approximately 2km to the north east of the site and provides a wide range of shops, services, and facilities, as well as having a mainline railway station. Hatfield Peverel Station is located approximately 2km to the south, on the same line as Witham.

PROPOSAL

The proposal has been subject to a significant amount of discussion between the applicant and the Council, which has in turn reduced the number of dwellings proposed on site from 450 to 400.

The applicant seeks:

Application for Outline Planning Permission with all matters reserved for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.

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

The scheme proposes one vehicular access point to the site, from Hatfield Road (B1389). Appearance; landscaping; layout; access (apart from site access) and scale are Reserved Matters.

The applicant has, in addition to the Location Plan and Parameter Plans, submitted an Illustrative Masterplan with detailed design of 2 parcels of land to demonstrate one way in which the site might accommodate the quantum of development proposed.

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

- Planning Statement
- Design Code
- Design and Access Statement (and Addendum)
- Pedestrian and Cycle Improvements
- Air Quality Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Statement of Community Involvement
- Landscape and Visual Impact Assessment (and Addendum)
- Geo Environmental Report
- Minerals Resource Assessment
- Utilities and Infrastructure Report
- Noise and Vibration Assessment
- Arboricultural Impact Assessment
- Acoustic Technical Report
- Archaeological Report
- Transport Assessment
- Economic Impact Report

SUMMARY OF CONSULTATION RESPONSES

Three consultations were carried out for the proposal, following a number of revisions and additional information received.

Consultation 1

Date Statutory Consultation Period Started: 25/10/2019

Date Statutory Consultation Period Ended: 01/12/2019

Site Notice: Site notices were erected around the site on 11/11/2019.

Press Advert: The application was advertised in the Braintree and Witham Times on 31/10/2019.

Consultation 2

Date Statutory Consultation Period Started: 23/09/2020

Date Statutory Consultation Period Ended: 22/10/2020

Site Notice: Site notices were erected around the site on 25/09/2020.

Press Advert: The application was advertised in the Braintree and Witham Times on 01/10/2020.

Consultation 3

Date Statutory Consultation Period Started: 19/05/2021

Date Statutory Consultation Period Ended: 20/06/2021

Site Notice: Site notices were erected around the site on 30/05/2021 .

Press Advert: The application was advertised in the Braintree and Witham Times on 27/05/2021.

Neighbours: Letters were sent to 293 surrounding residents on 25/10/2019, 23/09/2020 and 19/05/2021 informing them of the planning application.

Nb) A series of revisions have been made since the submission of the original application. Full consultation was undertaken on the revisions.

Consultation Responses

An overall summary of the consultation responses received is set out below.

Witham and Countryside Society

The Witham & Countryside Society has for a number of years proposed the use of land next to the railway line between this site and the railway station for use as a footpath/cycleway and to include a footbridge over Armond Road into the railway station car park. The Local Plan, now at public consultation, promotes the use of footpaths and cycleways to reduce pollution, congestion and to promote healthier living, primarily for the proposed Garden Communities (EB/080 Mode Share Strategy for the North Essex Garden Communities) but why not for Witham developments as well?. The proposals contained in this application (Transport document) promotes the use of existing footpath/cycleways to the railway station. These are not only unsatisfactory but could be considered dangerous (connections to Woodend Farm not shown). Cyclists are advised to negotiate a busy roundabout close to the end of the A12 slip road, and then down the busy and congested bus route of Hatfield Road to Allectus Way. Here the pedestrian/cyclist is expected to find their way around the back of garages to the route next to the sports field. Next the route joins busy Spinks Lane and then a busy junction with Highfields Road to Guithavon Road, where another right turn is proposed on another uncontrolled junction. The River Walk is then the route to Armond Road. This path is not lit, and proposals to light any part of the River Walk have always been met with fierce opposition, due to the damage to wildlife, and it should be noted most commuter traffic during winter would be after dark. Then the route is back onto the highway via busy junctions at Guithavon Valley, Collingwood Road and then right into the railway station entrance road (Easton Road). This junction has poor visibility and has experienced a fatal collision in the past. Pedestrians would also be encouraged to cross here and are unlikely to use the controlled crossing further down the road past the station. The route we have suggested above would be off road for all the route and does not pass through the River Walk.

The Witham & Countryside Society are also concerned about the provision of a bus service prior to the occupation of the houses, and that new residents should be given a free bus pass for use to the station and town centre for the

first year of residency. This will promote the use of public transport, ease pollution and congestion and remove the immediate reliance on the motor car for journeys to/from the railway station and town centre. It also has the added advantage of increasing bus use (and revenue) promoting a sustainable service.

All hedgerows and trees should be preserved.

All houses should be fully insulated, be equipped with 'grey' water storage and re-use facilities, and also the houses should be orientated so that solar panels can be most efficiently installed, preferable by the developer.

National Highways

A number of consultation responses have been received from National Highways due to the complexity of the safeguarded land to the front of the site. A number of revisions have been undertaken, and National Highways offers the following comments.

No objection subject to 4 conditions. Conditions relate to the following:

1. Detailed design of the improvements to junction 24 of the A12 and the proposed roundabout.
2. No occupation until the junction improvements have been delivered.
3. Submission of a Travel Plan.
4. No development to take place on the red hatched safeguarded area.

Health and Safety Executive

The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted further.

Environment Agency

No response received.

Network Rail

No objection subject to informatives relating to:

- The need for the developer to ensure that their proposal both during construction, and after completion does not interfere with or encroach upon Network Rail assets/operations.

Essex Police

No concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures (at the Reserved Matters stage).

We would welcome the opportunity to assist the developer and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

Anglian Water

No objection subject to conditions.

Assets Affected

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment

The foul drainage from this development is in the catchment of Witham Water Recycling Centre that will have available capacity for these flows.

Used Water Network

Development may lead to an unacceptable risk of flooding downstream. Anglian Water will therefore need to plan effectively for the proposed development and work with the applicant to ensure any infrastructure improvements are delivered in line with the development.

We therefore request a condition requiring a scheme for phasing an onsite drainage strategy be submitted. Informatives are also recommended.

Surface Water Disposal

The proposed method of surface water management does not relate to Anglian Water related assets. The Local Planning Authority should seek the advice of the Lead Local Flood Authority (ECC SUDs).

Required Conditions

- a) A scheme for on-site foul water drainage works, including connection point and discharge rate, prior to construction.

Sport England

An objection is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed provision. This position would be reviewed if it was confirmed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a Section 106 agreement.

Outdoor Sports Provision

The proposed central multi-functional park in the development is not intended for formal outdoor sports provision (such as playing pitches) and ancillary facilities (such as pavilions and parking) and based on the indicative Land Use Parameter Plan and Illustrative Masterplan this space would not be suitable for such provision in any case in terms of size or layout. Sport England and sports governing bodies prefer large multipitch/court sites to be provided in new developments. Operators and users of playing fields, particularly local authorities, leisure trusts and sports clubs generally prefer such sites from a management and sports development perspective and they are more sustainable over a long term period. In view of the expected number of dwellings proposed generating less than a single pitch for every sport and the lack of space within the development to provide a large multi-pitch site, securing a financial contribution towards off-site facilities would be considered appropriate as an alternative to on-site provision on this occasion.

Indoor Sports Provision

No specific reference is made in the planning application to how community indoor sports provision would be made to meet the additional needs generated by the development. As indoor sports facilities are strategic facilities that serve large populations and as the population generated by the proposed development in isolation would not be sufficient to justify the provision of a conventional facility on-site in its entirety (see above Sports Facility Calculator figures), provision should be made in the form of a financial contribution towards the provision or improvement of off-site facilities in the Witham area. Provision should be informed by the District Council's Indoor and Outdoor Sports Facility Strategy and discussions with the Council and Sport England.

Active Design

The development proposals offer opportunities for incorporating many of the active design principles and some of the proposals in the illustrative masterplan for the site are welcomed and considered to be consistent with the principles.

During consideration of the outline planning application and preparation of a reserved matters application, it is recommended that particular consideration is given to the following matters:

- The proposal for a circular footpath and cycleway around the periphery of the site is welcomed as this would encourage walking and cycling around the development for leisure purposes. Consideration should be given to how the footpath/cycleway links to the key green spaces within the development to provide good connections between the spaces within the development that will be the focus of physical activity;

- The multi-functional park in the centre of the development is welcomed as this would provide opportunities for physical activity for all residents. The detailed design should ensure that the park is suitable for a range of activities suitable for all age groups including children's play, informal sport, community events etc in an accessible. Linkages between the park and the key pedestrian and cycle routes within and outside the development will be important for encouraging active travel. If possible, the park should also be linked with the other key green spaces and corridors such as the green gateway, allotments and circular footpath/cycleway to create a chain of green spaces that promote walking and cycling between them;
- Attention should be given to how the proposals connect into the existing public right of way network to allow pedestrian access to the countryside beyond the development as well as the adjoining Lodge Farm development and the wider Witham urban area;
- Employment uses and community facilities such as the nursery should be centrally located together within the development and sited so that they are accessible to the principal pedestrian/cycle routes to encourage linked trips by active travel modes.

Natural England

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

An Appropriate Assessment has been completed and submitted to Natural England for review. No objection subject to appropriate mitigation being secured as set out within the Habitat Regulations Appropriate Assessment. Natural England consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS.

The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area.

UK Power Networks

No response received.

NHS

The latest consultation response received from the NHS in October 2021 states the following:

The proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site (namely). The development could generate approximately 960 new residents and subsequently increase demand upon existing constrained services. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area (deficit of 200m² of floorspace). A developer contribution will be required to mitigate the impacts of this proposal. The CCG calculates the level of S106 contribution required, in this instance to be £151,340. Payment should be made before the development commences.

East of England Ambulance Service

The proposed development is likely to have an impact on East of England Ambulance Service NHS Trust (EEAST) providing service response times for accident and emergency services and non-emergency patient transport services around the geographical area associated with the proposed application site. EEAST does not have capacity for the additional growth resulting from this development.

The development will increase demand upon existing constrained services and blue light response times. For example, a one-minute delay poses a significant impact in reaching, assessing and starting treatment at the emergency site, together with any subsequent conveyance to an acute centre. In addition, traffic congestion delays for non-emergency patient transport can impact on patients presenting for their appointment in sufficient time and quickly reduce the existing built-in time for delays.

The capacity of ambulance service provision of healthcare facilities in the area of proposed development is already below the recognised standards of provision for the existing population. Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.

EEAST therefore requests that the sum of £54,658 be secured through a planning obligation in the form of an S106 agreement is linked to any grant of planning permission. This will contribute towards the development of capacity in emergency ambulance services for the benefit of patients in the vicinity of the application site.

Essex Fire Brigade

Essex Fire Brigade advise that due to what would be considered an excessive distance to the nearest existing statutory fire hydrant, it is considered

necessary that additional fire hydrants are installed within the curtilage of the proposed site.

Should the development proceed, once we are in receipt of the new water main design scheme for this development from the local Water Authority, we will liaise with them directly to ensure that all necessary fire hydrants are provided.

ECC Minerals and Waste

No objection.

ECC SUDS

No objection subject to conditions in relation to the following:

1. Detailed surface water drainage scheme
2. Scheme to minimise the risk of offsite flooding
3. Maintenance plan of the surface water drainage system
4. Maintain yearly logs of maintenance

ECC Historic Buildings

No objection to the proposal, which will not cause harm to the significance of any heritage assets, due to the distance between the proposal site, nearby listed buildings and the Witham Conservation Area.

There are no designated heritage assets within the application site. The Witham Conservation Area, which contains several listed buildings, is located approximately 1.5 miles north east of the site. There are a few additional listed buildings, outside of the Conservation Area boundary, on the approach to the town centre. However, all designated heritage assets are located sufficiently away from the site affected by the application, to not have any negative affect upon the way in which they are experienced or understood.

ECC Archaeology

An archaeological evaluation will be required to investigate those features identified through geophysical survey and to assess the potential for further prehistoric and later activity.

Recommend 4 conditions in relation to Archaeological trial trenching and excavation.

ECC Highways

Prior to the occupation of the development the following works / improvements shall be completed under a Highway Works agreements:

- Provision of the vehicular and pedestrian access arrangements as shown in principle on planning application drawing number MBSK200512-2 Rev. P7.
- Reasonable endeavours will be made (prior to the 100th occupation) to procure a bus service for a minimum period of 5 years within/ between the application site, Chelmsford, Witham Town Centre and Witham Railway Station. Service to run seven days a week at a specified frequency. In the event that the bus service cannot be procured, £1,500,000 shall be paid to Essex County Council towards sustainable transport (Index linked).
- In the event a bus stop or stops are not provided on the proposal site, upgrade to Essex County Council specification the bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority).
- A footway/cycleway (min width 3.5m) along Hatfield Road between the entrance to the existing Woodend Farm and the footway/cycleway provided as part of the adjacent Lodge Farm development (details shall be agreed with the Local Planning Authority prior to commencement, and delivered within 1st occupation of the development).
- To improve cycle connectivity between the application site and the centre of Witham a package of cycling and walking improvements as shown in principle on planning application drawing number CPLF-MAY-NA-NA-SK-D-0001 Rev. P2.
- Financial contribution to be agreed to carry out localised widening of the river walk and improved cycle and pedestrian signage between Guithavon Road, Armond Road and the River Walk (payable to Braintree District Council but to be spent by Witham Town Council as improvements required on land they own).
- Provision and implementation of a Residential Travel Plan, which will include the provision of new Residential Travel Information Packs for all new residents. These travel packs will provide residents with 12 months bus passes for use on local bus services, as well as providing Cycling Marketing and Cycle Training to new residents.
- Residential Travel Plan monitoring fee of £1500 per annum for 5 years payable to Essex County Council to ensure that the Plan is correctly implemented, monitored and reviewed.

ECC Education

A development of this size can be expected to generate the need for up to 36 early years and childcare places, 120 Primary school places, and 80 secondary school places, to be secured by way of S106 contribution.

Early Years and Childcare

The proposed development is located within the Hatfield Peverel and Terling Ward. According to Essex County Council's childcare sufficiency data, published in July 2018, there are 6 providers of early years and childcare in the area. Of these 2 are full day care nurseries; 3 are child-minders and 1 are sessional pre-schools. Overall a total 17 places unfilled places were recorded.

For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient full day care provision to meet demand from this proposal. It is, thereby, clear that additional provisions will be needed and a project to provide a new facility and expand an existing facility within the ward is proposed.

A 30-place nursery would be provided at an estimated cost of £902,022 at April 2019 prices. This equates to £30,067.40 per place. And an additional 6 places will be provided by the expansion of an existing facility, at an estimated cost of £104,532 at April 2019, this equates to £17,422 per place, based on demand generated by this proposal set out above, a developer contribution of £1,006,554 index linked to April 2019, is sought to mitigate its impact on local EY&C provision.

Primary Education

This site falls largely within the priority admissions area of Hatfield Peverel Infant and St Andrew's Junior schools but is also partly within the area of Chipping Hill Primary and Howbridge Infant and Junior schools, to which the new homes would be much closer.

The area includes a significant amount of permitted development including the former Arla Dairy site; land north east of Gleneagles Way, land south of Stonepath Drive and Lodge Farm. These developments will take up any surplus places in the immediate area and, as set out in the Essex School Organisation Service's Ten Year Plan (2019- 2028) to meet demand for school places, a new primary school at Lodge Farm is being considered for 2023/24.

A new school site on the Lodge Farm development has been secured and this would be within walking distance of the above proposal. A financial contribution was also secured and I thereby advise, on behalf of Essex County Council, that a similar formula based sum is appropriate in this case. This equates to £15,826 per place and index linked to April 2015. So based on demand generated by this proposal set out above, a developer contribution of £1,899,120 index linked to April 2015.

Secondary Education

In respect of secondary provision, the closest school is the Maltings Academy in Witham which, along with the New Rickstones Academy, forms part of Braintree Secondary School Planning Group 2. The 'Ten Year Plan' outlines a need for additional school places for September 2021, with extra space needed in each of the following years covered by the document.

An additional 80 places would be provided at an estimated total cost of £1,857,120 at April 2019 prices. This equates to £23,214 per place and so, based on demand generated by this proposal set out above, a developer

contribution of £1,857,120 index linked to April 2019, is sought to mitigate its impact on local secondary school provision.

In addition to the above the nearest secondary school is over 3 miles from the proposed development, therefore ECC are obliged to provide transport. A developer contribution of £402,800 index linked to April 2019 is sought, (based on 80 pupils, at £5.30 x 190 days x 5 years).

ECC Ecology

No objection subject to securing ecological mitigation and enhancement measures and the securing of visitor management mitigation measures at the Blackwater Estuary and Dengie SPA and RAMSAR sites and the Essex Estuaries Special Protection Area.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Ecological Impact Assessment (CSA Ltd, September 2019) should be secured and implemented in full. This is necessary to conserve Protected and Priority Species. Therefore, measures should be outlined within a Construction Environmental Management Plan (CEMP – Biodiversity). In addition, we also have the following comment:

Highlight that the site contains residential development which is situated within the Zone of Influence (ZOI) for the Blackwater Estuary Special Protection Area & Ramsar site; the Dengie Special Protection Area and Ramsar site; and the Essex Estuaries Special Area of Conservation. Therefore, mitigation measures are required to offset increased recreational impacts to these Habitats Sites, as highlighted within Natural England's Consultation Response.

Satisfied that the Pedestrian Permeability Plan (May 2021), the Design Access Statement (May 2021) and the Ecological Impact Assessment meets the requirement of this holding objection, as a 2.7km walking route is clearly present within the site and/or with links to surrounding public rights of way.

It is recommended that measures contained within the finalised Habitats Regulations Assessment - Appropriate Assessment Record should be secured and implemented to avoid impacts to the above Habitats Sites.

A wildlife friendly lighting scheme should be provided for this application, to be secured as a condition of any consent prior to occupation. This should follow ILP Guidance¹ and a professional ecologist should be consulted to advise the lighting strategy for this scheme. In addition, the following measures should be indicated to avoid impacts to foraging and commuting bats.

The Ecological Impact Assessment conducted a Breeding Bird Survey, following standard methodology. This indicated that a number of Farmland

Birds were present, including a maximum number of six Skylarks. It has been highlighted that Skylarks breeding habitat will be lost as a result of the proposed development. Therefore, compensation should be undertaken, as well as, the proposed precautionary mitigation measures proposed within the Ecological Impact Assessment. As a result, a Skylark Mitigation Strategy must be provided, which demonstrates proportionate compensation for the loss of the total possible Skylark territories on site. Two Skylark plots should be provided for every Skylark territory lost, following the methodology for the Agri-Environment Scheme option: 'AB4 Skylark Plots'. The provision of Skylark plots should then be secured in nearby agricultural land via a period of 10 years under the s.106 agreement.

We approve of the proposed landscape design for this application and agree that the landscaping management for this development should be secured via a Landscape and Ecological Management Plan, which should be secured as condition of any consent concurrent with reserved matters. We also support the proposed reasonable biodiversity enhancements within the Ecological Impact Assessment. These reasonable biodiversity enhancement measures should be included within a separate Biodiversity Enhancement Strategy to also be secured at reserved matters or prior to occupation. However, to ensure measurable net gains for biodiversity will be delivered, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, it is recommended that the reserved matters application is supported by DEFRA Biodiversity Metrics 2.0 (or any successor) calculations.

Conditions are recommended in relation to the following:

1. Construction Environmental Management Plan
2. Skylark Mitigation Strategy to be agreed with Reserved Matters
3. Landscape and Ecological Management Plan
4. Biodiversity Enhancement Strategy
5. Wildlife Sensitive Lighting Design
6. Time limit on development before further surveys are required.

BDC Economic Development

The Economic Development Team is supportive of this application.

BDC Affordable Housing

It is acknowledged that this application is in outline form and that details concerning the mix of affordable dwellings and will be determined as reserved matters. However, based on housing need evidence there would be requirement for a 70/30 tenure mix of rented over shared ownership.

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

- Affordable dwellings must be deliverable without reliance on public subsidy;

- Accessibility requirement for bungalow type homes to meet Building Regulations Part M 3 (2b);
- Accessibility requirement for all affordable homes accessed at ground level to meet Building Regulations Part M (2);
- Affordable homes should be compatible with Nationally Described Space Standards;
- Requirement for proportionate modest sized clustering of affordable units throughout the development.

BDC Environmental Health

No objection subject to conditions.

The most significant environmental constraint for the site are noise levels due to the A12 noise to the south and railway noise to the north of the site. Environmental Health requires that acceptable internal and external noise levels may be achieved at the noise sensitive development being created by this development.

For this purpose the applicant must present details of how internal noise levels as given in Table 4 of BS8233 (2014) (Sound insulation and Noise reduction in Buildings), external noise level in private amenity areas of no greater than 55dB(A) but with a desirable limit of 50dB(A) and a limit of 45dB(A) LAmax (night-time in bedrooms) may be achieved. For internal noise levels then it shall be shown that the thermal comfort of the occupiers is not compromised by providing evidence that the potential for overheating has been considered at the time of the site and internal layout design. It is therefore required that a CIBSE TM59 assessment is submitted with the acoustic assessment to demonstrate that the chosen layout and housing designs (including internal layout) for those properties affected by transport noise will not compromise the thermal comfort of occupiers and that mechanical cooling systems are not required as such systems would incur additional energy costs to occupiers and do not provide a sustainable design. The aim is to demonstrate that the design methodology is robust in the mitigation and minimisation of adverse effects of transport across the site so as to not compromise the quality of the living amenity of future occupiers in needing to keep windows closed.

The assessment should also have regard to other sensitive uses on the site such as the nursery.

To respond to the acoustic consultant on solar gain then it is accepted that the solar gain is reduced to the northern facades along the railway line compared to the southern facades. It may be necessary to provide adequate cross ventilation where mechanical ventilation does not provide as much air flow as opened windows to allow cooling of properties during the night time period when daytime ambient temperatures are high. The issue of 'over heating' given climate change concerns of increasing ambient temperatures year on year now presents a conflict where the building envelope sound insulation approach is applied to properties affected by transport noise resulting in

windows needing to be kept closed to meet recommended internal noise levels (Table 4 BS8233 Noise Reduction and sound insulation in buildings).

The following conditions are recommended:

1. Noise Assessment
2. Contaminated Land Assessment prior to commencement
3. Construction hours of operation

BDC Waste

The Design and Access statement shows the Primary and Secondary roads. In order to assess feasibility of waste collections, we will need a strategy showing adopted roads and private roads, collection points and turning heads. The roads and any private driveways will need to be adopted by ECC highways, or if not adopted by ECC highways, built to a standard the same as adopted highway so that our waste collection vehicles can make collections. BDC will need written assurances that they will not be liable for any damage caused to private access roads as a result of them driving over them to carry out collections. Alternatively, households living in properties on private drives will have to take their bins and sacks where the private road meets the adopted road.

Operatives are not allowed to walk with bins for more than 20 metres. Any blocks of flats will have to be provided with a bin store, large enough to house the recommended number of recycling and refuse bins with a minimum clearance of 15 cm around all sides of each bin, so that each one can be accessed by the residents and by the collection crews.

BDC Landscaping

No objection to the application. Officers have been involved in the Design Code process for this application.

PARISH / TOWN COUNCIL

Witham Town Council

Witham Town Council have been consulted on all revisions to the application. The last response received states the following:

Members of Witham Town Council's Planning and Transport Committee have had the opportunity to consider the above planning application and recommend refusal on the grounds of:

1. An assurance that there would be no damage to the trees and hedgerows;
2. Clarification regarding the layby for lorries on the slip road;
3. Assurance regarding the access to the farm at the bottom of the site;
4. Whether there will be sufficient capacity at the roundabout once the A12 is triple laned,

5. A sustainable footpath/cycleway, not as part of the current road system, linking up the development with both its neighbour and the railway station;
6. That there be a logical bus route going from one estate to the other.

REPRESENTATIONS

A total of 6 letters of representation. 2 to the original consultation and 4 to the follow up re- consultations. All letters received were objections.

The objections/comments received are summarised below:

- No regard for existing infrastructure of the town including doctors and dentists.
- No regard for traffic flow.
- The development would take the town even further towards Hatfield Peverel.
- Serious traffic congestion and serious accidents.
- The pedestrian/ cycleway to the south west runs across adjacent landowners land and should be removed.
- The proposed new junction arrangements are suboptimal and a better approach would be to use existing arrangements to the adjacent development at Lodge Farm.
- Attention needs to be given to additional facilities such as shops/ cinemas before more housing is granted.
- Local transport services are slack and unable to cope.
- The plans do not show what dwelling is located in each plot and what they will look like.
- Impact on schools.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2021

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

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

makers at every level should seek to approve applications for sustainable development where possible.

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

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

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

The Development Plan

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

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

The site is located in an area of 'countryside' outside of the Town Development Boundary of Witham and therefore constitutes a departure from Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy. As a consequence, the proposal also represents a departure from the Development Plan as a whole.

It should however be noted that the site is proposed for allocation as a Strategic Growth Location under Draft Local Policy LPP23 of the Section 2 Plan, a factor which must be given significant weight in the planning balance assessment for this proposal. Policy LPP23 expects the site to provide for:

- Up to 450 new homes of a mix size and type appropriate to the area.
- Affordable housing as per the Council's requirements.
- Formal and informal open space, play space and allotments including an appropriate countryside edge to the development and buffering to the railway line.
- A new 30 place-stand alone early years and childcare nursery (D1 use) on 0.065 hectares of land as required by the Local Education Authority through S106 Planning Obligations.
- Financial contributions to primary education provision as required by the Local Education Authority through S106 Planning Obligations.
- Contributions to other community facilities including health provision as required by the NHS
- Appropriate vehicular access and improvements as necessary to local road network. Contributions and a route for a cyclepath/ footpath between the site and Hatfield Peverel railway station.

The delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed.

The applicant's proposal is therefore in general accordance with Policy LPP23 of the Section 2 Plan with the exception of dwelling numbers. The applicant proposes 400 dwellings rather than 450 which is a result of a detailed and Design Code led approach which has allowed the maximum number of dwellings which can be appropriately identified on the site to be accurately identified. Furthermore, the southern section of the site is identified as safeguarded land for improvements to the A12. This loss of land has driven the requirement to be realistic in terms of the number of dwellings achievable on the site. This amendment has been taken forward as part of the Local Plan process and has been submitted to the Planning Inspector by way of modifications.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

Witham is classified as a 'Main Town' in the Core Strategy and a 'Town' in the Section 1 Plan. In both cases, the underlying spatial strategy implies in principle that the town is capable of accommodating a significant amount of development, representing one of the most sustainable locations in the District for new growth on account of the availability of local employment, services, facilities and transport links. Policy CS7 of the Core Strategy supports this rationale by directing development into locations which are 'accessible' and where opportunities to take up sustainable forms of transport are available, or can be improved. The approach is consistent with the objectives of Paragraph 105 of the NPPF which states that:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health".

Walking

The site itself is located adjacent to the town boundary which lies to the south east of the site on the southern side of the existing road infrastructure. The Town boundary then continues south of the adjacent Lodge Farm development and along Lodge Farms eastern boundary.

Approximate distances from the site entrance to existing key services and facilities within Witham are given below (as measured by Officers):

- Supermarket (Aldi) - 450m (6 min walk).
- Petrol Station/Co-op Convenience – 140m (3 min walk).
- Pharmacy (Witham) – 2km (26 min walk).
- Witham Leisure Centre – 1.9km (23 min walk).
- Primary School (within the Lodge Farm development not yet built) – 800m (12 min walk).
- Primary School (Chipping Hill Primary School) – 1km (12 min walk).
- Secondary School (Maltings Academy) – 1.9km (23 min walk).
- Witham Train Station (via Spinks Lane, Guithavon Road, Guithavon Valley and B1018) - Motts Lane & Cut Throat Lane) – 2.9km (36 min walk).
- Witham Town Centre – The Grove (via Hatfield Road) – 2.1km (25 min walk).
- Gershwins Day Nursery – 600m (7 min walk).
- Hatfield Peverel Station – 2.5km (Car/ bus journey).

There are therefore, a variety of services and facilities within the local area as would be expected from a site positioned on the edge of the Town.

However, given the size of the development and the fact that some of the above distances are longer the 800m walking distance set out in the CLG Department for Transport's Manual for Streets which is commonly accepted as defining a 'walkable neighbourhood', the proposed on site facilities and services are also important to the sustainability of the proposal. Whilst the site is essentially for residential dwellings only, a 30 place day nursery is proposed in accordance with the site allocation. To the western edge of the site within the existing Woodend Farm complex, but outside the application red line, sits a variety of uses including a place of worship (The Kings Centre). As well as the Sunday Church services, the Kings Centre offers a variety of uses and clubs during the week which includes parent and toddler group, Karate, and charity sessions. A pedestrian link has been proposed from the site into the existing Wood End Farm complex which will allow residents pedestrian access to use the facilities.

It should also be noted that to the south eastern corner of the site, on the adjacent development at Lodge Farm, an Enterprise centre and a range of former agricultural buildings for commercial purposes has been approved as part of the wider Outline for the site. This allows for a mix of E and F2 class uses to come forward (retail/ professional services/ indoor sport/ crèche/ local community uses). Whilst this has not yet been built out, the Lodge Farm site is

due to be completed within the next 4-5 years and offers a further local facility within walking distance for residents of the Woodend Farm site.

In terms of pedestrian links within the site to the adjacent Lodge Farm site, there is currently a ransom strip and row of established hedgerow which forms the eastern boundary of the site. The Parameter Plans and Illustrative Masterplan shows potential east west pedestrian/ cycle connectivity that could be achieved in the future in Lodge Farm.

Public Transport

In terms of the wider links to services, the site is located approximately 3km from Witham Station and 2.5km from Hatfield Peverel Station. The stations provide frequent access to a variety of destinations including Central London, Ipswich, Clacton-on-Sea and Bishop's Stortford. Witham Station is within an acceptable cycle distance from the site using the existing cycle network and provides on-site parking for both cars and cycles.

The closest bus stops to the site are the two "Lynfield Motors" stops in both directions on Hatfield Road which borders south of the development. This stop is served by two First in Essex services, bus route 71/71X, which originates in Chelmsford and serves Hatfield, Witham, Kelvedon and Colchester. The 71/71X runs every 30 minutes, but does not stop at Witham station. The 38/38A is a short walk away (approximately 10 minutes) which serves Halstead, Bocking, Braintree and Witham, and stops at Witham Station. There is also a bus link to Maldon, Heybridge, Witham on the No.90 bus, with the nearest available stop within Witham Town Centre.

