

PLANNING COMMITTEE AGENDA

Tuesday, 11 September 2018 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor K Bowers	Councillor Lady Newton
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 28th August 2018 (copy to follow).

4 Public Question Time
(See paragraph above)**5 Planning Applications**

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

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

PART A

Planning Applications:-

- | | | |
|-----------|---|------------------|
| 5a | Application No. 18 00092 OUT - Land North of Rayne Road, BRAINTREE | 5 - 42 |
| 5b | Application No. 18 00871 FUL - The Farm, Colne Green Farm, Halstead Road, EARLS COLNE | 43 - 54 |
| 5c | Application No. 18 00947 OUT - Land South of Rickstones Road, in the Parish of RIVENHALL, WITHAM | 55 - 109 |
| 5d | Application No. 18 01123 FUL - Nether Hall Farm, Nether Hill, GESTINGTHORPE | 110 - 124 |

PART B

Minor Planning Applications:-

5e	Application No. 18 01127 FUL - 77 Oxford Meadow, SIBLE HEDINGHAM	125 - 131
5f	Application No. 18 01250 FUL - 4 Perry Road, WITHAM	132 - 138
5g	Application No. 18 01275 FUL - 127 Broad Road, BRAINTREE	139 - 145

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

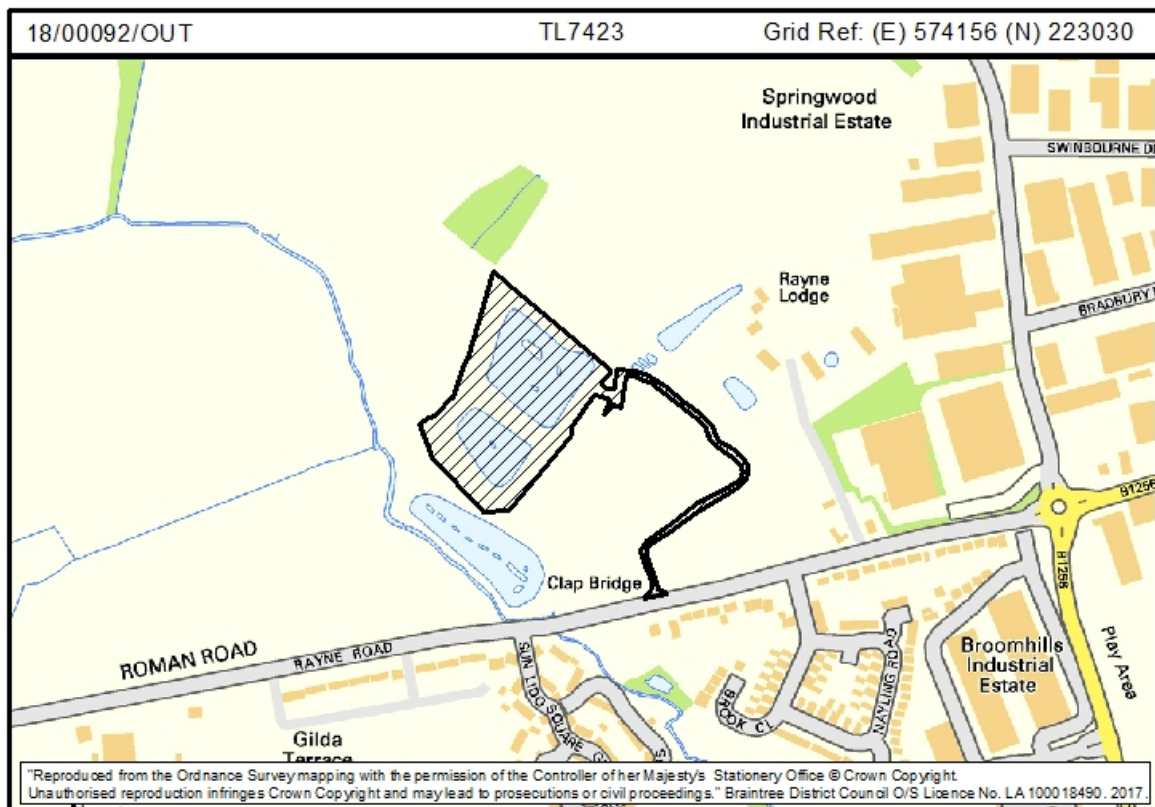
8 Urgent Business - Private Session

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

PART A

APPLICATION NO:	18/00092/OUT	DATE VALID:	16.02.18
APPLICANT:	Manor Oak Homes c/o Agent,		
AGENT:	Armstrong Rigg Planning (ARP) Mr Geoff Armstrong, The Exchange, Colworth Science Park, Sharnbrook, Bedfordshire, MK44 1LQ		
DESCRIPTION:	Outline application for up to 45 dwellings (with all matters other than means of access reserved) comprising Phase 2 of the Rayne Lodge Farm development with associated open space, landscaping and access to Rayne Road		
LOCATION:	Land North Of, Rayne Road, Braintree, 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



SITE HISTORY

15/00013/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 140 dwellings and associated open space, car parking and provision for ecological areas and landscape buffers.	Screening/ Scoping Opinion Adopted	04.11.15
15/01458/OUT	Outline planning application (with all matters other than means of access reserved) for residential development of up to 136 dwellings with associated landscaping, open space and vehicular access from Rayne Road	Granted with S106 Agreement	21.02.17
17/01973/FUL	Residential development of 127 dwellings with associated hard and soft landscaping, open space, infrastructure and vehicular access from Rayne Road.	Granted with S106 Agreement	06.04.18
17/01986/FUL	Temporary construction access road (Haul Road).	Granted	06.02.18
18/00803/DAC	Application for approval of details reserved by condition nos. 3, 10, 11 and 12 of approved application 17/01973/FUL.	Pending Consideration	
18/00878/DAC	Application for approval of details reserved by condition nos. 8, 13 and 14 of approved application 17/01973/FUL.	Granted	15.08.18
18/00969/DAC	Application for approval of details reserved by condition no. 4 of approved application 17/01973/FUL	Granted	01.08.18
18/01022/DAC	Application for approval of details reserved by condition no. 9 of approved application 17/01973/FUL.	Pending Consideration	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local

Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP53	Generators of Travel Demand
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

RLP5	Affordable Housing in New Developments
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP7	Development & Delivery of New Garden Communities in North Essex
LPP1	Development Boundaries
SP5	Infrastructure & Connectivity
LPP17	Housing Provision and Delivery
SP6	Place Shaping Principles
LPP50	Built and Historic Environment
LPP33	Affordable Housing
LPP53	Provision of Open Space, Sport and Recreation
LPP37	Housing Type and Density
LPP60	Heritage Assets and their Settings
LPP37	Housing Type and Density
LPP63	Archaeological Evaluation, Excavation and Recording
LPP44	Sustainable Transport
LPP67	Natural Environment and Green Infrastructure
LPP45	Parking Provision
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP49	Broadband
LPP69	Tree Protection
LPP50	Built and Historic Environment
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP51	An Inclusive Environment
LPP71	Landscape Character and Features
LPP52	Health and Wellbeing Impact Assessment
LPP72	Green Buffers
LPP53	Provision of Open Space, Sport and Recreation
LPP74	Climate Change
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording

LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP74	Climate Change
LPP75	Energy Efficiency
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement
Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee as the development represents a departure from the adopted Development Plan and Rayne Parish Council objects to the application, contrary to officer recommendation.

SITE DESCRIPTION

The application site comprises a 2.62 hectares (ha) parcel of land which includes access to Rayne Road through an existing development site (currently under construction) to the south granted planning permission in April 2018 (application reference 17/01973/FUL) for the erection of 127 dwellings.

The site is located outside the Town Boundary of Braintree. The site is roughly rectangular in shape and currently comprises two man-made fishing lakes and associated grassland. The site has an extreme change in levels due to the construction of the lakes.

A public right of way runs along the north west boundary of the site. There are also public rights of way close to the site, to the south and the west, which link the site to Rayne village. A number of protected trees are located along the north west and south east boundaries of the site.

To the south west of the site is a river known as Pods Brook and a Grade II listed building known as Rayne Lodge is located to the east of the site.

PROPOSAL

This application seeks outline planning permission, with all matters reserved except access, for the development of up to 45 dwellings with associated open space, landscaping.

The spine road that serves that larger development to the south would be utilised to serve the development of up to 45 dwellings. This new spine road would connect both developments with Rayne Road. The visibility splays and details for the new access were approved under application 17/01973/FUL and details of this new junction have been submitted as part of this application.

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

- Planning Statement;
- Design & Access Statement;
- Ecological Report;
- Flood Risk Assessment;
- Landscape and Visual Impact Appraisal;
- Transport Statement;
- Travel Plan
- Tree Survey and Arboricultural Impact Assessment
- Draft s106 Heads of Terms
- Foundation Strategy
- Heritage Statement
- Services Appraisal
- Site Waste Management Plan
- Landscaping report

The density of the development would be approximately 19 dwellings per hectare over an area of 2.62ha. A parameter plan submitted with the application indicates the proposed land uses for the site, including public open space, built form/roads, ecology area/ attenuation, and existing footpath zone.

CONSULTATIONS

ECC Education - Request a contribution of £58,802 towards Early Years and Childcare provision, £171,909 towards local primary provision.

Environment Agency - No objection.

Historic Buildings Consultant - "The site falls in close proximity to Rayne Lodge, a timber framed and plastered building of seventeenth century construction, which has been later re-fronted. It is listed Grade II for its historic and architectural significance.

The site falls adjacent to a larger outline application site, which was initially granted outline permission in 2016 under the reference 15/01458/OUT. This

earlier outline application site is located to the east and south of the current application site, and severs the physical and visual association between the current application site and the listed building. The impact of the development of this site on the significance of the listed building is therefore considered to be negligible.

I therefore would not object to the application from a conservation perspective, and would not require any conditions to be attached to an approval”.

(Note: Since the Advisor provided these comments full planning permission has been granted for the development of the neighbouring site.)

BDC Landscape - Concerns about how the development will be screened in longer views of the site as it will be vital to maintain a densely planted boundary in order to effectively mitigate the impact of this development. Advise that a comprehensive Landscape Scheme will need to be submitted giving special attention to tree planting, hedge reinforcement and habitat connectivity within the development red line.

Concerns about the removal of much of the existing vegetation from the site and how the change in levels proposed to the site will ensure that the boundary trees shown to be retained can be effectively protected. Conditions covering the following items are requested.

- The applicant will need to resubmit a new Level Plan and Arboricultural Impact Assessment (AIA) reflecting the comments given above, as clearly there is a compatibility issue between all the submitted plans which will need to be addressed. Good practice states that the Tree Protection Plan (part of the AIA) should be informed all the points highlighted on 5.5.6 of BS 5837:2012 (namely by the Topographic Survey and the proposed Level Plan).
- No works including demolition and grading should be permitted prior to tree protection measures are put in place, namely the erection of tree protection fencing.
- Arboricultural Method Statement (AMS) in order to provide the Council with the adequate information regarding the retention of the existing trees, namely explaining how the proposed Cut and Fill Plan will be reconciled with the Tree Protection Plan.
- Heads of Terms are advised to include: the appointment of an Arboricultural Clerk of Works (ACoW) to oversee protection of trees during the development; specification for tree protection barriers, including revisions to barrier locations; a schedule of tree works; phasing of work; and a scheme for auditing works within RPAs and tree protection; procedures for reporting to BDC should feature explicitly throughout.
- Detailed Tree Protection Drawings should be prepared to 1:500 scale to support the AMS, with detail given of proposed levels and service routes, in order to provide the relevant information regarding RPA safeguarding and paving surface suitability.

- Submission of the reports to be signed off before development begins, in order to ensure the development adheres to good arboricultural practice and to protect neighbouring vegetation.
- Landscape Plan in order to provide the Council with comprehensive information concerning both hard and soft landscape solutions to be implemented within the development. I stress the importance of boundary planting/hedge reinforcement in order to provide an adequate view screening/buffer zone to Rayne and the neighbouring listed buildings.

BDC Environmental Services - No objections, request conditions regarding hours of work, no burning, dust and mud control management scheme and no piling

BDC Waste Services - No comments.

BDC Ecology - Concerns have been raised regarding the loss of habitat from the site, due to the site's value as a transitional habitat and open water habitat. Concerns are also raised with regards the potential harm to a nearby badger sett due to increased use of a nearby existing public right of way. The application site had been shown to be an ecological mitigation site for the neighbouring site.

If development is consented conditions regarding a Construction Environmental Management Plan (CEMP: biodiversity), lighting design strategy, nesting birds, pre-construction surveys, ecological enhancements, Landscape and Ecological management plan would be required to ensure the ecological protection and enhancement of the site and be part of a reserved matters application.

ECC Highways - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding construction management plan, and no occupation of the development shall take place until the following have been provided or completed:

- a. A £70,875 index-linked contribution towards the element of the proposed improvements at the Pierrefitte Way/George's Yard junction
- b. Residential Travel Information Packs in accordance with Essex County Council guidance

Essex Police Architectural Liaison - BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.

We note within the Design and Access Statement that it states below a Secured by Design logo, "The proposal has been designed to accord with Secured by Design principles..."

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award as opposed to just "accord" with its principles. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

Anglian Water - No comments

NHS - A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £17,043. Payment should be made before the development commences. NHS England therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 Agreement.

BDC Housing, Research and Development - In accordance with Policy CS2 of adopted Core Strategy, the outline proposal for up to 45 residential dwellings requires 30% to be provided as affordable housing which would equate to 14 affordable dwellings.

It is acknowledged that details concerning the mix of dwellings will be subject to a reserved matters application. However, as an illustrative masterplan is provided, I confirm below an affordable housing mix which is considered appropriate to match evidence of housing need.

- 4 x 1 bed flats
- 8 x 2 bedroom 4 person houses
- 2 x 3 bed 5 person houses

Additional requirements concerning affordable housing that would be required are as follows:

- A tenure mix of 70% Affordable Rent and 30% Shared ownership
- Affordable dwellings should be deliverable without reliance on public subsidy
- Affordable homes should be built to conform to standards acceptable to Homes England
- Accessibility requirement for units accessed at ground level to meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations

ECC Suds - Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission and suggest conditions regarding the submission of a detailed surface water drainage scheme, prevention of off-site flooding, maintenance arrangements for surface water drainage system and yearly logs of the maintenance plan.

Natural England - No comments

ECC Minerals and Waste- The Mineral Planning Authority has no objection to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum threshold of 5ha and falls into one of the exclusionary criteria listed in Appendix 5 of the Minerals Local Plan 2014.

Rayne Parish Council - Object for the following reasons:

- Visual impact on the Conservation Area of Rayne and listed buildings such as Rayne Hall and All Saints Church.
- Impact on infrastructure – highways, health, education, drainage.
- Loss of a popular and well used local recreational leisure facility (fishing lakes).
- The loss of the proposed (by Redrow) flood alleviation basin. Rayne Road has been subject to flooding many times in the past so to concrete over such an important landscape feature is very short sighted.
- The parish council is concerned that the main highway access for the development will be shared by the two developers, namely Redrow Homes and Manor Oak Homes.

The Parish Council is grateful for the opportunity to comment on an application that is outside the parish boundary but will have a huge impact on Rayne village residents. It is further acknowledged that this application is “Phase 2” of the application for the neighbouring site that is now being constructed by Redrow Homes, the site previously having the benefit of outline permission granted to Manor Oak Homes prior to Phase 1 being sold to Redrow Homes. The Parish Council chose not to object to the outline application, simply raising concerns, and similarly with the full application by Redrow, the design was welcomed. It was shortly after this application was made that the parish council became aware of the Phase 2 application. Had the Parish Council been fully aware of the facts of the entire site, then objections would have been raised at the earlier outline stage. Rayne Parish Council feels there has been a lack of transparency by both Redrow Homes and Manor Oak Homes throughout the planning process though it is acknowledged this is not a planning concern.

Essex Fire and Rescue Service - Comments made in relation to access for fire appliance, Building Regulations, Water supplies and Sprinkler systems

REPRESENTATIONS

11 representations received from 10 addresses making the following comments:

- Concern about increased capacity vehicles using the road network and creating more delays
- Concerns about flood risk and drainage
- Speeding vehicles along Rayne Road

- Creeping encroachment into the countryside
- Coalescence between Rayne and Braintree
- Harm the views between Rayne and Braintree
- Underhand way to build houses by the developers
- Loss of fishing lakes which are a valuable resource for the community
- Loss of wildlife
- Brownfield sites should be developed before greenfield sites
- Development will be visible from All Saints Church
- Harm to landscape
- The fishing lakes are not redundant and although man made are still important
- Site is located in the countryside
- Only minimum affordable housing is provided
- Housing is not suitable for this site
- Earlier approval indicated access would be provided to the ponds however this has now changed to allow vehicular access to the application site
- Existing public facilities would not be able to cope with more houses
- Concerns about harm to foundations of existing properties

REPORT

Five Year Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this.