The application proposes to divert an existing service into the site, providing access to Witham Town Centre and the Railway Station. Discussions have been undertaken with First and ECC Highways who have confirmed the acceptability of such a diversion, which would entail extending the existing bus route which runs from Broomfield Hospital to Boreham via Chelmsford, from Boreham to the development via Hatfield Peverel and Witham. This would provide a 30 minute frequency service from the development to a variety of destinations, including Witham Railway Station. The service would be timetabled to meet certain train services to and from London Liverpool Street.

The service would access the development from the proposed roundabout junction to the south of the site and stop in the heart of the development as shown on the movement parameter plan. To encourage the use of the bus service, it is proposed to provide all residents with up to 12 month free bus travel when the bus service is implemented. The provision of the bus service has been secured within the S106 agreement.

Cycle

There are numerous on-road and off-road cycle routes around Witham, including National Route 16 which is made up of two sections, running from Stansted to Shoeburyness. As part of the adjacent Lodge Farm development,

a detailed Cycle Improvement Strategy was agreed with the applicant to implement connections to the town centre, railway station and other key points around Witham.

The corridors developed from funding through the Lodge Farm S106 agreement and funding secured through the Maltings Lane S106 agreement include additional cycle routes, both on road and off road. The proposed development would provide a cycleway at the site access which would connect along Hatfield Road to the improvements being delivered within the adjacent developments of Lodge Farm and Maltings Lane and further to the west to the existing Woodend Farm entrance. A new crossing has also been proposed on Hatfield Road to link the development with the adjacent Petrol garage to the south. These improvement have been secured by way of condition and S106 Heads of Terms.

Works have also been secured through the S106 to improve connectivity between the site and the centre of Witham, including improvements to the river walk. These include the installation of a 4m wide toucan crossing to replace the existing zebra crossing along Spinks Lane, outside Maltings Academy. The removal of the grass verge outside Maltings Academy to provide full width shared surface along with the widening of the corner of Spinks Lane and Highfields Road. Improvement works to Guithavon Road with the provision of a 2m wide pedestrian refuge island, along with footway widening works. A S106 contribution has also been sought from the developer to deliver improved signage through the River Walk, and improvements to the existing footway.

Internally within the site, a north/south cycle link has been proposed along the main spine road which then links eastwards at the site entrance to the existing Hatfield Road cycleway, towards Witham. The cycle link could potentially extend westwards towards Hatfield Peverel in the future when the works to the A12 by National Highways are finalised. Discussions between National Highways, the applicant, ECC Highways and the Council continue in this respect.

The applicant has further confirmed, within the Travel Plan, that to enhance and encourage cycling as a mode of travel, residents and employees in the new development will receive cycle marketing information which includes free cycle training courses.

In general and as a whole, Officers consider there is potential for significant improvements to be secured to the existing sustainable transport network in connection with this development, and in combination with adjacent developments requirements through S106 obligations, those benefits would not be confined solely to the future residents of this development.

Officers consider the development's proposed location is, or can be, made sustainable and therefore it would not be justified to refuse the proposal on the basis that there is insufficient access to a genuine choice of transport modes in this location. In addition, the development proposes to deliver

substantial improvements to the wider foot and cycle path network which those living nearby to the site can take advantage of as well as the inhabitants of the development itself. Officers are of the view this amounts to significant additional benefits in the planning balance over and above that strictly required to comply with policy.

Impact on Local Highway Network & Highway Safety

Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Paragraph 112 states that within this context, development should *“give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...”* and *“...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*

Site Access

The applicant seeks Outline planning permission with all matters reserved, except access into the site, for which detailed permission is sought. One vehicular access point into the site is proposed.

The original details submitted with the application included a large internal road which linked to the existing Woodend Farm complex, which would include the use of the road for farm vehicles. This aspect of the development has since been removed after a positive 2 years of discussions with the applicant as it was considered this would not be appropriate in a new residential area. The site will not cater for any vehicular movements from the existing farm complex.

Vehicular access into the development is proposed from Hatfield Road via a new roundabout to the south eastern corner of the site, within the existing road network. The roundabout would create a new arm into the proposed development with one lane in, one lane out with a new pedestrian crossing point. A new arm to the A12 slip eastbound towards Ipswich would be created, with two lanes either way. A new arm would be created westbound towards London, replacing the existing configuration. A new arm would be created to take traffic along Hatfield Road, this would provide two lanes Witham bound with a dedicated right turn lane to take traffic safely to the Petrol garage. In the opposite direction, one lane would be provided, before splitting into two lanes on the approach to the roundabout.

The A12 off slip to Witham would be reconfigured slightly further north into Woodend Farm than the existing situation and one lane in both directions would be provided, as per the existing situation. The existing entrance into the Woodend Farm complex sits outside the scope of the proposal and would remain. A new crossing point to the Petrol Filling Station across Hatfield Road would be provided. A new footway and cycleway would be provided on the northern side of Hatfield Road, from the existing Woodend Farm complex

joining up to the Lodge Farm development adjacent, to connect into the improved pedestrian and cycle facilities. This will provide safe walking and cycling routes into the centre of Witham and to Witham Station.

As the new gateway into Witham from the south, the design and landscape elements of the roundabout should be high quality and attractive. The roundabout would be owned by Essex County Highways, therefore the details of its design, delivery and maintenance will be subject to discussion and agreement with Essex County Highways officers. The applicant's intention is to provide an approved landscape scheme as part of its construction and delivery of the roundabout, a condition has been recommended so that this is delivered.

National Highways Safeguarded Land

The A12 Chelmsford to A120 Widening scheme is identified within the Government's 2015-2020 Road Investment Strategy (RIS1) and Road Investment Strategy 2 that National Highways are currently working to deliver, which states that England's Strategic Road Network requires upgrading and improving to ensure it can deliver the performance needed to support the nation in the 21st century. Part of these proposals include the provision of a new junction (21) between Hatfield Peverel and Witham. The new junction 21 is proposed to fall to the south of the Wood End Farm development whereby approximately 1ha of land has been safeguarded within the Woodend Farm proposal to accommodate these works. The works will also include improved cycle and pedestrian connections to Hatfield Peverel and the surrounding area. During the planning application process there have been extensive discussions with ECC Highways, National Highways and BDC Officers.

Whilst the detailed design of the junction 21 works have not yet been approved, National Highways have confirmed that the proposed new roundabout and access arrangements into the site will not prejudice the junction works coming forward.

A detailed drawing (MDSK 200512-2 REV P7) which shows land that will be dedicated for future use in the A12 upgrade works has been recommended for approval as part of the suite of documents attached to this application. This land will be dedicated through the S106 Agreement for the use of Trunk Road Improvements if Braintree District Council are notified by National Highways of their requirement for the said land. This dedication will be for a period of 25 years, with a notification every 5 years to determine whether the land is still required for Trunk Road purposes. In advance of National Highways requiring the land, it is proposed that this part of the site will be subject to a landscaping scheme by the applicant, which will be maintained as part of the overall landscaped framework of the development unless and until the land is required for any A12 improvements.

National Highways and Essex County Council are content with these proposals in highways capacity and safety terms and therefore a condition will be applied to any planning consent requiring the implementation of these

works subject to a S278 Agreement, following the standard implementation process to include for a Stage 2 Safety Audit as part of the Technical Approval process.

Highway Capacity

A Transport Assessment (TA) has been submitted in support of the application which has been reviewed in detail by both National Highways and Essex County Council Highways. Due to the time and complexity of the application, and the amendments to dwelling numbers and uses on the site, a further note and technical drawing have been provided, which would form part of the suite of approved documents, and update details within the Transport Assessment

The Transport Assessment is based on a development of 450 residential units, and takes into consideration up to 2,000sq.m of commercial floorspace, a residential care home and a nursery. Since the time the TA was undertaken, the residential care home and the commercial floorspace have been excluded, and the dwelling numbers have been reduced. Trip calculations were based on 2019 modelling, however, given the modal shift in people working from home due to the Covid 19 outbreak, further modelling has not been undertaken since this date but has been based on worst case scenario.

This Transport Assessment considered the highways implications of both the proposed development and a cumulative assessment with other developments within Witham, which are coming forward. Whilst the proposed development is not reliant upon improvements to the A12, the proposed development does not prejudice the future upgrade to junction 21 of the A12. In overall conclusion, the Transport Assessment has demonstrated that the site is located in an accessible location by sustainable means, and that the traffic generated by the proposed development will not have a severe impact on the surrounding highways network, in accordance with the National, Regional and Local Transport Objectives. As mentioned above, the a package of measures has been identified in the Transport Assessment, to encourage trips to be made by means other than the private car, which include for the implementation of a Bus Strategy; the implementation of a Cycle Strategy, the provision of Travel Packs and the Implementation of Travel Plans.

Within this context, National Highways and the Highway Authority have no objection to the application and agree with the findings of the Transport Assessment; therefore the NPPF would direct against refusing this application on highway grounds. This area of Witham has a potential to provide excellent access to alternative means of sustainable transport. It accords with policy for the focus of mitigation to shift towards improving existing networks which encourage use of more sustainable modes of transport rather than concentrate on facilitating the motor car instead. The Highway Authority has experience of a number of sites with similar constraints elsewhere in Essex and has observed that a generous package of improvements to existing sustainable transport networks can be very effective at reducing trip rates from developments as a whole.

The package of measures in this case seeks to deliver a strong network of cycle and footpaths within the site, additional off-road connections through Lodge Farm and the existing residential development at Allectus Way, going east to schools, then through the river walk to the Station or Town Centre and a commitment to expand the bus infrastructure serving the site. This seeks to increase the offer from more sustainable transport modes, presenting the inhabitants of the development with a realistic alternative to the motor car and means to make smarter transport choices should they wish to do so. Overall it is considered that these measures have the potential to deliver a reduction in congestion within the road network than would otherwise be the case without them, helping to make active travel and public transport a viable alternative to the motor car.

Turning to the internal arrangements of roads and uses on the site, the Highway Authority raises no objections to any elements.

In summary, the site is regarded to be in an 'accessible location', and the proposal would not give rise to an unacceptable impact upon highway safety or result in residual cumulative impact upon the road network that would be severe. Thus the proposal is judged to be compliant with Policy CS7 of the Core Strategy and Paragraphs 111 and 112 of the NPPF.

Design, Appearance and Layout

Paragraph 130 of the NPPF requires among other things that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy SP7 of the Section 1 Plan requires that new development responds positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy RLP90 of the Adopted Local Plan requires a high standard of design for all development and that the layout, height and overall design of development are in harmony with the character and appearance of the surrounding area.

The application is accompanied by Parameters Plans for formal approval, which cover Land Use, Building Heights, Housing Density and Transport and Movement. An Indicative Masterplan was submitted along with block dimensions which Officers considered demonstrate that 400 dwellings could be suitably accommodated on the site, this will not form part of the suite of approved documents. The Parameters Plans have been subject to revision on a number of occasions and a Design Code has been submitted to accompany the application.

The above plans were produced following an extensive pre-application process involving significant engagement with Officers from Planning; Landscaping, Ecology, Highways and Design specialisms. This included detailed Design Workshops, a number of pre-application meetings, design and layout critique's and regular discussions between the Local Planning Authority and the Applicant's Design Team.

Consequently, the level of detail submitted and the proposed quality of the proposal is considered by Officers to be very high and is underpinned by a carefully considered and detailed Design Code which future developers of land parcels on the site must adhere to. This will ensure both continuity and quality across the development and provides the Council with significantly greater certainty over what is being proposed than could otherwise be achieved.

The proposed layout consists of a number of developable areas which sit around a central park area and spine road which runs from the site access, along the eastern edge of the park and terminates at a proposed bus stop. There are substantial green buffer areas located around the site's periphery with an area dedicated to allotments to the north eastern corner of the site.

The site will be formally connected by a strategic footpath/ cyclepath route passing through the centre of the site on a 3.5m wide pavement, and joining up with a route running along the northern boundary, with the potential to connect with the Lodge Farm foot/cycleway network in the north-eastern corner. To complement this, an informal route will be formed around the perimeter of the site, as well as providing east west connections through the site, positioned beside native trees, verges, footpaths and smaller pockets of green space.

As well as safe and attractive walking routes, the perimeter corridor will further provide habitat and wildlife corridors. The existing perimeter vegetation will be bolstered by additional native tree and hedgerow planting as well as understorey shrub and grassland to maximise opportunities for maintaining and creating new habitats.

The southern entrance has the opportunity to create a new high-quality green gateway to the site and Witham as a whole. Built form will be set back and visible beyond a landscaped arrival space that incorporates feature signage. This will not only create an attractive entrance to the site but also set up the theme of green links throughout the development. To the west of the access road, adjacent to the land safeguarded for National Highways, a hedgerow will be set back from the entrance road, with space for mown grass and ornamental tree planting.

At the heart of the site, a large green park space is located, comprising predominantly grassland and a play area, overlooked by dwellings on all sides. This open space will be informal and open in design for flexibility for a range of uses, but framed by a line of trees to define its eastern edge and relationship with the spine road. The central park will include active space for kick abouts, a LEAP, informal play with stepping stones, a pond dipping platform, and space for active recreation.

The central open space also accommodates a series of infiltration basins and a swale contributing to the drainage network. These gentle depressions in the ground will be dry for the majority of the time and can be used for recreation, only becoming wet in high rainfall events.

A smaller village green is located to the northern area of the site which provides opportunities for informal play and a LAP for children will be provided.

The streets within the site are set within a hierarchy to ensure the character of the street is appropriate for the setting of the place. Thus, the design of the street will respond to its location within the site, its use by particular modes of transport and the number of dwellings it serves, rather than the space feeling over-engineered by the street design. In all cases, the street will be as narrow as possible and appropriate materials will be used to create a high quality environment, being careful not to attract attention away from the dwellings and the landscape setting. The Design Code specifies that primary streets must be tree lined and that tree spacing will take precedence over services/infrastructure. As for Secondary and Tertiary streets the code exemplifies tree lining of the streets in the example plans and the 'Design Principles' Code boxes give clear instructions on the necessary trees within each street of each character area.

Overall, the site measures approximately 18.9 hectares, giving a gross density of approximately 21 dwellings per hectare and a net density of approximately 35.7 dwellings per hectare based on an approximate residential developable area of 11.28 hectares.

The illustrative masterplan, which directly informs both the Design Code and the Parameter Plans (all of which would be for formal approval) demonstrates how both the Essex Parking Standards and the Essex Design Guide Criteria (including garden sizes and back to back distances) could be met.

In terms of appearance, the submitted Design Code provides significant detail regarding proposed character areas, public realm and landscape details, and details of road, cycleway and footpath typologies. This includes factors such as proposed building materials and design types/principles, location and types of planting, street layouts and dwelling heights and typologies.

It also details Character Areas which form the building blocks for the site's proposed design and layout. These are briefly summarised below:

'The Gateway' – South

This area provides the formal entrance to the site and also contains the highest built density within the development. It is important that it provides a striking gateway into the site and that it sets up the overarching character for the rest of the scheme, both in terms of landscape and built form. This character area will include a greater variety of materials to add character to the slightly higher density development. Some uniform use of materials is appropriate in the central parts of individual street scenes to ensure logical use of materials and reflect street and building status. A mix of brick colour is proposed, a greater proliferation of the light / off-white weatherboarding. Density would be higher in this location of up to 40 dwellings per hectare.

Building heights would be predominantly 2 – 3 storey (with max 15% 3 storey).

The Greens – Central

This occupies the central portion of the site and provides frontage onto the main open space and spine street. It is mainly of medium built density, and also includes interface between the Lodge Farm development to the east and the existing Wood End Farm complex to the west. A light green weatherboarding is introduced for predominant use in this character area, reflecting the large area of open space, as well as beige/buff brick and some limited use of yellow and green render. Density in this area would be 37-40 dwellings per hectare. Building heights would be predominantly 2 – 3 storey around the central park, with 2-2.5 storey around the periphery (with minimum 60% 2 storey).

The Lanes – North

This part of the site forms the rural interface between the development and the open countryside to the north and west. It comprises the lowest built density, and is looser in character, containing a smaller village green, grass verges and the site's allotments, as well as the northern green corridor. Pale blue and off-white render is incorporated for use in this character area, combined with a greater proliferation of the darker weatherboarding, which will reflect the rural character of this part of the development. Density in this area would be 33 dwellings per ha. Building heights would be predominantly 2 – 3 storey (with max 10% 3 storey).

Officers are of the view that the number of dwellings contained within the illustrative layout can be accommodated on the site in a manner that would, for the purposes of an outline application, accord with local and national policy, including the required levels of parking, separation distances and street trees.

In terms of housing mix, the applicant would be required to provide 30% affordable housing on site, based on housing need evidence there would be requirement for a 70/30 tenure mix of rented over shared ownership. This has been recommended by way of S106 obligation.

In terms of market mix, Policy RLP7 of the Adopted Local Plan requires new developments to require a suitable mix of housing to achieve mixed communities, in accordance with the findings of the 2015 SHMA update (or its successor). In order to secure the benefits of provision to this effect, a condition is recommended controlling the open market mix to provide 20% 1 and 2 bedroom dwellings at Reserved Matters stages in accordance with the standard approach the Local Planning Authority has adopted on similar sites of this nature in the past.

Open Space

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

As indicated on the Land Use Parameter Plan, the proposed development would provide a variety of public open space on the site, including the provision of amenity and natural green space, a large central park/ recreation ground, allotments, a central Locally Equipped Area of Play (LEAP) and a Local Area for Play (LAP). This would provide a permeable and accessible network of green space which will be necessary to serve the needs of the residents of the development, but will also be of value to the wider community. This consists of 0.25ha of Allotments and 1.82ha of Amenity and Natural Green Space and 1.36ha of Park and Recreation Grounds. In total the site would support 3.43ha of open space, in excess of policy requirements, all of which identifies a development which is appropriate for its setting and of a high quality. The S106 would require a Management Plan to be approved for all open space on the site to ensure its upkeep and maintenance.

Policy CS10 of the Core Strategy requires 2ha of land per 1000 population for use as Outdoor Sports facilities. Based on average occupancy levels within the District a development of up to 400 dwellings could be expected to provide 1.89ha of land for outdoor sports facilities. The site is unable to make provision for outdoor sports facilities on site, instead, a financial contribution towards offsite formal sports provision is required. This contribution would be calculated in accordance with the Councils standard formulae. This contribution would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

Due to the scale of the development Sport England were consulted on the application. The development will increase demand for sports facilities in the town and there were insufficient details within the application documents to demonstrate that the applicant would provide suitable mitigation for the potential impact resulting from the increased demand.

As outlined above, in accordance with policies in the Local Plan and Open Spaces SPD, the Council require a financial contribution towards Outdoor Sports facilities in the town. In respect of Indoor Sports facilities no financial contribution is being sought. The town has a modern swimming pool at the Witham Leisure Centre and the town's two secondary schools both hire out their sports halls to the public outside of school hours. No opportunities to extend or increase capacity at these facilities have been identified and Officers have reported this to Sport England. Given the facilities which are

available in the town and the absence of an identified scheme to improve existing facilities Sport England's Planning Manager has confirmed that their holding objection is withdrawn.

Landscape Character

Policy CS8 of the Core Strategy requires amongst other things that all development proposals have regard for the landscape and its sensitivity to change; requiring that development enhances the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan requires new development proposals to not be detrimental to the distinctive landscape features and successfully integrate into the local landscape. Paragraph 174 of the NPPF states that decisions should enhance the natural and local environment by protecting and enhancing valued landscaped, and recognising the intrinsic character and beauty of the countryside including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; a sentiment also echoed in Policy CS5 of the Core Strategy.

The site has been subject to Landscape and Visual Impact Assessment (LVIA). The site is located within the B21 Boreham Farmland Plateau Landscape Character Area (LCA). The Braintree District Settlement Fringes - Evaluation of Landscape Analysis Study of Witham (2015) analyses the capacity of the landscape around Witham to accommodate new development. Within this analysis, the Site lies within parcel 'H' and is identified as having a medium landscape capacity.

The study goes on to state that: "There is an opportunity to improve the impression of the south western fringes of Witham as part of any development proposals, with a framework of vegetation creating a strong edge between the farmland alongside the A12 and rail corridor and the linear arrangement of the existing settlement fringes along the Hatfield Road. The retention and management of the vegetation on the southwestern boundary of Parcel 1h would reinforce the sense of separation between Witham and Hatfield Peverel, and provide a robust landscape edge between built up areas and the adjacent countryside.

The field parcel of the Site is currently used for arable agriculture and is accessed from Wood End Farm and a field gate from the A12 slip road. The southern section of the Site, immediately adjacent to the slip road is used as car parking for the associated kiosks and cafe in this section of the Site. Hard standing is used for car parking and planting and grassland frames this space. A driveway leads from the slip road to an enclosed area where a builder's merchant, nursery and car storage area are located. Vegetation on Site comprises of hedgerows and trees to the boundaries of the arable field plus a line of tall conifers which forms the internal boundary to the commercial area. The Site's hedgerows and deciduous trees form key landscape features; whilst detracting features of the Site relate to the poor quality commercial complex. This area is neglected and chaotic in appearance.

The key characteristics of the application site are therefore gently sloping landform, commercial units of a small scale and mass, arable field bound by hedgerows and trees of varying height and age and vegetated boundary to the north providing enclosure. Due to the combination of topography and vegetation, views of the Site are limited to the immediate environs to the Site. Visual receptors with open views of the Site are limited to the transient receptors using the A12, the receptors at Wood End Farm to the west, Lodge Farm residential development to the east and the immediate public rights of way network. The Landscape Capacity Analysis goes on to say 'the visual connections with Hatfield Peverel are reduced by intervening landform and boundary vegetation. There is limited sense of arrival on approach to the town and strength of landscape character in this Parcel is relatively weak'.

The guidelines for development and mitigation measures for the site stated with the LCA is that there is an opportunity to improve the impression of the south western fringes of Witham, with a framework of vegetation creating a strong edge between the farmland alongside the A12 and rail corridor and the linear arrangement of the existing settlement fringes along the Hatfield Road.

Development should be at an appropriate scale and form to neighbouring residential development and the rural context of the settlement fringe. The linear band informal open space could be continued along north-western boundary creating a continual buffer between the railway line and housing. Opportunities to connect the residential areas with the wider landscape could also be taken by improving the public right of way network and creating green corridors.

The separation between Witham and Hatfield Peverel should be maintained and defined through preserving and enhancing the boundary vegetation to the south-west. This would also provide a definite edge to development and boundary with the surrounding countryside. Development in this location should be treated as a gateway to Witham providing a well-integrated settlement edge and enhancing the local landscape character and the setting of the south-western settlement fringe. Buffer planting should be provided to the south to reduce the impact of the busy B1389/A12 road junction.

Overall therefore, the site is identified as having the landscape capacity to absorb development although as with all developments of this scale in order to minimise landscape harm the site would need to be developed in a sensitive manner.

The development parcels would have their heights limited with the development being primarily 2 to 2.5 storey with elements of 3 storey at appropriate points in terms of townscape and development legibility. Combined with substantial areas of green buffering located around the sites periphery, open space and extensive tree planting within the site, as well as tree lined streets in accordance with NPPF requirements, this would help to minimise the development's landscape impact. A wide corridor of safeguarded land to the south of the site separating the development from the A12 slip road would also add to the buffer along the southern boundary.

The Council's Landscape Officer has assessed the application and overall has no objection to the proposal on landscape grounds. The Landscape Officer has been involved in the evolution of the Design Code, including planting palette and tree species. A number of conditions have been recommended to mitigate any impacts.

Overall, Officers consider that the impact of the proposal is limited for a scheme of this size. The applicant proposes a net gain in tree planting against those lost and the site contains expansive areas of interconnected green infrastructure and buffer zones. Furthermore, there would be a significant improvement to the front of the site when viewed from the A12 offslip. As with all such major residential developments there would be a degree of landscape harm and this must be assessed in the overall planning balance.

Ecology

Policy CS8 of the Core Strategy requires that proposals create and enhance the biodiversity value of wildlife corridors and promote wildlife enhancements which contribute to the targets set out in the Essex Biodiversity Action Plan. Policy RLP84 of the Adopted Local Plan directs that planning permission is not granted for development which would have an adverse impact upon protected species. Paragraph 174(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity. Paragraph 180 of the NPPF states that when determining planning applications, LPAs should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for.

The site comprises of an arable field, with a cluster of low quality buildings, structures and storage area within the southwest of the Site, with hedgerow and trees to the boundary. The Ecological Impact Assessment conducted in October 2019 includes an extensive portfolio of surveys undertaken on the site which includes a Habitat Survey, Bat Survey, Habitat Suitability Index for Great Crested Newts, Reptile survey, Breeding Bird Survey, Wintering Bird Survey and Badger Survey. The surveys identified that bat activity, reptiles (slow worms and lizards), badgers and birds are present on the site.

The Reports which accompany the application states that the Site surveys have identified a low biodiversity value and related low level impacts. The most valuable receptor, the Essex Estuaries SAC, does require mitigation for potential recreational impacts from new housing developments. This has been achieved in this scheme. All of the other species/groups found within or adjacent to the Site were of low value and can be mitigated or compensated. This is discussed below.

Bats have been identified to be using the site for foraging and commuting. The existing 10 buildings on the site (located in the commercial area to the south of the site) were assessed as potential bat roosting locations, all of which had no signs of bats or bat droppings and all of which were assessed as having

low potential for bat roosting. Three Oak trees on the north eastern boundary were also identified on the site with bat roosting potential; only one of these was considered to have moderate potential for roosting bats. All three of these trees are to remain.

In order to mitigate harm to bats, a condition has been recommended for the inclusion of bat boxes and bird boxes within the development, also noting that the new open space corridors would provide enhanced opportunities for foraging and commuting subject to sensitive lighting controlled by conditions if consent were granted. A condition has also been recommended by ECC Place services in relation to sensitive lighting around green spaces to ensure any impact is mitigated.

A Habitat Suitability Index for Great Crested Newts was undertaken on a small pond within the Woodend Farm complex outside the red line boundary. The results from the HIS were that Great Crested Newts would be extremely unlikely to be found in this location. In terms of Reptiles on the site, Slow-worms and Common Lizards were found, with Slow-worm confirmed breeding, in the northern tip of the Site by the railway line where the vegetation is overgrown and the location catches a lot of sun. The presence of these species has been taken into account in project design and masterplanning. It will be possible to retain them on Site but some temporary mitigation by excluding them from the construction area will be necessary.

A Breeding Bird Survey was submitted as part of the Ecological Impact Assessment Report. This indicated that a number of priority farmland birds were present, including a maximum number of six Skylarks. Essex County Council Ecology has assessed the information and raises no objection to the application on this basis, subject to a Skylark Mitigation Strategy being provided which demonstrates proportionate compensation for the loss of the Skylark territories on the site. This will involve the provision of skylark plots on nearby agricultural land for a period of ten years as secured by Section 106 Agreement. This approach has been agreed by the applicant.

With regard to birds, the habitats recorded within the site were found to be typical of those in the wider landscape, suitable for supporting a similar assemblage of species including a small number of common and widespread species. During the surveys undertaken, there were two Schedule 1 birds seen during the surveys: Fieldfare and Redwing. There were also six Species of Principal Importance: Bullfinch, Dunnock, Linnet, Song Thrush, Skylark and Yellowhammer. There were no large flocks of any birds on the site. The remainder of the species on site were widely spread and for the most part used the surrounding trees and scrub to feed in, the exception being Skylark which were only recorded on the last visit using the grassland area. If the proposed development is carried out sensitively, with due regard to retaining and managing the existing habitat mix where possible, most of the recorded species may remain on site or use it in one way or another.

A Badger survey was submitted with the application which shows recordings of Badgers using the site. A Construction Environmental Management Plan

has been recommended by way of condition to ensure that mitigation is in place before construction commences.

The scheme has been subject to mitigation through design, layout of its physical form and its construction programme and method. Proposed green space enhancements including a linked network of green corridors open spaces and wetland habitats are likely to be highly beneficial to bats and other wildlife and result in a significant net gain to biodiversity. There will be green strips and/or buffer planting around all boundaries, notably along the north-eastern boundary with Lodge Farm and a green buffer strip along the north-western railway boundary. A significant green edge to the south of the site will be retained as Highways safeguarded land. SuDS areas will be included within the road frontage land and also within a central spine of the Site, with green routes along and around boundaries as well as connecting through the Site from east to west via the central spine and also north to south. A landscaping / planting scheme has been devised to provide a mix of wildlife friendly species and greater structural diversity.

The Councils Ecology Officer has assessed the application and raises no objection subject to a number of conditions, notably a Construction Environmental Management Plan, Landscape and Ecological Management Plan, Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design Scheme, bird and bat boxes and time limit before further surveys are undertaken. Furthermore, a S106 obligation has been requested in relation to a Skylark Mitigation Strategy.

Natural England have also reviewed the application and have raised no objection subject to the required mitigation measures being secured in relation to the Habitat Regulations Assessment which is discussed in more detail below.

Taking the above considerations into account, Officers consider the proposal is compliant with Policy CS8 of the Core Strategy, Policy RLP84 of the Adopted Local Plan, and Paragraph 174 of the NPPF. Overall, subject to the required planning conditions Officers do not consider that there are any ecological grounds to recommend that planning permission is refused.

Arboricultural Impacts

Paragraph 131 of the NPPF states that existing trees should be retained wherever possible.

The applicant has submitted an Arboricultural Impact Assessment and Method Statement in support of their application. There are limited trees on the site, with a total of 16 trees/ groups identified. There are some established Oak trees to the northern and eastern boundary which will remain. There are no TPO's within the site boundary.

The development would require a total of 5 trees/ groups of trees to be removed. These have all been identified as Category C and U trees/ groups,

none of these are Category A or B trees. The trees/ groups to be felled are as follows:

- G2 – Two mature sycamores located at the front of the site in the existing commercial area (Category C);
- G3 – Mixed deciduous cluster located along the front boundary of the site (Category C);
- G13 – Elm cluster (largely dead and infected) (Category U) located to the north western edge of the site; and
- G15 and G16 – Leylandii and Poplar located within the southern centre of the site (Category C).

The Arboricultural Impact Assessment also indicates the removal of G14 group of trees, however, the proposal has been amended and these will not be removed as part of the proposal.

When assessing proposed tree and hedge loss it is necessary to consider whether it is proposed for justifiable reasons, if it is being kept to a reasonable minimum and where it is essential if appropriate replanting is secured.

The majority of the proposed tree/ hedge removals are located within the site, to the south, within the commercial area and to the front of the site where the access has been proposed. Due to the random and widespread nature of their positioning it is not possible to retain them whilst achieving a high quality design and layout for a residential development. There is only one access point into the site, due to highway safety, and the access point must remain in the position proposed.

A section of mixed deciduous hedging has been proposed for removal to the north western boundary of the site. This has been identified as Category U and is largely infected and dead. The Council's Landscape Officer has reviewed the applicant's Arboricultural Report and has no objection.

Importantly, a large number of existing trees and groups of trees on the site are being retained, particularly around its boundaries where well established mature tree cover exists, particularly to the north, east and western boundaries. In terms of tree planting, the scheme includes significant proposals. A commitment to net gain has been made across the site meaning that more trees would be planted than are lost. Substantial areas are identified on the Land Use Plan and within the Design Code for new tree planting which run around the periphery and within the entire site.

In addition, the Design Code sets out detail on how tree planting will be achieved both within the actual development parcels, character areas, central park area and along the internal roads where regular formal, rhythmic tree planting is an integral part of the Design Code's character approach. Taking account of the policy requirements for a biodiversity net gain and for the provision of trees to line all new streets, Officers consider that the provision of new trees on site will be significantly more than the number lost in any regard.

All new planting areas and existing retained areas would be actively managed under Landscape and Ecology Management Plans with tree stock being professionally managed.

Overall therefore, the proposed loss of trees and hedgerows on the site must be balanced against the retention of existing mature tree stock on the site and the large number of new trees which would be planted and professionally maintained with an overall net gain being achieved. Officers also note that details of future landscaping are a Reserved Matter and that the number and location of new trees will be agreed at this time, however these will be governed by the layout parameters agreed at Outline stage. It is right therefore that, at Reserved Matters stages, conditions ensure an Arboricultural Assessment Report also accompanies the submission whereby the final details of the areas of tree loss can be agreed. Following this, conditions are recommended to ensure the trees to be retained will be protected by an Arboricultural Method Statement and Detailed Tree Protection Plan prior to commencement. Therefore Officers consider the information submitted at this Outline stage is sufficient to establish the principle and quantum of development can be accommodated on the site and to evaluate the likely harm arising from tree loss in those areas where the layout parameters will offer little flexibility for change.

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

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan requires that planning permission shall only be granted where there is no undue or unacceptable impact upon the amenity of any nearby residential properties. Paragraph 130 of the NPPF seeks to ensure good standards of amenity for existing and future users. Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects on living conditions including noise and light pollution.

The closest residential properties to the site will be to the east and west. To the east sits Phases 4 and 5 of the Lodge Farm development which is currently being built out by Redrow Homes. Phase 4 of the Lodge Farm development sits adjacent to the north eastern corner of the site, with Phase 5 running further south of the eastern boundary. At the time of writing this report, a Reserved Matters application for Phase 4 (21/00249/REM) was considered at the Planning Committee held on 26th October 2021, where Members resolved to approve the Reserved Matters. Officers have worked

closely with both applicants to ensure that there is no impact to future residential amenity for this section of the site, in so far as the buffers between the two sites are substantial, building heights are kept to 2-2.5 heights in this area, and there would be sufficient separation distances between the development plots at each site. The allotments on both sites are positioned diagonally so that each sites developable area would face onto the adjacent sites allotments. Towards the centre of the eastern boundary between the two plots sits Phase 5 of Lodge Farm. A Reserved Matters application has not yet come forward for this Phase, so this cannot be assessed at this time, however, the parameter plans show that this area will be 2/ 2.5/ 3 storeys in height, which is mirrored for the Woodend Farm proposal along this eastern boundary. There is however a substantial buffer between the two sites to prevent detrimental impacts by way of overlooking and loss of light.

Further to the south along the eastern boundary sits the Enterprise Centre at Lodge Farm. Again, details of this have not yet come forward, but a variety of different uses have been approved. The impact of these uses will need to be taken into consideration should this application be approved, and when discussions commence on the adjacent Enterprise Centre. However, the building height parameter plan for Woodend Farm proposes 2-2.5 storeys in this location, with a buffer between the two sites. This is considered acceptable to mitigate any future impacts on residential amenity, but will need to be considered when this section of the site comes forward for Reserved matters approval.

Along the western boundary sits the existing Woodend Farm group of buildings, which consists of a grain store, The Kings Centre (Place of Worship), Josephs Barn (Office use), Woodend Farm and a residential dwelling to the south western corner. The Woodend Farm building is located a substantial distance away from the development boundary and is shielded by Josephs Barn and the Kings Centre which are non-residential uses, therefore impacts in terms of overlooking/ loss of light are minimal. There are however two pedestrian access points proposed into the development at this point to access the existing uses. The existing residential property to the south western, again, sits away from the boundary edge further to the west. Any future reserved matters application for the parcel of land that sits adjacent to it will need to be sensitivity designed to ensure there are minimal detrimental impacts to amenity.

There would inevitably be an impact on the outlook to existing neighbouring dwellings given the present open nature of the site, which has to be taken into consideration in the overall planning balance. It should however be noted that no letters of representation have been received from the existing Woodend Farm group of occupiers.

There will inevitably be disturbance during the construction process. In order to safeguard the amenity of existing residents in the locality a condition is recommended requiring the applicant to submit for approval a comprehensive Construction Management Plan for each phase of the development covering for example construction access; hours of working; dust and mud control

measures; contractor parking; points of contact for existing residents; construction noise control measures and details of any piling to be carried out on site.

Internally within the site, the applicant submitted illustrative detailed designs of two plots that demonstrated that the required separation distances can be achieved between the new properties and their neighbours, therefore complying with the standards recommended in the Essex Design Guide. It is therefore considered that the principle of development on the site is acceptable as it would not lead to an inevitable harm upon the residential amenities of nearby properties.

Habitat Regulations Assessment (HRA/ RAMS)

As part of the proposal, a financial contribution per dwelling has been agreed to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC). This is in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and will also secure a package of on-site measures to encourage residents not to travel to the protected coastal sites, including the provision of 3.43ha of open space and a 2.7km peripheral walk with links to surrounding public rights of way. The approach has been the subject of Appropriate Assessment in accordance with Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended) and, as agreed with Natural England, the development would not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS Strategy, either alone or in combination with other plans and projects.

Loss of Commercial Units on the site

There are a variety of historic existing uses on the site which will be required to be relocated if planning permission is granted for this site. The uses consist of a scaffolding storage yard, Car valeting business, a florist, a party balloon business and a mobile food take away van (Fryer Tucks).

Policy CS4 of the Core Strategy states that Employment sites in current or recent use in sustainable locations will be retained for employment purposes. Land for employment purposes will be mainly located on existing employment sites within the development boundaries of Braintree, Witham, Halstead and Great Notley, the six key service villages, Earls Colne Airfield and Sturmer (adjoining Haverhill).

The applicant has confirmed that there are 5 tenants left on site at present. All tenants are on a short term let agreement, with three months' notice should they be required to move. Whirledge and Nott, the managing agents for the site, are, in association with the Landowners, already in discussions with a number of the tenants to seek to assist their relocation locally and will work with all tenants to seek to ensure a smooth transition for their businesses from the site wherever possible.

As previously stated, the site is allocated within the Section 2 Plan whereby the requirement for any uses other than residential and a nursery facility on the site has not been identified. Whilst the loss of these uses on site is regrettable, the vision for the site cannot be achieved with these current uses. Furthermore, the majority of land that they are located on is safeguarded by National Highways, so they would inevitably be relocated in the future should works to the A12 commence.

Heritage

Policy RLP100 of the Adopted Local Plan states that, in instances where development involves a change of use, it will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land, and development will only be permitted where it does not harm the setting of the listed building. Policy SP7 of the Section 1 Plan requires that new development protect and enhance assets of historical value. Paragraph 199 of the NPPF advises that, when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. Paragraph 202 of the NPPF states that, where a 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.

The Council has a duty under Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

The site is not located close by to any Listed Buildings or Conservation Areas. The Council's Historic Buildings Consultant raises no objection to the application in this regard and no harm to any heritage assets has been identified.

Archaeology

The application is supported by an archaeological desk based assessment. This confirms that the proposed development will affect a site of archaeological interest. Previous investigations on adjacent land has revealed significant prehistoric activity within the landscape in closer proximity to the development. The geophysics has identified probable agricultural activity predating c.1800 as well as other uncertain features of probable archaeological origin. Conditions are proposed which would secure a programme of trial trenching together with the subsequent investigation and evaluation of any archaeological assets identified. The proposal is therefore considered to be compliant with Policies RLP104, RLP105 and RLP106 of the Adopted Local Plan and Policy CS8 of the Core Strategy.

Land Contamination

Policy RLP64 of the Adopted Local Plan requires that applicants carry out a thorough investigation of sites stating that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination so as not to harm those inhabiting the site or the surrounding environment. Paragraph 183 of the NPPF requires that planning decisions ensure that the site is suitable for its proposed use taking account of any risks arising from contamination.

The findings of the Ground investigation Report (Phase 1 Desk Study) indicate that the site has remained undeveloped agricultural land since the 19th Century, however the on-site electricity sub-station, commercial land uses and the historical horticultural nursery together with the off-site railway, adjacent Wood End Farm and a series of backfilled ponds and a sand pit were identified as potential sources of contamination.

The report concluded that no on-site sources of significant contamination have been identified that would pose a risk to future site residential users, the public or the environment, however, further investigations are needed to be carried out as part of a condition of any consent and an appropriate condition has been recommended in consultation with Environmental Health Officers. The proposal is therefore considered to be compliant with Policy RLP64 of the Adopted Local Plan and Paragraph 183 of the NPPF, in that it would be suitable for the proposed use taking account of the above factors.

Construction Activity

In order to safeguard the amenity of existing residents in the locality a condition is recommended requiring the applicant to submit for approval a comprehensive Construction Management Plan for each phase of the development covering for example construction access; hours of working; dust and mud control measures; contractor parking; points of contact for existing residents; construction noise control measures and details of any piling to be carried out on site.

Noise

Policy RLP62 of the Adopted Local Plan advises permission should not be granted for development or changes of use which give rise to noise emissions which harm the amenity of nearby residents. Policy SP7 of the Section 1 Plan requires that the amenity of existing and future residents is protected in regard to noise and vibration arising as a consequence of development. Paragraph 185 of the NPPF recommends that planning decisions mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (acknowledging advice contained within the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)).

Given the location of the site, that being adjacent to the A12 and a railway line, there are concerns that noise could detrimentally impact future residential amenity. The Council's Environmental Health Officer requires that acceptable internal and external noise levels can be achieved at this site. It should also be demonstrated by the applicant that the internal thermal comfort of the occupiers can be achieved to ensure that noise levels are not achieved to the detriment of overheating. This should not be achieved through mechanical cooling systems as they do not provide sustainable design. Conditions have therefore been recommended which will be applied to the permission if consent is granted to ensure that the above (in relation to both acceptable noise levels and avoiding overheating) is achieved.

Air Quality

RLP63 of the Adopted Local Plan states that, in situations where air quality objectives are likely to be prejudiced as a result of development proposals and/or resultant traffic movements, that a specialist assessment is submitted and planning permission only granted where air quality objectives can be met. Paragraph 185 of the NPPF requires that noise levels are mitigated and reduced to a minimum. Paragraph 186 of the NPPF requires that *"opportunities to improve air quality or mitigate impacts should be identified"*, and that *"decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan."*

The applicant has submitted an Air Quality Assessment which concludes that the proposed development does not raise any significant or other residual adverse impacts on the health and/or quality of life for any existing or proposed receptors, as a result of any anticipated changes to air quality. The Council's Environmental Health Officer raises no concerns with the methodology of the assessment. Appropriate conditions have been recommended to mitigate any impacts on air quality during the construction process.

Agricultural Land

Paragraph 174 of the NPPF requires that the economic and other benefits of the best and most versatile agricultural land be taken into consideration when determining planning applications which would result in the loss of such land. Footnote 58 to Paragraph 174 states that (for Local Plan allocations) where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Although this footnote relates specifically to plan-making and not the determination of planning applications it is still considered relevant insofar as it identifies the importance of the loss of agricultural land as a material planning consideration in the overall planning process.

Best and most versatile agricultural land is classed as land within Grades 1; 2 and 3a of the Agricultural Land Classification. In this case the majority of the site is classified 2 (Best and Most Versatile –BMV) agricultural land. The loss of several hectares of BMV land as a consequence of this development would therefore weigh negatively in the balance against this proposal, but this loss is mediated when it is appreciated that Braintree as a District overall has an proliferation of BMV land. Furthermore, the site has a draft allocation in the Council's emerging Section 2 Plan and it is recognised that this site has been identified as being both suitable and necessary for a residential-led development to assist with meeting the District's housing needs. Having appreciated this wider context, it is considered that the loss of BMV land would remain relatively small and would not be of a scale likely to significantly undermine the provision of such land throughout the District as a whole. However, the consideration has been made of this loss in the wider planning balance as detailed in the Conclusion to this report.

Minerals and Waste

The site lies within a Minerals Safeguarding Area (MSA) for sand and gravel as identified in the Essex Minerals Local Plan (2014). This Plan forms part of the Development Plan and contains Policy S8 which directs that *“Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.”*

Paragraph 210 of the NPPF requires that the sterilisation of minerals identified in Minerals Safeguarding Area should be avoided and that the prior extraction of this minerals resource should be encouraged where practical and environmentally feasible. 'Sterilisation' is a term used when development or land-use changes take place which permanently prevent extraction of the mineral resource from the ground.

The application was accompanied by a Mineral Resource Assessment. Essex County Council were consulted as the Minerals and Waste Authority and have confirmed no objection to the application.

Officers therefore do not consider that there are any grounds in relation to Mineral extraction to recommend that the application is refused.

Flood Risk and Surface Water Drainage

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

The entire application site is located within Flood Zone 1 (low probability risk of flooding). The site is identified as being in an area at low risk of groundwater flooding. The applicant has submitted a Flood Risk Assessment and Sustainable Urban Drainage Assessment in support of their application. The shallowest depth of infiltration stratum, where the site naturally falls to, is at a depth of between 2 - 3m, making it feasible for infiltration. As such the drainage hierarchy dictates that the surface water discharge from the site is primarily via infiltration.

The drainage strategy is made up of a combination of an underground crate, a swale, a forebay and two infiltration basins, which are located within The Park. These attenuation structures would then discharge into the existing watercourses at specifically controlled rates. This combination has been devised as the outcome of discussions with ECC Officers, the applicant and Council Officers in order to maximise the efficiency and effectiveness of the SuDS options, whilst also maximising the usable open space within The Park. The ground investigations identified the southern end of The Park as the optimum area for infiltration, thus, the Masterplan has been shaped around providing infiltration in this area.

For the majority of the time, the infiltration basins will be dry and can be used for recreation. However, at times of high rainfall, basin 1 will fill with water, with basin 2 immediately to its south providing an overflow area for extremely high rainfall events - a raised weir is provided between the two basins to keep basin 2 dry as much as possible. A pre-treatment forebay (pond) is included for pollution treatment. A swale is provided running along the edge of The Park to convey water to the drainage basins. This will help purify water as it runs through the swale and is to be a playful, interactive feature which will add interest to the landscape.

Essex County Council as the Lead Local Flood Authority have assessed the application in detail and have no objection subject to conditions relating to the requirement for a detailed surface water drainage scheme at the reserved matters stage; the submission of a construction surface water management plan to control run off during the build phase and two conditions relating to long term SUDs maintenance and management plans and logs.

In terms of Foul Drainage, Anglian Water were consulted and have advised that Witham Water Recycling Centre has available capacity for the development flows of wastewater requiring treatment. However, with regard to the used water network the development would, if unmitigated lead to an unacceptable risk of flooding downstream. Anglian Water would therefore work with the applicant to ensure any required infrastructure improvements would be delivered in line with the development. They therefore require a condition requiring a scheme for on-site foul drainage networks and a have recommended a number of informatives to accord with this.

Gas Main and Power Lines

There is a high pressure gas pipeline which crosses the site from east to west in the centre of the site. In accordance with Cadent Gas criteria the Illustrative Masterplan shows no buildings or planting with 12m (6m either side) of the gas main location. The Parameter Plans and Design code shows this restrictive area as an informal footpath which travels from east to west, across the central park area. The Health and Safety Executive automated consultation system has also confirmed that they do not advise on health and safety grounds against the granting of planning permission in this case.

Wood End Farm is served by an overhead 11kv electricity supply which crosses the site west to east, from Wood End Farm towards Hatfield Road at the south east corner of the site. Subject to engagement with UK Power Networks it is expected that this power supply will be relocated and placed underground around the periphery of the site.

PLANNING OBLIGATIONS

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

Policy LPP82 of the Section 2 Plan states that planning permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development.

Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Additional infrastructure capacity may be provided through financial contributions towards new or expanded facilities; on-site construction of new provision; off-site capacity improvement works; and/or the provision of land.

Policy LPP82 states that the Council will apply widest reasonable definition of infrastructure when considering what is necessary. The following section identifies planning obligations that the District Council would seek to secure through a S106 agreement.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 30% affordable housing on sites in urban areas. Policy LPP33 of the Section 2 Plan establishes similar thresholds for Affordable Housing delivery within developments. In addition the emerging policy states that 10% of all homes on individual sites should be affordable home ownership products, including starter homes and shared ownership and that a mix of units to reflect the current local need will be required. Whilst the site is not allocated within the current Adopted Development Plan and is not located within an existing urban area it does stand adjacent to the Lodge

Farm development and is seen an extension to the town of Witham. The provision of 30% affordable housing is considered appropriate and is consistent with the requirements of Policy CS2.

Policy LPP37 of the Section 2 Plan requires that development should seek to create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need. The Council will require that 70% of the Affordable Housing is provided on the Affordable Rent tenure with the remaining 30% provided as shared ownership. As this is an outline planning application the mix of Affordable Housing is not being determined. Instead the developer will submit an Affordable Housing Scheme prior to submission of each Reserved Matters application to confirm the mix and tenure of the Affordable Housing units. Officers will work with the developer to ensure that the Affordable Housing will meet local housing need, with reference to the existing Affordable Housing stock within the town; housing need identified from the housing register; the housing evidence base for the Local Plan and local knowledge.

Policy LPP37 also sets out minimum accessibility standards for Affordable Housing and that all dwellings must meet or exceed the Nationally Described Space Standards. A condition is recommended to require that the Affordable Housing is designed to meet Part M4(2) of the Building Regulations so that the dwellings are built to the accessible and adaptable standard. In addition the Council will require that a minimum of 4 of the Affordable Dwellings will be designed and constructed as wheelchair user dwellings compliant with Building Regulations Part M(4) Category 3.

The Council's Housing Research and Development Team are supportive of this application because it provides opportunity for a significant number of new affordable homes to be delivered which will assist the Council in addressing housing need.

Community Building

With reference to Policy LPP82 of the Section 2 Plan the Council considers widest reasonable definition of infrastructure when considering what is necessary. In this case, Officers consider that this should include the provision of appropriate community facilities. Over recent years the town of Witham has grown to the south with new housing developments at Maltings Lane and Lodge Farm. These residential developments have significantly increased the residential population at the southern end of the town and there is a need to ensure that residents have access to a range of facilities including a community hall for meetings, activities and functions.

As Members will be aware the Council secured land as part of the Maltings Lane development and work is continuing in developing proposals to provide a new community building on land owned by the Council within the Maltings Lane development, at the southern end of the town. Officers are continuing to work on that project, supported by a Community Steering Group but the new facility will be the closest community hall or facility to the proposed

development and occupants of the development would be expected to use this facility.

It is therefore considered appropriate that this development contribute towards the cost of providing this facility. The Council has secured contributions of £499.62 per dwelling towards the delivery of the new community facilities and this is considered to be a proportionate financial contribution. The actual level of contribution will be dependent on the number of dwellings that are built but a development of 400 dwellings would generate a contribution of £199,848. As the contribution will only become payable when dwellings are built because the Council do not want to further delay the delivery of the community building.

Education

The development would provide for the provision of 0.07ha of land for an Early Years and Childcare facility. A development of this size will create a significant additional demand for school places and the Council require developers to contribute towards increasing capacity when there is insufficient current capacity.

The Education Authority, Essex County Council, have assessed the expected number of additional places that could be created as a result of the development. At this stage it is not known what the exact number of dwellings and size of dwellings will be so the County Council's assessment assumes all 400 dwellings are constructed and are qualifying units with two or more bedrooms. Based on these assumptions the development would be expected to generate the need for up to 36 early years and childcare (EY&C) places; 120 primary school; and 80 secondary school places.

Early Years & Childcare

According to Essex County Council's childcare sufficiency data, published in July 2018, there are 6 providers of early years and childcare in the area. Of these 2 are full day care nurseries; 3 are child-minders and 1 are sessional pre-schools. Overall a total 17 places unfilled places were recorded.

The County Council advise that the additional demand for places will need to be met through both the provision of a new facility and expansion of an existing facilities within the ward. The level of contribution will be calculated using standard formula used by Essex County Council. The cost of providing a new 30-place Early Years & Childcare facility is estimated to be £902,022 (at April 2019) so the contribution sought for the first 30 places would equate to £30,067.40 per place. And an additional 6 places will be provided by the expansion of an existing facility, at an estimated cost of £104,532 at April 2019, this equates to £17,422 per place. For Members information the County Council advise that if all 400 dwellings are qualifying units the contribution could be in the region of £1,006,554 (index linked to April 2019).

Primary Education

The Education Authority advise that the site falls largely within the priority admissions area of Hatfield Peverel Infant and St Andrew's Junior schools but is also partly within the area of Chipping Hill Primary and Howbridge Infant and Junior schools, to which the new homes would be much closer.

Developments already consented in Witham and Hatfield Peverel will take up any surplus places in the immediate area. The County Council has secured land within the Lodge Farm development and their current school delivery plan states that they are considering building a new primary school at Lodge Farm in 2023/24.

A financial contribution is sought towards the provision of the new school. Again the level of contribution will be calculated in accordance with standard Essex County Council formula, with the contribution being £15,826 per place (index linked to April 2015). For Members information the County Council advise that if all 400 dwellings are qualifying units the contribution could be in the region of £1,899,120 (index linked to April 2015).

Secondary Education

The Education Authority advise that there is a need for additional secondary school places within the town. The level of contribution will be calculated in accordance with standard Essex County Council formula, with the contribution being £23,214 per place (index linked to April 2019). For Members information the County Council advise that if all 400 dwellings are qualifying units the contribution could be in the region of £1,857,120 (index linked to April 2019).

Whist ECC Education did state in their consultation response that a transport contribution would be required, this has since been removed from the request due to the proximity of Maltings Academy to the application site, which is within suitable walking distance.

Healthcare

In their consultation response in October 2021, NHS England has advised the Council that there is insufficient capacity at the three GP practices operating within the vicinity of the application site to accommodate the number of new residents who need to access health services in the town. The three primary healthcare services identified were The Laurels Surgery; the Fern House Surgery; and the Douglas Grove Surgery.

The development would generate and subsequently increase demand upon existing constrained services. NHS England state that the development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable. A financial contribution of £151,340 is sought, to be used to provide a new health facility for Witham. A S106 Heads of Term has been agreed accordingly.

A further request has been made by East of England Ambulance Service. Officers are still reviewing this request and assessing whether it is compliant with the CIL Regulations. An update for Members will be provided at Committee.

Highways and Transport

As set out previously the applicant has produced a Transport Assessment which assesses the impact that the development will have on the highway network. The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development.

Prior to the occupation of the development the following works / improvements shall be completed under a Highway Works agreements:

- Provision of the vehicular and pedestrian access arrangements as shown in principle on planning application drawing number MBSK200512-2 Rev. P7.

These works are to be secured through the use of appropriate planning conditions, as also requested by National Highways.

In addition, the Highway Authority has identified the following additional measures to support sustainable transport objectives:

- Reasonable endeavours will be made (prior to the 100th occupation) to procure a bus service for a minimum period of 5 years within/ between the application site, Chelmsford, Witham Town Centre and Witham Railway Station. Service to run seven days a week at a specified frequency. In the event that the bus service cannot be procured, £1,500,000 shall be paid to Essex County Council towards sustainable transport (Index linked).
- In the event a bus stop or stops are not provided on the proposal site, upgrade to Essex County Council specification the bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority).
- A footway/cycleway (min width 3.5m) along Hatfield Road between the entrance to the existing Woodend Farm and the footway/cycleway provided as part of the adjacent Lodge Farm development (details shall be agreed with the Local Planning Authority prior to commencement, and delivered within 1st occupation of the development).
- To improve cycle connectivity between the application site and the centre of Witham a package of cycling and walking improvements as shown in principle on planning application drawing number CPLF-MAY-NA-NA-SK-D-0001 Rev. P2.
- Financial contribution to be agreed to carry out localised widening of the river walk and improved cycle and pedestrian signage between Guithavon Road, Armond Road and the River Walk (payable to Braintree District

Council but to be spent by Witham Town Council as improvements required on land they own).

- Provision and implementation of a Residential Travel Plan, which will include the provision of new Residential Travel Information Packs for all new residents. These travel packs will provide residents with 12 months bus passes for us on local bus services, as well as providing Cycling Marketing and Cycle Training to new residents.
- Residential Travel Plan monitoring fee of £1500 per annum for 5 years payable to Essex County Council to ensure that the Plan is correctly implemented, monitored and reviewed.

In terms of bus service provision, the Councils preferable option would be for the applicant to secure a bus service as mentioned above. However, should this not be achievable, the fall back position is for the applicant to pay a financial contribution towards Sustainable Transport. The figure requested by ECC Highways for the Sustainable Transport contribution is still in discussion with the applicant and members will be updated. The figure requested for the financial contribution to works to the river walkway is also still under discussion and an update for members will be provided at committee on both these points.

In order to protect the National Highways Safeguarded Land to the south of the site, an appropriate Heads of Term has been recommended. This dedicates the land for Trunk Road improvements for 25 years, as requested by National Highways. When such time as the Trunk Road Improvements come forward, the land will be transferred to BDC. In the interim, the Safeguarded Land will be landscaped in accordance with a specification to be agreed by the Council and maintained by the applicant. Final wording is still being agreed with regards to this Heads of Term and Members will be updated accordingly.

Habitat Regulations Assessment (HRA / RAMS)

A financial contribution of £127.30 per dwelling (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area & Ramsar site; the Dengie Special Protection Area and Ramsar site; and the Essex Estuaries Special Area of Conservation.

Delivery of the package of mitigation measures set out in the Appropriate Assessment approved by Natural England – to include provision of open space on-site for dog walking and information to encourage residents to use local Open Space and discourage use of the Protected Sites.

Public Open Space

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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas; allotments; outdoor sport; and informal and casual open space on site.

Public Open Space (on-site)

A minimum of 3.43ha of Public Open Space will be provided on-site. The Public Open Space shall provide for informal and casual areas of open space as well more formal areas of parks. The Public Open Space shall include 1 LEAP and 1 LAP with a minimum size of 400 square metres within the site; and the value of the play equipment to meet or exceed a minimum level calculated using the figures set out in the Open Spaces SPD (as updated annually).

Appropriate management of the Open Space & Amenity Space - To ensure suitable management arrangements for all areas of Public Open Space as well as incidental areas of Open Space/landscaping; internal estate roads and pathways (unless adopted as Public Highways).

Allotments

The Open Spaces SPD states that a development of this size should include the provision of allotments. An allotment site of not less than 0.25 ha shall be set to an agreed specification and then be offered for transfer to the Council's nominee (Witham Town Council), with a commuted sum of £3,320 towards the future maintenance of the allotment site. If the Council's nominee do not take transfer then the allotment site will need to be transferred to the resident funded Management Company.

Outdoor Sport

The Open Spaces SPD states that a development of this size should include facilities for formal Outdoor Sport, such as sports pitches, courts and courts.

Although this is a sizeable development the minimum area for Outdoor Sport would be relatively small and this would present issues in terms of management of the facility and how attractive the facility would be to a team or club. In this instance it has been agreed instead that the developer will make a financial contribution towards the provision / enhancement of outdoor sports facilities off-site.

The contribution would be calculated in accordance with the formula set out in the Council's Open Spaces SPD and be based on the actual number and size of dwellings built.

For Members information, Officers can advise that if all 400 dwellings were constructed with the mix of housing set out in the SHMA (Strategic Housing

Market Assessment) then the contribution could be in the region of £217,488 (index linked).

Skylark Mitigation

Policy RLP84 states that planning permission will not be granted for development, which would have an adverse impact on species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that will result in a loss of habitats developer will be required to provide supplementary habitats.

Surveys submitted with the application indicate that a number of Farmland Birds were present, including a maximum number of six Skylarks. A Skylark Mitigation Strategy will be required to provide proportionate compensation for the loss of possible Skylark territories on site. The scheme will be required to provide 12 Skylark plots on nearby agricultural land for a period of 10 years.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

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

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

In this case the basket of policies which are considered to be the most important for determining the application include the following; Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2, RLP54, RLP84, and RLP138 of the Adopted Local Plan, and Policies CS2, CS5, CS7, CS8 and CS10 of the Core Strategy.

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

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

Policy RLP54 seeks to ensure that developments determine effect on traffic congestion, public transport, cycling and walking whereby sustainable transport modes are carried through with Policy CS7 which states that Future development will be provided in accessible locations to reduce the need to travel. Sustainable travel will be encouraged through the requirement for travel plans from major developments. Sustainable transport links will be

improved, including provision of and contributions for cycling and walking and quality bus partnership. These are further promoted in the NPPF which states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. It is considered that this policy should be given significant weight.

Paragraph 63 of the NPPF recognises the need for onsite affordable housing stating that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 30% affordable housing on sites in urban areas, specifically mentioning the urban ward of Witham. It is clear that significant weight must be attributed to this policy.

Policy CS8 of the Core Strategy states that all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. This will include protection from air, noise, light and other types of pollution. It goes on to say that development should protect the best and most versatile agricultural land and must have regard to the character of the landscape and its sensitivity to change, and any development will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. Policy RLP84 replicates this expectation of protection by stating that development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended, will not be accepted. It is considered that these policies should be given significant weight.

Policy CS10 seeks to ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a wide range of recreation, outdoor sport and amenity needs in District by retaining existing sports facilities, green spaces, allotments, and open space used for amenity, recreation or sport. It also requires new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space. Policy RLP138 states that in proposals for new residential development, the District Council will require land to be made available for open space. The open space will be for play areas and for formal recreation and shall be adequate in terms of size and location to meet the needs of the development that it serves. It is considered that these policies should be given significant weight.

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

Given that the Council can demonstrate a Five Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

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

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

Summary of Adverse Impacts

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

Conflict with the Development Plan

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

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy (with regard to the Council's

spatial strategy, because it proposes development outside of defined development boundaries and within the countryside, albeit not arguably because it offends the wider countryside preservation interests specifically acknowledged within this policy. This conflict is afforded limited weight as the proposal would accord with the Section 2 Plan and seeks to bring forward a Strategic Site identified for residential use, a factor which must be given significant weight. The proposal is also in general accordance with the Section 2 Plan in that the number of dwellings have been reduced on site.