In accordance with Government policy set out in the revised National Planning Policy Framework (July 2018) the current 5 year supply requirement for Braintree District for the purposes of considering planning applications has been calculated on the basis of:

- a base target of 835 homes per year from 2016, as prescribed by the Government Standard Methodology;
- a 20% buffer, as house building rates in the past 3 years (2015/2016, 2016/2017 and 2017/2018) have been significantly below target.

The Council is currently unable to demonstrate a 5 year housing land supply with the 5 year supply position as at 30 June 2018 being 3.91 years.

The impact of this is demonstrated at paragraph 11 which requires plans and decisions to apply a presumption in favour of sustainable development and specifically states that:

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; and

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, is absent, silent or relevant policies are out-of-date (Footnote: This includes' for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the last three years), granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal (Footnote: for example, those policies relating to habitats sites (protected under the Birds and Habitat Directives) and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space; an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); irreplaceable habitats; designated heritage assets; and locations at risk of flooding or coastal erosion); 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.

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 11 of the NPPF.

Principle of Development

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

Policy CS5 of the adopted Core Strategy states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'.

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

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

- Direct public transport services exist, or there is potential for the development to be well served by public transport

- The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

Paragraph 103 of the NPPF 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. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

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

The application site sits outside the current development boundary for Braintree. The neighbouring site to the south was submitted for consideration under the 'Call for Sites' and referenced as BOCS140, but this did not include the application site.

The proposed amendment to the town boundary, to include the neighbouring site, is currently indicated within the draft Local Plan. The application site therefore lies adjacent to the proposed development boundary of Braintree.

Notwithstanding this the site is considered to be in a reasonably sustainable location because of its location on the western edge of Braintree, one of the three main towns in the District. A wide range of town-centre facilities and services are available and accessible by walking, cycling and public transport. Much of the town centre, including the railway station, is within a 15 to 20 minute walk of the site, which is also on a bus-route (the 133 University of Essex - Colchester - Braintree - Stansted Airport route, which provides regular hourly services in the main part of the day 7-days per week, and the 314 Great Dunmow - Stebbing - Great Saling - Felsted - Braintree route, which is a once daily service Monday to Saturday).

The site is also close to local employment opportunities typical of town centres and the Springwood Drive Industrial Estate would also be within easy walking distance.

Sustainable Development

The application is supported by a section within the Planning Statement entitled 'Suitability and Sustainability of the Site for Residential Development'.

The NPPF states in paragraphs 10 and 11, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development' and 'for decision taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this 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.'

The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, 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):

a) 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;

b) 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

c) 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.

Paragraph 9 of the NPPF states that 'These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and 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.

(1) Economic Objective

An assessment of the potential socio-economic impacts of the development has been submitted in support of the application by the applicant and is contained within the Planning Statement. This statement highlights a number of positive benefits including the following:

- Job creation during construction phase
- Contribution to local economy
- Additional income to the Council from New Homes Bonus and Council Tax

It is not disputed that the proposal would deliver some economic benefits. Some new jobs would be created at the construction stage (although this would not be a long term benefit), new residents are likely to support existing businesses, the delivery of affordable housing and improvements to local services and facilities.

It is noted that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of 'local financial consideration'. Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

(2) Social Objective

The applicant highlights the social benefits of the proposal as follows:

- Deliver a mix of dwelling types
- 30% affordable housing
- Sustainable location of the development
- Contribution to support established public transport services
- Provision of open space and landscaping leading to an improvement in physical health and well-being
- Additional footpath linkages

It is acknowledged that the proposal would fulfil a social role by contributing to and supporting the vitality of the town. It would deliver a mix of housing, including market and affordable housing and public open space. Financial contributions would be secured (where justified) through a S106 Agreement to enhance and improve local facilities. These benefits would be consistent with the social dimension of sustainable development.

(3) Environmental Objective

The applicant highlights the environmental benefits of the proposal as follows:

- Scheme designed to respect setting on urban fringe
- Regard given to localised drainage and the inclusion of a sustainable urban drainage system (Suds).

It is acknowledged that the scheme proposes landscaping scheme and a Suds system. However comprehensive ecological mitigation and more detailed landscaping and levels information is required to be secured by condition.

Design, Appearance and Layout

Paragraph 124 of the NPPF states 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 development, creates better places in which to live and work and helps make development acceptable to communities'.

Paragraph 127 states that developments should aim to 'establish or maintain 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'. Policy CS9 of the adopted Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

This is an outline application where design, layout and landscaping are reserved matters. The application includes a parameter plan and proposed illustrative plan that indicates the key aspects of the design and layout, such as access, public open space and landscape features and Suds features. It is indicated that the density of the development of up to 45 dwellings would be 19 dwellings/hectare.

Notwithstanding this it is prudent to consider whether the number of units proposed can be satisfactory accommodated on site. Officers note some design issues with the indicative layout, in particular the levels across the site and the retention of some existing landscaping, however it does provide sufficient detail to demonstrate that up to 45 dwellings can be accommodated on the site in an acceptable manner. Detailed design and layout issues would need to be carefully considered at Reserved Matters stage.

Given the above concerns, whilst the applicant has submitted the parameter plan and proposed illustrative plan for approval, should Members be minded to agree the recommendation for approval, these drawings should not be approved at this stage, as more detail, particularly regarding landscaping and levels, is required. These details will be submitted and considered at Reserved Matters stage.

Landscape Impact & Landscaping

Paragraph 170 of the Framework states 'Planning policies and decisions should contribute to and enhance the natural and local environment by: a)

protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

Policy CS8 of the adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the adopted Local Plan states that development that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

The draft Local Plan includes policies which are relevant to this site. Policy LPP1 of the draft Local Plan seeks to control development outside of development boundaries to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside. Policy LPP72 of the draft Local Plan seeks to protect defined areas between settlements and requires proposals to demonstrate that the development is located on an area which has the least detrimental impact on the character of the countryside and does not reduce the visually sensitive buffer between settlements or groups of houses.

The site is sensitively located on the boundary between the built-up area and the countryside to the west. Any development of the site needs to recognise this by proposing a spacious development that is set in generously landscaped surroundings.

Layout and landscaping do not fall to be considered specifically at this stage because they are reserved matters. Nonetheless, the applicant has provided an illustrative layout and landscaping details to show that the amount of development sought can be accommodated in a manner that has regard to its sensitive landscape context.

It is noted that concerns have been raised by the Council's Landscape team with regards the alteration to the levels of the site, the proposed cut and fill, and the loss of much of the vegetation from the site.

This is an outline application where design, layout and landscaping are reserved matters. In addition to these matters, specific conditions are requested from the landscaping team to alleviate their concerns.

Impact on Neighbour Amenity

Matters of layout, scale and appearance are reserved and thus it is not possible to consider the impact on residential amenity at this stage. Officers

are of the opinion however that a layout could be brought forward which would not unreasonably impact upon the amenity of neighbouring residential properties.

Trees and Ecology

Policy RLP80 of the adopted Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the adopted Local Plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

The ecological potential of the application site is noted, however the site is a man-made environment and it is considered on balance that the social benefits the scheme provides, in the form of new housing in a sustainable location, outweighs the loss of this potential.

Whilst it had been suggested within the submission for the larger adjoining site that the application site would form part of the proposed ecological mitigation, the Council's Ecologist has indicated that the proposed ecology area to be located in the southern corner of the site would be sufficient and would be capable of serving both sites.

There have been a number of concerns from local residents regarding the loss of the wildlife habitat from the site but, with the successful implementation of the mitigation measures as set out in the submitted Update Ecological Appraisal, any harm to the existing habitat would be adequately mitigated against. Mitigation and enhancement measures will be secured via appropriately worded planning conditions.

Impact upon the Historic Environment

The site is located adjacent to a larger application site, which was initially granted outline permission in 2016 under application reference 15/01458/OUT, and was subsequently granted full planning permission in April of this year, under application reference 17/01973/FUL. This application site is located to the east and south of the current application site, and severs the physical and visual association between the current application site and the listed building, Rayne Lodge. The impact of the development of this site on the significance of the listed building is therefore considered to be negligible and therefore no objection is raised to the application from a conservation perspective.

Highway Issues

Paragraph 109 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.'

The application is supported by a drawing indicating the proposed access from Rayne Road and a Transport Statement. The proposed access would also serve the larger residential development granted consent in April 2018 (application reference 17/01973/FUL).

Whilst the application site relies on the access onto Rayne Road as proposed by the adjacent site and route through the adjacent site, the current application has to stand alone and be acceptable on its own.

Part (a) of condition 33 of this full permission requires the necessary visibility splays to be constructed prior to the first occupation of the site. The same request has been made by ECC Highways and therefore a similar condition will be recommended for this application.

With regard to the National Planning Policy Framework, particularly paragraph 111, the Highway Authority has reviewed the planning application and supporting Transport Statement 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.

Having reviewed the Transport Statement, the Highway Authority is content with its conclusions.

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

A number of letters have raised concerns regarding the capacity of Rayne Road and the impact the additional vehicular movements will have on the nearby junction with Springwood Drive.

Although there are objections from third parties regarding the capacity of Rayne Road and nearby junctions, the Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective, subject to the payment of a financial contribution towards improvements at the Pierrefitte Way/George Yard junction to mitigate the impact of the development, and the proposals are therefore considered to be in accordance with Policy RLP53 of the adopted Local Plan and Policy LPP44 of the draft Local Plan.

Drainage and Flood Risk

Paragraph 163 of the NPPF states 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

Paragraph 170 of the NPPF states 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies that the majority of the proposed development site is located in a low and very low risk of flooding from surface water; with small parts of the site located in medium and high risk of surface water flooding. The risk of flooding from groundwater, sewers and reservoirs is considered low. A flow rate for the area of surface water flooding will be maintained throughout the development site.

The proposed drainage strategy will comprise a piped network with attenuation provided in a detention basin within the southern corner of the proposed development site. Surface water will discharge to the River Brain to the south of the site and will be attenuated to a one in one year greenfield runoff rate of 1.7 l/s. The total volume of surface water storage required is 805.5m³.

The surface water drainage from this site, post development, is such that the surface water will be managed and disposed of within the site boundary, thus complying with the Planning Practice Guidance for '*Flood Risk and Climate Change*' to the National Planning Policy Framework. Providing the above strategies are adopted the developed site will not contribute further to flood risk thus satisfying the principles of the National Planning Policy Framework.

Following the submission of amended and additional information the Lead Local Flood Authority (LLFA) at Essex County Council do not raise an objection to the proposal subject to a series of conditions as noted above in the consultation section.

Foul water will discharge to Anglian Water's sewer network located in Rayne Road.

It is therefore considered that the application complies with Policy CS8 of the adopted Core Strategy, Policies RLP67 and RLP69 of the adopted Local Plan and Policies LLP78 and LPP80 of the draft Local Plan.

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

It has been identified that the site falls within the 'zone of influence' for the Blackwater Estuary SPA and Ramsar site, a European designated site scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). In accordance with the Conservation of Habitats and Species Regulations 2017 and Paragraph 176 of the National Planning Policy Framework, and under the provisions of the Habitats Regulations, it is anticipated that new housing development in this area is 'likely to have a significant effect' on the sensitive interest features of this coastal European designated site through increased recreational pressure when considered 'in combination'.

It is therefore important that any recreational impacts from residential developments are considered in terms of the Habitats Regulations, with a Habitats Regulations Assessment (HRA) undertaken. In this instance, an appropriate assessment is required to be carried out to establish the mitigation required, which is likely to be financial contribution to fund strategic 'off site' measures in and around the relevant European designated site, targeted at increasing their resilience to recreational pressure in line with aspirations of the emerging RAMS. The appropriate assessment is required prior the signing of the s106 agreement and therefore the recommendation below reflects this. Should the required mitigation be a financial contribution then this will be secured through the s106 agreement.

Section 106

Paragraph 54 and 56 of the Framework states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and planning obligations must only be sought where they meet all of the following tests:

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

This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant permission.

Affordable Housing - Policy CS2 of the adopted Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 30% affordable housing provision.

The applicant's has confirmed that 30% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 45 dwellings this would equate to 14 affordable dwellings.

The Council's Housing, Research and Development officer has indicated that the following mix of housing would be required given the need in the local area:

- 4 x 1 bed flats
- 8 x 2 bedroom 4 person houses
- 2 x 3 bed 5 person houses

These details along with the tenure mix will be agreed during the drafting of the s106 agreement.

Education - Essex County Council has requested a contribution of £14,519 per additional place required for Early Years and Childcare and £12,734 per additional place required for local primary provision. Precise contribution will be calculated once the number and type of units are known.

Health - NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice does not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £17,043 to mitigate the impacts of the proposal, which equates to £378.73 per new dwelling, based on 45 new dwellings.

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

Open Space - Policy CS10 of the adopted Core Strategy states that the Council will ensure that there is a 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 on-site for informal and amenity open space and a

contribution towards off-site public open space. The contribution is calculated based on the number of dwellings and the number of bedrooms within the dwellings. Therefore at this time the exact financial contribution is not known, but would be calculated using the formula from the Council's Adopted Open Space SPD.

Highways - Essex County Council request a financial contribution of £70,875 towards junction improvements at Pierrefitte Way/ George Yard to mitigate the impact of this development.

Ecology - A financial contribution to mitigate the developments impact upon the natura 2000 sites. This will consist of a financial contribution towards off site visitor management measures at the natura 2000 sites. The final detail of the mitigation package will be identified during the HRA Appropriate Assessment process.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development is acceptable in these respects. A draft Heads of Terms has been agreed by the applicant and the drafting of a s106 agreement has commenced.

CONCLUSION

The application site is located outside of the Town Boundary for Braintree and is therefore within the countryside for the purposes of planning. The development therefore conflicts with Policy RLP2 of the adopted Local Plan and Policy CS5 of the adopted Core Strategy. However, the site adjoins a site that has been allocated for residential use in the Draft Local Plan which benefits from planning permission for 127 residential dwellings was granted planning permission in April 2018.

The presumption in favour of sustainable development sits at the heart of the NPPF. The NPPF is clear in its instruction at paragraph 11 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus the weight afforded to Policy RLP2 of the adopted Local Plan and Policy CS5 of the adopted Core Strategy, insofar as they restrict the supply of housing, must be reduced. It should be noted however that the principal purpose of Policy CS5 of the adopted Core Strategy is to limit development in the countryside in order to protect and enhance its landscape character and biodiversity, geodiversity and amenity. This must therefore be afforded weight in the balancing of the adverse impacts and benefits of the proposal.

In this case Officers have concluded that specific policies of the NPPF do not indicate that development at this site should be restricted. Accordingly the LPA must apply the 'tilted balance' and determine and assess whether any

adverse impacts of granting consent would demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impacts of the proposed development. In terms of social sustainability, the proposal would introduce up to 45 new dwellings, 14 of which would be affordable. When considered against the lack of a deliverable 5 year supply and the need for affordable housing across the District significant weight is attached to these social benefits.

The proposal would result in the generation of jobs at the construction stage and future residents would help to support to the continuation of the services/amenities which are available in the town centre would provide some economic benefits and weight is attached to this.

Environmentally the site is rural in its context, although well related to the existing settlement and defined by existing natural and man-made boundaries and is well contained and weight is attached to this.

The site is served by a regular bus service to Braintree town centre and other centres which would connect with train services and would allow for commuter travel to Chelmsford and beyond. The site is within walking and cycling distance to the town centre and employment areas.

The indicative design and layout of the proposal is considered to be acceptable and the proposal would not result in any harmful impact on residential amenities.

Concerns have been raised with regards the impact the proposal would have on the local landscape and the existing ecological potential of the site. However, subject to suitable conditions it is considered that any harm to the existing landscape and ecology can be suitably mitigated against.

The Highways Authority has not raised an objection to the proposed access. Accordingly, a reason for refusal on the grounds of highway safety could not be substantiated. A financial contribution towards works to a nearby junction is requested from ECC Highways and would be included within the S106 agreement.

To conclude, it is officer opinion that the adverse impacts identified would not significantly or demonstrably outweigh the benefits and therefore the planning balance falls in favour of granting planning permission.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The completion of an appropriate assessment in accordance with the Habitats Regulations Assessment (HRA), which identifies no significant likely effect;

2) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

Affordable Housing - (30% provision; 70/30 tenure split (affordable rent over shared ownership); delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction.

Education - Financial contribution towards Early Years and Childcare and local primary provision is required based on the County Council's standard formula, index linked to April 2017.

Health - NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice does not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £17,043 to mitigate the impacts of the proposal, which equates to £378.73 per new dwelling, based on 45 new dwellings.

Public Open Space - (financial contribution toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 of the adopted Core Strategy 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. Trigger point for payment being prior to occupation of the first unit).

Highways - Essex County Council request a financial contribution towards junction improvements

Ecology - (Financial contribution to mitigate the development's impact upon natura 2000 sites. This will consist of a financial contribution towards off site visitor management measures at the natura 2000 sites. Final details of the financial contribution to be confirmed during the HRA appropriate assessment process).

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

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

APPROVED PLANS

Location Plan	Plan Ref: A1727 EX100	
Proposed Site Plan	Plan Ref: A1727 PL 100	Version: B
Access Details	Plan Ref: TA03	Version: E
Topographical Survey	Plan Ref: 1215/1492/2A	
Other	Plan Ref: 100	
Levels	Plan Ref: 101	

1 Details of the:-

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

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

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

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

Reason

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 Construction of any buildings shall not be commenced 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 samples.

Reason

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

4 Any reserved matters application relating to scale or layout shall be

accompanied by detailed sections through the site, as existing and as re profiled, and details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

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

- 5 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by full details of the location and design of the refuse bins and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

In order to ensure sufficient provision for refuse storage and collection, in the interests of amenity.

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

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

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

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

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

Reason

To enhance the appearance of the development and in the interests of amenity.

- 7 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- a. Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - b. 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.
 - c. Final modelling and calculations for all areas of the drainage system, in addition this also includes the modelling of any potential for surcharging of the outfall to demonstrate the development will still be safe from internal flooding.
 - d. The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - e. Detailed engineering drawings of each component of the drainage scheme.
 - f. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - g. 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.

- 8 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 103 and paragraph

109 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.

- 9 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.

- 10 The applicant or any successor in title must maintain yearly logs of maintenance for the SuDs 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.

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

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

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

Reason

In the interests of residential amenity.

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

Reason

In the interests of amenity.

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

Reason

In the interests of amenity.

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

Reason

In the interests of amenity.

- 15 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

In the interests of amenity.

- 16 No development shall take place (works to the ponds, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority (LPA). 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 and must include pollution prevention/ control)
 - 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 CEMP should refer to the recommendations arising from the Ecological Appraisal and Protected Species Surveys and give particular regard to:

Badger and Otter (and other small mammals. i.e. hedgehogs) during construction and vegetation removal

Nesting birds

Protection of the stream from pollution run off

Lighting of areas/features used by bats for feeding, roosting and foraging

Protection of retained trees and hedgerows

Reptile protection

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

Reason

The information is needed prior to commencement of the development to ensure the long term survival of protected species.

- 17 Prior to occupation a lighting design strategy for the river corridor, tree and hedge lines or any areas to be lit, shall be submitted to and approved in writing by the LPA. The Strategy shall;
 - i. Identify areas/features on the site that are sensitive for all bat species and otters and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging: and
 - ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats or otters using their territory or having access to their breeding sites or resting places, and show how dark corridors and areas will be retained.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the LPA.

Reason

To ensure there is no harm or disturbance to a protected/priority species.

- 18 To avoid disturbance to nesting birds building works including site clearance, groundworks and works to fill in the ponds should take place outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified ecologist. Any active nesting sites found must be cordoned off and remain undisturbed until young birds have fledged.
The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built.

Reason

To ensure there is no harm or disturbance to breeding birds.

- 19 Updated otter, badger and breeding birds, water vole and invertebrates surveys must be completed prior to development commencing and should be undertaken 6 weeks before any works commences on site. The results of the survey must be submitted to and approved in writing by the Local planning Authority prior to any works commencing on site (including vegetation clearance and ground works and any works to ponds).

Reason

This information is needed prior to the commencement of development to ensure there is no harm to a protected species.

- 20 No development shall take place until details of the proposed ecological enhancement of the site are submitted to and provided in writing by the LPA. It should include new habitat creation, particularly the proposed SUDs scheme which should be enhanced for biodiversity, wildflower planting/seeding of attenuation basins and detail the proposed habitat improvement/retention including buffer zones and green infrastructure/wildlife corridors (including treatment of gaps in hedging to allow continuous foraging commuting routes for bats and badgers and provision of dark areas), refugia sites and hibernaculum creation, and connectivity to wider habitats. The provision of bird nesting and bat roosting boxes which where appropriate should be integrated into the building design and must include integrated swift bricks/boxes. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

Reason

This information is needed prior to commencement of the development, in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures

- 21 A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by, the local planning authority prior to development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 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 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

This information is required to ensure the protection, through long term management, of ecological features and protected/priority species.

- 22 No occupation of the development shall take place until Residential Travel Information Packs in accordance with Essex County Council guidance have been provided to all households.

Reason

To ensure the proposal site is accessible by more sustainable modes of transport 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.

- 23 No development shall commence until an updated Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted to and approved by the local Planning Authority. The tree works/protection shall be carried out in accordance with the details approved.

Reason

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

- 24 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have

been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

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

- 25 No development shall commence until the appointment of an Arboricultural Clerk of Works (ACoW) to oversee protection of trees during the development has been agreed with the LPA.

Reason

To ensure that all works are overseen and carried out in accordance with the details approved under condition 23.

- 26 No occupation of the development shall take place until the following has been provided:

The site access as shown in principle on the planning application drawings. Access shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 120 metres to the west and 2.4 metres by 120 metres to the east, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times

Reason

To protect highway efficiency of movement and safety 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

- 27 Prior to commencement of the development a construction traffic management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 28 No development shall commence until a levels plan has been submitted to and approved in writing by the local planning authority. The alterations to levels and tree works/protection shall be carried out in accordance with the details approved. The levels plan shall be informed by the documents required by condition 23.

Reason

In the interests of visual amenity.

INFORMATION TO APPLICANT

- 1 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.

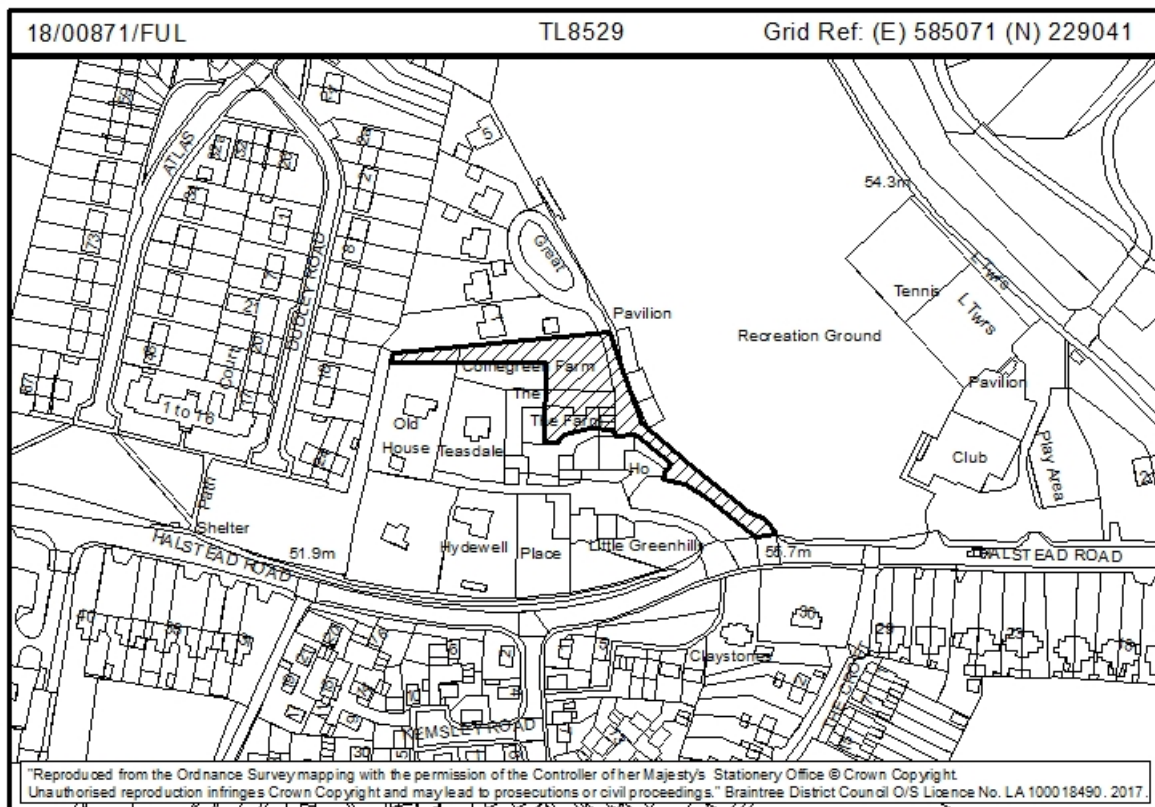
- 2 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
- All highway related details should be agreed with the Highway Authority. The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00871/FUL
 DATE: 20.06.18
 VALID:
 APPLICANT: Mr & Mrs Pritchett
 Holly Lodge, Halstead, CO9 2DB
 AGENT: English Architectural
 Mr Michael McGarr, New House , The Street, Belchamp
 Otten, CO10 7BG
 DESCRIPTION: Conversion of existing barn dwelling to 2x 3 bedroom dwellings and porch extensions and creation of 1x 4 bedroom detached dwelling
 LOCATION: The Farm, Colne Green Farm, Halstead Road, Earls Colne, Essex, CO6 2NG

For more information about this Application please contact:
 Lisa Page on:- 01376 551414 Ext.
 or by e-mail to: lisa.page@braintree.gov.uk



SITE HISTORY

84/01243/P	Conversion of existing barn/outbuilding to residential use	Granted	27.11.84
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POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that

the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP10	Residential Density
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP24	Subdivision of Dwellings
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee, because an objection has been raised by the Parish Council, contrary to Officer recommendation.

SITE DESCRIPTION

The site lies within the western edge the Earls Colne settlement. The site contains a single storey dwelling, formed via a barn conversion. The original form of the barn and its courtyard layout is evident. The residential garden area lies to the south of the barn and the further amenity as well as parking is provided to the north, beyond which lies a newer development of detached dwellings. To the east is the Earls Colne recreation club. Access is via a private drive off Halstead Road.

PROPOSAL

The application seeks the subdivision of the existing 4 bed dwelling and double garage into two 3 bed dwellings. Private garden amenity will be provided for each dwelling, together with 2 allocated parking spaces. Further, a new detached two storey 4 bed dwelling is proposed to the north of the site, together with 2 parking spaces.

CONSULTATIONS

County Highways – No objections subject to conditions for parking provision and a residential travel information pack.

Historic Buildings Consultant – Comment that the barn has already been converted to a dwelling and has been heavily and insensitively subdivided, so its subdivision into two dwellings is not considered to be harmful from a heritage perspective. Note that the landscape in which this complex sits has already been heavily altered by the erection of modern housing, and as such the principle of erecting a further house is not considered harmful in principle. The design currently proposed is acceptable, (although a wider chimney would be more aesthetically appealing). Recommend conditions relating to windows and door in details and samples of external materials.

PARISH COUNCIL

Earls Colne Parish Council object, commenting that the proposed dwelling is overbearing and out of character.

REPRESENTATIONS

The application was advertised by way of site notice, newspaper notice and neighbour notification. Six letters have been received from nearby residents, raising the following objections:-

- Cramped layout, backland development is out of keeping with character of the area;
- Amenity space is below standard;
- Will neither preserve nor enhance the Conservation Area;
- Concern with access and right of way;
- Concern with construction vehicles and condition of access road;
- Level of parking is inadequate – no visitor parking;
- Overlooking.

REPORT

Principle of Development

The site lies within the settlement boundary of Earls Colne, a key service village, where in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, development is to be confined. The principle of the development therefore is acceptable.

Further, the Council cannot demonstrate a deliverable 5 year supply of land for housing, with appropriate buffer. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating that, under paragraph 11, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This is further reinforced with the NPPF stating that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework 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 in the Framework taken as a whole. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Neither paragraph 11 or 73 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 11 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

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 overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These objectives are environmental, social and economic.

The development will bring both social and economic benefits, albeit relative to the scale of the development. The development will provide two additional residential units towards housing supply and bring limited benefits during the construction stage.

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. The site is located within the boundary of Earls Colne, which is a key service village, with facilities to meet the day to day needs of its residents, through the availability of a primary school, shops, doctors, dentist and leisure and recreational services. Given the location of the site and the range of services within the Village it is considered that the site is sustainable and would not conflict with the aims of Policy CS7 and this weighs in favour the proposal in the overall planning balance.

Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek to ensure a high quality design and layout in all developments.

The existing dwelling provides for a large amount of accommodation both internally and externally. The subdivision of the dwelling will divide the plot, and one of the plots would be smaller than those within the locality, but it will not appear harmful to the grain of development in the area and will retain the courtyard character to the site.

The proposed detached dwelling is to be sited to the existing amenity area to the north. It is sited to front the access road which will relate to the detached layout of 2 storey dwellings to the north in Great Pitchers. It is of a traditional design and appearance, constructed of face brick, weatherboard cladding and tiled roof, such that it will relate well to the converted barn appearance of the

courtyard to the south and the modern development to the north, and would be sympathetic to the character and appearance of the Conservation Area.

The parking for all three units is to be sited between the detached dwelling and the existing dwelling. Although the siting of parking will be close to the newly formed and erected dwelling, it would not appear cramped or congested, nor would it appear overly prominent from outside of the site. With the use of high quality hard and soft landscaping and sympathetic means of enclosure, there would be no harm to the Conservation Area.

The dwellings formed within the existing building are shown to have private amenity space of approximately 200 sqm (dwelling b) and 60 sqm (dwelling a). The detached dwelling would have over 340 sqm of private rear garden. Although dwelling a) is below the requirement of 100sqm required by the Essex Design Guide (EDG), the size is dictated by the existing form of the building and curtilage and as it is created via a conversion, it is on balance considered acceptable in this case.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. This is reinforced by Policy RLP90 of the Adopted Local Plan which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

In terms of the impact to future occupiers, the layout of the units created by the sub-division is such that there would be no adverse impact upon their amenity, and an appropriate boundary to their rear garden would prevent overlooking. An adequate private rear garden is proposed. The detached dwelling would also provide for acceptable internal accommodation and an ample private rear garden.

Turning to the impact upon neighbouring properties, there would be no increased impact to neighbours amenity from the subdivision, in terms of overlooking, loss of light, outlook or similar. Although there may be more activity from the additional unit of accommodation, it is not of such a scale that would harmfully impact neighbours from noise disturbance. The detached dwelling is sited at a distance from neighbour to prevent unacceptable impact to outlook, light or similar. A flank landing window is proposed, which will not result in overlooking to neighbours to the north due to the relationship with these properties.

Highway Issues

The application proposes that the dwellings will be served by existing vehicular accesses off Halstead Road. Comments from third parties regarding the ownership and right of ways are noted, however, these are civil matters. It is noted that Certificate B on the application form has been signed with the appropriate notice served. The Highways Authority raise no objections to the application and conditions can be attached to any grant of consent to ensure

parking and turning areas are in place prior to the occupation of the dwelling and are thereafter retained for this purpose.

The adopted car parking standards require properties with two or more bedrooms to be served by a minimum of two off street car parking spaces to dimensions 2.9m x 5.5m. The parking spaces shown are smaller than the standard, however, the standard can be met within the layout. A condition is imposed to secure this and it is therefore considered that the parking and turning arrangement for the dwelling is appropriate.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

It has been identified that the site falls within the 'zone of influence' for the Blackwater Estuary SPA and Ramsar site, a European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the provisions of the Habitats Regulations, it is anticipated that new housing development in this area is 'likely to have a significant effect' on the sensitive interest features of this coastal European designated site through increased recreational pressure when considered 'in combination'.

It is therefore important that any recreational impacts from residential developments are considered in terms of the Habitats Regulations with a Habitats Regulations Assessment (HRA) undertaken. As Assessment is to be undertaken and an update as to this will be reported to Members at the Committee. An appropriate financial contributions to fund strategic 'off site' measures in and around the relevant European designated site, targeted at increasing their resilience to recreational pressure in line with aspirations of the emerging RAMS will be secured via a unilateral undertaking to be secured prior to the first occupation of the new dwellings.

PLANNING BALANCE / CONCLUSION

The site lies within the settlement boundary where the principle development is supported. The development would provide for a sustainable form of development and would, to a limited extent, assist in meeting the shortfall of housing land supply. The layout, design and appearance would be acceptable and would enhance the character and appearance of the Conservation Area. There would be no harm to neighbours or to highway matters.