There would also be a partial conflict with Policy CS8 of the Core Strategy on account of the loss of BMV agricultural land, these factors are afforded limited weight.

Character and Appearance of the Area and Landscape Character

A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site. However, these effects would be highly localised and would not result in an unacceptable impact upon the character and appearance of the area, thus are attributed limited weight in the planning balance.

Loss of Employment

A degree of economic harm would be inevitable in relation to the loss of employment on the site and is weighed against the development, however, in a wider context, the site is allocated as a Strategic site through a plan led process and the construction phase of the development is predicted to last for approximately 10 years, generating a wide range of construction jobs over a prolonged period of time with associated economic benefits. This harm is therefore judged as being limited and is given limited weight in the planning balance.

Tree Loss

A degree of harm would arise from the loss of trees in those areas where alternative layout solutions do not exist, albeit, as stated, all of the tree groups to be removed are unclassified or Category C groups. However, it is considered that much of this harm will be mitigated through the provision of a biodiversity net gain across the site and obligations to provide new trees in accordance with Paragraph 131 of the NPPF for all new streets to be tree lined, this obligation also extending to a requirement that opportunities are taken to provide new trees elsewhere in new developments. Benefits such as enhanced habitat management, provision of public space and enhanced sustainable transport links cannot be derived without some tree loss occurring. Taking the above into account, Officers attribute this harm limited weight.

Highways Considerations

The existing highway network in this location is at capacity and therefore it is inevitable that additional development on the site will give rise to some car movements which will place additional strain upon the existing highway infrastructure in the locality. However, these effects will not be as great as they would otherwise be on account of the measures being taken to encourage inhabitants to take up alternative sustainable modes of transport. It has been judged that the residual cumulative impacts on the road network would not be 'severe' within the meaning of Paragraph 111 of the NPPF and thus would not be sufficiently substantial as to outweigh the benefits of this proposal in isolation. In the opinion of Officers, this harm has been attributed limited weight.

Best and Most Versatile Agricultural Land

Whilst a degree of harm would arise from loss of BMV land given the contextual prevalence of such land throughout the District, this harm is judged to remain very limited and accordingly very limited weight is given to this loss in the planning balance.

Summary of Public Benefits

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

Delivery of Market and Affordable Housing

The proposal would bring forward a strategic site with the emerging section 2 plan. The development proposes 400 dwellings of which 30% would be affordable housing. The provision of this housing would deliver associated economic and social benefits, some of these would only exist during the construction phases, whereas others would be sustained, such as the increased patronage of existing services and facilities in the Town. Officers consider these benefits in combination attract significant weight in the planning balance.

Early Years and Childcare

The non-residential elements consisting of a Children's Day Care Nursery which would generate a number of jobs on site with associated economic benefits in addition to the social benefits of facilitating the creation of a local community with its own facilities also accessible to existing local residents. Again these factors weigh in favour of the planning balance with more than moderate weight being attached to them.

Open Space

As indicated on the Land Use Parameters Plan, the proposed development would provide a variety of public open space on the site, including the provision of allotments. In total, the open space provision is 3.43ha, which is over the policy requirement for a development of this size (2.73ha) and will offer benefits to the wider community which go beyond those necessary to meet the needs of local residents. These benefits have been attributed significant weight in the planning balance.

Infrastructure Improvements

The development proposes improvements to the existing transport network to mitigate the impacts of development and whose effects would extend beyond the immediate inhabitants of the development into the wider community. These benefits include a public transport obligation to redirect the local bus service into the site, delivery of improvements to highways to facilitate/ improve pedestrian and cycle routes between the site and school/ railway station, financial contribution to improve the river walkway. These benefits are regarded to be significant with an associated degree of weight being attached in the planning balance.

Planning Balance

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

- **Affordable Housing** - 30% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. Affordable dwellings should be deliverable without reliance on public subsidy, all Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings to comply with Building Regulations 2015 Part M(4) Category 2 and 4 affordable housing units to be wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3.
- **Community Building** - Proportionate financial contribution of £499.62 per dwelling towards the delivery of the new community facility at Maltings Lane.

- **Education** - Provision of land for Early Years and Childcare on the application site (0.07 ha). Financial contributions towards the provision of additional Early Years and Childcare places, Primary School Places and Secondary School Places, with the contribution to be calculated when the number of dwellings and number of qualifying units are known in accordance with Essex CC Developer Guide to Infrastructure Contributions (2020) and index linked to April 2020.
- **Healthcare Provision** - Financial contribution to create additional healthcare provision. (Trigger point to be confirmed).
- **Outdoor Sports Contribution** - Financial contribution toward outdoor sports provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Specific projects to be identified by Officers.
- **Public Open Space** - (on-site) a minimum area of 3.43ha of Open Space in accordance with Parameters Plans to include area of equipped play, amenity spaces, specified HRA mitigation (dog waste bins and circular walk) along with internal estate roads and pathways. Suitable management company arrangements for public open space, amenity area, play spaces.
- **Allotments** - Provision of 0.25ha of land to be set out as allotments in accordance with a specification to be approved, with a commuted sum of £3,320 towards the future maintenance of the allotment site.
- **HRA/RAMS** - Financial contribution of £127.30 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC).
- **Skylarks** - Provision of 12no. Skylark plots on nearby land and their maintenance for a period of 10 years.
- **National Highways Safeguarded Land** - The land identified as Safeguarded for A12 works, will be dedicated for Trunk Road improvements for a period of 25 years (unless National Highways either require the land within that period or otherwise advise the land is no longer needed). When such time as the Trunk Road Improvements come forward, the land will be transferred to BDC. In the interim, the Safeguarded Land to be landscaped in accordance with a specification to be agreed by the Council and maintained by the applicant. Any development or groundworks works that are to be undertaken on this area of land, will need to be agreed in writing by the local planning authority in consultation with National Highways.

– **Highways and Transport**

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

Obligation upon the developer (Prior to commencement of development) to enter into a Highway Works Agreement with the Highway Authority for the following:

- Reasonable endeavours will be made (prior to the 100th occupation) to procure a bus service for a minimum period of 5 years within/ between the application site, Chelmsford, Witham Town Centre and Witham Railway Station. Service to run seven days a week at a specified frequency. In the event that the bus service cannot be procured, a financial contribution shall be paid to Essex County Council towards sustainable transport (Index linked) (figure to be confirmed).
- In the event a bus stop or stops are not provided on the proposal site, upgrade to Essex County Council specification the bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority).
- A footway/cycleway (min width 3.5m) along Hatfield Road between the entrance to the existing Woodend Farm and the footway/cycleway provided as part of the adjacent Lodge Farm development (details shall be agreed with the Local Planning Authority prior to commencement, and delivered prior to the 1st occupation of the development).
- To improve cycle connectivity between the application site and the centre of Witham a package of cycling and walking improvements as shown in principle on planning application drawing number CPLF-MAY-NA-NA-SK-D-0001 Rev. P2.
- Financial contribution (figure to be agreed) to carry out localised widening of the river walk and improved cycle and pedestrian signage between Guithavon Road, Armond Road and the River Walk (payable to Braintree District Council but to be spent by Witham Town Council as improvements required on land they own).
- Provision and implementation of a Residential Travel Plan, which will include the provision of new Residential Travel Information Packs for all new residents. These travel packs will provide residents with 12 months bus passes for use on local bus services, as well as providing Cycling Marketing and Cycle Training to new residents.
- Residential Travel Plan monitoring fee of £1500 per annum for 5 years payable to Essex County Council to ensure that the Plan is correctly implemented, monitored and reviewed.

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the

application by the Planning Committee the Development Manager may use his delegated authority to refuse the application.

CONDITIONS & REASONS

1 (Approved Plans/Documents)

The development hereby permitted shall be carried out in accordance with the approved plans listed below:

- F00146-FAB-00-XX-DR-Y-419 Rev P05 - Red line context parameter plan
- F00146-FAB-00-XX-DR-Y-422 Rev P17 - Land use parameter plan
- F00146-FAB-00-XX-DR-Y-423 Rev P23 - Building Heights parameter plan
- F00146-FAB-00-XX-DR-Y-424 Rev P15 - Transport and movement parameter plan
- F00146-FAB-00-XX-DR-Y-442_P05 - Site plan as existing
- F00146-FAB-00-XX-DR-Y-443_P14 - Housing Density parameter plan
- MBSK200512-2 Rev P7 - Road Junction
- Design Code Version P

Reason

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

2 (Time Limit)

Details of the:

- (a) Scale,
- (b) Appearance,
- (c) Layout,
- (d) Landscaping, and
- (e) Access

of the buildings/site (hereinafter referred to as "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority (with the exception of the Strategic Access Point onto Hatfield Road as shown on drawing MBSK200512-2 Rev P7) before any development takes place and the development shall be carried out in accordance with these matters approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 5 years from the date of this permission.

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

Reason

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

3 (Scope of Development)

The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure and shall demonstrate compliance with the approved plans and the Design Code listed above.

Reason

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

4 (Phasing Plan)

Either prior to or concurrent with the submission of the first reserved matters application for the site the applicant shall submit a Phasing Plan to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved Phasing Plan, or such other amended Phasing Plan as may be subsequently submitted and approved in writing by the Local Planning Authority pursuant to this condition.

Reason

To ensure that the Local Planning Authority and statutory consultees are aware of the order in which the site is proposed to be built out and the predicted timescales for this.

5 (Highways Works)

Prior to the commencement of works on the access roundabout (as shown on drawing number MDSK200512-2 Rev P7) details of the junction works shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Details will include the following:

- i. How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations;
- ii. Full construction details relating to the highway improvement. This should include any modifications to existing structures or proposed structures with supporting analysis;
- iii. Full Signing and Lighting details;
- iv. Confirmation of compliance with Departmental standards (DMRB) and policies (or approved relaxations/departures from standards);
- v. Evidence that the scheme is fully deliverable within land in the control of either the applicant or the Highway Authority;

- vi. An independent Stage 2 Road Safety Audit (taking account of stage 1 Road Safety Audit recommendations carried out in accordance with Departmental Standards (DMRB) and Advice Notes; and
- vii. A Construction Management Plan detailing how construction traffic in relation to the development will be managed.

No dwelling shall be occupied until the access roundabout and associated works have been implemented and are fully operational and open to traffic.

Reason

To ensure that the A12 continues to serve its purpose as a part of a national system for through traffic in accordance with Section 10 of the Highways Act 1980.

6 (Affordable Units)

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the following relevant to that reserved matters area shall be submitted:

- i) A Confirmation Report from an Approved Inspector or Local Authority Building Control Service that the drawings for all houses and ground floor flats proposed as affordable dwellings and shown on the submitted Affordable Housing Scheme as such (or any revisions of this Scheme subsequently submitted for approval as part of the application) have been designed to comply with Building Regulations 2015 (as amended) Part M(4) Category 2.
- ii) A Confirmation Report from an Approved Inspector of Local Authority Building Control Service that the drawings for all bungalows proposed as affordable dwellings and shown on the Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) as needing to be compliant with Building Regulations 2015 (as amended) Part M(4) Category 3 have been designed as such.
- iii) Sufficient detail confirming that the affordable dwellings as shown on the submitted Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) meet or exceed the Technical Housing Standards - Nationally Described Space Standards (2015) criteria.

The affordable dwellings shall only be built in accordance with the approved details and, in the case of plots indicated in the Affordable Housing Scheme to be constructed in accordance with Building Regulations 2015 Part M(4) Category 2 or Building Regulations Part M(4) Category 3, prior to their occupation, written confirmation from an Approved Inspector or Local Authority Building Control Service shall be

submitted to and approved in writing with the local planning authority to certify that they have been built to the agreed standard.

Reason

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

7 (Noise)

Concurrent with the submission of reserved matters for appearance or layout under Condition 2(b) or 2(c) of this decision, an updated Noise Assessment Report relating to that reserved matters area shall be submitted.

The Noise Assessment report shall confirm that the noise levels within BS8233 Table 4 for internal noise levels are met, that the external noise level in private external amenity areas shall not exceed 55dB(A) LAeq 16hr and 45dB(A) LMax shall not be typically exceeded in bedrooms during the night time period of 2300 and 0700 hours. The Noise Assessment Report shall be prepared in accordance with the guidance set out in "ProPG: Planning and Noise: Professional Practice Guidance on Planning and Noise: New Residential Development" (May 2017) published by the Association of Noise Consultants, Institute of Acoustics and Chartered Institute of Environmental Health, or relevant successor document. The applicant shall verify that the noise levels are met prior to occupation of residential property.

As necessary, the noise increase from the A12 widening scheme shall also be considered within the assessment. In addition other sensitive uses on the site shall also be assessed to ensure that their function is not affected by transport noise.

The assessment will require an accompanying CIBSE TM59 or equivalent overheating assessment for the proposed site layout and internal layout design and where necessary a scheme for alternative means of ventilation to enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions. The acoustic assessment of the buildings to address the overheating condition shall be undertaken in accordance with the guidance set out in "Acoustics Ventilation and Overheating: Residential Design Guide" (Version 1.2, January 2020) published by the Association of Noise Consultants and Institute of Acoustics, or relevant successor document. Noise from any alternative ventilation system will not present an adverse impact on occupants. Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property.

Reason

To ensure the layout and design of the development that is agreed at reserved matters stages can take into account the visual and practical implications of providing noise mitigation measures that safeguard the amenity of future occupants. Details are required at Reserved Matters stages in order that the degree of compliance with the above specified criteria can be evaluated and assessed.

8 (Lighting)

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

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

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

Reason

To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural

Environment & Rural Communities Act 2006 (Priority Habitats & Species). The details are required to accompany the layout at reserved matters stage to allow these considerations to be evaluated and assessed as part of the reserved matters submission.

9 (Biodiversity Enhancement Strategy)

Concurrent with the submission of reserved matters for layout or landscaping under Condition (d) of this decision, a Biodiversity Enhancement Strategy for Protected and Priority species for that reserved matters area shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Biodiversity enhancement is integral to the development and therefore it is considered essential that this is considered concurrently with the reserved matters.

10 (Landscape Ecological Management Plan)

Concurrent with the submission of reserved matters relating to landscaping under Condition 2 (d) of this decision, a Landscape Ecological Management Plan (LEMP) for that reserved matters area shall be submitted to and approved in writing by the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of all features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

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

Reason

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). The management of landscape with ecological objectives in mind is integral to the development and therefore it is considered essential that this is considered concurrently with the reserved matters.

11 (Landscaping Scheme)

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

- Types and sizes of all trees/plants to be planted on the site;
- Numbers and distances of all plants to be planted on the site;
- Soil specification;
- Seeding and turfing treatment within the site;
- Colour and type of material for all public hard surface areas and private areas visible from the public realm;
- Watering maintenance regime for all areas of new planting;
- Programme and timetable for implementation of the above works.

The Landscaping Scheme shall subsequently only be implemented in accordance with the approved details. Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of

five years from the completion of the development, shall be replaced in the next available planting season with others of a similar size and species.

Reason

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

12 (Arboricultural Impact Assessment Report)

Concurrent with the submission of reserved matters for layout, landscaping or access under Conditions 2(c), (d) or (e) of this decision, an Arboricultural Impact Assessment Report for that reserved matters area shall be submitted to, and approved in writing by, the local planning authority. The Report shall have regard for the Arboricultural Impact Assessment and Method Statement 20/08/2019 (the removal of tree group G14 is not permitted) submitted at outline stage and the requirements of Condition 24 of this permission.

Reason

In the interests of amenity; to ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required concurrent with the reserved matters as they affect the layout of the development and the provision of associated landscape features.

13 (Refuse Scheme)

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, a Refuse Scheme for that reserved matters area shall be provided including the following details:

- location of refuse bins and recycling materials
- their storage areas and waste/recycling presentation points;
- appearance of any associated screening or/and enclosures;
- confirmation that distances travelled by local authority refuse vehicle operatives from the location where a refuse vehicle are intended to stop to the presentation points specified do not exceed 20m each way;
- confirmation of 26 tonne carrying capacity of all roads intended for use by local authority refuse vehicles;
- refuse vehicle swept path analysis for all roads intended for use by local authority waste vehicles;
- where relevant, provision of sufficient indemnity to prevent legal action against Braintree District Council for any damage or repairs caused to private roads (not intended for adoption by the Local Highway Authority) that are necessary to be used by the Council when performing its refuse collection functions.

The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter retained.

Reason

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

14 (Electric Vehicle Charging Points)

Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, a Strategy for the provision of Electric Vehicle Charging Points for the development within that reserved matters area, shall be submitted.

Reason

To ensure that the new development makes adequate provision for electric vehicle charging in the interests of creating a sustainable development. Details are required concurrent with the reserved matters as the provision of these features can affect layout.

15 (Walls and Enclosures)

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

Reason

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

16 (Location and design of garages/ cycle/ parking)

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

Reason

To ensure adequate parking, garage space and cycle storage facilities are

provided within the site in accordance with the Essex Vehicle Parking Standards Supplementary Planning Document (2009) and to ensure that these requirements are accounted for in a layout presented at reserved matters stages.

17 (Construction Environmental Management Plan)

No development or preliminary groundworks of any kind within any phase of the development shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) for that phase of the development has been submitted to and approved in writing by the local planning authority, in accordance with the Ecological Impact Assessment (Green Environmental Consultants Ltd, August 2019). The CEMP (Biodiversity) shall include the following:

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

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

Reason

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Agreement is required pre-commencement of development as the impacts arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if biodiversity interests are to be effectively protected.

18 (Time limit on surveys)

If the development hereby approved does not commence within 18 months from the date of this planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by

relevant ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected and priority species and
- ii. identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason

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

19 (Archaeology)

- a) No development or preliminary groundworks can commence on any phase of the development until a programme of archaeological trial trenching has been submitted and approved in writing by the local planning authority for that phase of the development. The trial trenching will be undertaken in accordance with the submitted written scheme of investigation (Archaeological Desk Based Assessment ref: TB/SB/23507).
- b) A mitigation strategy for each phase of the development detailing the excavation/preservation strategy shall be submitted to and approved in writing by the local planning authority.
- c) No development or preliminary groundworks can commence on those areas containing archaeological deposits within each phase of the development until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, has been submitted to and approved in writing by the local planning authority for that phase of the development.
- d) Within 6 months of the completion of fieldwork within any phase of the development, a post-excavation assessment shall be submitted to and approved in writing by the local planning authority for that phase of the development. The assessment will include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

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

20 (Surface Water Drainage)

No development (except demolition) shall commence within any phase of the development until a detailed surface water drainage scheme for that phase of the development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

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

21 (Offsite Flooding)

No development or preliminary groundworks shall commence within any phase of the development until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution for that phase of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

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

22 (SUDs maintenance)

Prior to occupation within any phase of the development, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, for that phase of the development, has been submitted to and approved in writing by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

23 (SUDs Yearly Logs)

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

Reason

To ensure the SuDS are maintained for the lifetime of the development as

outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

24 (Arboricultural Method Statement)

No development shall commence within any phase of the development until an Arboricultural Method Statement (AMS) for that phase of the development has been submitted to, and approved in writing by, the local planning authority. The AMS will include a Detailed Tree Protection Plan (DTPP) in broad accordance with the Arboricultural Impact Assessment Report approved under Condition 12 and provide details of trees to be retained, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, operation of site machinery, site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be carried out in accordance with the approved details. For the duration that construction occurs on the site, and at such intervals have been agreed within the AMS, the Project Arboricultural Consultant shall submit a report to the local planning authority summarising the findings of their site inspection/s carried out during that period.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities within the relevant phase and shall remain in place until after the completion of the development within that phase to the complete satisfaction of the local planning authority. The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

In the interests of amenity; to ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

25 (Contamination Land)

a) No development within any phase of the development shall commence until an investigation and risk assessment for that phase of the development has been undertaken to assess the nature and extent of any

contamination and whether or not it originates on the site has been submitted to and approved in writing by the local planning authority.

The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with
<https://www.gov.uk/government/publications/land-contamination-risk-management/lcrm>.

b) Where remediation is deemed necessary then development shall not be commenced within the relevant phase until a detailed remediation scheme for that phase of the development to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the local planning authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development within the relevant phase, other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

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

It shall include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and

arrangements for contingency action, if identified in the verification plan. Any long term monitoring and maintenance plan shall be implemented as approved. Any piling scheme shall be assessed to ensure that no pollutant linkages are created.

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

e) Prior to occupation of any property hereby permitted on the part of the site where contamination is found the developer shall submit to the local planning authority a signed certificate to confirm that the remediation works have been completed on that part of the site in accordance with the documents and plans detailed in the approved contaminated land assessment report/s and the approved remediation scheme.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Agreement is required prior to commencement as the risks arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

26 (Foul Water)

No above ground development shall commence within any phase of the development, until a scheme for on-site foul water drainage works, including connection point and discharge rate, for the relevant phase, has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been implemented in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

27 (Dust Control Management Scheme)

No development shall commence within any phase of the development until a Dust and Mud Control Management Scheme for that phase of the development has been submitted to and approved in writing by the local

planning authority. The Management Scheme shall be adhered to throughout the site clearance and management process.

Reason

In the interests of residential amenity; to ensure that dust and particulate matter emitted as a result of construction activity associated with the development is minimised and does not unacceptably affect the amenity of occupants of the development or/and in the surrounding area.

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

28 (Hours of Work)

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

- Monday to Friday 0800 hours - 1800 hours
- Saturday 0800 hours - 1300 hours
- Bank Holidays & Sundays - no work

Reason

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

29 (Market Housing Mix)

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

Reason

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

30 (Piling)

No piling or any other foundation designs using penetrative methods shall be undertaken on the site during the construction of any phase of the development unless and until:

- a) a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority in consultation with the Head of Environmental Services for the relevant development phase. The approved system shall be adhered to throughout the construction process and the development shall be carried out in

accordance with the approved details; and

b) The applicant has demonstrated to the satisfaction of and received approval in writing from the local planning authority that the area of the site where piling or any other penetrative foundation designs are proposed does not present an unacceptable risk to groundwater resulting from the construction methods proposed. The development shall be carried out in accordance with the approved details.

Reason

To protect the amenity of existing residents in the locality and because piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

31 (Materials Samples)

No above ground development shall commence until samples of the materials to be used on the external finishes of the development within the reserved matters area shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure a high quality palette of materials is used to help produce a high-quality development.

32 (PD Right removal)

Notwithstanding the provisions of The Town and Country Planning 115 (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwellinghouse/provision of any building within the curtilage of the dwellinghouse / alteration of the dwellinghouse, as permitted by Class A, AA, B, C, and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

33 Prior to commencement of works to the access roundabout indicated on drawing number (MBSK200512-2 Rev. P7) a strategy for the landscaping and maintenance of the roundabout shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority.

Reason

In the interest of amenity and to ensure high-quality infrastructure is provided on the gateway into Witham.

INFORMATION TO APPLICANT

- 1 The applicant's attention is drawn to the following informatives from Network Rail:

(Plant & Materials)

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

(Scaffolding)

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

(Overhead Line Equipment (OHLE) & Track Support Zone)

No works may be carried out where there is a risk of any plant or element, temporary or permanent, coming within 3.5m of the Overhead Live Electricity. Please also note that the 'track support zone' is defined in Network Rail standard NR/L2/CIV/177 and any proposal which may require works to be conducted within this zone must be identified by the outside party and subsequent consultation with Network Rail must take place. Should criteria be met within this standard, a track monitoring plan will have to be agreed with Network Rail.

(Future Maintenance)

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and airspace. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for

overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilize Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

(Noise and Vibration)

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

2 (Anglian Water)

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

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

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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

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

3 (SUDs)

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

4 (Cadent Gas Ltd)

Cadent Gas Ltd own and operate the gas infrastructure within the area of this development. Prior to carrying out works, you are advised to register on www.linesearchbeforeudig.co.uk and submit details of the planned works for review, ensuring any requirements are adhered to.

5 (Street Naming and Numbering)

With regard to the new street(s) included in the development, in the interests of all concerned it is important that the street(s) should be named and numbered at the earliest opportunity. In this respect, prior to or upon commencement of the development, you may wish to suggest names for consideration and it would be appreciated if you would forward your suggestions to the Street Naming and Numbering, Causeway House, Bocking End, Braintree, CM7 9HB. Tel: (01376) 552525.

6 (Discharge of Conditions)

Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk 6 Please note, the applicant has entered into an Agreement under Section 106 of the Town & Country Planning Act 1990 in relation to this development. You are advised to ensure that the legal obligations contained within it are complied with alongside the discharge of any conditions connected to matters to which it relates. Should any dichotomies arise between the discharge of conditions and the fulfilment of your legal obligations with the Agreement it may be necessary to resolve these through a variation of either this Decision and/or the Agreement before proceeding with development.

CHRISTOPHER PAGGI
PLANNING DEVELOPMNT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/00128/OUT
DATE VALID: 21.01.20

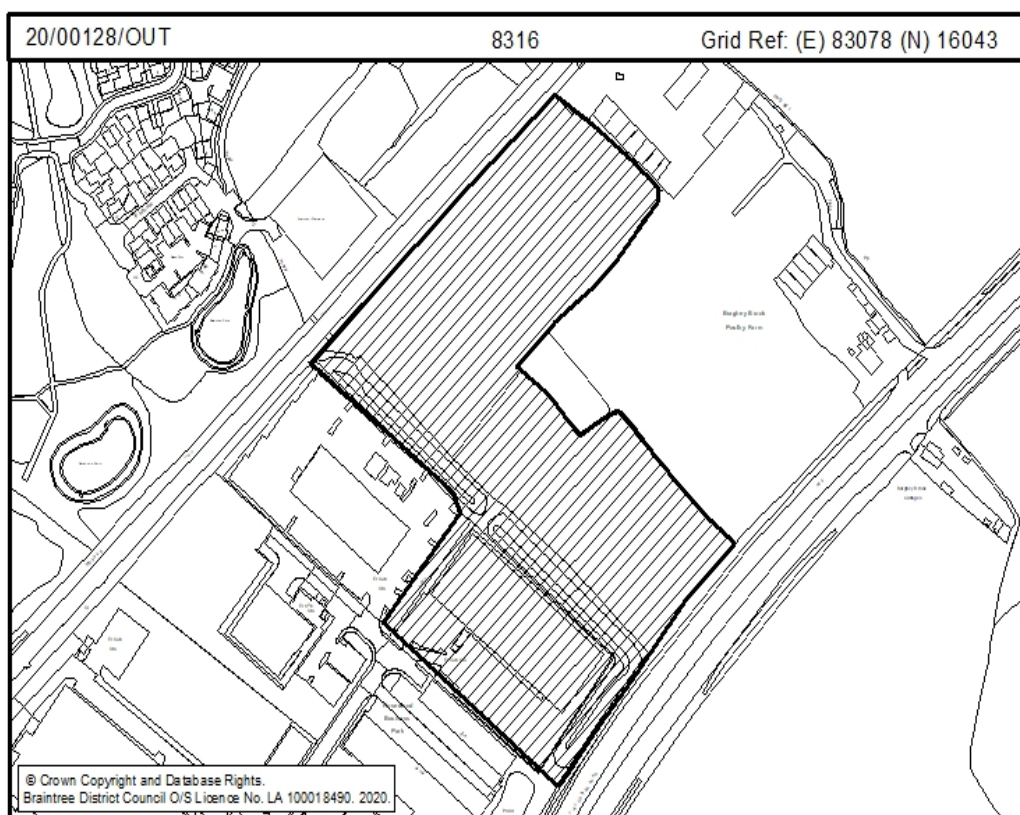
APPLICANT: Mr Simon Boulton
Foremost House, Waterside Business Park, Eastways,
Witham, CM8 3PL

AGENT: Mr Howard Morris
Vine House Stables, 41 Portsmouth Road, Cobham, KT11
1JQ

DESCRIPTION: Outline planning permission for B2 (General Industry), B8 (Storage and Distribution) and Class E(g) (iii) (Light Industrial) use, and for future development of buildings up to a maximum building height to ridge of 43.00 AOD, comprising a maximum gross internal floor space of 15,470 square metres, (166,518 square feet) with associated service yards, HGV and trailer parking, car parking provision, new service road and access onto Eastways (all matters reserved except Access and Scale).

LOCATION: Land North Of, Colchester Road, Witham

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q4GSKDBFKGT00>

SITE HISTORY

20/00001/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2017 - Screening Request (Regulation 6) - Industrial and warehouse units with ancillary offices and associated car parking and parking/loading of HGV's	Screening/ Scoping Opinion Adopted	12.02.20
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP27	Location of Employment Land
RLP30	Diversity of Industrial and Commercial Premises
RLP31	Design and Layout of Business Parks
RLP36	Industrial and Environmental Standards
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP105	Archaeological Evaluation

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP5	Employment
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

Supplementary Planning Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
External Lighting Supplementary Document
Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site comprises 4.384 hectares of land which is in both commercial and agricultural use, located to the north eastern side of Witham and adjacent to Eastways Industrial Estate.

Currently along the north eastern boundary of the industrial estate and within the application site is a bund of approximately 1.5m height, upon which are a variety of early mature deciduous trees; this screens the existing commercial buildings which are currently occupied by the applicant, PFE Express Ltd at Foremost House and Jardine (car) Body Repair Centre. The applicant's existing site is incorporated within the proposal.

The site's main north western boundary is demarcated by the railway line, beyond which is the Rivenhall Oaks Golf Course and the Bellway development off of Forest Road, Witham.

To the east of the site is open farmland which has the benefit of a resolution to grant outline planning permission for the demolition of an existing dwelling and buildings and the erection of B2/B8 Industrial and Distribution units, pursuant to Application Reference 21/00031/OUT. Members will recall that this application was considered at the Planning Committee meeting held on 28th September 2021. Trees and hedging are found along the shared boundary which 'dog legs' in four places. The A12 runs parallel to the site's south eastern boundary which itself is incorporated partly within the extent of National Highways' (formerly Highways England) current proposal to widen the road and improve connectivity; and specifically an embankment to facilitate a new junction 22, consisting of 2no roundabouts and a 'flyover' to connect to Little Braxted Lane.

The site is located in Flood Zone 1 and slopes gently in a northerly direction (from the A12) from approximately 20m AOD to 27m AOD where adjacent to the railway.

Along with the adjoining parcel of land, the application site forms part of a draft allocation within the emerging Section 2 Plan as an Employment Policy Area.

PROPOSAL

This application seeks outline planning permission, with all matters aside from access and scale reserved for future determination. The proposal is described as: Outline planning permission for B2 (General Industry), B8 (Storage and Distribution) and Class E(g) (iii) (Light Industrial) use, and for future development of buildings up to a maximum building height to ridge of 43.00 AOD, comprising a maximum gross internal floor space of 15,470sq.m with associated service yards, HGV and trailer parking, car parking provision, new service road and access onto Eastways.