It is therefore recommended that planning permission be granted.

RECOMMENDATION

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

- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – A financial contribution (the amount is still to be calculated) to mitigate the development's impact upon the Blackwater Estuary SPA and Ramsar site;

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

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

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Block Plan

Existing Site Plan	Plan Ref: e01
Existing Floor Plan	Plan Ref: e02
Existing Elevations	Plan Ref: e03
Existing Elevations	Plan Ref: e04
Site Plan	Plan Ref: p01
Proposed Floor Plan	Plan Ref: p02
Proposed Elevations	Plan Ref: p03
Proposed Elevations	Plan Ref: p04
Proposed Floor Plan	Plan Ref: p06
Proposed Elevations	Plan Ref: p07

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

Reason

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

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

Reason

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

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

Reason

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

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

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

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

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

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

Reason

To enhance the appearance of the development and in the interests of amenity.

- 5 Prior to first occupation of the dwelling hereby approved, details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the dwelling hereby approved.

Reason

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

- 6 Prior to the commencement of the detached dwelling hereby granted, an amended layout of the access and parking spaces to serve the overall development, detailing spaces with dimensions of 2.9m x 5.5m, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved plans prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained.

Reason

To provide adequate off street parking provision.

INFORMATION TO APPLICANT

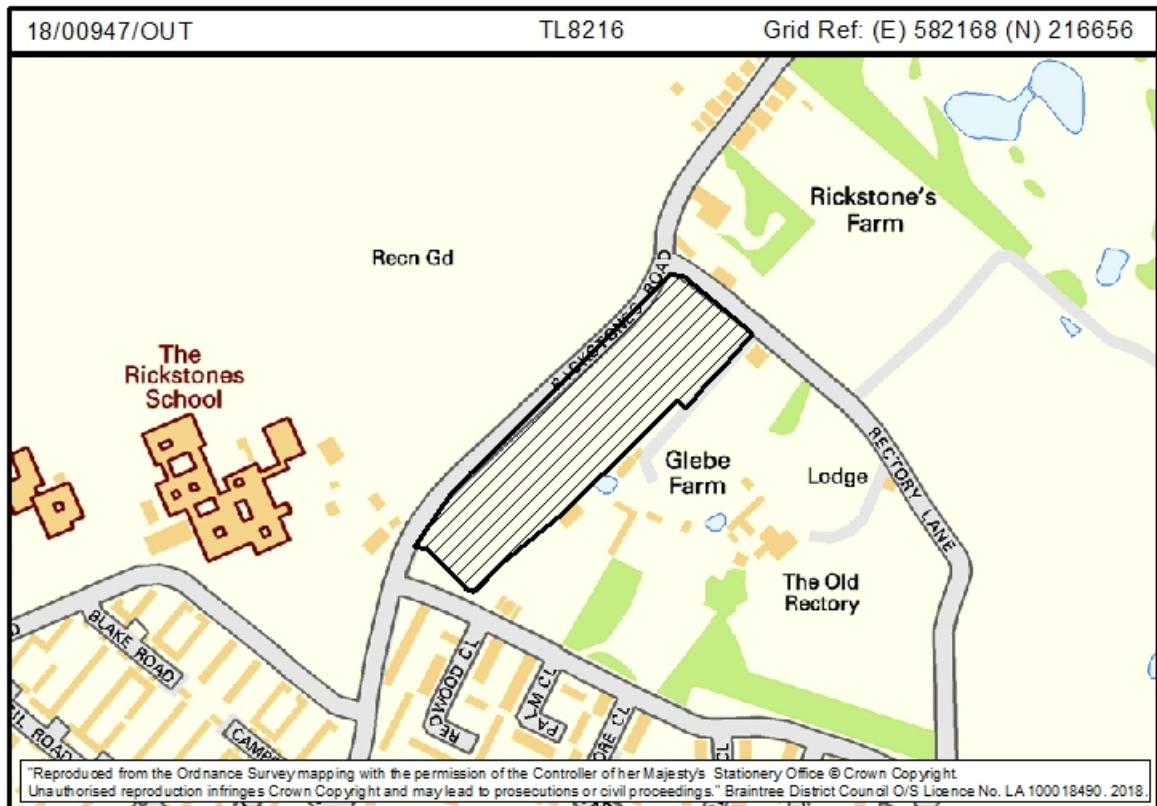
- 1 If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00947/OUT DATE: 23.05.18
 VALID:
 APPLICANT: Bellway Homes Limited
 Mrs Sarah Cornwell, Bellway House, 1 Cunard Square,
 Townfield Street, Chelmsford, Essex, CM1 1AQ
 AGENT: Andrew Martin - Planning
 Miss Philippa Robinson, Town Mill, Mill Lane, Stebbing,
 Essex, CM6 3SN
 DESCRIPTION: Outline application with all matters reserved for up to 58
 dwellings including affordable homes, public space
 including local equipped area for play, sustainable drainage
 systems, landscaping including retention of Rickstones
 Road hedgerow on site and all associated development
 LOCATION: Land South Of, Rickstones Road, In The Parish Of
 Rivenhall, Witham, Essex

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



SITE HISTORY

18/00045/REF	Outline planning application with all matters reserved for up to 58 dwellings including affordable homes, public open space including local equipped area for play, sustainable drainage systems, landscaping and all associated development.		
17/01730/OUT	Outline planning application with all matters reserved for up to 58 dwellings including affordable homes, public open space including local equipped area for play, sustainable drainage systems, landscaping and all associated development.	Refused	15.05.18

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not

however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
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
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan

LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

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

Other Guidance

Landscape Character Assessment 2006
Braintree District Settlement Fringes – Evaluation of Landscape Analysis
(June 2015)
Rivenhall Village Design Statement (2003)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

NOTATION

The application site is located outside the Witham Town Development Boundary as designated in the Braintree District Local Plan Review 2005 and is located in Rivenhall Parish.

The application site is not proposed for allocation for residential development in the emerging Draft Local Plan.

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

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Town Development Boundary of Witham.

It measures approximately 2.38 hectares and consists of a rectangular agricultural field with associated trees and boundary hedges. An existing corrugated iron structure is also encompassed within the site boundary.

The site is bounded to the north-west by Rickstones Road and to the north-east by Rectory Lane, a protected lane. Forest Road is located to the south-west where the application site directly abuts the Town Development Boundary of Witham. To the south-east a builders merchants with a large associated yard abuts the site boundary and to the north-east there are 3 existing dwellings with associated curtilages known as Glebe Farm; The Old Rectory (Grade 2 listed) and Glebe Cottage.

In terms of the wider context the New Rickstones Academy is located to the west, immediately opposite the site on the far side of Rickstones Road. Witham Town is located to the south and to the north are a number of dwellings positioned in a linear fashion on either side of Rickstones Road along with a small number of commercial premises.

There is no formal vehicular access to the site with an agricultural access currently being taken from the site's boundary with Rectory Lane.

In terms of gradient, the site is relatively level with a modest fall of approximately 3m from north-east to south-west.

PROPOSAL

The applicant seeks outline planning application with all matters reserved for the erection of up to 58 dwellings (including affordable homes), public open space (including local equipped area for play), sustainable drainage systems, landscaping and all associated development.

The application follows an application (17/01730/OUT) for the erection of up to 58 dwellings on the site which was considered by the Planning Committee on 24th April 2018. The Committee resolved to refuse planning permission and the Decision Notice was subsequently issued on 15th May 2018. The previous reason for refusal is as follows:

The proposed development would result in the loss of the majority of the mature hedgerow located along the site's north-western boundary with Rickstones Road which would have a detrimental impact upon the character and appearance of this secondary gateway to Witham and would create an urban character in an area which currently is of a rural nature.

It is therefore considered that the proposal would result in clear and demonstrable harm which would not be outweighed by the public benefits of the proposal and that the development would be contrary to the National Planning Policy Framework; Policies CS5; CS8 and CS9 of the adopted Braintree District Core Strategy; Policies RLP80; RLP81 and RLP90 of the adopted Local Plan and Policies LPP50; LPP55; LPP67; LPP71 and LPP73 of the Braintree District Publication Draft Local Plan.

The current proposal is essentially the same scheme but seeks to address this reason for refusal by re-locating the proposed site access further to the

south-west which would allow the retention of a longer stretch of the hedgerow in its existing position and also the re-location of the entire remainder of the hedgerow to allow its retention along the site frontage but set slightly further back into the site. This is set out in detail under the landscape heading of this report.

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 an indicative vehicular and pedestrian access from Rickstones Road, leading into the site from its north-western boundary. Access along with appearance; landscaping; layout and scale is a Reserved Matter however the submitted landscaping drawings which fix the details of the hedgerow retention and re-location could be formally approved providing certainty as to this element of the proposal.

The applicant has, in addition to the site location plan and Parameter Plan, submitted an illustrative Masterplan 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 and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Noise Report
- Agricultural Land Report
- Air Quality Report
- Arboricultural Report
- Archaeology Report
- Ecology Report
- Landscape and Visual Appraisal
- Heritage Statement
- Utilities Statement
- Contaminated Land Assessment
- Technical details of the proposal to re-locate part of the existing hedgerow

CONSULTATIONS

ECC Education

The proposed development is located within the Witham North Ward. For ECC 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 Early Years and Childcare capacity in the area, the data shows insufficient provision

to meet demand from this proposal. It is therefore clear that additional provision will be required and a project to expand provision is proposed. A Developer contribution of £90,943 index linked to April 2018 is required.

There is sufficient capacity at both Primary and Secondary schools within the area and a contribution is not required. Having reviewed the proximity of the site to the nearest primary and secondary schools ECC will not be seeking a school transportation contribution, however the developer should ensure that safe direct walking and cycling routes to local schools are available.

BDC Environmental Health

It is noted that 19% of the properties (11 in total) will not meet the upper guideline noise value. The previous application cited this as 17%. BDC Environmental Health would still have the expectation that the upper guideline value is achieved to avoid a precedent being set.

The following conditions will be required if permission is granted.

1) Provide full details of how the following noise criteria a-c will be achieved to include details of layout, screening and window/ventilation systems:

- a) The internal noise levels given in Table 4 within section 7.7.2 of BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings
- b) 45dB (A) as LAfmax not exceeded more than 10 times within 2300 to 0700 hours within bedrooms
- c) 55dB(A) as 16 hour weighted LAeq in external amenity areas

All noise mitigation shall be implemented prior to occupation of residential property.

2) A detailed BS4142:2014 (Methods for Rating and assessing Industrial and Commercial noise) assessment shall be provided in respect of noise from the Builder's yard and noise mitigation details to minimise the adverse effect shall be provided and such mitigation implemented before occupation of any residential property.

3) A dust and mud control management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be adhered to throughout the construction process.

4) 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

5) 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.

ECC Highways

No objection subject to planning conditions or a S106 Agreement requiring:

- The provision of a priority junction off Rickstones Road to provide access to the application site as shown in principle on drawing F285-008 REV A;
- Upgrading the two bus stops which would best serve the application site to ECC specification;
- A continuation of the footway on the east side Rickstones Road (north of Forest Road) into the proposal site;
- Dropped kerb/tactile paving crossing points in Rickstones Road south of its junction with Forest Road;
- Tactile paving at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road;
- Provision and implementation of a Residential Travel Information Pack per dwelling;
- The submission of a Construction Traffic Management Plan.

Highways England

No objection subject to the proposed condition put forward by Essex Highways regarding the provision of travel planning documentation and improvements to the bus stops on Rickstones Road. These will reduce the potential impact on the sub-standard junction of the A12 with Oak road which has an accident record.

ECC Archaeology

No objection subject to conditions relating to the securing of a programme of archaeological evaluation prior to commencement of development.

A Desk Based Assessment has been submitted with the application which provides a comprehensive background to the archaeology within the surrounding area and concludes that there is potential for the survival of archaeological remains, most likely of Iron Age or earlier date which reflects the significant archaeological remains within the area that have been recently uncovered and as indicated by the surrounding cropmark evidence.

The development site appears to have remained open and undeveloped, therefore preservation of archaeological remains is likely to be good. The proposed development may disturb or destroy archaeological remains. Standard archaeology conditions required.

BDC Ecology

No objection. The ecology report provided by SES dated May 2018 contains the same survey information as the report provided for the previous application based on survey information last updated in July 2017; the report does not raise any specific concerns about damage to protected species and does identify how suitable mitigation measures can enhance the biodiversity of the site after the development has been completed. If the application is approved then the following conditions should be applied to the decision namely:

1. Pre-construction Badger Survey
2. Details of badger/mammal protection during construction
3. Lighting design for light sensitive biodiversity (bats)
4. Protection of nesting birds
5. Details of ecological enhancement of the site

BDC Landscape

No objection. The landscape proposals for this application have been revised from the previous submission for this site by the applicant; the proposals include the retention of the majority of the hedgerow that faces on to Rickstones Road supported by a realignment of a smaller section extending to almost 90 metres in extent. The revised proposal will help to retain the current character and feel of this part of the road as it approaches Witham and largely retain the rural context; hedgerows can be moved successfully and with appropriate preparation, operational diligence and aftercare there is a reasonable expectation that the sections of translocated hedge will successfully re-establish. The process should be supported by an appropriate method statement for all stages of the work and certificated by an independent consultant that the work has been carried out in accordance with the agreed specification and method statement.

If the hedge fails to establish successfully then it will need to be covered by a condition to replant with a new hedge of an agreed specification; native species will need to be chosen for any replacement planting to enhance the value of the hedge as a wildlife resource and also include an evergreen component; failing this there will need to be a commitment to replace any dead material in the realigned sections at the end of the five year period covered by the landscape condition.

There has been discussion about the value of the hedge along Rickstones Road and I agree with the detail of the ecology report from the applicant produced by SES identifying the major component of the hedge as damson plum – a sub-species of the long established but non-native plum *Prunus domestica* - and as such does not constitute a priority habitat; the latter report also supports my original conclusion that there are an insufficient number of woody native species to meet the meter of an 'important' hedge under the current legislation.

The landscape proposals for the site also include a significant amount of new planting which will enhance the level of amenity in the locality and the quality of the open space within the residential development.

ECC Historic Buildings Consultant

No objection. The revised plans seek to address the previous reason for refusal and do not alter the conclusions I raised in my previous response. I therefore would not object to the application from a conservation perspective.

The site falls between Witham and Rivenhall and to the north-west of the Old Rectory which is listed Grade 2 for its historic and architectural significance. An initial assessment of the land would suggest that the land was historically associated with the Rectory, forming part of a triangle of land now bounded by Rickstones Road, Rectory Lane and Forest Road. However, historic mapping shows that the site actually formed part of a larger field associated with land to the north of the road, which was subdivided when Rickstones Road was created. There is also a strong landscaped boundary evident on the first edition Ordnance Survey map between the Rectory's land to the East and the site to the West. Whilst I have not had a chance to consult the historic tithe apportionment map, I am content that the land is not considered to form part of the immediate setting of the building.

However there is a current visual link between the two sites which would be increased by the removal of the barn structures on the boundary with Glebe Farm. The new housing would therefore be visible from the Rectory, increasing the sense of encirclement when coupled with the housing being constructed on Forest Road. The influx of modern housing would be a considerable alteration to the historic landscape in which the listed building is experienced as it was formerly set within open landscape with almost no built form in any direction. Further piecemeal erosion would begin to cause increasingly serious cumulative harm.

The visual curtailing of the land would not be objectionable in principle, rather it is the introduction of housing into the building's visual landscape. Therefore, if a strong, tall and visually impermeable landscape was created and a height limit placed on the new development to ensure that the highest point of any of the new built form was comfortably below this boundary, I believe this harm could be mitigated. I therefore recommend that the Council only support this application if the parameters agreed at the outline stage gave concrete certainty that the above would be achieved at reserved matters stage.

Similarly the creation of built form on Rectory Lane would alter its character in a manner which would negatively affect its status as a protected lane. However, the applicant has shown on the landscape plan a proposal to reinforce boundary planting and to locate attenuation ponds at the north-east edge of the site. This would ameliorate my concerns provided it is secured as part of the outline application.

Subject to the above requirements I therefore would not object to the application. I am comfortable that sufficient control can be exercised over elements such as boundary and storey heights and have no further comment to make.

Anglian Water

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

The proposed method of surface water management does not relate to Anglian Water operated assets.

Health and Safety Executive

No objection following receipt of revised plans. The Little Braxted/Tye Green pipeline has been upgraded (reinforced pipeline walls) in the vicinity of the proposed development. Therefore after a pipeline reassessment the HSE consultation zone has been reduced to reflect this increased protection. The applicant's updated plans show that the play area will be outside of the HSE consultation zone.

Please note that within the HSE consultation zone there must be no facilities provided that may encourage people to congregate. Consequently HSE does not advise, on safety grounds, against the granting of planning permission.

National Grid (Cadent Gas Ltd)

As there is a Local High Pressure gas main in the vicinity of the works please notify the applicant that they will need to contact Plant Protection prior to commencing works, if the application is approved.

We will provide a full risk assessment and further safety advice in relation to working around our assets. All works to be notified to plantprotection@cadentgas.com

ECC Flood and Water Management

Update to be provided by Officers at Committee.

NHS

No objection subject to the required financial contribution being secured through a S106 Agreement. The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development growth in the area. The development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

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

The development would give rise to a need for improvements to capacity, in line with emerging STP estates strategy, by way of one off recruitment costs for the benefit of the patients of the Collingwood Road Surgery; a proportion of the cost of which would need to be met by the developer.

A Developer contribution of £21,919 is therefore required with payment being made prior to the commencement of development and should be secured through a S106 Agreement.

BDC Housing

In accordance with Policy CS2 of the adopted Core Strategy 30% affordable housing is required which equates to 17 homes for a development of 58 units with 20% for Affordable rent and 10% intermediate tenure. Details would be agreed at the Reserved Matters stage but the below indicative mix is identified on the illustrative layout plan and would be fully supported if a detailed application were to be submitted:

- 11 x 2 bedroom 4 person houses
- 4 x 3 bedroom 5 person houses
- 1 x 3 bedroom 5 person bungalow (compliant with Part M Cat3a of Building Regulations)
- 1 x 6 bed 11 person house

The Council's Housing Team's support is conditional upon two of the units (3 bed bungalow & 6 bed house) being defined as a requirement in the s106 Agreement. It should also be an obligation that these units be specifically subject to Affordable Rented tenure.

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

- Affordable dwellings should be deliverable without reliance on public subsidy
- Affordable homes should be built to conform to standards acceptable to the Homes and Communities Agency at the point of construction
- Accessibility requirement for all houses to meet either Lifetimes Homes or Part M Cat 2 of Building Regulations

BDC Refuse

The refuse collection plan is acceptable. The design of the access roads needs to accommodate turning movements for waste collection vehicles up to 26T and will need to be offered up for adoption to ECC as public highway.

Any private amenity areas i.e. for flats will have to provide storage facilities (bin stores) which are no more than 20m from the adopted highway.

Essex Police

BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

Natural England

This application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely. Natural England's consultation response to this planning application is provided in the form of an advice note tailored for this type of development proposal. We anticipate that this will contain sufficient guidance to enable you to make an informed decision regarding impacts to designated sites. We recommend referring to our Sites of Special Scientific Interest Impact Risk Zones prior to consultation with Natural England.

Natural England has published standing advice which the LPA can use to assess impacts on protected species or the LPA's own Ecology services can be consulted.

The Habitat Regulations Appropriate Assessment process is also underway with Natural England. Update to be provided by Officers at Committee.

Witham and Countryside Society

Objection. This land for development is not contained in the Draft Local Plan, and is outside the town 'envelope' and in the Parish of Rivenhall. It is therefore outside of the considered and agreed development plan for Witham, and not included in the infrastructure proposals for the development of Witham.

Rickstones Road is a narrow road not able to absorb the additional traffic generated by the development and the site does not lend itself to achieve a practical connection with the town centre and railway station by off road footpath/cycleway.

We feel it is therefore not an appropriate site for housing development.

Rivenhall Parish Council

Objection. Rivenhall Parish Council request that this application be refused in accordance with their previous objections, dated 7 March 2018, plus the fact and impact of coalescence with Witham, thereby losing a vital element from the local countryside. Also highlighting that there is total confusion regarding the reports regarding the proposals for the hedgerow along Rickstones Road and confusion regarding any adequate pedestrian crossing of Rickstones Road. In addition, and as necessary, that the report by the ecologist re lighting must be adhered to in detail.

Previous objections:

- Site not included within the formally agreed BDC Local Plan for future development sites
- Site lies entirely within Rivenhall Parish and is not within Witham
- Developer is still wrongly describing the site as 'Witham'
- The open space currently located between Witham and Rivenhall should be retained and classified as open countryside, thereby retaining a defined boundary for both Parishes. This proposed development represents coalescence which is against National Government Policy
- The stress being placed upon local infrastructure hasn't been fully taken into account bearing in mind all other future planned developments to the north of Witham. No local GP Surgery in the area and the pharmacy shown on the plan for Rivenhall Park is simply a transfer from that existing on the Little Elms estate. Existing surgeries cannot cope with ever increasing patient needs. Patients will need to travel into Witham (Collingwood Road)
- Local road network will become even more congested than at present with currently congestion reaching at peak times back out of Witham towards both Rivenhall and Cressing
- Plans show the main entrance will be directly off Rickstones Road which will necessitate the removal of historic hedgerow to accommodate vehicular sight lines. Planning documents are confusing saying the hedge will be retained but also that it will be partly removed. In reality it will largely disappear and have a huge visual impact locally
- Is Rickstones Road wide enough to accommodate a site entrance?
- Previous planning application 15/00762/FUL for the erection of just one new dwelling on land adjacent to Glebe Farm was dismissed on appeal to the Planning Inspector due to its countryside location. Current application should also be similarly refused
- Very strongly disagree with the comments on the BDC website regarding the importance of the existing hedgerow along Rickstones Road
- There must be provision made with any development plan for this area for a pedestrian controlled crossing from the south to north of Rickstones

Road so that students and others can safely access the local schools.
Rickstones Road/Forest Road is a very busy and fast road junction

Witham Town Council

Objection. Recommend refusal on the grounds that the proposed development would not be sustainable in its current format and has not proposed significant enough infrastructure improvements to ensure its viability.

Additional concerns were raised over the erosion of the green buffer between Witham & Rivenhall and electoral arrangements of a development under Rivenhall but effectively forming part of Witham's urban area.

Councillor James Abbott

Objection. Object to current application and refer BDC to more detailed objection I made in respect of the previously refused application on this site. Following comments are made in respect of the current application:

- I welcome the fact that within the new outline application it is stated that the northern section of the mature hedgerow along Rickstones Road will be retained in situ. It is stated that 133m is to be so retained in situ and that 88m is to be moved back and that 17m is to be transplanted and that there will be 38m of new hedge.
- However the landscape document specific to the hedge in the application confusingly says that 200m of the hedge is to be moved back by 1 foot!
- There is no way that the application can be determined until this conflicting information is sorted out and I note that there was similar conflicting information in the first application.
- Given the strong grounds for refusal of the previous application (based entirely on the value of the hedge) there needs to be no doubt as to what the application involves. Moving the hedge back by 1 ft along 200m would also clearly be a nonsense as it could be trimmed back by that much if there was an issue with sight lines.
- I was told throughout the period of the first application by both the applicants and BDC that my objections regarding the damage to/loss of the hedge were wrong, that my findings on the species present in the hedge and its history were not accepted and that the site access could not be moved. It was good to see that members of the Planning Committee, having looked independently at the evidence, found in favour of the value of the hedge and it now transpires that the access can be moved.
- As I stated at the time, it is possible to retain much of the hedge in situ. It is an important hedge in the local landscape and the site access in the first application need not have been so far north along Rickstones Road. Why did BDC not press for this at the time?
- I would also reiterate the need for the biodiversity value of the hedge to be fully recognised and that BDC should stop downplaying its value. The hedge along the road should be afforded the same status as the other hedges around the site.

- Despite the photographic and descriptive evidence I have provided (which is simply observation and is factual), the applicant continues to try to mislead in saying again in the current application that "much of the hedgerow along Rickstones Road has dead elm". This is obviously false. There is minor dead elm in the hedge. Most of the hedge is in splendid condition and some of it is clearly old as can be seen by inspection of the base (which can be done from the public road). This is further evidenced in the fact that the field boundary and road alignment is the same now as it was in the C19th. From inspection I would agree that part of the hedge includes more recent planting (ie including the northern "double" section nearest the road). But a significant part of the hedge is likely to be at least 100 years old.
- I attach an image I took of the hedge in the spring of 2018 looking northwards along Rickstones Road and would refer BDC to the other photos I submitted at that time and the species counts submitted.
- Finally on the matter of the hedge, it is not clear, now that the applicants propose retention of the majority of the hedge, that the site layout can avoid root damage. I would ask BDC to look in particular at the site plans which show that development, including roads, comes right up to the hedge.
- Regarding transport and access, I continue to object to the lack of a crossing of Rickstones Road. As I stated for the first application, it is a given that children living on this estate will be likely to attend at the nearby complex of schools along Conrad Road or Cressing Road.
- I have asked ECC repeatedly about this but actually they decided in their wisdom to diminish the provision by removing the previously recommended pedestrian island.
- Average traffic speeds along Rickstones Road exceed 30mph. If, as the applicant and BDC state, this development would look to Witham for services, then it is a requirement that sustainable pedestrian links are in place.
- In this matter it should also be considered that over 400 houses are being built/have been built at the 2 consented development sites in Forest Road. Children from those developments will also likely be going to the same schools and also trying to cross Rickstones Road in the vicinity of the Conrad Road and Forest Road junctions with Rickstones Road. Clearly there needs to be a formal crossing to assist in pedestrian safety, including that of children.
- I also continue to object to the failure to plan for a new GP surgery in Rivenhall or Witham North (there is no GP at all in these wards). This application states that the sum of £22k would be required for the Collingwood Road surgery, which is not within recognised walking distance of the site. The NHS states in terms that existing GP practices will not cope with the extra patients. In this regard it should be noted that this site, if granted, would take the number of consented new homes in North Witham/Rivenhall to well over 600 - which would equate to well over 1000 additional patients. This is another example of the lack of sustainable development planning.
- Regarding land use policy, I would refer BDC to my more detailed objection for the first application, which stands for this application. It would

be a clear breach of policy in allowing this site to be developed such that the strategic gap between Witham and Rivenhall along Rickstones Road is all but lost. This site is not allocated in the new Draft Local Plan.

- Both BDC and the applicants have sought to claim that somehow Rivenhall starts at the houses below Stoverns Hill. It does not. All of the houses in Rectory Lane are in Rivenhall (as are 3 houses near the Academy) and the start of the group of dwellings and former farm buildings known locally as "Rickstones End" would be just a few metres from the edge of the development should it proceed.
- The development would be seen as a long, thin and entirely unnatural urban projection into the countryside gap between the settlements. The arguments about the status of the school playing fields made by both BDC and the applicants are irrelevant. They are school playing fields and cannot be developed without the consent of the Secretary of State. There is no planning application to build on them nor any allocation made via the new Draft Local Plan and the proposal to draw the development boundary of Witham around them can only carry some weight as that Plan has not been adopted nor will it be for some time. The adopted Local Plan shows the playing field land as countryside.
- The development would also impose negatively on the historic and valued Rectory Lane, which is both a Protected Lane and a Quiet lane (the first QL in Braintree District). If this application were granted then urban development would have been allowed to encroach at both ends of the lane - a clear policy failure by BDC should that happen.
- The way to avoid all the above impacts - in terms of coalescence, impacts on Rectory Lane and to reduce harm to the hedge and biodiversity, etc, is to restrict development to the part of the site nearest Forest Road and to leave the rest as either farmland or green space/nature conservation. This would still allow some development to take place.
- Finally, the site has been identified as bat habitat. The applicant's report on bats and lighting is very good and should approval be given this report should be followed in full. However it is imperative that as well as good design (full cut off at zero tilt and not shining on bat commuting routes such as along hedges), the light source is NOT white LED. White LED is being rolled out in Essex for street lighting despite ECC being informed about the need to avoid blue component light which is present in white LED. Street lights and other lights should be warm colour (i.e. amber) to avoid the blue component. This is specified to be an important matter for bats by expert bodies such as the Bat Conservation Trust (BCT) and also the Government <https://www.gov.uk/guidance/light-pollution>

Representations

4 letters of objection were received. These are summarised as follows:

- Rickstones Road is a small country road. There is already a large amount of dwellings being constructed on Forest Road. The amount of dwellings will have an impact on Rickstones Road as this will be the main access from the A12.

- Rickstones Road is too small to accommodate large amounts of traffic. There are already long queues of cars trying to get onto and off of the A12 at the Rivenhall turn off due to the narrowing of oak road under the railway bridge and one way traffic, additional traffic will only add to this.
- The additional traffic pollution will have a direct result on my existing personal health condition.
- Additional traffic will be dangerous for children and OAPs as they walk along a path to the local schools in Witham and will certainly cause crossing difficulty.
- There is plenty of space at Silver End - the old air field comes to mind.
- Will erode the margin separating Witham, from Rivenhall. Rivenhall already has a development of over 300 dwellings on Forest Road. More added to this village will change the character of the local area, add more traffic to the local road system, and overload the local services such as GP surgeries
- Site is not allocated in the Local Plan for future development
- Site located outside development boundary and contrary to adopted Local Plan Policy RLP2 and adopted Core Strategy Policy CS5
- Would undermine the Council's objective of securing the more efficient use of existing urban land in sustainable locations
- Contrary to Rivenhall Village Design Statement (2003) which seeks to protect countryside between Rivenhall Main Village Envelope and Witham Town Development Boundary from development
- Previous planning application for one dwelling (15/00762/FUL) on adjacent Glebe Farm site rejected at appeal due to being outside the development boundary; impact on undeveloped rural character of area and detrimental impact on listed building. These reasons are even more applicable to a much larger scheme
- Flood Impact – applicant proposes to use existing ditches to discharge surface water flows from a high number of new dwellings. These ditches currently drain slowly and are required for surface water runoff from Rectory Lane. They would need maintaining and any flooding would impact upon existing properties in the locality. Question how this would be addressed and request planning conditions
- Junction of Rectory Lane with Rickstones Road is extremely dangerous. This is not recognised in the Transport Assessment and the development would increase traffic at this junction. Proposed pedestrian access onto Rectory Lane will encourage people to cross at this point
- Location not sustainable. Site is not in fact well served by public transport and it is a 35 minute walk to the Town Centre with limited parking at Witham Station. Inspector for appeal 15/00762/FUL found it highly likely that residents in this location would opt to use private motor cars
- Detrimental impact upon Rectory Lane which is in the process of securing Quiet Lane status; is part of the John Ray walk and is well used recreationally due to its rural character and charm. Will become a rat run
- If planning permission granted request planning conditions preventing construction traffic from using Rectory lane and preventing vehicular access to new development from Rectory Lane
- Development will cause coalescence between Witham and Rivenhall

- Adverse noise impact from proposed children's play area to existing residential properties. Noise impact survey should be completed.
- Potential anti-social behaviour from the proposed play area. This has already happened at the new Gershwin Park development
- Benefits of the development not sufficient to justify overturning policies which protect the countryside and would be detrimental to neighbouring residents and those in the wider area who enjoy the rural amenity of the location
- Overdevelopment in the countryside
- Must see implications of additional traffic entering Rickstones Road from Phases 1 and 2 Rivenhall Park development before further housing such as this is even considered
- Moving of the hedge is a ridiculous idea and if allowed makes a mockery of the planning situation when Committee clearly agreed with their initial refusal that the hedge was important to the landscape of this historic road

REPORT

Principle of Development

5 Year Housing Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this.

In accordance with Government policy set out in the revised National Planning Policy Framework (July 2018) the current 5 year supply requirement for Braintree District for the purposes of considering planning applications has been calculated on the basis of:

- a base target of 835 homes per year from 2016, as prescribed by the Government Standard Methodology;
- a 20% buffer, as house building rates in the past 3 years (2015/2016, 2016/2017 and 2017/2018) have been significantly below target.

The Council is currently unable to demonstrate a 5 year housing land supply with the 5 year supply position as at 30 June 2018 being 3.91 years.

The impact of this is demonstrated at paragraph 11 which requires plans and decisions to apply a presumption in favour of sustainable development and specifically states that:

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, is absent, silent or relevant policies are out-of-date (Footnote:

This includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the last three years), granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal (Footnote: for example, those policies relating to habitats sites (protected under the Birds and Habitat Directives) and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space; an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); irreplaceable habitats; designated heritage assets; and locations at risk of flooding or coastal erosion). 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.

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 11 of the NPPF.

Site Assessment

The Adopted Development Plan

The application site sits outside the defined Town Development Boundary of Witham. The application is therefore a departure from this Plan and the principle of development is contrary to Policy RLP2 of the adopted Local Plan which states that new development will be confined to areas with Town Development Boundaries and Village Envelopes and Policy CS5 of the adopted Core Strategy which seeks to limit development outside such boundaries to uses appropriate to the countryside.