The access into the site would be via Eastways adjacent to the existing PFE Express premises and the applicant has provided 7no potential options as to how the above quantum of development could be laid out upon it, which include a mix of small and medium sized industrial units, along with larger storage and distribution, and industrial buildings. Several of the submitted options show an extension proposed to the existing PFE building.

Consequently a flexible permission is sought that would allow an appropriate split of commercial uses depending on not only the business needs of the applicant, but also market interest.

Nonetheless these layout options can only be taken as indicative of the potential form of development which could follow through subsequent Reserved Matters application/s. Critically a Parameters Plan has been submitted which limits the height of future buildings depending on where they would be sited on the land, in addition to identifying landscape planting to the boundaries. Building Zone A, adjacent to the A12 is cited as having ridge heights no greater than 34.60m AOD which is very similar to that of Foremost House.

Furthermore, a note on the Parameters Plan states that it is envisaged that small units would have a clear internal height of 8m, mid-sized units a clear internal height of 10m and larger units would have a clear internal height of 12m, as measured from finished the floor level to the underside of the steel frame haunches (the supports under the roof trusses where they are joined to the vertical steels of the building frame).

The proposed development has been revised and more information provided during the course of processing the application in order to address the concerns of Officers and statutory consultees. Of particular relevance, and as referred to above, is the need to consider the plans to widen and improve the A12 between junctions 19 to 25.

The Council has received a 'Notification of Development' in respect of the updated boundary for the A12 widening scheme and this has afforded the area within this site route protection under Article 18(1) of Schedule 4, paragraph (h) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

Notwithstanding this, given the current lack of detail from National Highways around how the A12 widening scheme would precisely affect the site and the questions it raises over the necessity for landscaping, Officers advised the applicant to remove landscaping from their submission and therefore leave it as a reserved matter to be determined at a later date. Nonetheless, Officers are content that the plans most recently tabled by National Highways would not prohibit the proposed development from going ahead, or the provision of adequate landscape screening along the A12 in the longer term.

The application is supported by a suite of plans and documents, some of which have been revised and in totality include:

- Site Location Plan;
- Application Site Ownership and Strategic Employment Land plans;
- Site Survey, Existing Site Contours and Utility Services plans;
- Parameters Plan;
- Indicative Site Layout plans for 7no different options;

- Illustrative Site Sections for Option 7 (including extension to Foremost House);
- Tree Constraints Plan;
- Landscape Strategy/Structural Landscape Plans;
- Design and Access Statement;
- Planning Statement;
- Preliminary Ecological Appraisal;
- Bat Activity Surveys;
- Reptile Survey;
- Ecological Method Statement;
- Pre-development Tree Survey report;
- Flood Risk Assessment with Drainage Strategy;
- Air Quality Assessment;
- Noise Impact Assessment;
- Geo-Environmental Assessment;
- Transport Assessment;
- Framework Travel Plan;
- Archaeological Desk-based Assessment.

SUMMARY OF CONSULTATION RESPONSES

Anglian Water

No objections raised subject to a recommended condition on foul drainage.

BDC Economic Development

Are supportive of this application as it is proposing an additional 310 FTE equivalent roles to be created and 46,410sq.m of employable space. Following a 10 year analysis of employment rates within the area, Witham is experiencing a downturn of employment opportunities and this proposal will help to mitigate this trend.

BDC Environmental Health

The only concern is the potential for noise to the residential receptors to the north which are to be 100m from the boundary of this development site, particularly where there may be night time activity. Environmental Health acknowledge that there is existing railway noise between the proposed site and these receptors and therefore it is recommended that any detailed design progressed for the site screens the loading bay areas from the residential development by buildings otherwise there is likely to be reflective noise, as well as direct noise towards the residential properties. In addition the cumulative value of external plant and air handling equipment shall be controlled. Suggested conditions to limit noise are recommended, along with general conditions in respect of external lighting, hours of construction work; and dust and mud control management.

BDC Waste Services

No comments to make regarding waste and recycling collections.

Cadent Gas

Raise no objection to the proposal.

ECC Highways

The Highway Authority has considered all the information submitted with the planning application. It acknowledges that the network at, and in the vicinity of Eastways Industrial Estate, can at times be over capacity in the PM peak. However, whilst the Highway Authority does not concur with all of the information presented in the Transport Assessment, it is satisfied that the Applicant has demonstrated, in accordance with the NPPF, that the impact of the proposal on the highway network would be unlikely to be severe. Therefore, from a highway and transportation perspective, the proposal is acceptable to the Highway Authority subject to conditions and the payment of a Travel Plan monitoring fee.

ECC Lead Local Flood Authority

Initially a holding objection was issued; however on receipt of further information and clarification from the applicant, they subsequently raised no objections subject to the imposition of recommended conditions.

ECC Place Services - Ecology

Initially responded by imposing a holding objection, due to insufficient ecological information having been submitted for the determination of the application. However, following the receipt of additional surveys in relation to bats and reptiles, the Council's Ecologist confirmed that there are no objections to the application subject to recommended conditions to secure ecological mitigation and enhancement measures.

ECC Place Services - Historic Environment (Archaeology)

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of high archaeological and geoarchaeological potential.

The site lies adjacent to the line of a Roman road from London to Colchester. Geophysics and excavation, to the south of the development area and immediately south of the Roman road have identified a number of archaeological features, including a large enclosure with an annex and prominent linear features, and a possible kiln ranging from late Iron Age to Roman date. To the northeast, excavations have revealed an Iron Age

occupation site and associated features. Earlier settlement activity was revealed further north and at the golf course site.

To the south of the site investigations have uncovered the presence of Pleistocene sediments deposited by a lake beneath the gravel deposits. At Marks Tey these deposits have been uncovered through quarrying and have yielded significant palaeoenvironmental evidence as well as Pleistocene faunal remains and Palaeolithic archaeological remains. The interglacial sediments were deposited within a large lake which is thought to have covered an area from Witham to Marks Tey. The area north of the A12 has been highlighted as one of high potential for surviving lake deposits and Palaeolithic remains.

Several archaeological related conditions are recommended accordingly.

ECC Place Services - Historic Environment (Built Heritage)

The Witham Town Centre Conservation Area is sufficiently removed to not be affected by the proposed buildings, which are in keeping with the prevailing character of the area. No objection is raised to the proposals, which will have no negative impact upon the heritage asset.

Health and Safety Executive

No objection to the proposal on safety grounds.

National Highways (formerly Highways England)

Raise no objection to the proposed development.

PARISH / TOWN COUNCIL

Witham Town Council

Recommend approval.

Rivenhall Parish Council

Although this site now lies within the Parish of Witham any development thereon will have an impact upon the local residents within the Parish of Rivenhall. The Parish Council are concerned regarding future noise disturbance to those residents living close by in Rivenhall End and request that a new bund provision be included along the eastern boundary between Witham and Rivenhall End.

REPRESENTATIONS

Two letters of representation have been received, one in support of the development from the owner of the land adjacent (site RIVE363) and one from a local resident who raises no objection to the principle of the development,

but has some concerns over more detailed matters. The comments for the latter party are summarised as follows:

- Have major concerns that the proposed 43 metre AOD ridge height will cause significant visual intrusion to the neighbouring rural communities of both Rivenhall End and the new Rivenhall Park development.
- Request that the maximum permitted building height be reduced from 43 m AOD to 35 m AOD; and that
- A substantial earth bank with appropriate native tree and bush screening be incorporated along the development's north-east boundary (the site boundary facing Rivenhall End) and on the site's A12 frontage (continuing the existing planted embankment that helps screen the existing Waterside Business Park from the A12);
- There should be no external lighting facing north-east (towards Rivenhall End);
- As it appears that the existing north-east facing earth bank shielding rural Rivenhall End from the current Waterside Business Park is to be removed, this could substantially increase the visual intrusion of the existing commercial development on Rivenhall End's rural community and have dramatic adverse effects upon the local countryside.
- They request that the removal of the existing planted bank not be accepted until full details of any new planted screening bank, to be greater in area than that of the existing, are provided;
- The only known A12 culvert taking surface water along Burghey Brook to the River Blackwater is on the site's north-east boundary. This culvert adequately serves as an agricultural standard drain, but it is of small capacity and its relatively small bore leaves it at high risk of blockage and is inappropriate to serve a major new development;
- They request that the adequacy of the existing A12 culvert and its safeguarding from blockage is addressed in the reserved matters application;
- The applicant's archaeological report has not explored the site in any detail;
- They also request that a planning condition that no traffic associated with this proposal (including construction traffic) will access/egress the A12 is imposed.

The letter of support from Aquila Estates Ltd states that they have discussed the complementary nature of their interests with the applicant with a view to the early development of both plots. Together these allocations represent a significant contribution to overall employment provision within the District and

due to a lack of objections their inclusion within the emerging Section 2 Plan can carry significant weight. The current application clearly acknowledges the need to provide access to their site with the Parameters Plan defining an access zone which they assume will be incorporated into an appropriate planning condition.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2021

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

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

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

The Development Plan & Principle of Development

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

The application site is located outside of a designated development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Core Strategy.

Notwithstanding the above, Policy SP5 of the Section 1 Plan states that a strong, sustainable and diverse economy will be promoted across North Essex with the Local Planning Authorities pursuing a flexible approach to

economic sectors showing growth potential across the plan period. It goes on to state that in order to meet the requirements for office, research & development, industrial, storage and distribution uses, and to maintain appropriate flexibility in provision to meet the needs of different sectors, Section 2 of each plan will allocate employment land to ensure that provision is made within the ranges set out therein.

The site is allocated as part of a 6.8 hectare extension to the existing Industrial Estate at Eastways Business Park within the emerging Section 2 Plan, under Policy LPP2. Amongst other matters Policy LPP2 establishes that the site would become part of the adjacent Employment Policy Area. The parcel of undeveloped land, the subject of Application Reference 21/00031/OUT immediately adjacent to the east of the site, would form the other part of the draft allocated extension.

Policy LPP3 of the Section 2 Plan sets out the range of uses that will be permitted and retained within Employment Policy Areas, including Use Classes B1 (now E(g)), B2, and B8, in addition to the repair of vehicles and vehicle parts, waste management facilities, and services specifically provided for the benefit of business or workers based in the employment area. In this case the proposed development seeks to deliver industrial units that would operate under either Use Classes B2, B8 or E(g)(iii), depending on market interest and conditions. The proposed development therefore complies with this policy.

Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to their stage of preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies contained within the NPPF. Paragraph 49 of the NPPF goes on to explain that arguments for prematurity are unlikely to justify a refusal of planning permission, other than in limited circumstances where both:

- a) The development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) The emerging plan is at an advanced stage but is not yet formally part of the Development Plan for the area.

Paragraph 50 of the NPPF then explains that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

During the consultation stage of the Section 2 Plan, a total of 19 representations were received in relation to Policy LPP2. Notably, none of the representations specifically objected to the proposed extension to Eastways. In terms of Policy LPP3, a total eight representations were received with two objecting to the absence of recreational and sport uses within Employment Policy Areas, whilst the remaining six related to the following:

- The unsuitable relationship between permitted uses and adjoining areas allocated for residential development in relation to Great Notley.
- Agreement to the identified Employment Policy Areas and the retention of existing uses.
- Amendments suggested to the wording of Policy LPP2.
- Support for the inclusion of site RIVE362.

Taking all of the above into account, it is concluded that significant weight can be given to the emerging policy context and the site's draft employment use allocation, especially as Members resolved to grant planning permission subject to S106 planning obligations for the adjoining site, the access for which needs to be gained via the current proposal site.

Additionally, and turning aside from the Development Plan, Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development, with Paragraph 11d) explaining that where there are no relevant development plan policies, or the policies which are most important for the determining the application are out of date, planning permission should be granted unless:

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies contained within the NPPF as a whole.

The adopted policy position for the delivery of employment uses under Policies RLP27 and RLP28 of the Adopted Local Plan is out of date, given it is based on a now outdated employment land needs assessment for the District. Consequently, the tilted balance under paragraph 11d) of the NPPF is engaged.

Moreover, Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Additionally, it asserts that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

To summarise, whilst the principle of the development would be contrary to the currently adopted Development Plan, it is acknowledged that the employment land provision policies which are amongst those most important for determination of the application are out of date. Furthermore, the proposed development would be in accordance with the employment policies contained within the emerging Section 2 Plan, as well as meeting the economic objectives set out within the NPPF.

SITE ASSESSMENT

Access, Highways and Transportation

The issue of access is one of the matters that are to be determined at this outline stage, along with scale (see below). The access would be provided from Eastways via an existing track that runs adjacent to PFE's current north western boundary, to the south east of the Jardine Body Repair Centre. There exists a field entrance at the northern end of the A12 frontage, this would become redundant by the proposal, and provided that it goes ahead, the A12 widening scheme would remove any potential highway access to it. The cessation of this access could be secured by planning condition if Members deemed it necessary (proposed Condition 4), so as to prevent any potential conflicts between highway users of the A12 in the short term (prior to the A12 works commencing) at least.

Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Paragraph 110 of the NPPF explains that when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF does however state that development should only be prevented or refused on highway grounds, if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

Policy CS7 of the Core Strategy, amongst other things, states that future developments will be provided in accessible locations to reduce the need to travel; and that sustainable travel will be encouraged through the requirement for travel plans from major developments.

Witham is identified as a main town in the settlement hierarchy in the Core Strategy which states in Paragraph 4.9 that it is a thriving town with good transport links and a higher amount and proportion of local employment than Braintree. The surrounding landscape has the potential to accommodate some sustainable growth.

Similarly, Policy RLP10 of the Adopted Local Plan, in addition to Policies LPP37 and LPP55 of the Section 2 Plan require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users. Policy LPP44 of the Section 2 Plan requires that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

Policy RLP27 of the Adopted Local Plan sets out that new development for business, commercial and industrial uses shall be located to minimise the length and number trips by motor vehicles. It concludes that development for employment uses will not be permitted where it would be likely to add unacceptably to traffic congestion.

A Transport Assessment and Framework Travel Plan form part of the application, and the former highlights that the site is adjacent to an existing commercial area which has close links to the A12. Whilst it cannot be guaranteed, there are opportunities for future employees to walk, cycle or use public transport to get to and from the site without relying on the private car. The nature of the proposed uses themselves does however mean that commercial trips to and from the site will likely lorry or van based.

The No.71 bus service passes along Colchester Road, with the nearest bus stops to the site being within 800 metres from the centre of the proposed development site. From these stops, Witham town centre and places further afield such as Colchester and Chelmsford can be reached. The No.91 service also operates between Witham and Tollesbury in Maldon District, via Kelvedon and Tiptree.

The site is also approximately 1.8km walking distance from Witham Railway Station, which is on the Great Eastern Main Line which runs from Ipswich and Norwich to London Liverpool Street. Trains run around seven times in the peak hour on weekdays and around four times an hour during the off-peak period. Hourly trains are also available to Braintree, Colchester and Clacton-on-Sea. Witham Railway Station can also be accessed by cycle; and provides 80no sheltered spaces for cycles and direct access to the industrial estate can be reached via National Cycle Network (NCN) route 16.

With respect to general pedestrian access, whilst a walk time of ten minutes is considered the maximum acceptable to directly access any local facility or amenity and which equates to a distance of 800 metres, the guidance set out in Guidelines for Providing for Journeys on Foot (Institution of Highways and Transportation, 2000) states that for commuters without mobility impairment, walking to local amenities and places of work, up to 500 metres is the desirable walking distance, up to 1,000 metres is an acceptable walking distance, and up to 2,000 metres is the preferred maximum walking distance. The site is with 2000m of the town centre with its wide range of facilities and amenities, as well as being within closer walking distance to some substantial residential developments, both existing and proposed.

The applicants have agreed to enter into a Section 106 Planning Obligation (see below) to pay £6,000 to the Council to facilitate the monitoring of the Travel Plan that is recommended to be secured by planning condition. The definition of Travel Plan being *“a working plan to include all measures to ensure sustainable means of travel are available to employees of the Development in accordance with the policies of Essex County Council and the requirements of the National Planning Policy Framework”*.

Therefore, in respect of access to and from the site, and future employee's access to services and facilities, the site is considered to be in a sustainable location on the edge of the town.

Essex County Council as Local Highway Authority have confirmed that they have considered all of the information submitted with the planning application and have concluded that the access to the site would be acceptable in terms of highway safety. The Highway Authority acknowledges that the network at, and in the vicinity of Eastways Industrial Estate can at times be over-capacity in the PM peak. However, they are satisfied that the applicant has demonstrated, in accordance with the NPPF, that the impact of the proposal on the highway network would unlikely to be severe. Therefore, from a highway and transportation perspective, the proposal is acceptable to the Highway Authority, subject to conditions as set out at the end of this report; and the payment of the Travel Plan monitoring fee.

As intimated above, the development of the adjoining RIVE363 site is dependent upon its access being facilitated through the application site. Whilst no firm layout has been set for either currently, in the interests of ensuring that the delivery of the Section 2 Plan allocation is not hindered, it is considered necessary to require the development to be carried out in accordance with the Parameters Plan which identifies a zone of accessibility between the two. The connection point would be fixed upon the determination of layout for both sites.

During the course of determining the application there have also been revisions to the indicative layouts for the purpose of accommodating the A12 widening scheme. Specifically, a portion of the site along the south eastern boundary has been identified as an area where no buildings would be erected to take into account the National Highways' project boundary. National Highways have confirmed that they raise no objection to this proposal.

Therefore in summary, the proposed development on an allocated site within the emerging Section 2 Plan is deemed to be in a sustainable location, its impacts up the highway network would unlikely be severe; and it would not impinge upon the Nationally Significant Transport Infrastructure Project along the A12.

Scale

Scale is the other matter to be determined by the Council presently, and as set out within the description of development, the proposal seeks the approval

of a flexible form of commercial buildings comprising B2 (General Industry), B8 (Storage and Distribution) and Class E(g) (iii) (Light Industrial) use, and for future development of buildings up to a maximum building height to ridge of 43.00 AOD, comprising a maximum gross internal floor space of 15,470 square metres, (166,518 square feet). These figures essentially set the parameters for future detailed designs.

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In Paragraph 124 it sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, it then goes on to cite good design as a key aspect of sustainable development.

Paragraph 130 of the NPPF details that planning decisions should ensure that developments function well and add to the overall quality of the area. To achieve this, developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

The above principles have more recently been elaborated upon within the National Design Guide (NDG) with a shift in emphasis towards the promotion of beauty. Paragraph 1 of the NDG explains that well-designed places influence the quality of our experiences as occupants or users, but also as passers-by and visitors. Paragraph 4 of the NDG establishes that the longstanding, fundamental principles of good design are that it is fit for purpose durable and brings delight.

Furthermore, Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and Local Planning Authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design and where applicable should follow its place shaping principles, including responding positively to local character and context to preserve and enhance the quality of existing places and their environs.

Policy SP6 of the Section 1 Plan, Policies RLP3 and RLP10 of the Adopted Local Plan, and Policies LPP37, LPP50 and LPP55 of the Section 2 Plan, all reflect the NPPF and NDG by seeking the highest possible standards of

design and layout in all new development, including the need for the overall design of buildings, layouts and landscaping to reflect or enhance the area's local distinctiveness. Additionally, Policy RLP31 of the Adopted Local Plan and Policy LPP7 of the Section 2 Plan both specifically address the need for such requirements to be instilled into new employment developments, including within Employment Policy Areas.

In addition, Policy RLP90 of the Adopted Local Plan seeks a high standard of layout and design in all developments, and planning permission will only be granted where, amongst other things, the layout, height, mass and overall elevational design of buildings and developments is in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality.

As highlighted in the site description, the land slopes gently in a northerly direction (from the A12) from approximately 20m AOD to 27m AOD where adjacent to the railway. On face value therefore, as per the third party's concerns, this could give rise to buildings with ridge heights ranging from between 16m and 23m. However, the Parameters Plan stipulates the height of the future buildings based upon a zoning of the site and as referred to in the proposals section, building zone 'A', adjacent to the A12 is cited as having a ridge height of no greater than 34.60m AOD which is very similar to that of Foremost House (approximately 15m to the ridge).

Furthermore, a note on the Parameters Plan states that it is envisaged that small units would have a clear internal height of 8m, mid-sized units a clear internal height of 10m and larger units would have a clear internal height of 12m, as measured from finished the floor level to the underside of the steel frame haunches. For information, Application Reference 21/00031/OUT on the adjacent site, stated that the maximum clear internal height for the buildings next door would be 12m, with a ridge height of no more than 16.5m and therefore once built would provide a quite effective visual screen when viewing the site from the Parish of Rivenhall.

Consequently it is considered that in terms of height alone, that any proposed buildings erected on the site would be closely related to those within the existing Eastways Industrial Estate and those that are the subject to a resolution to grant planning permission on the adjacent site (subject to Application Reference 21/00031/OUT).

Clearly scale is not one dimensional and the applicant has provided 7no options as to how 15,470sq.m of commercial floorspace could be laid out on the site, and which could include a large extension to the applicant's existing warehouse, in addition to the erection of other buildings.

All of the options show the removal of the existing tree planted bund that runs along and outside of the existing north eastern boundary of Eastways, which currently provides a green screen, especially during the months that the trees are in leaf. However, the tree belt is directly incompatible with the applicant's proposed layout options and its retention would therefore require the refusal of

planning permission. There is some potential for new planting to be implemented to the external boundaries of the site, albeit if the new A12 junction with associated soft landscaping and the development adjacent are implemented then the necessity for this would also be reduced.

Whilst the removal of the planted bund weighs negatively in the planning balance (see below), Officers consider that its loss would not be sufficient to substantiate a reason for refusal on visual amenity grounds, when the site's utilitarian surroundings located next to an existing industrial estate and the A12 are taken into account. Furthermore, the draft employment allocation for the site and the wider area in the new Local Plan contains no requirement to retain this tree belt and bund in addition to which its retention would directly prevent the applicant's proposed layout options. As set out below, there are no objections raised on ecological grounds and overall Officers do not consider that there are grounds to recommend the refusal of planning permission on the basis of the loss of the tree belt and bund.

On the future submission of the reserved matters of appearance, layout and landscaping, Officers are confident that the proposed development would not give rise to a significant visual intrusion to the character and appearance of the area.

It is however recommended that a condition is imposed specifying the upper limit on floor space and building heights based upon the submitted information, although the precise amount and arrangement of development would be considered and established at the reserved matters stage/s, following an appraisal of the subsequent detailed layout.

Ecology & Trees

Paragraph 174 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees. As highlighted above, paragraph 131 of the NPPF also outlines the importance of trees in contributing towards local character and their role in mitigating against and adapting to climate change. This applies to the planting of new trees and the retention of existing trees.

Policy CS8 of the Core Strategy establishes that all development proposals will, *inter alia*, ensure the protection and enhancement of the natural environment, habitats and biodiversity, and geodiversity of the District. Policy SP7 of the Section 1 Plan requires developments to incorporate biodiversity and enhancement measures.

Additionally, Policy RLP81 of the Adopted Local Plan sets out that the Council will seek to protect established trees of local amenity value, whilst Policy RLP84 of the Adopted Local Plan states that planning permission will be refused for developments that would have an adverse impact on protected species. Furthermore, where a proposed development may have an impact on protected species, Policy RLP84 goes on to explain that the developer will be

required to undertake and submit an ecological survey, to demonstrate that an adequate mitigation plan is in place to ensure there is no harm to protected species and no net loss of priority species. These objectives are reflected under Policies LPP68 and LPP69 of the Section 2 Plan.

The application is accompanied by a suite of ecological and arboricultural surveys and reports which have been vetted by the Council's consultees.

Notwithstanding the loss of the aforementioned trees, it is noted that in many ways they, and the existing bund upon which they are planted, would become largely redundant from a visual amenity or landscape point of view. This is because they would then fall within the heart of the industrial estate, as to be extended, the built form of which would generally screen the existing developments from public vantage points, along with existing and enhanced tree and hedge planting along the A12 and railway boundaries, and the north eastern boundary of both it and the adjacent site (for which currently all such matters are reserved for future determination).

Officers are of the view that the planting to the boundaries indicated by the applicant should be increased in scope, in order to augment the established tree cover so that they provide a stronger level of screening and a more substantial corridor for wildlife. However, the indicative landscape proposals for the section along the eastern boundary with the A12 would have a comparable width to the landscape setting for previous phases of the Eastways development; and could be subject to further planting on construction of the new junction 22.

Evidently, the desire under national and local planning policy would be to retain existing trees wherever possible, with any loss requiring a clear justification. Consequently, the precise impact of the proposed development on existing trees would be considered as part of a reserved matters planning application, which would need to be supported by a comprehensive Arboricultural Impact Assessment with a view to minimising tree loss once a detailed layout was established.

Turning specifically to biodiversity and ecology, the Council's Ecologist removed their initial holding objection on the receipt of additional surveys in relation to bats and reptiles. With reference to the removal of the planted bund, they have stated that appropriate enhancements will still need to be delivered on site to offset the loss of such a habitat; this is because all developments should demonstrate measurable biodiversity net gains, as outlined within Paragraph 174 d) of the NPPF.

They approve of the tree/hedgerow survey to inform protection and enhancement measures, but recommend that it should be demonstrated how the trees and hedgerows will be proportionately off-set at the reserved matters stage/s, to deliver measurable net gains for this development. This could be indicated via appropriate justification or the use of the Defra Biodiversity Metric (2.0).

Consequently the Ecologist has confirmed that there are no objections to the application subject to recommended conditions to secure a Construction Environmental Management Plan for biodiversity; a wildlife sensitive lighting design scheme; and a biodiversity enhancement strategy which would deliver net gains for biodiversity.

Therefore it is considered that the proposal would not have a materially harmful impact upon the ecology of the site.

Residential Amenity

Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policies LPP37 and LPP55 of the Section 2 Plan, all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact. Likewise, the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings as set out within Paragraph 130 f).

In addition, NPPF Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should, amongst other things, mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Furthermore, Policy RLP34 of the Adopted Local Plan states that in considering proposals for new employment uses, the District Council will seek, where appropriate, the retention of buffer zones between employment uses and adjacent housing areas. Policies RLP36 and RLP62 of the Adopted Local Plan are concerned with industrial and environmental standards; and development likely to give rise to pollution, or the risk of pollution.

They both stipulate that planning permission will not be granted for new development which could have an unacceptable impact on the surrounding area, as a result of, *inter alia*, polluting emissions to land, air and water, or harm to nearby residents, including noise, smell, fumes, vibration or other similar consequences, unless: adequate preventative measures have been taken to ensure that any discharges or emissions will not cause harm to land use, including the effects on health and the natural environment; and that there is not an unacceptable risk of uncontrolled discharges or emissions occurring either.

The nearest residential properties to the north west of the site, on the other side of the raised railway line, would be sufficiently distanced so as to prevent any harm to their occupant's amenity, by way of outlook, privacy or light.

The dominant noise source affecting nearby residential properties, including those at Rivenhall End is traffic using the A12. Against this baseline condition, the noise generated by the proposed B2 and B8 use classes would be relatively insignificant.

Environmental Health have been consulted on the application and having reviewed the submitted noise assessment are content that the increase in activity generated by the proposed uses would not result in any unacceptable harm to residents within the surrounding area, either existing or future, subject to the imposition of controls limiting noise levels from air handling plant and the site in general at any noise sensitive (residential) premises.

They do however recommend that any detailed design progressed, screens the loading bay areas from the residential development to the north by buildings, otherwise there could be reflective noise, as well as direct noise aimed towards them.

Therefore, suggested conditions to limit noise are recommended, along with general conditions in respect of external lighting, hours of construction work; and dust and mud control management to protect the living conditions of local residents. These are in addition to the imposition of a condition requiring a detailed lighting scheme to be provided, to minimise impacts upon wildlife and the night sky as well, in accordance with the policies cited above.

Flood Risk and Drainage

The application site is located with Flood Zone 1 where the risk of flooding is low.

Notwithstanding this, Paragraph 168 of the NPPF states that major developments should incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. It goes on to cite that when considering the SUDS used, regard should be given to the advice received from the Lead Local Flood Authority (LLFA).

Policy RLP69 of the Adopted Local Plan, Policy CS8 of the Core Strategy, and Policies LPP78, LPP79 and LPP80 of the Section 2 Plan reflect the above objective of the NPPF and require new major developments to incorporate SUDS as appropriate to the nature of the site.

The submitted Flood Risk Assessment with Drainage Strategy was updated during the course of processing the application in response to comments received from the LLFA who initially imposed a holding objection. However, following the receipt of additional information, this was removed and no further objection was raised to granting planning permission by them, subject to the imposition of conditions to ensure that a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority prior to its commencement. This is in addition to the

requirement for the applicant or their successors in title to submit a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution; along with a maintenance regime.

It is considered that subject to these requirements, that the site should be able to address its own needs in terms of surface water drainage, so that it wouldn't be reliant upon the culvert referred to by the third party that takes water along Burghey Brook to the River Blackwater under the A12.

On foul drainage, Anglian Water also responded to the application, raising no objection to the proposed development subject to a recommended condition, relating to a surface water management strategy, which essentially duplicates one of the conditions recommended by the LLFA.

Archaeology

In its glossary, the NPPF highlights that *"There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."* Policy RLP106 of the Adopted Local Plan and Policy LPP63 of the Section 2 Plan also apply, these state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

The Historic Environment Advisor has stated that the Essex Historic Environment Record (HER) shows that the proposed development lies within an area of high archaeological and geoarchaeological potential.

The site lies adjacent to the line of a Roman road from London to Colchester. Geophysics and excavation, to the south of the development area and immediately south of the Roman road have identified a number of archaeological features, including a large enclosure with an annex and prominent linear features, and a possible kiln ranging from late Iron Age to Roman date. To the north east excavations have revealed an Iron Age occupation site and associated features. Earlier settlement activity was revealed further north and at the golf course site.

To the south of the site investigations have uncovered the presence of Pleistocene sediments deposited by a lake beneath the gravel deposits. At Marks Tey these deposits have been uncovered through quarrying and have yielded significant palaeoenvironmental evidence as well as Pleistocene faunal remains and Palaeolithic archaeological remains. The interglacial sediments were deposited within a large lake which is thought to have covered an area from Witham to Marks Tey. The area north of the A12 has been highlighted as one of high potential for surviving lake deposits and Palaeolithic remains.

To mitigate against potential impacts and to allow for further investigation, the Historic Environment Advisor has suggested pre-commencement conditions

for archaeological trial trenching, in accordance with the provisions of the NPPF.

Site Assessment Conclusion

There are no substantive objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the scheme in a sustainable manner, Officers are of the opinion that the development could be accommodated without significant adverse impacts, subject to the imposition of reasonable planning conditions and planning obligations; and the 'Planning Balance' exercise carried out thereafter.