However, as set out above the Council cannot currently demonstrate a 5 year housing land supply and as such, in accordance with the NPPF relevant policies for the supply of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to assess the planning balance, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole (the tilted balance); or specific policies in the NPPF indicate that development should be restricted (the un-tilted balance).

The Application Site and the Emerging Local Plan

The application site is not proposed for allocation in the emerging Local Plan. The site was put forward for consideration for allocation for residential development through the Local Plan consultation process as part of a much larger submission for approximately 700 dwellings however it was not allocated.

Officers in the Planning Policy Team identified concerns in relation to coalescence with Rivenhall, impact on the protected lane (Rectory Lane) and nearby local wildlife site and wider traffic impacts. Officers concluded that it was not proposed to allocate this site at this time (as part of the much larger submission of which it formed) however it was identified that if additional homes are required then the site could be reconsidered, subject to the traffic implications of the development.

The proposed development is therefore contrary to the emerging Local Plan, in particular to Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The Publication Draft Local Plan does however propose to change the Town Development Boundary of Witham so that it would project further to the north-east, encompassing the New Rickstones Academy playing fields with a specific allocation for education. This would result in the current planning application site boundary sitting adjacent to the Town Development Boundary on two sides, to the south-west as it currently does and also to the north-west.

The emerging Local Plan is at a relatively advanced stage having been submitted for Examination with the Examination for Part 1 of the emerging Local Plan (the strategic policies) commencing on 16th January 2018. At the time of writing the Examination for Part 2 of the emerging Local Plan is due to take place in the summer of 2018. As such limited weight can be given to its policies.

Heritage

The application site sits approximately 115m to the north-west of The Old Rectory, a Grade 2 listed building. The NPPF identifies the impact of proposed development upon heritage assets as being a specific factor which triggers the need for the 'un-tilted planning balance' to be undertaken. Where the level of harm to a heritage asset would outweigh the public benefit of a proposal planning permission should normally be refused. Where it does not the Local Planning Authority should go on to undertake the general 'tilted planning balance' assessment.

The applicant has submitted a Heritage Statement in support of their application. The Council's Historic Buildings Consultant has been consulted and has no objection to the proposed development stating that the application

site does not form part of the immediate historic setting of the building. However, it is identified that there is a visual link between the two sites which would be increased by the removal of the corrugated iron structure on the applicant's site boundary as part of the current planning application. New housing on the application site would be visible from The Rectory and would create an increased sense of encirclement, particularly when coupled with the permitted housing on Forest Road.

Therefore, the Historic Buildings Consultant recommends that a strong, tall and visually impermeable landscape boundary is created and a height limit imposed on the new development to ensure that the new dwellings are properly screened from The Old Rectory to ensure that the identified harm is mitigated. Without this the proposed development would result in harm to the significance of the listed building. The proposed Parameter Plan, which would be a formally approved detailed drawing identifies these restrictions/requirements.

It is also identified that the proposal would alter the character of Rectory Lane, which is designated as a Protected Lane and is identified in the Rivenhall Village Design Statement which seeks to preserve the lane's existing setting and identifies this area of countryside as 'Rectory Triangle'. The illustrative masterplan identifies reinforced boundary planting to this boundary with attenuation ponds located beyond. The Historic Buildings Consultant states that provided these features are secured at the outline planning application stage concerns in relation to the potential impact upon Rectory Lane would be ameliorated. Again, the proposed Parameter Plan, which would be a formally approved detailed drawing identifies these restrictions/requirements.

Overall, with the above caveats in place the Historic Buildings Consultant does not object to the proposal.

In terms of the 'tilted balance', it is therefore considered that the identified harm to the Heritage Asset could be mitigated to the point where the Historic Buildings Consultant has no objection to the application. The public benefits of providing a development of up to 58 new market and affordable dwellings to help meet the District's current housing shortfall are clear and it is therefore necessary to proceed to undertake the general 'tilted planning balance assessment'.

Habitat Regulations Assessment

The NPPF also identifies the impact of proposed development upon habitats sites as being a specific factor which triggers the need for the 'un-tilted planning balance' to be undertaken. Where a development would result in an adverse impact upon such sites planning permission should be refused. The application is currently undergoing the Habitat Regulations Appropriate Assessment process with Natural England in relation to the Natura 2000 sites located on the Essex Coast. This is set out in more detail in the Ecology section of the below report.

Overall, Officers do not consider that this assessment will demonstrate that an adverse impact would be caused by the proposed development on the identified habitat sites subject to the identified mitigation measures set out under the s106 section of this report being secured.

Again, the general 'tilted planning balance' assessment should therefore be undertaken when assessing this application.

Location and Access to Services and Facilities

Witham is identified in the Adopted Core Strategy as one of the District's three main towns, and is the second largest after Braintree. It is described in the Core Strategy as a thriving town with good transport links and a higher amount and proportion of local employment than Braintree. Its rail links are also significantly better than those of Braintree. This designation as a main town is carried forward into the emerging Local Plan.

It is therefore accepted that at the strategic level the town of Witham is identified as being one of the most sustainable locations within the District, serving an important function as one of the District's three main settlements.

The application site is located immediately adjacent to but outside the Town Development boundary of Witham as identified in the Adopted Local Plan. The emerging Local Plan seeks to enlarge this Town Development Boundary so that it sits adjacent to the application site to the north-west as well as its current position to the south-west. In this emerging context the proposed development would no longer represent such a linear and perpendicular projection from the Town Development Boundary and would in fact project no further to the north than the proposed new Development Boundary. This is an important factor in the consideration of this application.

In terms of the wider context it would also project no further to the north-east than the proposed residential allocation at Forest Road, which has already been granted planning permission and is under construction. Rectory Lane also acts as a natural stop line which contains the application site and provides a delineation between it and further countryside to the north. This wider spatial assessment is important and it is considered that the residential development of the site would not sit uncomfortably with the new Town Development Boundary for Witham as proposed in the emerging Local Plan.

In terms of coalescence with Rivenhall, the development of this site would bridge the existing gap between the northern boundary of Witham which is currently formed by Forest Road and the cluster of dwellings which are located along both sides of Rickstones Road to the north. This would cause a degree of harm which would be marginally mitigated by the non-developable area located at the application site's northern end which would contain open space and would remain un-developed. It would also encroach into Rivenhall Parish and would be contrary to the Rivenhall Village Design Statement (2003) which is a material planning consideration and seeks to prevent any

coalescence between Witham and Rivenhall Parish, identifying the application site as the remaining arable field which distinguishes their separation.

However, the Village Envelope of the nearest settlement to the north (Rivenhall Village) is located significantly further to the north. Importantly the emerging Local Plan proposes a substantial green buffer between Witham and Rivenhall Village which is purposefully designed to safeguard against coalescence between the two settlements. This proposed green buffer would remain unaffected by the proposed development and Officers therefore consider that although the identified coalescence between Witham and the cluster of dwellings to the north would cause a degree of harm, this would clearly not amount to coalescence between Witham and Rivenhall and this did not form part of the previous reason for refusal. The identified degree of harm must be weighed against the public benefits of the proposal in the overall planning balance.

With regard to access to facilities and services, the site's position on the edge of one of the District's main towns weighs heavily in its favour. There are a number of bus stops in the locality which provide regular half hour services (Monday to Saturday inclusive) to Witham Rail Station and town centre and beyond to Braintree, Maldon and Halstead. These bus stops are located for example approximately 200m to the north along Rickstones Road; 260m to the south along Rickstones Road and 410m to the south-east along Forest Road. The Rickstones Academy is located immediately to the west of the site, Morrison's approximately 1km to the south and Witham Railway Station with mainline links into London approximately 1.4km to the south. Witham Town Centre with its associated range of facilities and services is located approximately 2km away and is directly linked to the application site by a network of pedestrian pathways in addition to the regular bus services described above.

The physical location of the application site is therefore considered to be sustainable in terms of access to facilities and services. Future residents would be well positioned to access both the town's amenities and the wider area by public transport, the Town Centre is within easy cycling distance and there are direct pedestrian links although walking distances are noted as being longer.

Officers note that an appeal for a single dwelling was dismissed in 2015 on land adjacent to the application site with the Inspector finding that the location was not sustainable. However, there are a number of key factors which must be taken into account with the current proposal.

The dismissed proposal was for a single dwelling and was considered at appeal at a time when the Council's position was that it was able to demonstrate a 5 year housing land supply. The Inspector made specific reference to this point, stating that even if he were to conclude that the Council did not have a 5 year supply (as the Appellant claimed) the contribution of a single dwelling to any housing deficit would be negligible. The current proposal for 58 dwellings is an entirely different proposal and the

weight which must be attributed to the noteworthy contribution which this scheme would make to the Council's housing shortage is significant in the planning balance.

The appeal scheme on the adjacent site also had no direct access to Rickstones Road and was reliant upon pedestrians using an unlit, single track section of Rectory Lane to reach Rickstones Road. The Inspector concluded that pedestrians, particularly parents and school children would not be likely to walk this section of unlit road. By contrast, the current scheme is on land with direct pedestrian access to the existing illuminated pedestrian network on Rickstones Road and Officers consider that there is no reason to suspect that pedestrians, including parents and school children would be not be likely make use of these existing pedestrian routes.

Distances to the nearest bus stops are also different, with the adjacent site being cited as 350m to the nearest Bus Stop whereas the current application site is within easy walking distance of several bus stops for example approximately 200m to the north along Rickstones Road; 260m to the south along Rickstones Road and 410m to the south-east along Forest Road. All stops are accessed via dedicated existing illuminated pedestrian routes, which was not the case with the appeal site and as described above these stops provide regular half hour services (Monday to Saturday inclusive) to Witham Rail Station and town centre and beyond to Braintree, Maldon and Halstead.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place'.

The current application is an outline application with all matters reserved. The applicant has submitted, in addition to a site location plan and a Parameter Plan an illustrative masterplan and a number of supporting plans (for example illustrative landscape plan and illustrative tenure plan) which demonstrate one way in which the application site could accommodate the proposed quantum of development.

The applicant seeks permission for the erection of up to 58 dwellings at a gross density of approximately 24 dwellings per hectare.

The illustrative masterplan shows the proposed main access leading into the site from Rickstone's Road approximately two thirds of the way along its north-western boundary before splitting off to both the north-east and south-west to serve the relevant blocks within the development's perimeter. The

north-eastern part of the site is retained as an area of open space and to hold an attenuation basin. The site's eastern boundary contains a landscape buffer, which primarily builds on the current landscaping to this boundary. Landscaping is also retained to the site's south-western boundary and to its frontage with Rickstones Road.

Two pedestrian links are shown exiting the site onto Rickstones Road and Rectory Lane respectively.

The dwellings themselves are compliant with the Essex Design Guide in terms of back to back distances and garden size and the layout demonstrates that parking provision can be made in accordance with the Essex Parking Standards.

Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered to be acceptable.

Landscape and the Rickstones Road Boundary Hedge

The current scheme seeks to address the previous reason for refusal which is set out below:

The proposed development would result in the loss of the majority of the mature hedgerow located along the site's north-western boundary with Rickstones Road which would have a detrimental impact upon the character and appearance of this secondary gateway to Witham and would create an urban character in an area which currently is of a rural nature.

It is therefore considered that the proposal would result in clear and demonstrable harm which would not be outweighed by the public benefits of the proposal and that the development would be contrary to the National Planning Policy Framework; Policies CS5; CS8 and CS9 of the Adopted Braintree District Core Strategy; Policies RLP80; RLP81 and RLP90 of the Adopted Local Plan and Policies LPP50; LPP55; LPP67; LPP71 and LPP73 of the Braintree District Publication Draft Local Plan.

The Hedge

The revised proposal seeks to address this reason for refusal by re-locating the proposed site access further to the south-west which would allow the retention of a longer stretch of the existing hedgerow in its current position. The entire remainder of the hedgerow would be relocated and retained on the site frontage, with a section being relocated slightly further back into the site to allow visibility splays from the proposed site access. A second section would be relocated from its current position to allow the new access road to punch through into the site and would be added to the south-western end of the above re-located hedge. The overall result would be that the entire existing hedge on the site would be retained on site, partly in its current position and partly in its re-located position. It would therefore continue to provide an almost continuous frontage to the site, with only the proposed access

punctuating it. In response to Cllr Abbott's representation regarding the lengths of different sections of the hedge, Officers can clarify the distances of the hedgerow sections involved as follows: 133m would be retained in situ; 88m would be re-located slightly further back into the site to facilitate visibility splays and 13.7m would be re-located and retained to allow the site access.

The hedge relocation would be carried out by a specialist contractor without reduction in height or width. The hedge would be cut in block sections and each section then lifted using a specialist lifting device. Initially, and prior to this the roots would be pruned to stimulate root growth inside the rootball, enabling a higher percentage of roots to be lifted. It would also spread the root severance out over two to three events making it easier for the specimens to cope with the stress of the movement and require less energy to repair the cuts. The field side of the hedge would be root pruned in early October 2018 and the road side in December 2018 with the transplant taking place in February 2019.

In its final location the hedge would require assistance establishing for a 3 to 5 year period while it re-establishes which would be overseen by the specialist contractor. The contractor recommends that a water supply is installed to each section of the hedge to facilitate an automated watering system.

The Councils Landscape Officer states the following in relation to the revised proposal:

'hedgerows can be moved successfully and with appropriate preparation, operational diligence and aftercare there is a reasonable expectation that the sections of translocated hedge will successfully re-establish. The process should be supported by an appropriate method statement for all stages of the work and certificated by an independent consultant that the work has been carried out in accordance with the agreed specification and method statement. If the hedge fails to establish successfully then it will need to be covered by a condition to replant with a new hedge of an agreed specification; native species will need to be chosen for any replacement planting to enhance the value of the hedge as a wildlife resource and also include an evergreen component; failing this there will need to be a commitment to replace any dead material in the realigned sections at the end of the five year period covered by the landscape condition'.

It is therefore recommended that 3 conditions are attached to any permission granted relating to 1) the requirement for a detailed method statement to include the requirement for sign off by an Independent Specialist; 2) the requirement for any minor sections of the hedgerow which die or are damaged to be replaced within the first 5 years after the re-location and 3) a precautionary requirement for a new hedge to be planted should the re-location fail.

Overall, Officers consider that the revised proposal would address the previous reason for refusal and that it is reasonable to state that the likelihood

would be that it would no longer result in the loss of the majority of the mature hedgerow located along the site's north-western boundary.

Landscape

Policy CS8 of the Adopted Core Strategy states that *'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'*. Policy LPP71 of the Draft Local Plan also states that development must be suitable for its landscape context and should be informed by and sympathetic to the character of the landscape as identified in the Council's Landscape Character Assessment.

The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the application site, as part of a much larger area of land (evaluated as Parcel 3c) which has medium-low capacity for development (sites being rated from low; medium-low; medium; medium-high and high in category). Although the wider Parcel 3c has a medium-low landscape capacity rating the Landscape Analysis identifies the application site as 'a small, well enclosed field to the south of Rickstones Road with access from Rectory Lane, that is open to views from Rickstones Farm located opposite'.

The Council's Landscape Officer has assessed the application and has no objection to the proposal stating that the site is well-contained and views into it from the network of public footpaths are limited. It is not considered that there is a visual impact that has much of an aesthetic footprint beyond the immediate presence of the built form on this section of Rickstones Road. The Landscape Officer also states, in relation to the revised proposal to relocate/retain the Rickstones Road hedge that 'the revised proposal will help to retain the current character and feel of this part of the road as it approaches Witham and largely retain the rural context'.

It is also identified that the impact of the proposed development upon the character of Rectory Lane would need to be managed. Officers consider that the distance of the built form from this lane as indicated on the illustrative masterplan is acceptable subject to a detailed landscaping scheme for this area of the site at Reserved Matters stage.

With regard to trees and hedges, the applicant has submitted an Arboricultural Report as part of their application documentation and proposes to retain existing trees and boundary hedging to the south-west; south-east and north-east site boundaries. Substantial additional planting would take place along the north-eastern boundary with new planting also taking place on the south-western boundary.

This and the other above landscape buffers can be secured at the outline planning stage by way of the Parameter Plan which specifically identifies these elements and would be for formal approval.

A condition relating to the submission and approval of a detailed hard and soft landscaping scheme and another requiring details of tree/hedgerow protection measures is recommended.

Overall, Officers do not consider that there are grounds to refuse the application on landscape impact given the relatively well contained nature of the site in the wider landscape and the fact that the revised scheme has been specifically designed to facilitate the re-location and retention of the Rickstones Road hedge, which in Officers view, overcomes the previous reason for refusal.

Ecology

Policy RLP80 of the Adopted Local Plan requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 of the Adopted Local Plan and Policy LPP69 of the Draft Local Plan encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact upon protected species. Policy LPP68 of the Draft Local Plan also requires the impact of new development upon protected species to be considered.

The site consists of a small agricultural field with associated trees and boundary hedges. There is a local wildlife site located approximately 70m to the East (The Old Rectory Meadows) which does not have any public access and another (Tarecroft Wood) positioned approximately 500m to the North which does, via public rights of way. A pond lies adjacent to the south-eastern boundary although it sits outside the red line boundary.

The applicant has submitted a Biodiversity Survey in support of their application, consisting of a Phase 1 Habitat Survey with Phase 2 Surveys for Badgers; Bats; Birds; Great Crested Newts and Reptiles and a Bat Survey Addendum.

No evidence of Badgers was found during the surveys. Bat activity surveys identified a low number of bats using the site for foraging and commuting purposes. The existing building on the site was not found suitable for roosting bats. Fifty-one species of bird were recorded on the site and within the wider landscape along with a wintering bird assemblage typical of lowland farmland and suburban habitats. Two ponds within the Golf Course to the East of the site, located 250m and 260m respectively were found to contain Great Crested Newts however due to the distance from the site it is considered unlikely that the proposed development would affect these identified populations.

The surveys found that a low number of grass snakes and common lizards use the site. The existing hedgerows on the site are not species rich and are not therefore considered to be of importance under the Hedgerow

Regulations; however they are of importance in relation to the habitat they provide for bats, birds and reptiles and provide connectivity to surrounding habitats. The applicant's proposed part retention and part re-location of the hedgerow fronting onto Rickstones Road would have a largely neutral impact in this regard (beyond the initial impact of the re-location) although the fact that the current situation with an unbroken continuous hedgerow would change to a hedgerow with a break to allow the site access weighs marginally against the proposal in the general planning balance.

However, the applicant proposes substantial re-planting along the other 3 site boundaries which would in due course provide Ecological benefit to the site. Other identified mitigation measures include ensuring on site lighting is designed to minimise its impact on bats; installing bird nesting features such as nesting boxes into the development and bolstering existing hedgerows which are to be retained with additional native species planting.

Braintree District Council's Ecology and Landscape Officer has assessed the application and the submitted Ecology Report and does not object to the proposal subject to a number of conditions.

In relation to the Rickstones Road Hedge they advise that *'There has been discussion about the value of the hedge along Rickstones Road and I agree with the detail of the ecology report from the applicant produced by SES identifying the major component of the hedge as damson plum – a sub-species of the long established but non-native plum Prunus domestica - and as such does not constitute a priority habitat; the latter report also supports my original conclusion that there are a insufficient number of woody native species to meet the meter of an 'important' hedge under the current legislation'*. In addition, this hedge is now proposed to be retained/re-located along with the other site boundary hedges, with additional new planting also taking place.

The Council's Ecology Officer's requested conditions relate to precautionary measures for the protection of badgers; reptiles and nesting birds during construction; a requirement for a bat sensitive lighting scheme and the submission of a scheme for the ecological enhancement of the site. It is therefore recommended that these conditions are attached to any planning permission granted.

In terms of the wider Ecological context, the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area (SPA) and Ramsar Sites, known collectively as 'natura 2000 sites' are located approximately 7.9km south east of the site. It is therefore necessary for BDC to prepare a Habitat Regulations Assessment (HRA) Appropriate Assessment Report which is being undertaken at the time of writing.

The County Ecologist, who assists with the preparation of HRA Reports on behalf of BDC does not consider it likely that the HRA process will demonstrate that a significant likely effect would be caused by the proposed

development on natura 2000 sites. The Officer recommendation for approval is therefore subject to the outcome of this assessment exercise. Officers are aware of assessment exercises carried out for other similar scale developments within the District, and are confident on that basis that there is unlikely to be a material risk that the assessment will show significant effects with mitigation measures to avoid such effects being identified and required through the s106 Agreement.

Highways and Transport

The applicant seeks outline permission with all matters reserved, including access. A Transport Assessment and illustrative access drawing have been submitted in support of the application with the new access being taken from Rickstones Road. This access would require the re-location of a section of the existing hedgerow on this frontage slightly further back into the site to facilitate visibility splays. The section of hedgerow which would be removed to allow the access to pass through the hedgerow into the site would be relocated further along the frontage and retained.

A pedestrian/cycle access is proposed to Rickstones Road in the south-western corner of the site to connect with the existing footway which currently commences at this point. A pedestrian access is also proposed to Rectory Lane.

There are a number of bus stops in the locality which are within walking distance, for example approximately 200m to the north along Rickstones Road; 260m to the south along Rickstones Road and 410m to the south-east along Forest Road. Witham Railway Station with mainline links between Liverpool Street and Norwich is located approximately 1.4km to the south. Future residents of the development would therefore be well placed to access regular bus services to the town centre and wider district as well as regular mainline railway services.

The submitted Transport Assessment states that based on an assessment of the national TRICS database it is predicted that in the weekday AM peak (0800 – 0900) the development would generate 8 arrivals and 20 departures and in the weekday PM peak (1700 – 1800) 18 arrivals and 10 departures. Essex County Highways have no objection to the proposal and do not consider that this would have any significant material impact on the existing highway network.

Essex County Highways have stated that they require the following:

- The provision of a priority junction off Rickstones Road to provide access to the application site as shown in principle on the submitted drawings;
- Upgrading the two bus stops which would best serve the application site to ECC specification;
- A continuation of the footway on the east side Rickstones Road (north of Forest Road) into the proposal site;

- Dropped kerb/tactile paving crossing points in Rickstones Road south of its junction with Forest Road;
- Tactile paving at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road;
- Provision and implementation of a Residential Travel Information Pack per dwelling;
- The submission of a Construction Traffic Management Plan.

The priority junction and Construction Traffic Management plan have been required by way of condition and the bus stop upgrades; footway extension; tactile paving and travel packs by way of s106 Agreement.

Impact Upon Neighbour Amenity

There are existing dwellings located to the north-east of the application site on the opposite side of Rectory Lane; to the south-west on the far side of Rickstones Road; to the south on the opposite side of Forest Road and to the east. None of these dwellings directly abut the site boundary. The proposed layout demonstrates one way in which the site could be developed without having an unacceptable impact upon the amenity of the occupiers of these existing dwellings.

In terms of the internal layout, the illustrative plan demonstrates compliance with the Essex Design Guide in terms of garden sizes and back to back distances between new dwellings.

There is an established Builders Merchants located to the south-east of the site which sits adjacent to the boundary. The original submitted illustrative masterplan included dwellings located against this boundary which was not acceptable in terms of compatible adjacent uses. The revised illustrative layout no longer includes any dwellings on this shared section of the site boundary.

The applicant also submitted a Noise Report in support of their application which has been assessed by the Council's Environmental Health Team who have requested a number of noise related conditions. These would require a further detailed noise survey of the Builder's Merchants to be completed based upon the final detailed site layout proposed. The acceptable upper noise levels within new dwellings, specifically within bedrooms and also within rear gardens would also be controlled by way of condition. The current illustrative layout does not achieve this for all rear gardens and some of the dwelling's rooms would be reliant on mechanical ventilation due to road noise from Rickstones Road. At the detailed design and layout stage some of these matters could likely be addressed to a degree by basic layout changes. Overall this is a matter for the detailed design and layout stage and does not constitute grounds for refusing outline planning permission.

Heritage

The application site sits approximately 115m to the north-west of The Old Rectory, a Grade 2 listed building. The heritage impact of the proposal has been assessed in the above report in order to establish whether the 'untilted' or 'tilted' balance should be applied and it is considered that the identified harm to the Heritage Asset could be mitigated to the point where the Historic Buildings Consultant has no objection to the application.

Therefore, subject to the Historic Buildings Consultant's requirements for a strong landscape screen to the application site's nearest boundary to the listed building being secured at the outline planning stage, the level of identified harm to the heritage asset would be such that the Historic Buildings Consultant has no objection.

Other Matters

Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application. They have identified that the site lies within a potentially sensitive archaeological area with a moderate potential for prehistoric archaeological activity. In addition the site abounds the former grounds of the Rivenhall Rectory which dates from 16th/17th Century. Planning conditions relating to the securing of a programme of historic building assessment and recording and archaeological evaluation are therefore required.

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 Construction Management Plan covering for example hours of working, the submission of a dust and mud control scheme and details of any piling to be carried out on site.

Gas Pipeline

There is a high pressure gas pipeline which runs across the north-eastern end of the site. National Grid have advised via the Pipeline operator Cadent Gas that they have no in principle objection to the proposed development and that there is a 12m wide easement in operation for the pipeline. The applicant is aware of this easement and the illustrative masterplan has been specifically designed to accommodate it with no development in this area.

The Health and Safety Executive (HSE) have been consulted and have no objection to the proposed development as the pipeline has reinforced walls where it crosses the application site and the proposed children's playspace would not be located within the exclusion zone.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and proposes to utilise a detention basin located at the north-eastern end of the site which will discharge flows in a sustainable manner to the existing ditch network to the east of the site. In addition areas of lined (to prevent groundwater ingress) permeable paving will be located around the site within parking courts and larger shared areas to provide further attenuation within the SUDs network.

Foul water from the development is intended to drain via a proposed gravity connection to an existing Anglian Water foul water sewer within Forest Road. Anglian Water have been consulted and have no objection to the application. They advise that Witham Water Recycling Centre has capacity for the proposed foul water flows and the sewerage system also has capacity.

Following the submission of further drainage strategy information, a final response is awaited from the Lead Local Flood Authority (Essex County Council) and Officers will provide an update on this matter at Planning Committee.

Agricultural Land

Paragraph 170 of the NPPF states that in relation to conserving the natural environment Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land.

The application site consists of a small agricultural field. The Council's Agricultural Land Classification Maps show the land to be located on land classed as Grade 2 'Very Good' agricultural land. The applicant has submitted a detailed Agricultural Land Classification Report which is based on soil samples and laboratory testing following a site visit. This Report confirms that the land is Grade 2 'best and most versatile' agricultural land.

The proposed development would therefore result in the loss of 2.38ha of agricultural land, all of which is classed as best and most versatile. However, given the comparative size of the application site to the wider District the loss of this land is not considered to be significant.

Reserved Matters Timescales

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

Site Assessment Conclusion

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

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

Section 106

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

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located immediately adjacent to the urban area of Witham and the provision of 30% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 30% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 58 dwellings this would equate to 17 affordable dwellings.

Furthermore the applicant has specifically identified the provision of the following:

1 no. 6 bed (11 person) house (affordable rented);

1 no. 3 bed (5 person) wheelchair accessible bungalow (affordable rented).

The guaranteed provision of these two affordable rented dwellings, and specifically of the 6 bed house is to meet a specific identified need by the Council's housing team. The benefits of this aspect of the scheme in terms of social sustainability are therefore clear and due weight must be given to this in the overall planning balance.

The Council's Strategic Housing Team would require the affordable dwellings to be delivered without reliance upon public subsidy and require that they must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction. All affordable homes that are accessed at ground floor level should be compliant with either lifetime homes standards or Part M Cat 2 of Building Regulations. The 6 bed 11 person house must be no smaller than 1,730sqft.

Public Open Space

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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size is required to make a financial contribution towards the off-site provision of allotments and outdoor sports. Equipped play space and informal open space should be provided on site and is identified as such on the illustrative masterplan.

In terms of the off-site contributions, the Open Space SPD would require a financial contribution of approximately £51,526 toward the off-site provision of, or improvements to outdoor sports facilities and allotments based on a development of 58 dwellings. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed. The contribution would be put towards the delivery of public open space enhancements within the locality of the site.

Ecology

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

Education

Essex County Council has advised that the proposed development is located within the Witham North Ward. For the County Council to meet its statutory duties it must facilitate sufficient places to meet free childcare entitlement demand and ensure a diverse range of provision so that different needs can be met. A Developer contribution of approximately £90,943 index linked to April 2018 towards Early Years and Childcare provision is required.

NHS

NHS England advise that the development would give rise to the need for improvements to capacity by way of refurbishment, reconfiguration, extension or potential relocation for Witham Health Centre. A Developer contribution of

£21,919 is therefore required with payment being made before prior to the commencement of development.

Transport

Prior to occupation of the development the two bus stops which would best serve the application site are to be upgraded with details and scope of works to be agreed with the Local Planning Authority. Dropped kerb/tactile paving crossing points are to be installed in Rickstones Road south of its junction with Forest Road and Tactile paving installed at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road. A continuation of the footway on the east side Rickstones Road (north of Forest Road) into the proposal site is also required.

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

CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework. Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

In this particular case, there are not considered to be any specific policies in the Framework that would indicate that a development of housing at this site should be restricted due to for example heritage impact; impact on habitats sites or the site constituting a valued landscape. This means that the LPA must consider the proposals in the context of the “tilted balance” indicated by part d) ii) of paragraph 11 of the NPPF; i.e. to consider whether the adverse impacts of the approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

The application site is located adjacent to but outside the Town Development Boundary of Witham as identified in the adopted and the emerging Local Plan and is situated in the countryside. The applicant’s proposal to develop the site in a residential capacity must therefore be considered as a departure from both the adopted and the draft Development Plan. Although adopted Development Plan Policies concerning the supply of housing must be considered out of date, some weight can still be given to the application’s conflict with Policy CS5 of the Adopted Core Strategy which accords with the NPPF’s aim to recognise the intrinsic beauty and character of the countryside. The application’s conflict with the emerging Local Plan can also be given a limited degree of weight, given the relatively advanced stage of the emerging

Local Plan's preparation. The application's departure from both Plans therefore weighs against the proposed development in the planning balance.

Other adverse impacts of the proposal are limited. The loss of a comparatively small amount of best and most versatile agricultural land and the loss of a greenfield site weigh against the proposal. There would also be a limited landscape and ecological impact including the re-location (but importantly proposed retention) of a large section of the existing hedgerow fronting onto Rickstones Road and a change to the existing setting of this part of Rectory Lane contrary to the Rivenhall Village Design Statement. However Ecological mitigation and enhancement measures have been identified and a new species rich boundary hedge would be planted on the boundary to Rectory Lane and also on the currently unhedged part of the Rickstones Road boundary. The site is also capable of providing other strategic landscaping and on site public open space.

The proposal would conflict with The Rivenhall Village Design Statement's aims insofar as it would bridge the existing gap between the northern boundary of Witham which is currently formed by Forest Road and the cluster of dwellings which are located along both sides of Rickstones Road to the north. This would cause a degree of harm which would be marginally mitigated by the non-developable area located at the application site's northern end which would contain open space and would remain undeveloped. However, the green buffer proposed in the Draft Local Plan, which is purposefully designed to prevent coalescence between Witham and Rivenhall would remain untouched and Rectory Lane acts as a natural boundary to prevent further development to the north.

The wider spatial context is also important in terms of the proposed Town Development Boundary for Witham in the Draft Local Plan, which would extend along the application site's north-western boundary meaning that the site would be flanked on two sides by the Development Boundary and would project no further into the countryside to the north. It would also, in terms of the wider spatial picture project no further to the north-east than the proposed residential allocation at Forest Road which is under construction and would not sit uncomfortably with the new Town Development Boundary for Witham as proposed in the emerging Local Plan.

With regard to the benefits of the scheme, there are a number of factors which clearly weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would bring demonstrable public benefits including up to 41 market homes and 17 affordable homes, making a notable material contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. Indeed the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application leading to earlier delivery.

The application would also guarantee the provision of 1 no. 6 bed (11 person) affordable rented house and 1 no. 3 bed (5 person) wheelchair accessible affordable rented bungalow. The provision of these dwellings would meet a specific need identified by the Council's Affordable Housing Team with the 6 bed house being of particular importance given its specialist nature. This element of the proposal also weighs in favour of the application and is a factor in terms of social sustainability.

Environmentally, the site is located in a sustainable position, being immediately adjacent to one of the District's main towns with its associated services and facilities. Pedestrian and cycle access could be achieved from the site into Witham town centre, there is good bus service provision in the locality and the rail station is both accessible and provides regular mainline services.

Other benefits which weigh in favour of the development include financial contributions towards the off-site provision of outdoor sports facilities and allotments; the upgrading of two existing bus stops and the provision of public open space on site which could be used by both new and existing residents in the locality.

The development would also generate a number of construction jobs during the build phase.

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

Importantly, the revised scheme has been specifically designed to address the previous reasons for refusal by facilitating the re-location and retention of the Rickstones Road hedgerow, in addition to the new planting identified along the site boundaries and Officers consider that this previous reason for refusal has now been addressed.