PLANNING OBLIGATIONS

Open Space

Policy CS10 of the Core Strategy, Policy SP5 of the Section 1 Plan and Policies LPP53 and LPP82 of the Section 2 Plan, all require new developments to provide, or contribute towards the cost of, improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. The Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the District.

The Open Space SPD provides a formula for calculating the level of provision required for Use Class B1, B2, and B8 developments, subject to a minimum threshold of 1,000sq.m of employment floor space. The applicant has agreed to the payment of a financial contribution towards casual or informal open space and outdoor sports which is to be based on the final floor area and the application of the Open Space SPD formula. There will be no requirement to contribute towards outdoor equipped playgrounds or allotments. The financial contribution would also be index linked.

It is considered that this obligation meets the tests as set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (the 'CIL Regulations').

Travel Plan

The application is supported by a Travel Plan that has been considered by the LHA who require that it be implemented for a minimum period of 5 years with an associated £6,000 monitoring fee, plus the relevant sustainable travel indexation. The applicant has agreed to this obligation which it is considered also meets the tests as set out within the CIL Regulations.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for

decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which in this case is considered to be applicable given that Policy RLP27 of the Adopted Local Plan which relates to employment land provision, is based on an outdated employment land needs assessment for the District) granting permission unless:

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

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

Summary of Adverse Impacts

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

Conflict with the Development Plan

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

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside.

However, in the context of the site's draft employment use allocation within the emerging Section 2 Plan, this conflict is afforded limited weight.

Loss of tree planted bund

The proposed development would result in the loss of the tree belt upon the existing bund, however its retention is incompatible with the applicant's proposal and furthermore the draft employment allocation for the area contains no requirement to retain this belt/bund.

The Council's Ecologist has raised no objection to this, although has cited the need for the scheme to demonstrate a biodiversity net gain at the reserved matters stage.

Therefore on amenity and ecological grounds, the adverse impact of the removal of the bund is given moderate weight in the planning balance.

Summary of Public Benefits

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Conformity with the Section 2 Plan

The application site benefits from a draft allocation within the Section 2 Plan, as an extension to the Eastways Business Park, which is an existing Employment Policy Area that is to be carried forward in the emerging policy context. By granting planning permission for this development, it would also facilitate the delivery of the adjoining site through the provision of access there over.

The proposed development would also therefore be in compliance with Policy LPP3 of the Section 2 Plan, given that the uses proposed are in alignment with the Employment Policy Area requirements. Conformity with the Section 2 Plan is afforded significant weight.

Economic and Social Benefits

The proposed development would provide a significant economic and social benefit through the development of the application site, to create new jobs within the District and providing a stimulus in expenditure within the local economy, through both the construction and occupation phases of the development. This is given significant weight in the planning balance.

Planning Balance

When considering the planning balance and having regard to the identified benefits and harms, Officers conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Consequently it is recommended that outline planning permission is granted for the proposed development.

RECOMMENDATION

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

- Workplace Travel Plan – Financial contribution of £6,000 (index linked) towards a 5-year period monitoring fee of a Workplace Travel Plan.
- Public Open Space – Financial contribution (index linked) towards the provision of new or improvements to existing areas of amenity greenspace and / or outdoor sports identified in the Council's Open Spaces Action Plan in the town of Witham. The final contribution figure would be in accordance with the prescribed formula and determined at the reserved matters stage taking into account the split of uses and final approved floor area.

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

Alternatively, in the event that a suitable planning obligation is not agreed within three 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.

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan

Plan Ref: 2397/PL100

Parameter Drawing

Plan Ref: 2397/PL118

1 Details of the:-

- (a) appearance;
- (b) layout; and
- (c) landscaping

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

Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

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

Reason

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above, and enable access to be provided across the site to facilitate the development of site RIVE363 adjoining to the east.

Reason

To ensure that the proposed development does not prejudice the delivery of the whole of the Employment Policy Area allocated within the emerging Braintree District Draft Section 2 Local Plan (2017) under its policy LPP2.

- 3 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 15,470sq.m cumulative gross internal floor space for development comprising either use classes B2 (General Industry), B8 (Storage and Distribution) and Class E(g) (iii) (Light Industrial) or any combination thereof.

Reason

For the avoidance of doubt as to the scope of the planning permission, in the interests of providing a scheme that is policy compliant whilst protecting the character and appearance of the area.

- 4 The existing field access to the site gained off of the A12, shall be closed

off on commencement of the development hereby permitted, with all traffic associated with site clearance, groundworks, construction, and future operation of the premises being taken from the Eastways Business Park.

No above ground development shall commence until the access to the site from the Eastways Business Park has been completed, in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that a safe and suitable access to the site is achieved and in the interests of highway safety on the strategic road network.

- 5 No development or preliminary groundworks of any kind shall take place until a programme of archaeological and geoarchaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. In addition, a mitigation strategy detailing the excavation/preservation strategy shall be submitted to and approved in writing by the Local Planning Authority following the completion this work.

No development or preliminary groundworks of any kind shall take place on those areas containing archaeological or geoarchaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, which has been approved in writing by the Local Planning Authority, in consultation with its historic environment advisors.

The applicant will submit to the Local Planning Authority a post-excavation assessment. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

To enable full investigation and recording of this site given its potential archaeological importance. The details are required prior to commencement to ensure that measures are in place from the outset to protect any archaeology on the site.

- 6 Any reserved matters application relating to appearance and/or layout shall be accompanied by full details of finished floor levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site which could have an unacceptable landscape impact.

- 7 No development or preliminary ground works except any demolition shall commence until a detailed surface water drainage scheme for the site,

based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 6.71 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

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

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

The details are required prior to commencement of development to ensure that safeguarding measures are in place from the outset.

- 9 Prior to occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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

Reason

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

- 11 No above ground development shall commence until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

- 12 No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority, in line with the submitted Preliminary Ecological Appraisal (Environmental Assessment Services Ltd, November 2020) and Bat Activity Surveys (Aspen Ecology Ltd, June 2021). The CEMP (Biodiversity) shall include the following:

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

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

Reason

To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). The details are required prior to commencement of development to ensure that safeguarding measures are in place from the outset.

- 13 No above ground development shall commence until a Biodiversity Enhancement Strategy for protected and Priority species has been

submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason

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

- 14 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; 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 of the development that are 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 approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent of 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 s.40 of the NERC Act 2006 (Priority habitats and species).

- 15 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in the construction of the

development;

- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

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

Reason

To ensure that sufficient arrangements are in place for the parking of construction vehicles and to ensure that loose materials and spoil are not introduced onto the highway in the interest of highway safety and in the interest of local amenity. The details are required prior to commencement of development to ensure that safeguarding measures are in place from the outset.

- 16 Any reserved matters application for the detailed layout pursuant to Condition 1 of this planning permission shall be accompanied by a parking strategy layout which demonstrates that at least 15% of the total car parking spaces will be provided with electric vehicle charging points. The electric vehicle charging points shall be installed in full accordance with the approved details prior to the occupation of each building to which they relate. The electric vehicle charging points shall thereafter be permanently retained as such.

Reason

In the interests of facilitating and promoting sustainable development.

- 17 No occupation of the development shall take place until the submitted workplace Travel Plan has been actively implemented and will continue to do so for a minimum period of 5 years.

Reason

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

- 18 The cumulative noise level of fixed plant operated at the site shall not exceed 10dB(A) below background noise level (LA90,15 min) at any noise sensitive premises. Furthermore, prior to the installation of any such machinery or equipment, details of their installation with associated noise levels and confirmation of compliance with the above noise limits shall be submitted to and approved in writing by the local planning authority.

Reason

In order to minimise nuisance caused by noise pollution in the interests of residential amenity.

INFORMATION TO APPLICANT

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ.

SUBMITTED PLANS

Tree Plan	Plan Ref: 01
Landscape Masterplan	Plan Ref: 02
General	Plan Ref: 2397/PL102
Site Plan	Plan Ref: 2397/PL103
Site Survey	Plan Ref: 2397/PL104
Existing Site Plan	Plan Ref: 2397/PL105
Existing Site Plan	Plan Ref: 2397/PL106
Site Layout	Plan Ref: 2397/PL107
Site Layout	Plan Ref: 2397/PL108
Site Layout	Plan Ref: 2397/PL109
Site Layout	Plan Ref: 2397/PL110
Site Layout	Plan Ref: 2397/PL111
Site Layout	Plan Ref: 2397/PL111
Site Layout	Plan Ref: 2397/PL112
Site Layout	Plan Ref: 2397/PL113
Site Layout	Plan Ref: 2397/PL114
Section	Plan Ref: 2397/PL115
Site Layout	Plan Ref: 2397/PL116
Access Details	Plan Ref: 2397/PL117

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Variation to resolution to grant planning permission for Application Reference 21/00726/FUL – Land south of The Limes, Gosfield		Agenda No: 5c
Portfolio:	Planning and Infrastructure	
Corporate Outcome:	Connecting People and Places Enhancing our Environment	
Report presented by:	Neil Jones, Lead Principal Planner	
Report prepared by:	Melanie Corbishley, Senior Planner	
Background Papers: Planning Committee Report – Application Reference 21/00726/FUL Planning Committee Minutes – 08.06.2021 [ATTACHED AT THE END OF THE REPORT]		Public Report Key Decision: Yes
Executive Summary: This report relates to a planning application for a residential development of 19 dwellings that Members previously considered at the Planning Committee held on 08.06.2021. The Planning Committee resolved to grant planning permission subject to the completion of a Section 106 Agreement and subject to planning conditions. Unusually the Applicant has been unwilling to enter in to a S106 legal agreement which Officers consider would make suitable arrangements for the management of Open Space within the development, and which would secure the full extent of the Public Open Space that had been indicated in the planning application documents. As a result Officers are recommending that the planning application be refused.		
Recommended Decision: That the planning application is REFUSED.		
Purpose of Decision: To endorse the recommendation of Officers that the Local Planning Authority refuse to grant this planning permission.		

Any Corporate implications in relation to the following should be explained in detail.

Financial:	In the event that application is refused it is possible that the Applicant will appeal this decision to the Secretary of State. If an appeal is lodged then the Council will need to defend the decision to refuse the application. As well as the potential cost of defending an appeal there is a risk that costs could be awarded against the Council if a Planning Inspector considers that the Applicant has incurred unnecessary costs because the Council has acted unreasonably.
Legal:	No matters arising out of this report
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	No matters arising out of this report
Customer Impact:	No matters arising out of this report
Environment and Climate Change:	No matters arising out of this report
Consultation/Community Engagement:	No matters arising out of this report
Risks:	Failure to ensure that all of the open space within the new development is accessible to the public could set a precedent for the same approach to be used on other housing development sites in the future.
Officer Contact:	Melanie Corbishley
Designation:	Senior Planner
Ext. No:	2527
E-mail:	melco@braintree.gov.uk

REPORT

BACKGROUND

Outline planning permission was granted in February 2018 for up to 19no. dwellings with associated access, parking, garaging, landscaping and amenity space, under Application Reference 17/00610/OUT.

Full planning permission was subsequently granted in June 2020 for 17no. dwellings with associated access, parking, garaging, landscaping and amenity space under Application Reference 18/02007/FUL.

The current application seeks Full planning permission for 19no. dwellings again. The site area of the current application is the same as the earlier applications, along with the same highway access point on The Street. The application was reported to Planning Committee on 8th June 2021. Officers recommended that the application was approved, subject to completion of S106 agreement and planning conditions. A copy of the Officer report to Planning Committee is appended to this report. Members considered the item and agreed with the Officer recommendation which is set out below:

RECOMMENDATION

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

- **Affordable Housing:** 7 units comprising tenure of 4 x Affordable Rent & 3 Shared Ownership.
- **Public Open Space:**
 - On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space.
 - Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:
 - £35,933.98 (see note above with regard to figures) to the provision of a new skateboard ramp at the Recreation Ground Church Road Gosfield Essex.
- Ecology land to the west of the site to be protected and maintained in accordance with a maintenance plan.

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.

SUMMARY OF S106 NEGOTIATIONS WITH APPLICANT

During the application process, the Planning Agent acting on behalf of the Applicant (Chelsteen Homes) provided the Planning Officer with a copy of an Open Space and Amenity Plan to be included within the S106 agreement. This plan included yellow coloured land which would form an ecology corridor and blue land that would be set out and managed as public open space. Specifically this blue land, which was to form the public open space, was located to the north of the application site, surrounding the existing lime trees which are to be retained and an area of land to the south of the site including and surrounding the SUDs feature. This plan is appended to this report.

The Council's Solicitor drafted the legal agreement on the basis of this plan and this was sent to the Applicant's Solicitor on 8th June. The contents of the draft agreement were based on the earlier signed agreement for 17 dwellings, with only minor alterations to reflect the increase in dwelling numbers from 17 to 19. Officers note that the completed S106 agreement for the 17 dwelling scheme showed that with the exception of the ecology land, all areas of Open Space were to be set out and managed as Public Open Space.

Following this a number of matters were raised by the Applicant's Solicitor, however all of the issues have now been resolved barring one. The outstanding matter concerns the area of land to the south of the application site and whether this should be public open space or private open space. The Applicant's Solicitor stated that the open space at the southern end of the site would only be available to the residents living within the new homes on this site and that the land would be managed by them. The reasons given for this change in the access and management arrangements for this area of open space included:

- The southern area of land is isolated, does not connect to anywhere, and could disrupt the peace quiet of the new residents.
- The area of land would be unsafe as it would contain the balancing pond and pumping station.
- The landscaped area will mature and residents will appreciate the risks and can enjoy the private facility which they maintain. The development already makes a significant over provision from policy requirements for public open space. The Council appear to accept that the ecology land (the yellow land) will have no public access and that is an acceptable position to it.

Officers did not consider this to be a suitable arrangement and wrote to the Applicant's Planning Agent to explain why this arrangement was unacceptable:

I note that your client considers that the space would be unattractive or unsuitable for public use, as it would contain a SuDs feature and a pumping station. However in my experience, it is common that the SuDs feature and pumping stations are to be found in an area of POS and this includes schemes where Strutt & Parker have acted as Planning Agents. The inclusion of the drainage feature does not mean that the area results in an unattractive or unusable element of the development.

It is not clear from the email what management issues would be raised by this space being publically accessible. This area of land will need to be managed, as well as the

other parcels of land. It may be that the space will not be used as regularly by existing residents in Gosfield, by making the land private it is likely to cause friction between the new occupiers who would be responsible for managing it and both existing residents of the village and other residents who live within the development. Furthermore, and as previously stated, if the public were to be prevented from accessing the space this is likely to result in signs being erected and potentially means of enclosure, all of which would detract from the appearance of the space and the development.

The Council's adopted Open Spaces SPD states clearly sets out at Para.5.14 – 5.16 that developers will need to put in place appropriate management arrangements. Suitable management arrangements are listed but this does not include leaving arrangements to a group of residents. The order of preference for the management of open spaces is a management company, a recognised established trust and finally the Town or Parish Council, where the Parish Council agree to take on ownership and maintenance. For amenity spaces and unequipped play spaces the developer will ensure continued maintenance through an independent management company where ownership is shared between all residents. The SuDs detention basin also forms part of a system that will deal with the surface water from the whole development. It would seem inequitable for only some residents to pay to maintain an area whose function serves the whole development and if the area is not properly maintained this could cause problems with the effective management of the SuDs system.

I have re-checked the submitted DAS which clearly indicates that the green area of land would be an opportunity to provide a publically accessible landscaped area. Furthermore drawing 8984 04 rev B, which would be one of the approved drawings, clearly indicates that this parcel of land would be public open space. This plan was also included in the Member presentation on 8th June. Therefore at the time the application was submitted it was clear that the Applicant was happy to have this area of land to be designated as POS. The extent of the Public Open Space offered was a benefit that Officers considered when making the recommendation and Members considered when they passed the resolution to grant planning permission.

The Applicant's Planning Agent submitted a further letter which sought to justify the Applicant's approach. In summary the main arguments raised by the Planning Agent were:

- Public access to the land cannot be guaranteed, as access to it would be via a private road. Cannot advocate this space as a public space for use by the entire village as it cannot be accessed by a public right of way.
- Land would be managed by the same management company for the rest of the site, it would be accessible for all new residents and as the land is not accessible by a public highway, do not envisage that friction would occur between new and existing residents of Gosfield.
- This is no different arrangement to an area of communal private space afforded to residents of apartment blocks and is therefore very standard practice.

None of these arguments are considered by Officers to hold any significant weight. This a greenfield site and the whole development is being built by the developer. When the developer comes to transfer roads they can arrange for these to be transferred to the Highway Authority or a Management Company that they appoint. If

the roads are transferred to a Management Company the developer could specify that public access be allowed over these roads. As such it does not seem that there is any reason why the open space could not be accessible to members of the public if suitable access arrangements were put in place by the developer.

It is noted that the Applicant proposes that the same Management Company maintain the Public Open Space and the open space at the southern end of the site, however the Management Company will be funded by future residents. It seems likely that either all the residents of the development will contribute to the upkeep of this area but only some will be allowed to access it, or the maintenance for this significant area will fall on small number of dwellings that front on to the space.

The assertion that this arrangement is akin to the amenity areas that serve apartment blocks is wrong. The Council would expect shared amenity spaces serving apartments to normally be to the rear of apartments and enclosed by walls, fences and hedges so that are clearly intended to be private / semi-private amenity spaces. These spaces have been designed and have the characteristics of public open spaces. Visitors to the site would be likely to view the area as public open space. Signs could be erected saying that public access is prohibited but the erection of signs prohibiting access also would not make a positive contribution towards place making and creating an attractive environment. Prohibition signs may well also be ineffective and other members of the public may well still use the space. This has the potential to cause conflict between the occupiers of the houses and visitors to the site which is unnecessary, avoidable and contrary to the aims of Section 8 of the NPPF (Promoting Healthy and Safe Communities). Paragraph 92 of the NPPF states planning decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, with examples quoted including high quality public space, which encourage the active and continual use of public areas; and enable and support healthy lifestyles, for example through the provision of safe and accessible green infrastructure.

Furthermore within the NPPG the following guidance is provided:

How can local planning authorities ensure the quality of approved development is not materially diminished between permission and completion?

The design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented. In some cases, local planning authorities may wish to encourage design details to be agreed as part of the initial permission, so that important elements are not deferred for later consideration. It can also be important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality.

The Applicant has argued that the development would still provide Public Open Space that is well in excess of the Council's minimum standards for Public Open Space provision but the proposed development that the public were consulted on, and which Members assessed, clearly indicated that the open space at the southern end of the site was Public Open Space. Attempting to reduce the amount of Public Open Space at this stage materially diminishes the quality of the scheme.

As an impasse has been reached Officers have advised the Applicant that because a S106 agreement that is acceptable to the Council has not been agreed, the application will be recommended for refusal. Whilst the resolution passed by the Planning Committee provides the Planning Development Manager with delegated powers to refuse the application in the event that a S106 agreement is not agreed within 3 months, Officers consider that the application should be reported back to Planning Committee so that Members are made aware of the issue and are given the opportunity to consider whether to endorse the recommendation to refuse the application.

SUMMARY AND CONCLUSION

Given all of the above, Officers consider that should the area of land to the south of the site not be incorporated into the Public Open Space, then this would be detrimental to the creation of an inclusive community, as advocated by the NPPF.

Officer's dispute the statement by the Applicant. Public access could be secured to the land by the developer. The space has the appearance and characteristics of an area of Public Open Space. Establishing different access arrangements for this land could lead to the enclosure of the land by fencing, but even it just led to signage denoting its private status this would dilute the design aesthetics Officers and Members envisaged for this site, in direct conflict with the advice provided by the NPPG.

Members are reminded that the Applicant consented to the area of land being Public Open Space in the legal agreement attached to the earlier consent for 17 dwellings, however Officers have been notified by the Applicant's Solicitor that this was only agreed to as a result of 'commercial necessity' in securing a planning permission.

To conclude, Officers are not satisfied with the arguments put forward by the Applicant, their Agent and Solicitor with regards the land to the south of the site not being publically accessible. This is an unusual situation so, whilst Officers have delegated authority to refuse the application, the Planning Development Manager considered that it was appropriate to report the application back to Planning Committee in order that Members could discuss the issues arising. Officers contend that there is no reasonable explanation or justification as to why the piece of land should not be Public Open Space, which was clearly what was originally proposed in the application documentation and the proposed arrangements are not considered to be consistent with the aims of the NPPF and the PPG, and it is therefore recommended that the application is refused.

RECOMMENDATION

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

The Council resolved to grant planning permission for the development subject to the completion of a Section 106 Legal Agreement to secure, inter alia, on-site provision of Public Open Space, including a requirement for a Management Company to be appointed to maintain the proposed open space. The Council's resolution was based

on the application submission which clearly identified that two areas of Public Open Space were to be provided, at the north and southern parts of the site.

Contrary to the application submission, during discussions to finalise the Section 106 Legal Agreement, the Applicant has now stated that one of these areas of land will not be Public Open Space. Although designed to be an area of Open Space that any member of the public could use, the area will in fact be private and only the occupiers of the new homes will be entitled to use it.

The area of land would have the appearance and characteristics of an area of Public Open Space and by prohibiting access to the general public to this land it is considered that there will be pressure to enclose the land with fencing, or the erection of signs prohibiting access. Such measures would dilute the design aesthetics envisaged for this site, in direct conflict with the advice provided by the NPPG. It would also create the potential for conflict between occupiers of the development and other residents from the village and would be contrary to the aims of the NPPF which states that planning decisions should, amongst other things, deliver healthy, inclusive, and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and which are safe and accessible.

No reasonable explanation or justification has been provided as to why the piece of land should not be Public Open Space and maintained as such, which was clearly what was originally proposed in the application submission. As such, the proposed arrangements are considered to be contrary to the aims of the NPPF and the NPPG, Policy CS10 of the Core Strategy, and the Council's Open Space Supplementary Planning Document.

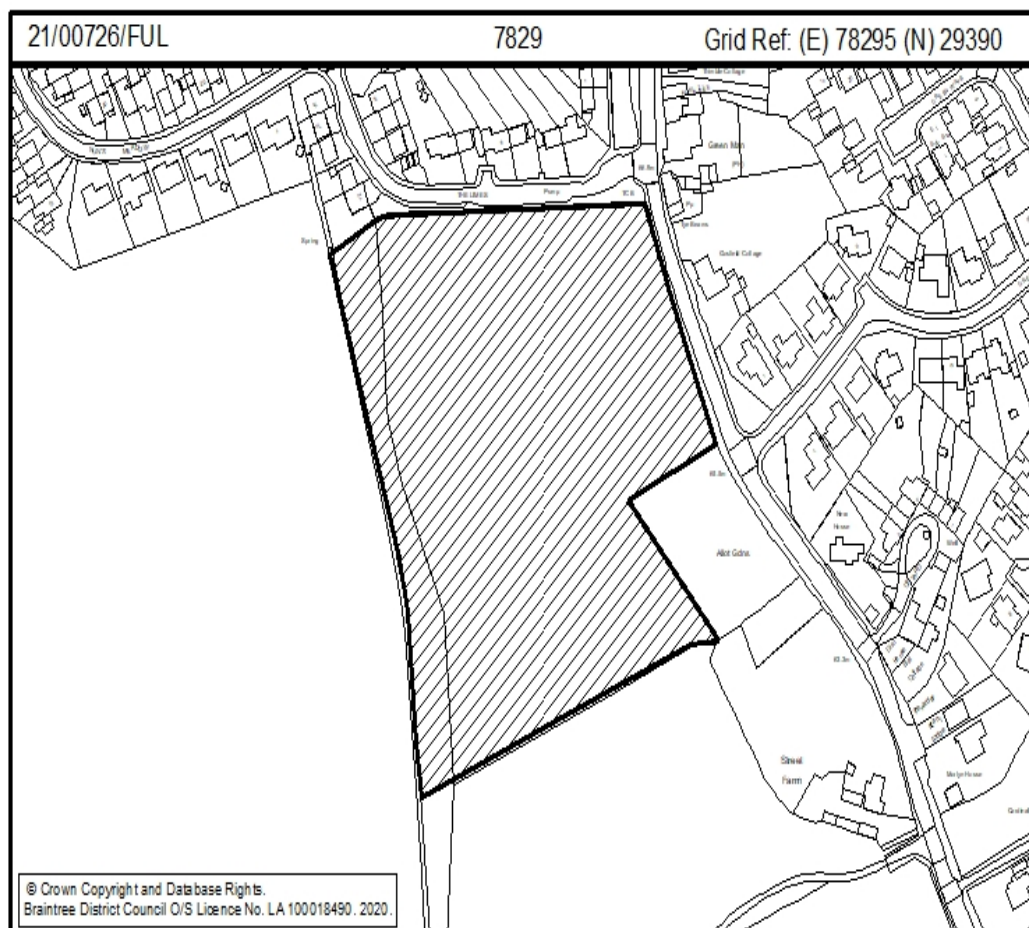
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 21/00726/FUL
DATE VALID: 03.03.21
APPLICANT: Chelsteen Homes
C/o Agent, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF
AGENT: Strutt & Parker
Miss Laura Dudley-Smith, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF
DESCRIPTION: Erection of 19 dwellings with associated access, parking, garaging, landscaping and amenity space
LOCATION: Land South Of, The Limes, Gosfield, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QPEHX5BFJVM00>

SITE HISTORY

01/00919/FUL	Erection of a 10m mock telegraph pole encompassing dual omni antenna and metro street cabin at ground level	Refused	08.08.01
88/01753/P	Erection Of Sheltered Housing (19 Bungalows Plus Warden's Bungalow)	Refused	06.01.89
93/00742/FUL	Erection of meeting room for scout and guide group	Granted	14.10.93
99/01407/AGR	Erection of agricultural storage building	Permission not Required	15.10.99
17/00610/OUT	Outline planning application for up to 19 dwellings with associated access, parking, garaging, landscaping and amenity space	Granted with S106 Agreement	01.02.18
18/02007/FUL	17 dwellings with associated access, parking, garaging, landscaping and amenity space	Granted with S106 Agreement	22.06.20
83/01190/	Proposed vehicular access over green.	Withdrawn	11.07.84
88/02548/P	Erection Of Dwelling & Garage Together With Vehicular Access	Refused	16.02.89
89/02107/P	Construction Of Vehicular Access	Refused	04.12.89
90/00309/PFHN	Construction Of Vehicular Access	Granted	22.03.90
93/01031/FUL	Installation of garage door to front elevation, erection of extension to rear	Granted	14.09.93

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP103	Parks and Gardens of Special Historic Interest
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site comprises an area of uncultivated land to the south of The Limes, Gosfield. The total site area is approximately 2.0 hectares. To the east and north of the site is residential development, separated from the site by the A1017 and The Limes. To the west of the site is agricultural land.

The application site itself is bounded by the road at The Limes to the north and the A1017 - The Street to the east. The site is currently private land and there are therefore no existing formal public rights of access.

The application site lies partially within Gosfield Conservation Area which covers a significant portion of the village. The site includes a remnant of a formal avenue of lime trees which framed a long distance view towards Gosfield Hall to the north-west from the village. Though this visual link has been severed by twentieth century development the avenue remains legible and is an important fragment of a wider designed historic landscape which could be better revealed. The site is considered to make a valuable contribution to how we are able to experience and interpret the significance of three interrelated heritage assets; the Grade I Gosfield Hall, the Grade II Gosfield Hall Registered Park and Garden and the Gosfield Conservation Area.

The Grade II Listed Green Man public house and Gosfield Cottage are both opposite the site to the east and north east, along the A1017.

The application site lies in the countryside, adjacent to the village boundary of Gosfield, as designated in the Development Plan.

PROPOSAL

This application seeks full planning permission for the construction of 19no. dwellings with an associated access, parking, garaging, landscaping and amenity space.

The proposed layout remains largely the same as the scheme approved last year under reference 18/02007/FUL, with an additional house being inserted to the north east of the site to create a terrace of three units and a further detached house being inserted along the southern spine road.

The revised layout ensures that the small enclave of housing is cohesive in its design and that the dwellings relate both to the existing housing in The Limes

but also the dwellings, and in particular the nearby listed building known as the Gosfield Cottage, along The Street. The development fans out to the south of the site to allow views of the drainage feature and trees and fields beyond.

An ecological corridor would be retained along the western side of the site.

SUMMARY OF CONSULTATION RESPONSES

Historic Buildings Consultant

No objection is raised subject to a number of conditions being imposed.

BDC Environmental Health

No objection, conditions requested regarding hours of work, dust and mud control management scheme, no burning, no piling without the submission of a piling system report.

BDC Waste Services

The refuse and recycling collection point for plots 16 - 19 is situated outside number 16 on the Refuse Collection Plan however, when checking this, and also the Site Layout Plan, there is no designated space for the waste receptacles to be stored. It only shows them out on the private driveway, which will become a hindrance for residence wishing to use this driveway.

BDC Landscape Services

No objection, however requests the submission of a landscape management plan via a planning condition, along with other landscape related conditions.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

ECC Highways

No objection, suggests conditions regarding the submission of a Construction Management Plan, visibility splays and residential travel packs for new residents.

Essex Police

Comments made in relation to boundary treatments, lighting and physical security measures.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The imposition of an informative is requested.

The foul drainage from this development is in the catchment of Gosfield Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

This response has been based on the following submitted documents: Surface Water Drainage Strategy dated 14th September 2020 Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The applicant has not identified a discharge rate for the foul water pumping station. We therefore request a condition requiring on-site drainage strategy.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

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

Condition requested regarding on-site foul water drainage works.

ECC Suds

No objection, conditions suggested.

BDC Housing Research and Development

The proposed affordable unit and tenure mix illustrated in the table is proposed as part of the development and is supported because it is appropriate to address evidence of housing need.

Affordable Housing Unit Mix	No.	Affordable Rented	Shared Ownership
2 Bed House – 4 person	2	2 (Plots 1 & 2)	0

3 Bed House – 6 person	5	2 (Plots 3 & 4)	2 (Plots 17,18 & 19)
Total	7	4	3

Environment Agency

No comments received.

National Grid

No comments received.

Ramblers Association

No comments received.

Natural England

No comments.

ECC Specialist Archaeological Advice

No objection, subject to a number of conditions.

Essex Fire and Rescue

Comments made in relation to access for fire engines and Building Regulations.

PARISH / TOWN COUNCIL

Gosfield Parish Council

No response received.

REPRESENTATIONS

Four representations received making the following comments:

- Object to 21 dwellings on the site.
- Gosfield is already being enlarged to the north and is in danger of being overwhelmed.
- Development would result in extra traffic.
- Strain on existing services, such as the doctor's surgery.
- Harm to local wildlife and biodiversity
- New junction on the A1017 could result in an accident black spot
- There are far more suitable sites for this kind of development on the outskirts of local towns where the character of the area would not be

ruined, the very reason a large proportion of the residents of the village choose to live here.

- Concerns about the long term future of the existing lime trees on the site.
- Suggest a tree preservation order (TPO) is served
- Overdevelopment of the area and only 7 affordable houses

REPORT

Background

Outline planning permission was granted in February 2018 for up to 19no. dwellings with associated access, parking, garaging, landscaping and amenity space, under application reference 17/00610/OUT.

Full planning permission was granted in June 2020 for 17no. dwellings with associated access, parking, garaging, landscaping and amenity space under application reference 18/02007/FUL.

The site area of the current application is the same as the earlier applications, along with the highway access point on The Street.

Principle of Development

National Planning Policy Framework (NPPF)

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

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

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

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

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

The Development Plan

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

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

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

The application site is not proposed for allocation for development in the Section 2 Plan. The proposed development is therefore represents a departure from the Development Plan and is contrary to the Section 2 Plan, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

Notwithstanding the above, the principle of developing the application site for residential purposes has been established by the grant of outline planning permission for up to 19no. dwellings in 2018 pursuant to application reference 17/00610/OUT, and by the grant of a full planning permission in June 2020 for 17no. dwellings under application reference 18/02007/FUL. These permissions create a fall-back position for the site, however the merits of the current full application have to be considered.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is identified as an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Section 2 Plan classes the village as a 'third tier' village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreational ground, social club, tennis club, golf club and a church all within walking distance from the site.

The village is also served by a number of regular bus services that connect Gosfield with Halstead, Braintree, Witham, Cressing, Silver End, and Rivenhall.

These bus services are regular and generally provide the opportunity for residents to travel to larger centres by sustainable means. They also provide the opportunity for commuters to connect to rail services; although it is appreciated that this would not be suitable for all travellers.

Officers acknowledge that future occupiers are unlikely to seek employment within the village and undoubtedly there will be reliance on travel by car as not all needs can be met within the village. Officers consider that the use of a private car should be expected to some degree, especially within a District such as Braintree which is predominantly a collection of villages in a rural setting. The need to use a car to access services and facilities does not necessarily suggest that a village does not provide the opportunity for its residents to access public transport, shop locally or utilise recreational activities within walking and/or cycling distance.

Accordingly, it is considered that the development of the site would increase reliance on travel by car as not all needs can be met in the village. This weighs against the proposal. However, as highlighted above, there is an extant outline planning permission for residential development on the site which must be given substantial weight when considering the principle of development on this site.

Design, Appearance and Layout

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

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

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section

2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.

During the life of the earlier application (Application Reference 18/02007/FUL) Officers and the applicant worked productively together to create layout that would sit comfortably within the street scene and within the context of the Conservation Area. To ensure this the partial avenue of Lime trees were retained and sit within a larger area of public open space. The retention of these trees were of paramount importance to Officers due to the positive impact they have on this part of the village and character and appearance of the Conservation Area.

Development of the southern section of the site now includes the area originally earmarked for the woodland, however the road way now opens up and allows the dwellings in this part to overlook the new drainage basin and area of open space.

Fronting onto the protected trees the dwelling styles reflect the simplicity of the existing dwellings in The Limes. The 2 pairs of semi-detached dwellings and a terrace of three dwellings have a modest appearance with an understated design.

The two dwellings proposed either side of the spine road, once it turns away from the trees, have been designed so that they turn the corner and have two active frontages. These two houses act as the 'gates' to the remainder of the development. Beyond this the house styles evolve and become more detailed with two storey projecting gables, small dormer windows, canopy porches and brick plinths.

The layout of the proposed 19.no dwellings remains largely unchanged from the principles of the layout approved last year. It is therefore considered that the dwellings and layout provide a scheme with architectural variation, yet overall is a cohesive scheme which has an appropriate rural character for this edge of village location.

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

All of the proposed dwellings are provided with a sufficient amount of private garden space, and therefore accord with the minimum garden sizes from the Essex Design Guide. To ensure that these relationships between properties and the size of the garden spaces are maintained, it is recommended that a

condition removing permitted development rights for extensions is attached to any grant of consent.

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

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

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

As outlined above, the site is located within the countryside and that this incursion onto the rural edge of Gosfield will cause a degree of harm to the character and appearance of this part of the Village, however the site already benefits from full planning permission for 17no. units. The layout of the site retains the existing avenue of lime trees and all of the existing hedgerow along the northern and eastern boundaries of the site which will act as screening and will soften the edges of the development.

The southern boundary of the site is marked by a line of poplar trees which will be retained. Along the western boundary site is an area of land that is to be retained as an 'ecology corridor' and will not be included in to the rear gardens belonging to Plots 11-14 and 17. A chain link fence is proposed along the rear boundary of these plots, which would allow for views from these gardens across the agricultural fields to the west. Furthermore it is considered that the use of this type of fencing will mitigate the impact of the proposal when viewed from the west and the distant PRoW.

The proposal complies with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan and Policy LPP55 of the Section 2 Plan.

Impact on Heritage Assets

Part of the site lies within the Gosfield Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of the same Act imposes a duty on local planning authorities for special attention to be paid to the desirability of preserving or enhancing the character and appearance of a designated Conservation Area.

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

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

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

Policy RLP95 of the Adopted Local Plan states that built or other development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that: the proposal does not detract from the character, appearance and essential features of the Conservation Area and is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings.

Policy RLP100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over development, design and use of adjoining land. This is echoed by Policy LPP60 of the Section 2 Plan.

Policy RLP103 of the Adopted Local Plan states inter alia that development will not be permitted, which would materially detract from the historic character, or setting, of Parks and Gardens of Special Historic Interest.

Policy LPP56 of the Section 2 Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas.

Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles, including protecting and enhancing assets of historical or natural value.

The Historic Building Consultant raises no objection to the increase in dwelling numbers from 17 to 19 however as the site partially falls within the Conservation Area, and proposes a new street scene facing into the Conservation Area, raised concern over some of the materials indicated on the submitted plans (Drawing 8984/23) commenting that the use of modern, industrialised materials would have no specific affinity to the local area and would have a detrimental impact on the Conservation Area and that their use would erode its character. Accordingly, the Historic Buildings Consultant has requests a number of conditions, if the application is approved, regarding the submission of material samples, large scale drawings of the windows, doors, fascia, cill and landscaping details.

It is therefore concluded that, subject to conditions, the application would have a neutral impact on the character and appearance of the Conservation Area and that the development would result in no harm to this designated heritage asset. Furthermore, it is not considered that the proposal would be harmful to the setting of the adjacent listed buildings.

The proposal therefore complies with the NPPF, Policies RLP95 and RLP100 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP56 of the Section 2 Plan.

Trees and Hedgerows

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

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

Policy LPP71 from the Section 2 Plan states that in its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Furthermore where development is proposed close to existing features, it should be designed and located to ensure that the condition and future retention/management will not be prejudiced but enhanced where appropriate.

The application site contains the remnants of an avenue of Lime trees that marked the main entrance to Gosfield Hall. Given the historical nature of this landscape feature and the positive impact the group of trees have on the historical core of the village, this portion of the site lies in the Gosfield Conservation Area.

A key consideration of this the site is the preservation of this important landscape feature. The proposed layout would ensure that the trees are protected and they have become a focal feature of the development, for the benefit of existing and future residents and the wider Conservation Area.

Along the northern boundary of the site, the hedgerow and tree coverage will remain and the submitted visibility drawing for the access onto The Street indicates that a proportion of the hedgerow along this elevation will need to be removed to achieve the require visibility splays for the speed of the road (approximately 20 metres). A landscaping scheme is required to be submitted by condition and a robust planting scheme along this boundary to replace the small area of lost hedgerow will be essential.

In terms of tree removal, two trees, T5 and T6, and part of G1, will be removed. T5 and T6 are C category lime trees, T5 is much smaller than most of the lime avenue. Their removal is required as part of the internal road layout.

No objection is raised to the application by the Council's Landscape Officer. A number of specific landscaping conditions, including compliance with the arboricultural impact assessment are requested along with the inclusion of the open space into a management plan within the associated legal agreement.

Following the amendments to the proposal, it is considered that the application complies with Policy RLP80 of the Adopted Local Plan, Policy CS8 of the Core Strategy and Policy LPP71 of the Section 2 Plan.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The site is well distanced from nearby residential properties opposite the site in The Limes and on The Street and it is not considered that the proposed development would give rise to any unacceptable impact on the amenity of these neighbouring properties.

The proposal therefore complies with Policy RLP90 of the Adopted Local Plan, Policy LPP55 of the Section 2 Plan and the NPPF.

Highway Issues

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

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

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

Vehicular access to the site was previously established by the outline planning permission pursuant to application reference 17/00610/OUT. The access proposed in this application is the same and therefore no objection is raised to the access by the Highways Authority.

The Highways Authority have requested conditions regarding the submission and approval of a construction management plan, provision of residential travel information packs for new residents and the provision of the visibility splays shown on the submitted plans.

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

During the life of the application, an additional waste receptacle area has been added to the private drive serving Plots 16-19, which satisfies the comments made by BDC Waste Services.

Ecology

The application has been supported by the document, 'Outline Ecological Assessment' (Eco-Planning UK Ltd, October 2016), 'Badger Survey' (Eco-Planning UK Ltd, March 2017), 'Revised Ecological Assessment' (Eco-Planning UK Ltd, October 2018), 'Revised Ecological Note' (Eco-Planning UK Ltd, September 2020) and relates to the likely impacts of development on protected & priority habitats and species, particularly badgers and bats, and identification of proportionate mitigation.

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

The report provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. A number of conditions are suggested with regards to biodiversity enhancements and compliance with the report and its recommendations. An area of land along the western side of the site has been identified for its biodiversity value and has been earmarked to be retained as a 'wildlife corridor'. This piece of land will be retained for this purpose with no public access. Its maintenance and protection will be secured by the proposed legal agreement.

Surface Water Drainage

Policies RLP67 and RLP69 of the Adopted Local Plan, Policy CS8 of the Core Strategy and Policies LPP78, LPP79 and LPP80 of the Section 2 Plan relate to flood risk and sustainable urban drainage systems.

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

The proposed drainage strategy will include an infiltration basin which will be located to the south of the site, along with porous paving to be used for the two private drives serving plots 1-4 and 17, 18 and 19. Furthermore porous paving will also be used for the driveways/private parking spaces that serve each dwelling.

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

Habitat Regulations Assessment (HRA / RAMS)

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

PLANNING OBLIGATIONS

Policy SP6 of the Section 1 Plan states that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development, which could include transportation and travel, social Infrastructure, digital connectivity and water and waste water.

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

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

Affordable Housing

Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The

Council's Housing Enabling Officer is satisfied with the mix of type and tenure of affordable housing proposed.

Open Space

Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

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

In terms of off-site financial contributions, the applicant has agreed the following contribution which is consistent with the Council's Open Space SPD:

- £35,933.98 towards the provision of a new skate ramp at the Recreation Ground, Church Road, Gosfield, Essex (To note: this contribution amount is based on 2020 figures. An update with regard to the 2021 figures will be presented at the Committee and may result in an amendment to the amount shown).

This contribution would be secured through the S106 Agreement.

The layout makes provision for open space within the development and the applicant has also agreed to include the area to the west of site as designated ecology land, which will act as a wildlife commuting corridor feature and a buffer zone for wildlife from the proposed development, particularly for badgers which are in an adjacent location.

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

PLANNING BALANCE AND CONCLUSION

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

Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2, RLP95 and RLP100 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

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

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

Policy RLP95 seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 193 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), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 195 and 196 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP95 and RLP100 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

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

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable

development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

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

Conflict with the Development Plan

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

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside.

Whilst the development lies outside the village envelope and would therefore represent a departure from the Development Plan, the principle of developing the site has been established by the grant of both the previous outline and subsequent full planning applications for 19 and 17 dwellings respectively at the site and therefore a fall-back position exists. Limited weight is therefore attached to this conflict with the Development Plan.

Location and Access to Services and Facilities

Future residents of the development would have some access to local services and facilities, however it is considered that the development of the site would increase reliance on travel by car as not all needs can be met in the village. This weighs against the proposal. This is afforded moderate weight.

Loss of Hedgerow

The loss of a small section of the hedgerow along the site frontage onto The Street, to facilitate a safe vehicular access into the site, would give rise to some harm as it is considered that this would result in a change to the appearance of the site in this central village location. This harm is afforded moderate weight.

Harm to Designated Heritage Assets

Concern has been raised by the Historic Buildings Consultant that harm to the Conservation Area could arise from the use of inappropriate modern materials within the development. To mitigate this harm, a number of conditions are recommended. Subject to these concerns being addressed, the harm is afforded neutral weight.

Harm to the Character of the Landscape

Limited harm is identified to the character and appearance of the countryside, given the edge of settlement location of the application site. This harm is afforded moderate weight.

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Delivery of Market and Affordable Housing

The development would facilitate the provision of 19no. new dwellings, comprising 12no. market houses and 7no. affordable houses. This is afforded moderate weight, given the scale of the development.

Economic and Social Benefits

The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. This is afforded significant weight.

Open Space & Ecology

A further benefit would be the provision of a policy compliant amount of public open space including the existing avenue of lime trees and the creation of an 'ecology corridor'. This is afforded significant weight.

Section 106 Obligations

The proposal would secure a number of Section 106 obligations, including the aforementioned provision of affordable housing, public open space and the ecology land to the west of the site. The Section 106 benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with local planning policy.

Planning Balance

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

- 7 units comprising tenure of 4 x Affordable Rent & 3 Shared Ownership.
- - On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space.
 - Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:
 - £35,933.98 (see note above with regard to figures) to the provision of a new skateboard ramp at the Recreation Ground, Church Road, Gosfield, Essex
- Ecology land to the west of the site to be protected and maintained in accordance with a maintenance plan.

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

Drainage Details	Plan Ref: 2282/E/1/1	Version: E
Block Plan	Plan Ref: 8984/02	Version: B
Site Layout	Plan Ref: 8984/03	Version: B
Site Plan	Plan Ref: 8984/04	Version: B
Height Parameters Plan	Plan Ref: 8984/20	Version: B
Parking Strategy	Plan Ref: 8984/21	Version: B
Refuse Information	Plan Ref: 8984/22	Version: B
Boundary Treatment	Plan Ref: 8984/24	Version: B
Garden Study	Plan Ref: 8984/25	Version: B
Garden Study	Plan Ref: 8984/26	Version: B
Public Open Space Details	Plan Ref: 8984/27	Version: B
Location Plan	Plan Ref: 8984/28	Version: B
House Types	Plan Ref: 8894 / 37 A	
Location Plan	Plan Ref: 8984 / 01 A	
House Types	Plan Ref: 8984 / 35 A	
House Types	Plan Ref: 8984 / 36 A	
House Types	Plan Ref: 8984 / 38 A	
House Types	Plan Ref: 8984 / 39 A	
House Types	Plan Ref: 8984 / 40 A	
House Types	Plan Ref: 8984 / 41 A	
House Types	Plan Ref: 8984 / 42 A	
House Types	Plan Ref: 8984 / 43 A	
House Types	Plan Ref: 8984 / 44 A	
House Types	Plan Ref: 8984 / 45 A	
House Types	Plan Ref: 8984 / 46 A	
House Types	Plan Ref: 8984 / 47 A	
House Types	Plan Ref: 8984 / 48 A	
House Types	Plan Ref: 8984 / 49 A	
House Types	Plan Ref: 8984 / 50 A	
House Types	Plan Ref: 8984 / 51 A	
House Types	Plan Ref: 8984 / 52 A	
House Types	Plan Ref: 8984 / 53 A	
House Types	Plan Ref: 8984 / 54 A	
House Types	Plan Ref: 8984 / 55 A	
House Types	Plan Ref: 8984 / 56 A	
House Types	Plan Ref: 8984 / 57 A	
House Types	Plan Ref: 8984 / 58 A	
House Types	Plan Ref: 8984 / 59 A	
House Types	Plan Ref: 8984 / 60 A	
House Types	Plan Ref: 8984 / 61 A	
Garage Details	Plan Ref: 8984 / 62	

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

Reason

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above, except as follows:

- Materials Details Plan Ref: 8984/23 Version B, is not approved.

Reason

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

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

Reason

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

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

Reason

To ensure that the development does not prejudice the appearance of the locality and protects the residential amenity of occupiers.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 6 No development shall take place, including any ground works or demolition until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority.

The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway and a dust and mud control management scheme.

Once approved the plan shall be adhered to throughout the site clearance and construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies February 2011.

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

Reason

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

- 8 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, watering and maintenance, colour and type of material for all hard surface areas and method of laying where appropriate. Details will be required with regards the management and maintenance of the proposed new lime tree located to the north of plot 5.

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

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

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

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

Reason

To enhance the appearance of the development and in the interests of amenity.

- 9 Prior to the implementation of the landscaping scheme pursuant to Condition 8, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Once approved the irrigation and maintenance of the landscaping scheme shall be carried out in accordance with these details.

Reason

To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

- 10 The development hereby approved shall be carried out in accordance with the recommendations with the Arboricultural Impact Assessment prepared by D F Clark 24th September 2020 (DFCP 3382-01 REV E)

Reason

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

- 11 No works, including the creation of trenches or culverts or the presence of pipes, shall commence on site until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Once agreed, these measures should be carried out in accordance with these details.

Reason

To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and the Badger Protection Act 1992.

- 12 Prior to the installation of any external lighting at the site, a lighting design

scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the local planning authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; 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 of the development that are 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 approved scheme and retained 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).

- 13 Prior to occupation of the development hereby approved a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

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

Reason

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

- 14 Prior to the occupation of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority.

The content of the LEMP shall include the following:

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

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

Reason

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

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

a) The access from The Street shall be provided as shown in principle on the submitted documents and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. At its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m metres by 90 metres to the north and 2.4 metres by 90 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

b) the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policies DM1,

DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

- o Discharge via infiltration for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- o Final modelling and calculations for all areas of the drainage system.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged.

Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

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

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

Reason

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

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

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

Reason

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

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

Reason

In the interests of visual amenity.

- 21 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning

Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

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

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies February 2011.

- 23 No above ground development shall commence unless and until additional drawings that show details of proposed new windows, doors, facia and sills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

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

Reason

The site may be of archaeological interest.

- 25 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 24 above.

Reason

The site may be of archaeological interest.

- 26 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning

Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest.

INFORMATION TO APPLICANT

1 The Developer is encouraged to obtain a Secured by Design "Gold" award in relation to this development.

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

(2) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water

Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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

(4) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the

Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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

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

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

All highway related details should be agreed with the Highway Authority

4 GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

5 NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Minutes

Planning Committee 8th June 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	F Ricci	Apologies
K Bowers	Apologies	Mrs W Scattergood (Chairman)	Apologies
P Horner	Yes	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	N Unsworth	Apologies
A Munday	Yes	J Wrench	Yes
Mrs I Parker (Vice-Chairman in the Chair)	Yes		

Substitutes

Councillor A Hensman attended the meeting as a substitute for Councillor Mrs W Scattergood.

Councillor P Thorogood attended the meeting as a substitute for Councillor N Unsworth.

Councillor Mrs S Wilson attended the meeting as a substitute for Councillor K Bowers.

14 DECLARATIONS OF INTEREST

INFORMATION: The following interest was declared:-

Councillor P Schwier declared a non-pecuniary interest in Application No. 21/00726/FUL - land South of The Limes, Gosfield as the site was within the Ward which he represented and he had attended meetings of Gosfield Parish Council at which the application had been discussed. Councillor Schwier stated that he had not taken part in the Parish Council's discussion on the application. Councillor Schwier also declared a non-pecuniary interest in the same application in his capacity as an elected Member of Essex County Council.

In accordance with the Code of Conduct, Councillor Schwier remained in the meeting and took part in the discussion when the application was considered.

15 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 25th May 2021 be approved as a correct record and signed by the Chairman.

16 QUESTION TIME

INFORMATION: There were three statements made about the following matters. Those people who had registered to participate during Question Time had submitted

written statements in advance of the meeting and these were read to the Committee by the Council's Governance and Member Services Officer immediately prior to the consideration of the applications.

Application No. 21/00726/FUL - land South of The Limes, Gosfield

Application. No. 21/00924/VAR - Former Broomhills Industrial Estate, Pods Brook Road, Braintree

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

17 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00726/FUL (APPROVED)	Gosfield	Chelsteen Homes	Erection of 19 dwellings with associated access, parking, garaging, landscaping and amenity space, land South of The Limes.

DECISION: That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Term:

Affordable Housing: 7 units comprising tenure of 4 x Affordable Rent and 3 x Shared Ownership.

Open Space: A financial contribution in accordance with the Open Spaces Action Plan for £35,933.98 towards the provision of a new skate ramp at the Recreation Ground, Church Road, Gosfield, Essex.

Amenity Areas: A Management Company to be appointed for the maintenance of the proposed public open space and ecology land.

the Planning Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the Planning Committee's decision, the Planning Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition Nos.13 and 14, the deletion of Condition No. 22 (duplicate) and to an additional Condition as follows:-

Amended Conditions

13. Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to

and approved in writing by the Local Planning Authority.

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

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

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

14. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority.

The content of the LEMP shall include the following:

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

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

Deleted Condition (Duplicate of Condition No. 6)

22. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway.

Additional Condition (re-numbered as Condition No. 26)

26. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Once approved the arboricultural works shall be carried out in accordance with the method statement.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00924/VAR (APPROVED)	Braintree	Croudace Homes Ltd	Variation of Condition 2 (Approved Plans), Condition 4 (Boundary Treatment), and Condition 27 (Access Arrangement) of permission 18/02015/FUL granted 06.11.2020 for: Redevelopment of the site for 81 residential dwellings, comprising 59 houses and 22 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure. Variation would allow for: Revised house designs for Plots 5 to 42 and Plots 61 to 81, including associated garages and carports, and revised boundary treatment details, former Broomhills Industrial Estate, Pods Brook Road.

DECISION: That, subject to the applicant entering into a deed of variation to ensure that the Section 106 Agreement obligations and commitments secured under planning permission 18/02015/FUL are transferred to the varied consent and to the following additional Head of Term:

HRA/RAMS: Financial contribution of £10,171.98 (index linked) towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar.

the Planning Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the

Planning Committee's decision, the Planning Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to two additional Conditions as follows:-

Additional Conditions

31. No piling or ground compaction shall be undertaken on the site unless and until a management plan has been submitted to and approved in writing by the Local Planning Authority which outlines the noise and vibration mitigation measures to be implemented in association with those activities. The approved management plan shall be implemented in full accordance with the approved details and strictly adhered to throughout the entirety of the demolition and construction phases of the development.
32. Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The approved means of protection shall be installed prior to the commencement of any building, engineering works, or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

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

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 8.25pm.

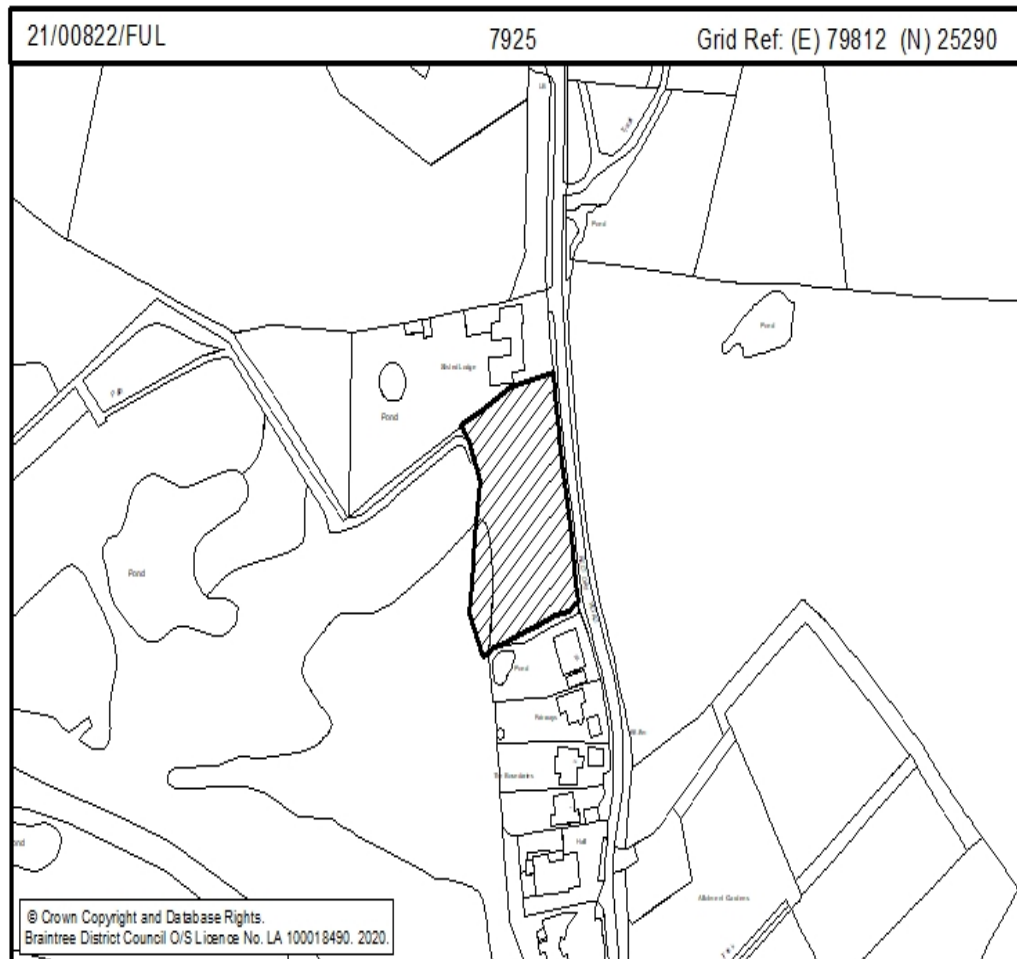
Councillor Mrs I Parker
(Vice-Chairman in the Chair)

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 21/00822/FUL DATE: 29.03.21
VALID:
APPLICANT: Mr Robert Steed
The White House, Maypole Road, Wickham Bishops, CM8 3LX
AGENT: Andrew Stevenson Associates
Mr Andrew Stevenson, Bigods Hall, Bigods Lane, Great Dunmow, CM6 3BE
DESCRIPTION: Proposed erection of 3 No. dwellings and associated development.
LOCATION: Land Off, Rectory Road, Stisted, Essex, CM77 8AL

For more information about this Application please contact:
Ellen Cooney on:- 01376 551414 Ext. 2501
or by e-mail to: ellen.cooney@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QPWE9NBFK1Q00>

SITE HISTORY

18/00090/NONDET	Outline Application with all matters reserved, with the exception of access for the erection of 3 Dwellings	Appeal Allowed	08.08.19
16/01338/OUT	Outline application for the erection of 4 no. dwellings with access, garaging and landscaping	Withdrawn	03.11.16
18/00021/OUT	Outline Application with all matters reserved, with the exception of access, for the erection of 3 no. dwellings	Withdrawn	18.06.18
18/01665/OUT	Outline Application with all matters reserved, with the exception of access for the erection of 3 Dwellings		03.08.19
21/02369/REM	Application for the approval of reserved matters (in respect of layout, scale, appearance and landscaping) pursuant to outline planning permission 18/01665/OUT granted 08.08.2019 (Allowed on appeal) for Outline Application with all matters reserved, with the exception of access for the erection of 3 Dwellings.	Pending Consideration	

POLICY CONSIDERATIONS

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

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

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared

Strategic Section 1 Local Plan (2021) (“the Section 1 Plan”), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan (“the Section 2 Plan”) and the weight that can be given is related to:

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP10	Residential Density
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
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- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP7 Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

- LPP1 Development Boundaries
- LPP37 Housing Type and Density
- LPP45 Parking Provision
- LPP50 Built and Historic Environment
- LPP55 Layout and Design of Development
- 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
- LPP75 Energy Efficiency
- LPP77 Renewable Energy within New Developments
- LPP81 External Lighting

Supplementary Planning Guidance

External Lighting Supplementary Planning Document
Essex Parking Standards 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part B of the Council's new Scheme of Delegation at the request of the Chairman and Vice-Chairman of the Planning Committee, following a 'Call In' request from Councillor Thorogood.

Councillor Thorogood requested that the Planning Committee considers the application as he is concerned that the proposals would prevent the residential dwelling known as Stisted Lodge from being carbon-neutral as the nearest house and boundary fence will reduce the efficiency of roof mounted solar panels and also reduce the solar gain that heats the swimming hall and south facing windows which currently heat the whole house. The result will be an increased use of oil heating or electricity, contrary to their desire to adapt to climate change and reduce carbon emissions.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is comprised of 0.3 hectares of land on Rectory Road, outside but abutting the Stisted village development boundary in the current adopted Development Plan. The site is currently laid to grass and has an open frontage onto Rectory Road.

Rectory Road is the main road to the north of the village and there a predominantly linear development pattern to the western side of the road, predominantly to the south of the application site. A public right of way, running east / west, leading off Rectory Road and onto the golf course runs parallel to the southern boundary of the site. Immediately to the north of the site is Stisted Lodge, which is a property of considerable proportions having been subject to a number of extensions and additions. Development to the north of Stisted Lodge is more sporadic with generally larger properties. Opposite the site, on the other side of Rectory Road, is a tall field hedge with fields used for agriculture. To the west and at the rear of the site is Braintree Golf Club.

As discussed below, the principle of residential development has been established under Application Reference 18/01665/OUT which was granted at appeal. A copy of the appeal decision is attached as an appendix to this report for information.

PROPOSAL

The proposal is for the construction of 3 new dwellings and associated development. The application site is located between two substantial dwellings: Stisted Lodge and No.63 Rectory Road. The dwellings would continue the line of ribbon development and would remain in keeping with the scale and massing of the surrounding dwellings.

The designs of the dwellings would vary but would have the same scale, bulk and massing. Plots 1 and 3 would be characterised by two gable ends with attached garages, the garage of Plot 3 would partially obscure the front elevation of the dwelling. The rear elevations would be identical with two large gable ends and a smaller gable in between. Plot 2 would vary in its design. It would have an attached garage in the same design as Plot 1 and 3 but would have a flat front elevation with a hipped roof. The rear elevation would have two large protruding hips and a small single storey element extending to the rear of the garage.

All plots would be constructed with a mix of external materials including brick, render and composite boarding. All dwellings would have large amounts of glazing to maximise natural light, as such the dwellings would have balanced solid to void ratios.

The 3no. dwellings would be set back from the highway by 6 metres at the closest point and would be separated by a shared access driveway, hedging and soft landscaping. The dwellings would be staggered in their layout and would be separated by a mixture of metal estate railings and willow fencing. Each plot would have three parking spaces, as well as front and rear amenity areas.

SUMMARY OF CONSULTATION RESPONSES

Essex Fire and Rescue

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. The architect or applicant is reminded that additional water supplies for fire-fighting may be necessary for this development. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

ECC Archaeology

The proposed development lies within an area of identified archaeological remains. Conditions have been recommended for archaeological monitoring.

ECC Highways

No objections subject to conditions.

BDC Ecology

No objection subject to conditions.

BDC Waste

Plot 1 will need to bring the bin to the bottom of the private driveway as it is beyond the maximum distance that operatives are required to walk to collect bins. A designated bin collection space will be needed close to where the driveway meets Rectory Road.

PARISH / TOWN COUNCIL

Stisted Parish Council

Should the Council be minded to approve the development, the 30mph speed limit should be extended to this section of Rectory Road.

REPRESENTATIONS

A site notice was erected on Rectory Road and neighbours consulted. One letter of objection has been received from Stisted Lodge and is summarised below:

- The proposed development would increase our reliance on oil due to the loss of light caused by the development.
- The development would affect the amount of solar power generated to the dwelling's swimming pool.
- The garden will be overlooked.
- The vegetable patch will be overshadowed.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development.

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable

development, an material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

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

The application site is located outside the Stisted village envelope. Subsequently, the principle of development is not accepted, as established by Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan.

Whilst the application site is not located within the Stisted village development boundary in either the Adopted Local Plan or the Section 2 Plan, the principle of development has been established with the approval of outline planning permission for three dwellings at appeal (Application Reference 18/01665/OUT).

The Council sought to defend the appeal against non-determination of that application stating that had it been in a position to determine the application it would have refused planning permission. The Council considered that the proposal would represent ribbon development in the countryside, which would not represent a logical or extension or addition to the village and be harmful to the rural character of the area. It was also considered inappropriate as residents would be reliant on private car travel for access to services and facilities. The harms identified were considered to outweigh the limited benefits and it was not therefore considered to be a sustainable form of development that would conform with the Council's adopted or emerging planning policies and the NPPF.

The Inspector however disagreed and allowed the appeal. The Inspector considered that the development would result in little harm to the character and appearance of the area and gave limited weight to the fact that residents would have less opportunity to exercise sustainable travel choices. At the time the Council could not demonstrate a 5-Year Housing Land Supply and the Inspector concluded that the adverse impacts would not significantly and demonstrably outweigh the benefits of the development.

Although outline planning permission has been granted, this new application is a full application and as such be assessed against the Development Plan policies. The proposed development remains in conflict with the Development Plan, however the appeal decision, and outline planning permission, remains a material consideration which must be afforded significant weight as it represents a fallback position. The Inspector acknowledged that residential development of the site conflicts with Development Plan policies but concluded that the proposal would be a sustainable form of development and should be allowed. The conflict with Development Plan policies is discussed further within this report.

5 Year Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

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

The strategy set out in the Section 1 and Section 2 Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

The application site is located outside but abutting the Stisted development boundary. The hierarchy within the Adopted Core Strategy and draft Local Plan identifies Stisted as a 'Other Village' and 'Third Tier Village' respectively, which are noted as the smallest villages in the District and ones which lack most of the facilities required to meet day to day needs and often have very poor public transport links and travel by private vehicle is usually required. The Spatial Strategy states that these Third Tier Villages in terms of the tests of sustainable development, will not normally be met.

Whilst the site is located on the edge of the village, Stisted has a limited range of services, having a village hall, primary school and public house within walking and cycling distance of the appeal site. The village also has a small shop with restricted opening hours. The nearest settlement with a full range of services to cater for residents of the proposed development on a day to day basis is Braintree, which is located 3.9 miles away via narrow lanes which are for the most part unlit and without footways. On the approach to Braintree cyclists or pedestrians would also need to negotiate the A120. It is unlikely that pedestrians and cyclists would be encouraged travel to Braintree, particularly in adverse weather conditions and during the hours of darkness, and so residents of the site would almost certainly rely heavily on the private car to meet their day to day needs. Whilst there is a bus link to Braintree, this is run by volunteers once a fortnight and is therefore very restrictive and would not reduce the residents' reliance on private cars to travel.

Notwithstanding the lack of sustainable access to services in this location, the principle of development has been established by way of the previously allowed appeal under Application Reference 18/01665/OUT. Whilst the Inspector noted the requirement of Policy CS7, which seeks to focus development in more accessible locations, and whilst it was accepted the 'accessibility credentials of the site are not particularly high', this factor was only given limited weight in the Inspectors planning balance exercise.

Design and Appearance

Paragraph 126 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan require designs to recognise and reflect local

distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

The application proposes the erection of three dwellings. The existing street scene is characterised by large modern dwellings on substantial plots with dwellings of a more modest scale located towards the centre of Stisted. The application site is located between two substantial dwellings: Stisted Lodge and No.63 Rectory Road. The dwellings would continue the line of ribbon development and would remain in keeping with the scale and massing of the surrounding dwellings.

The designs of the dwellings would vary but would have the same scale, bulk and massing. Whilst the dwellings are substantial in their massing they are in keeping with other dwellings within the street scene. Plots 1 and 3 would be characterised by two gable ends with attached garages, the garage of Plot 3 would partially obscure the front elevation of the dwelling. The rear elevations would be identical with two large gable ends and a smaller gable in between.

Plot 2 would vary in its design. It would have an attached garage in the same design as Plots 1 and 3 but would have a flat front elevation with a hipped roof. The rear elevation would have two large protruding hips and a small single storey element extending to the rear of the garage.

All plots would be constructed with a mix of external materials including brick, render and composite boarding. All dwellings would have large amounts of glazing to maximise natural light, as such the dwellings would have balanced solid to void ratios.

The 3no. dwellings would be set back from the highway by 6 metres at the closest point and would be separated by a shared access driveway, hedging and soft landscaping. The dwellings would be staggered in their layout and would be separated by a mixture of metal estate railings and willow fencing. Each plot would have three parking spaces, as well as front and rear amenity areas.

The proposal is considered to be in keeping with the existing street scene and surrounding rural area and would therefore be compliant with the abovementioned policies.

Impact on Neighbouring Residential Amenities

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan, emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

The proposed dwellings would be located between 63 Rectory Road and Stisted Lodge. The impacts to each neighbouring dwelling have been separated and summarised below:

63 Rectory Road

Plot 1 would be located next to 63 Rectory Road. The dwelling would be located 2.6 metres from the boundary at the closest point and 3.5 metres at the furthest point. A gap of 3.5 metres would be kept between the boundaries of Plot 1 and No.63 to accommodate the existing PROW footpath 44. This distance coupled with the fact that there would not be any side elevation windows inserted into the proposed dwelling means that the proposal would not result any overlooking, overbearing, loss of light or overshadowing.

Stisted Lodge

Plot 3 would be located adjacent to Stisted Lodge. The dwelling would be located 8.1 metres away from the boundary at the closest point and 10 metres at the furthest point, meaning the dwelling would not be overbearing in nature.

The 45 degree angle was measured in plan and elevation which showed that there would not be any overshadowing of habitable windows of Stisted Lodge. No part of the garden or solar panels on the south elevation of Stisted Lodge would be overshadowed when applying the 45 degree rule in plan and elevational form.

The Essex Design Guide states that: *'The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 suggests that acceptable daylight in interiors is achieved if a 25° vertical angle from a point 2 metres above the floor at the façade is not obstructed. Applied to the fronts of houses, this would result in at least a 10 metre spacing between opposite house fronts in a street'*. Drawing 5060-117A submitted by the applicant shows the 25 degree vertical angle from the point 2 metres above floor level on the side elevation of Stisted Lodge, proving that Plot 3 would not be obstructing daylight into any existing windows, therefore fully satisfying the targets within the BRE guidance.

The proposed new dwellings would be located to the south of Stisted Lodge. A Daylight and Sunlight report was submitted by the applicant which shows the transient movement of the sun in March, June and December in relation to the solar panels and modelling of Plot 3 in situ. This shows that there would not be any impact in terms of overshadowing on either of the solar panels at any time of year as the proposed dwelling would not interrupt the sun path at any point. Appendix B of the report further justifies this by showing the Solar Radiation annually in kWh/m². The analysis demonstrates that for the northern solar panel, as existing, receives 1069.71 kWh/m² annually and would receive 1067.48 kWh/m² as proposed. The southern solar panel, as existing, receives 1073.55 kWh/m² annually and 1071.37 kWh/m² as proposed. The loss of 2 kWh/m² annually is not caused by any loss of direct sunlight, rather loss of diffused skylight where the proposed building obscures

a very small part of the sky. This assessment demonstrates that there is no material impact on either solar panel from the proposed development and is acceptable in this regard.

The proposed side elevations of Plot 3 would not have any first floor windows to prevent any overlooking and resulting loss of privacy.

Further to this, the Inspector of the appeal (18/00090/NONDET) stated that *'the concerns of the owner of Stisted Lodge regarding loss of light and privacy...I am satisfied that the site is of sufficient size to ensure that 3 dwellings could be accommodated without undue impact on the living conditions of the occupiers of Stisted Lodge or, indeed, the residential properties to the south'.*

Therefore it is considered that the proposed development would not result in harm to neighbouring residential amenity through overlooking, overbearing, overshadowing or loss of light, and as demonstrated from the Daylight and Sunlight report, there is no material impact upon the neighbouring solar panels from the proposed development and is therefore acceptable in this regard.

Proposed Residential Amenity

Consideration must also be given to the relevant standards in terms of amenity space. Each of the proposed dwellings have large rear private amenity spaces. They would all be enclosed with 1.8m high fencing and bordered with natural hedgerow. The Essex Design Guide (EDG) which recommends minimum garden sizes of 100sq.m for a three or more bedroom dwelling. Plot 1 would measure approximately 818sqm, Plot 2 would measure approximately 350sq.m and Plot 3 would measure approximately 480sq.m. Each plot size would significantly exceed the EDG recommendations.

In addition to the above, the Nationally Described Space Standards, which are incorporated into Policy LPP37 of the Section 2 Plan, set out the requirements for internal space in new dwellings. For a two storey dwelling with five bedrooms for eight people, 124sq.m of gross internal floor space is recommended as a minimum. The gross internal floor space of Plot 1 would measure 374sq.m, Plot two would measure 341sq.m and Plot 3 would measure 327sq.m. All bedrooms in all dwellings are large double rooms and the ground floor habitable space would be spacious with good outlook and natural light.

Therefore the proposed dwellings would have a good level of internal and external amenity and are compliant with the abovementioned policies.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking

Standards. For a new dwelling with two or more bedrooms the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

The proposal would result in the creation of one new access to serve all three dwellings. Each dwelling would have at least three formal parking spaces. ECC Highways have reviewed the proposal and pose no objection subject to conditions.

Waste

The BDC Waste Team has identified that the occupants of Plot 1 would need to drag their bins to the end of the private driveway as the dwelling is located further than the 20 metres that the operatives are required to walk to collect the waste.

Ecology and Landscaping

No objections have been identified with regards to ecology and landscaping. Conditions would be added to the decision notice regarding the scheme of landscaping and ensuring that the scheme is carried out in accordance with the details of the Ecological Survey submitted.

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. New development of this type is likely to have a direct effect on areas of the Essex Coastline which are protected by International, European and National wildlife designations through increased visitor pressure on these sites. It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of securing of a financial contribution of £127.30 per new dwelling erected towards offsite visitor management measures at the above protected sites. This financial contribution has been secured by way of an upfront card payment made under S111 of the 1972 Local Government Act.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case the application site is located outside a designated development boundary where the principle of development is generally restricted in accordance with Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan. In this case, the principle of development has been established by a Planning Inspector who considered that residential

development of this site was acceptable with reference to local and national planning policies at the time of the appeal decision.

Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply, as it was when the Inspector previously considered the planning appeal for this site. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to 12 their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both

policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

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

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

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal. It is acknowledged that this is a different planning balance exercise than the one that the Inspector made previously. In that case because the Council could not demonstrate a 5 Year Housing Land Supply Paragraph 11 of the NPPF was engaged and the presumption in favour of sustainable development applied. With the tilted balance applied the Inspector judged that the adverse impacts in this case would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

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

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open

- spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

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

Conflict with the Development Plan

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

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy, because it proposes development outside of defined development boundaries and within the countryside.

Policy CS7 of the Core Strategy requires that development be directed to be more accessible locations to maximise opportunities for residents to access facilities and services. The application site is located outside of, but adjacent to, the Stisted village development boundary. Future residents would have limited access to local services and facilities using more sustainable modes of transport so residential development would conflict with Policy CS7.

However, the conclusions of the Planning Inspector are relevant when considering these conflicts and in this case Officers consider that the conflicts with the Development Plan should only be afforded limited weight, having regard to the appeal decision in this case and the fallback position that exists given the site benefits from outline planning permission for three dwellings.

Summary of Public Benefits

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Delivery of Market Housing

The development would facilitate the provision of 3 new residential units which would add to the Council's housing figures. Whilst the Council can now demonstrate a 5 Year Housing Land Supply this is only marginally over the minimum 5 Year Housing Land Supply requirement so the addition of further

market housing can be attributed some limited weight, although as the development will only yield 3 units further restricts the weight attributed to this benefit, which is considered to be limited.

Economic and Social Benefits

The proposal would deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities and these benefits should also be given limited weight.

Planning Balance

When considering the planning balance and having regard to the conclusions of the Planning Inspector when determining the previous appeal in relation to this site, the harms and the benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Construction Details	Plan Ref: 5060/DMP	
Street elevation	Plan Ref: 5060/117A	
Location Plan	Plan Ref: 5060/101	
Proposed Block Plan	Plan Ref: 5060/103A	
Proposed Ground Floor Plan	Plan Ref: 5060/104	Version: Plot 1
Proposed 1st Floor Plan	Plan Ref: 5060/105	Version: Plot 1
Proposed Elevations	Plan Ref: 5060/106	Version: Plot 1
Proposed Elevations	Plan Ref: 5060/107	Version: Plot 1
Proposed Ground Floor Plan	Plan Ref: 5060/108	Version: Plot 2
Proposed 1st Floor Plan	Plan Ref: 5060/109	Version: Plot 2
Proposed Elevations	Plan Ref: 5060/110	Version: Plot 2
Proposed Elevations and Floor Plans	Plan Ref: 5060/111	Version: Plot 2
Proposed Ground Floor Plan	Plan Ref: 5060/112A	Version: Plot 3
Proposed 1st Floor Plan	Plan Ref: 5060/113A	Version: Plot 3
Proposed Elevations	Plan Ref: 5060/114A	Version: Plot 3
Proposed Elevations and Floor Plans	Plan Ref: 5060/115A	Version: Plot 3
Street elevation	Plan Ref: 5060/116A	
Method Statement	Plan Ref: 5060/CM01	
Landscape Masterplan	Plan Ref: 5060/LP01A	
Other	Plan Ref: 5060/SM01	

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

Reason

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

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

Reason

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

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

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 5 Prior to the proposed access being brought into use, the applicant shall provide a 2.4m wide parallel band visibility splay across the entire site frontage to Rectory Road which shall be maintained free from obstruction clear to ground at all times.

Reason

To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 6 The gradient of the proposed vehicular access shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter.

Reason

To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

- 7 Any new or proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays at all times.

Reason

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

- 8 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment where appropriate. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

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

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 9 No construction of any kind shall commence until the completion of the programme of archaeological monitoring identified in the WSI submitted by the applicant.

Reason

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

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

Reason

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

- 11 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammals Surveys, February 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 12 The development shall be constructed in accordance with the submitted Dust and Site Management Plan.

Reason

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

- 13 Prior to occupation of any dwelling, a waste bin collection point for plot one shall be installed at the entrance to the site and maintained thereafter.

Reason

To comply with refuse collection requirements.

INFORMATION TO APPLICANT

- 1 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 44 Stisted shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. Furthermore the applicant should be advised to determine and confirm the lines and correct width of public footpath 44 Stisted prior to the commencement of any works.
The granting of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway

user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 2 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant is advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Ardleigh Depot, Harwich Road, Ardleigh, Colchester, Essex C07 7LT
- 4 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 16 July 2019

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/Z1510/W/18/3217678

Land to the north of 63 Rectory Road, Stisted, Essex CM77 8AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Braintree Golf Club Ltd against the failure of Braintree District Council to give notice within the prescribed period of a decision on an application for planning permission.
 - The application Ref 18/01665/OUT is dated 13 September 2018.
 - The development proposed is the erection of 3 dwellings.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 3 dwellings on land to the north of 63 Rectory Road, Stisted, in accordance with the terms of the application, Ref 18/01665/OUT, dated 13 September 2018, subject to the conditions in the attached Schedule.

Procedural Matter

2. The Council has indicated that had it been in a position to determine the application it would have refused planning permission. Its objections were that the proposal would be ribbon development in the countryside and would be reliant on private car travel for access to services and facilities. It was not therefore considered to be a sustainable form of development that would conform with local plan policy or the National Planning Policy Framework (the Framework).
3. The application was in outline form with only access reserved for consideration at this stage.

Reasons

Planning policy context

4. The appeal site is a rectangular plot of overgrown land, some 0.3 hectares in extent, on the eastern edge of Braintree Golf Course. It has an open frontage to Rectory Road and beyond that is a tall field hedge and open fields. The village of Stisted is immediately to the south. Policy RLP 2 in the Braintree District Local Plan Review (2005) (LP) makes clear that outside of the development boundaries countryside policies will apply. Policy CS 5 in the Braintree District Local Development Framework Core Strategy (2011) (CS) seeks to strictly control uses in the countryside in order to protect and enhance landscape character and amenity, amongst other things. The spatial strategy concentrates growth in the Main Towns and Key Service Villages. Stisted is one

of the smaller villages where development is restricted to that required to serve local needs or support local services. The Braintree District Publication Draft Local Plan is currently undergoing examination although from the information provided it appears that there are a number of outstanding issues. In the circumstances the emerging document has very limited weight. Nevertheless, the appeal proposal would conflict with LP policy RLP 2 and CS policy CS 5.

5. The Framework **sets out the Government's objective of significantly boosting** the supply of homes. With that in mind it requires local planning authorities to identify a five-year supply of deliverable housing sites to meet their up-to-date housing needs. The **Council's Monitoring Report** Addendum (April 2019), which uses the standard methodology based on 2014 household projections, indicates that a 5.29 years supply of housing land can currently be demonstrated.
6. However, in June 2019 the Secretary of State issued an appeal decision concerning development on a site in Braintree¹. Although the appeal was dismissed, he considered that several of the sites in the April 2019 trajectory did not meet the requirement of deliverability in the National Planning Policy Framework. He therefore concluded that there was a supply of 4.15 years. There is no reason to doubt that the Secretary of State carefully considered the housing trajectory against the requirements of his own policy. In the absence of anything to the contrary, this seems to me to provide the most up-to-date evidence of the **Council's housing land supply position** that is available at the present time.
7. The adopted spatial strategy relies on the development boundaries established in the LP and the strategic growth sites identified in the CS. However, for the reasons given above these **and other sites in the Council's trajectory** are insufficient to meet current housing needs over the next 5 years. In such circumstances the housing supply policies in the development plan are out-of-date and these include the development boundaries, which restrict housing delivery. The location of the appeal site beyond the Stisted village envelope is therefore not a reason to object to the principle of development in this case.

Effect on the character and appearance of the area

8. Stisted is a small village that is centred on The Street. Development generally follows the frontages of this and other roads radiating out into the surrounding countryside. Rectory Road is the main route to the north and along here the predominantly linear development pattern is mainly along the western side of the road. To the north of the appeal site is Stisted Lodge. From the information provided this property has been considerably extended and is now a house of considerable proportions. Its southern elevation, which faces towards the appeal site has cream coloured elevations and a large steeply pitched red tiled roof punctuated by two arrays of solar panels. Due to the sparsity of vegetation along the common boundary this building is a prominent feature in the landscape immediately to the north of the appeal site. Although the appeal site itself is overgrown and unkempt, it is at the eastern end of the golf course. This is an open green space studded with trees but nevertheless it has an orderly appearance in contrast to the agricultural fields on the eastern side of Rectory Road.

¹ Land at north and south of Flitch Way, Pods Brook Road, Braintree (APP/Z1510/W/18/3197293).

9. The development boundary is drawn tightly around the limits of existing built development. However, for the reasons already given this in itself is insufficient to restrict further development beyond its confines in this case. The actual harm that would be caused to the rural character of the site or the pattern of development in the village would be small scale and localised. I appreciate that there is a public footpath adjacent to the southern boundary that runs across the golf course and that the new development would be visible from here as well as from Rectory Road. However, there would be little visual impact on the wider countryside to the north of the village and the proposal would effectively continue the existing pattern of development by filling the gap on the western side of Rectory Road between No 63 and Stisted Lodge. The golf course would be to the rear of the new houses as it is to the rear of the existing dwellings in the northern part of the village.
10. The layout of the site and the size and external appearance of the new dwellings are not matters to be considered at this stage. However, the illustrative drawings indicate that three houses could be placed on the site in a manner that would be compatible with the existing development immediately to the south. There is no reason why this should not be a development of high standard and quality that respects the local vernacular. I see no conflict with design policies in the development plan or the Framework.

Accessibility

11. Stisted is a small village with limited facilities. There is a church, a village hall, a public house and a shop. It would appear that the public house, which was seemingly converted to a restaurant, is currently closed. From all accounts the shop is staffed by volunteers and only opens for a couple of afternoons a week. There is also a primary school. I note that some objectors comment that it is at capacity. However, there is no evidence from the local education authority or indeed the school itself that the small number of additional children could not be accommodated. New occupiers could walk into the village to reach these facilities and this would be beneficial, especially in respect of the school. I appreciate that Rectory Road has no footway and that street lighting only begins further to the south. However, there is no evidence that it is heavily trafficked or inherently dangerous or that existing residents do not walk safely into the village, including to the school.
12. The Framework indicates that in order to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. There is no particular evidence in this case that the additional households would be necessary to support the aforementioned existing local services or indeed facilities in the surrounding villages. The nearest large town that offers a full range of services is Braintree, which is about 3 miles away. Here there is also a railway station with mainline services to London. Some might ride a bicycle into the town, but the route from the site would include narrow lanes and a busy main road and would not be attractive to many cyclists, in my opinion.
13. There is a bus service to Braintree but that appears to be irregular and it seems likely that most of these journeys would be by car, albeit that the trip would be relatively short. This would not meet the requirement of policy CS 7 in the CS, which includes a provision that future development will be provided in accessible locations. However, the Framework recognises that the

opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this is a factor that is not fully recognised in policy CS7. Nevertheless, the accessibility credentials of the site are not particularly high and I consider that this is a matter that counts against the scheme in the planning balance.

Other matters

14. The proposal has been put forward as a form of enabling development to provide funding for the golf club. A great deal of information has been provided about the existing facility and its importance to the local community. It is run as a non-profit making organisation although it is a private facility that members pay a fee to join. **The Appellant's representations explain that the** golf course and clubhouse are expensive to maintain and that membership income is falling. Funding is considered necessary to upgrade and improve the facilities in order to compete with other clubs elsewhere and put the club on a sustainable footing. The club has indicated that it plans to improve and expand existing facilities and add a new private function suite.
15. A Planning Obligation by Unilateral Undertaking (UU) has been submitted that covenants to pay the proceeds of the sale of the appeal site to the golf club to carry out the various improvements. This has not yet been completed but I have, in any event, reservations about the draft document. The first is that I am doubtful that the obligations in the schedule to the UU would fall within the scope of Section 106 of the Act or the other powers mentioned in section 2.2 of the Deed. However, even if they did, it seems to me that the provisions could not guarantee to be effective. This is because the various listed improvements include projects that would require planning permission. There is no evidence that this has either been sought or granted. In such circumstances there is no assurance that the improvements considered necessary to return the club to a sustainable footing would materialise in a timescale that would secure its future. Furthermore, I have considerable reservations about whether this could be considered as true enabling development due to the private nature of the beneficiary. For all of these reasons I would have given the UU very little weight as a benefit of the development, even if it had been a fully executed document.
16. I note the concerns of the owner of Stisted Lodge regarding loss of light and privacy. However, the detailed layout and siting of the proposed dwellings is not to be determined at this stage. I am satisfied that the site is of sufficient size to ensure that 3 dwellings could be accommodated without undue impact on the living conditions of the occupiers of Stisted Lodge or, indeed, the residential properties to the south.
17. A single access would be provided towards the centre of the site frontage. Traffic generation from three dwellings would be relatively small and no objections have been raised by Essex County Council as local highway authority. From my observations I am satisfied that visibility in both directions would be acceptable to ensure that new occupiers could enter and leave the site securely without detriment to the safety of highway users.

18. The Council has referred to an appeal decision for a dwelling on land off The Street, Stisted². This site is well outside the development boundary within what the Inspector described as a loose knit cluster of buildings around the church. It also fronts onto an unmade track. To my mind it is therefore quite different in terms of character and location to the present appeal site. My colleague also considered the suitability of the site with regards to accessibility to shops and services and concluded that it would be contrary to policy CS 7 in the CS. For the reasons I have given I do not consider that this policy is wholly consistent with the Framework. Whilst I largely concur with my colleague with regards to his conclusions about the facilities available in the village and car dependency, his decision turned on a different balance of considerations and is therefore not comparable in terms of outcome.

Conclusions and planning balance

19. In the absence of a housing shortfall, the provision of 3 new dwellings would make a small but important contribution **to the Council's housing land supply**. This is a material factor to which I give considerable weight. There would also be economic benefits in terms of new employment opportunities during construction and to the local economy through spending by new residents. These factors also weigh in favour of the appeal proposal.
20. Whilst the Framework recognises the intrinsic character and beauty of the countryside, in this case little harm would ensue in terms of the character and appearance of the rural area. There would be conflict with LP policy RUR 2 and CS policy CS 5 but this is of limited weight because the lack of a 5-year housing land supply renders these policies out-of-date. The site has relatively poor accessibility. Whilst there are some local facilities, many day-to-day requirements would involve the short journey into Braintree, which would be likely to be undertaken by car. This is a matter that weighs against the appeal proposal. The scheme would also be contrary to policy CS 7, although this is not fully consistent with the Framework because it does not recognise that people living in rural areas have less opportunity to exercise sustainable travel choices. In the circumstances the conflict with this policy is only of limited weight.
21. In this case paragraph 11 of the Framework is engaged and the presumption in favour of sustainable development applies. For all of the reasons I have given my overall judgement is that the adverse impacts in this case would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The proposal would be a sustainable form of development and material considerations indicate that, in this case, planning permission should be granted, notwithstanding conflict with development plan policy.

Planning conditions

22. The Council has suggested a list of conditions, which I have considered having regard to paragraph 55 of the Framework and the Planning Practice Guidance. I have changed the wording where necessary in the interests of precision and enforceability. Pre-commencement conditions have been imposed as suggested by the Council and the Appellant has agreed to these conditions in writing.

²Appeal dismissed for one dwelling on land off The Street, Stisted, dated 19 June 2019 (APP/Z1510/W/18/3209378)

23. The standard outline conditions are necessary to comply with statutory regulation and ensure that development is implemented in a timely manner. Conditions relating to landscaping matters are unnecessary and the suggested details can be provided when reserved matters are submitted. There are no trees on the site and the landscaping reserved matters can include the means by which retained boundary trees and hedges are to be protected. Details of materials and means of enclosure can be submitted when reserved matters concerning appearance and layout respectively are submitted. There is no evidence that the site suffers from contamination and therefore the condition suggested is unnecessary and would be unduly onerous.
24. A raft of conditions has been suggested to ensure that the new access is satisfactory and that visibility splays are provided and retained. These conditions are necessary in the interests of highway safety. Construction activity can be inconvenient and disruptive to local residents and highway users. To minimise any adverse impact, it is necessary to require a Construction Method Statement to be adhered to during the construction period. There is no evidence that protected species would be affected by the proposal and so I have not included the requirement to include a method statement for their protection. The Parish Council has suggested limiting construction hours and this seems reasonable in view of the location of the site at the edge of the village. However, it is for the Council to consider the hours that would be necessary and appropriate. The evidence indicates that the site lies within an area of archaeological potential and therefore a programme of evaluation and mitigation is necessary.
25. I note that the Parish Council has suggested some other matters that it wishes to see incorporated as planning conditions. However, for various reasons these would not meet the requirements in the Framework and Planning Practice Guidance. In terms of precedent, all proposals must be considered in the context of the development plan and all other material considerations. In this case the scheme has been found to be acceptable. Any other proposal would be considered on its own merits. I have already commented on the golf club and the legal undertaking above. Clearly there is no reason why the Appellant should not voluntarily use the funds raised from the sale of the land for improvements to the golf club, subject to the necessary permissions being obtained from the Council.
26. The size of the dwellings would be a matter to be considered at reserved matters stage. Whilst I acknowledge the desire to reduce the speed limit on Rectory Road this is not a matter that would be within the control of the Appellant. It is a matter of good practice for developers to act responsibly and avoid or make good damage by construction traffic. The public footpath is to the south of the site and there is no evidence to suggest that the proposed development would result in access to it being impeded.
27. I have considered all other matters included in the written representations but have found nothing to alter my conclusion that the appeal should succeed.

Christina Downes

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS

1. Details of the appearance, landscaping, layout and scale, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
3. The development hereby permitted shall take place not later than 3 years from the date of approval of the last of the reserved matters to be approved.
4. No development shall be commenced until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - means of access to the site during the construction period;
 - The parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and materials;
 - the storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoardings;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - delivery and construction working hours.

The approved CMS shall be adhered to throughout the construction period for the development.

5. No dwelling shall be first occupied until the new access and an appropriate dropped kerb vehicular crossing of the highway verge has been provided. Notwithstanding the details shown on the submitted access plan, the width of the access at its junction with the highway shall be no less than 5.5 metres and shall be retained at that width for 6 metres within the site. The vehicular visibility splays shall be kept clear of any obstruction at all times.
6. No dwelling shall be first occupied until a 2.4 metres wide parallel band visibility splay across the entire site frontage to Rectory Road has been provided and this shall be kept clear of obstruction at all times.
7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
8. The gradient of the new vehicular access shall be no steeper than 4% (1 in 25) for the first 6 metres and no steeper than 8% (1 in 12.5) thereafter.
9. No new boundary landscaping shall be planted within one metre of the visibility splays referred to in conditions 6 and 7.
10. No development, including preliminary groundworks, shall be commenced until:
 - a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation that has

first been submitted to and approved in writing by the local planning authority;

- a mitigation strategy detailing the excavation and preservation work required has been submitted to and approved in writing by the local planning authority;
- the mitigation strategy has been carried out in accordance with the approved details.

End of conditions 1-10