Overall, and on balance, when considering the economic, social and environmental limbs of sustainable development as identified in the NPPF, it is concluded that the benefits of granting permission for the residential development of this site, which will deliver an appreciable boost to housing supply within the District outweigh the limited adverse impacts. Accordingly approval is recommended.

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% provision of total dwellings) comprising 20% for Affordable Rent and 10% intermediate tenure; delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all units to be compliant with standards acceptable to Homes England at point of construction. Affordable rented provision must include 1no. 6 bed (11 person) house which must be no smaller than 1,730sqft and 1no. 3 bed (5 person) wheelchair accessible bungalow compliant with Part M Cat 3a of Building Regulations.
- **Public Open Space** (financial contribution toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 of the Adopted Core Strategy 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. Trigger point for payment being prior to occupation of the first unit).
- **Ecology** (mitigation package to mitigate the development's impact upon nature 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites and to the improvement of the public rights of way network within the vicinity of the site; and the promotion of circular walking routes near the application site. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA screening process).
- **Education** (financial contribution towards Early Years and Childcare provision is required based on the County Council's standard formula, index linked to April 2017).
- **Healthcare Provision** (financial contribution of £21,919. Trigger point for payment being prior to commencement of development).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Highway Works** – (provision of dropped kerb/tactile paving crossing points in Rickstones Road south of its junction with Forest Road. Provision of Tactile paving at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road. Continuation of the footway on the east side of Rickstones Road (north of Forest Road) into the proposal site).

- **Upgrading of bus stops** (the upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority. Trigger point being prior to occupation of the first unit).

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

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

RECOMMENDATION

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

APPROVED PLANS

Landscape Masterplan	Plan Ref: PR106-01	Version: G
Location Plan	Plan Ref: 860-PL-01	
Block Plan	Plan Ref: 860-PL-04	Version: B
Parameter Drawing	Plan Ref: 860-PL-13	Version: C
Topographical Survey	Plan Ref: 14649se-14	Version: J
Topographical Survey	Plan Ref: 14849se-15	Version: J
Topographical Survey	Plan Ref: 14849se-16	Version: J

1 Details of the:-

- scale;
- appearance;
- layout of the building(s);
- landscaping of the site; and
- access thereto

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

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

from the date of approval of the last of the reserved matters to be approved.

Reason

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 58 dwellings, parking, access, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above with the exception of Proposed Landscape Plan PR106-01 REV F which is approved insofar as it relates to the details of the retention and re-location of the existing hedge along the site's Rickstones Road frontage and the identified associated sections of new planting only.

Reason

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

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

Reason

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

- 4 No occupation of the development shall take place until a priority junction off Rickstones Road to provide access to the proposal site as shown in principle on the submitted drawings has been constructed with the details to be submitted for approval under Reserved Matters as required by Condition 1 of this planning permission.

Reason

To protect highway efficiency of movement and to ensure that the access is constructed to an acceptable standard in the interests of highway safety.

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

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- Details of any piling operations to be carried out during the construction phase;
- 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, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

Reason

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

- 6 a) Prior to the commencement of development intrusive sampling shall be undertaken and a report detailing the results of the survey together with (if necessary) a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval. The survey shall be undertaken in accordance with the further works identified as being necessary in the applicant's Preliminary risk Assessment completed by RSK Environment Ltd and dated August 2017.
- b) Formulation and implementation of the remediation scheme (if it is required under a) above) shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.
- c) 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.

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

Reason

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

- 7 a) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
- b) Where further work has been identified from the archaeological evaluation required under a) above a mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority for approval prior to the completion of this work.
- c) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy required by b) above, and which has been signed off by the local planning authority through its historic environment advisors.
- d) Within 6 months of the completion of fieldwork required under a) and/or

c) the applicant shall submit to the Local Planning Authority a final report or detailed publication proposal for the dissemination of the results of the project.

Reason

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

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

The scheme shall include but not be limited to:

- Limiting discharge rates to 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. This should include a suitable half-drain time.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy.

Reason

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

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

Reason

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

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that a system is installed which is properly maintained.

- 11 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.

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

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

trees, shrubs or hedges.

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

Reason

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

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

All hard surfacing, whether permeable/porous or not will be in accordance with the requirements of an approved detailed SUD's Strategy for the Site.

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

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the 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, unless the local planning authority gives written consent to any variation.

Reason

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

- 14 No above ground works shall commence until a schedule and samples of the materials to be used on the external finishes of the dwellings and where appropriate garages have been submitted to and approved in writing by the local planning authority. The development shall only be

implemented in accordance with the approved details.

Reason

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

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

Reason

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

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

- details of a strategy for Broadband provision to the new dwellings
- details of a strategy for the provision of electric car charging points

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

Reason

To ensure that an acceptable level of broadband provision is made to each of the new dwellings and scope for the increasing use of electric vehicles is provided for.

- 17 Prior to the commencement of development or of any vegetation clearance on site a pre-construction badger sett survey must be undertaken. The Survey must be submitted to the Local Planning Authority for approval, alongside a Method Statement to safeguard Badgers and other mammals during construction. The Development must be carried out in accordance with the approved method statement.

Reason

In order to safeguard any Badgers that could be present on or utilising the site when construction commences. The Survey and Method Statement are required prior to the commencement of development to ensure that safeguards are in place before work begins on site.

- 18 No development shall take place until a lighting design strategy for the protection of light sensitive biodiversity (bats) during and post construction has been submitted to the Local Planning Authority for approval. To ensure that there is no harm or disturbance to a protected species a

lighting scheme should:

i) Identify areas/features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites and resting places or along important territory routes used to access key areas of their territory, for example foraging and commuting.

ii) Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed.

Reason

To safeguard any Bats using the site, to minimise pollution of the environment and to safeguard the amenities of the locality. The survey and lighting scheme are required prior to the commencement of development to ensure that safeguarding measures are agreed before work begins which could disturb bats in the area.

- 19 No development shall take place until a Method Statement for the protection of Reptiles before and during development has been submitted for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement.

Reason

To safeguard protected species and minimise the impact of the proposal on biodiversity. The Method Statement is required prior to the commencement of development to ensure that protective measures are in place before work commences on site.

- 20 Prior to the commencement of development a strategy for the Ecological Enhancement of the site shall be submitted to the Local Planning Authority for approval. The strategy shall include details such as new habitat creation and habitat improvement and should cover matters such as the provision of bat and bird boxes; hedgehog friendly fencing and the improvement of existing hedgelines which are to be retained.

Reason

In the interests of protecting and enhancing biodiversity.

- 21 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:

- a minimum of 1 car parking space per 1 bedroom dwelling;

- a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
- a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and to include a minimum of 3 blue badge bays or 6% of total capacity whichever is the greater; and
- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 22 All garden sizes across the development shall comply with the minimum standards set out in the Essex Design Guide 2005 which requires the following:

- A minimum of 100sqm for 3 or more bed houses;
- A minimum of 50sqm for 1 or 2 bed houses;
- A minimum of 25sqm of private amenity space for all flats. Balconies or terraces over 5sqm in extent may count towards the total garden provision for flats provided that the Local Planning Authority considers that they are acceptable in terms of design and amenity.

Reason

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

- 23 There shall be no vehicular access to the site from Rectory Lane.

Reason

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

- 24 Prior to the commencement of development the applicant shall provide full details of how the following noise criteria a - c will be achieved to include details of layout, screening and window/ventilation systems:

- a) The internal noise levels give in Table 4 within section 7.7.2 of BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings;
- b) 45dB(A) as LAfmax not exceeded more than 10 times within 2300 to 0700 hours within bedrooms;
- c) 55Db(A) as 16 hour weighted LAeq in external amenity areas.

The noise mitigation measures shall be completed in accordance with the approved details.

Reason

To protect the amenities of the occupiers of the residential properties

hereby permitted.

- 25 Prior to the commencement of development the applicant shall provide a detailed BS4142:2014 (Methods for Rating and Assessing Industrial and Commercial Noise) Noise Assessment for approval in respect of noise from the adjacent Builder's yard and noise mitigation details to minimise any adverse effect shall be provided. Such mitigation shall be completed in accordance with the approved details.

Reason

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

- 26 No development shall commence until a Method Statement has been submitted to and approved by the Local Planning Authority setting out how the sections of hedge identified for retention and re-location on approved drawing Proposed Landscape Plan PR106-01 REV F will be re-located and detailing all stages of work and timescales for such work in relation to the development construction timescales. The Method Statement shall also identify relevant stages of the process at which an appropriately qualified Independent Specialist shall both certify that the work has been carried out in accordance with the approved details of the Method Statement and submit a certification statement to the Local Planning Authority for approval. The re-location of the identified sections of hedgerow shall be carried out in accordance with the approved details and timescales.

Reason

To ensure that the identified sections of hedge are re-located using the correct methodology. The Method Statement is required prior to the commencement of development to ensure that the re-location of the hedge is not detrimentally affected by construction works.

- 27 Should any minor sections of the re-located hedgerow die, be removed, or become seriously damaged or diseased within a period of 5 years from the completion of the planting, they shall be replaced in the next planting season with planting of a similar size and species in accordance with a planting schedule to be submitted for approval by the Local Planning Authority.

Reason

In the interest of visual amenity.

- 28 Should the relocated sections of hedge fail to establish successfully then a landscape scheme for the planting of a new hedgerow in its place shall be submitted to the Council for approval. The approved scheme shall be planted in the first planting season after its approval. Any trees or plants within the scheme which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the planting, shall be replaced in the next planting season with others of a similar size

and species.

Reason

In the interest of visual amenity and biodiversity and to ensure that the long term character of the area is safeguarded.

INFORMATION TO APPLICANT

- 1 All residential developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and will ensure that the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- 2 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 with details to be agreed before the commencement of work. You are advised to contact the Development Management team at development.management@essexhighways.org or SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester C04 9Y.
- 3 You are reminded that under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Vegetation clearance should therefore take place outside of the nesting bird season or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified Ecologist. Any active nesting sites must be cordoned off and remain undisturbed until young birds have fledged.
- 4 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.
- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your cooperation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 6 Please note that there is a 12m wide easement in operation for the gas pipeline which crosses the north-western end of the site. All construction works and landscaping within the easement must have

formal written approval from Cadent Gas Limited prior to commencing construction. All works should also be notified to cadent Gas at Mplantprotection@cadentgas.com.

- 7 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 8 Your attention is drawn to the Essex County Council SUDs consultation response dated 19th December 2017 which includes a number of SUDs informatives to which you should have regard.

SUBMITTED PLANS

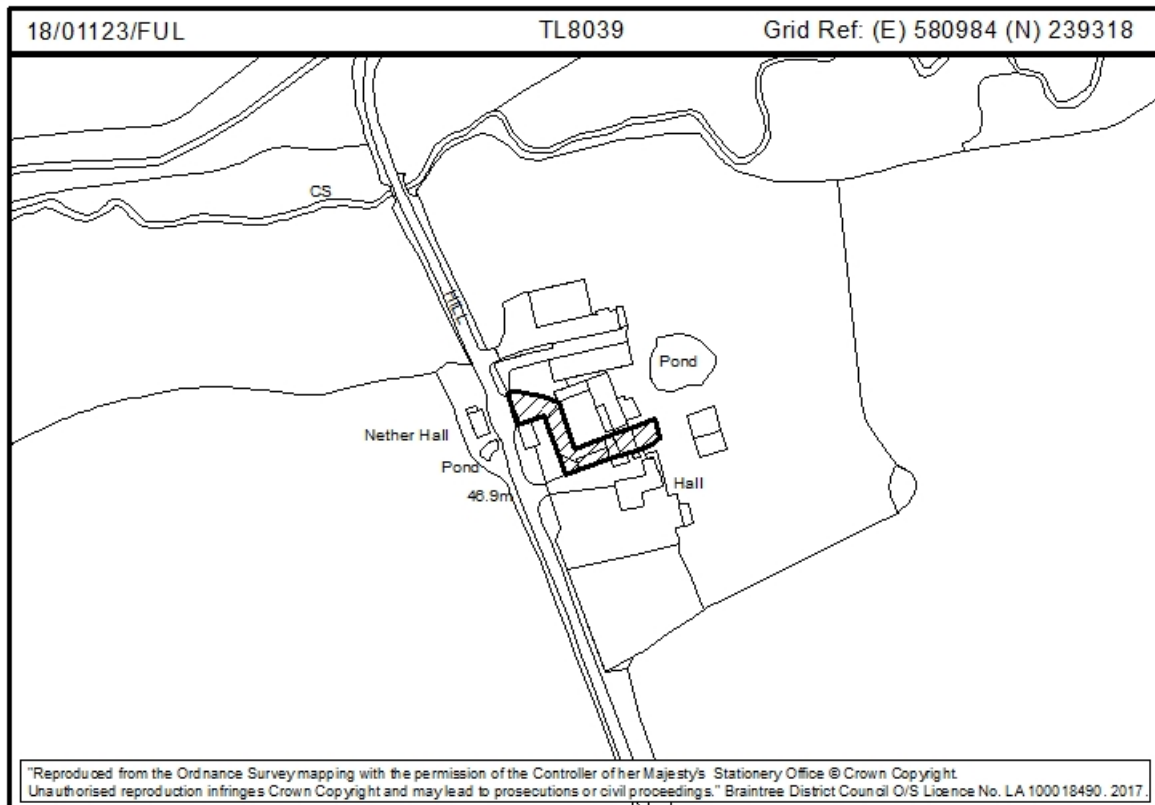
Landscape Masterplan	Plan Ref: PLAN 1
Landscape Masterplan	Plan Ref: PLAN 2
Tenure Plan	Plan Ref: 860-PL-05
Site Plan	Plan Ref: 860-PL-02
Planning Layout	Plan Ref: 860-PL-06
Planning Layout	Plan Ref: 860-PL-10
Boundary Treatment	Plan Ref: 860-PL-11
Refuse Information	Plan Ref: 860-PL-12
Tree Plan	Plan Ref: 1

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01123/FUL DATE: 20.06.18
 VALID:
 APPLICANT: Framar Developments
 Nether Hall Farm, Nether Hill, Gestingthorpe, CO9 3BD
 AGENT: Ms Samantha Stephenson
 Phase 2 Planning, 250 Avenue West, Skyline 120, Great
 Notley, Braintree, Essex CM77 7AA
 DESCRIPTION: Conversion and extension of one barn building (labelled 1
 on the block plan) into 1 no. residential dwelling with
 associated parking, private amenity space and landscaping.
 LOCATION: Nether Hall Farm, Nether Hill, Gestingthorpe, Essex, CO9
 3BD

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



SITE HISTORY

78/01656/P	Front Porch	Granted	18.01.79
17/00787/FUL	Conversion of barn buildings to 5 no. residential dwellings with associated parking, private amenity space and landscaping	Refused	12.10.17
17/00788/LBC	Conversion of barn buildings to 5 residential dwellings with associated parking, private amenity space and landscaping	Refused	12.10.17
17/00822/LBC	Conversion of the barn buildings into 5 residential dwellings with associated parking, private amenity space and landscaping. NOT PROCEEDED WITH SEE 17/00788/LBC	Application Returned	

POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.

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

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

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP42	Residential Conversion of Buildings in the Countryside
LPP44	Sustainable Transport
LPP46	Protected Lanes
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP81	External Lighting

Other Material Considerations

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee, at the request of the Chairman and Vice-Chairman of the Planning Committee and because the Parish Council have objected to the application, contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the eastern side of Nether Hill, Gestingthorpe and comprises of a former Granary surrounded by a series of timber barns. The former Granary is two storeys high.

Two barns within this group are Grade II listed and therefore the former Granary is curtilage listed.

The site benefits from its own access off Nether Hill.

The site is located in the countryside.

PROPOSAL

This application seeks to convert one barn building into 1 no. residential dwelling with associated parking, private amenity space and landscaping.

CONSULTATIONS

Gestingthorpe Parish Council - The PC has no objection in principle to the erection of a dwelling on this site. The PC objects to this application because it does not have sufficient information upon which it can support the granting full planning permission.

BDC Waste Services - My only comment is that the new household/dwelling will have to present their refuse at the boundary on the public highway (Nether Hill). I guess this is already the case, and therefore should not raise any issues for the applicant.

BDC Environmental Health - No objection conditions suggested regarding hours of work, removal of asbestos, contamination risk assessment.

ECC Highways - Although the location of the site and access by walking, cycling and to public transport are not ideal, the Highway Authority would not wish to raise an objection to the above application, given the previous function of the barn for agricultural use, and the area to be retained for parking within the site, which complies with Braintree District Council's adopted parking

standards for the proposed barn conversion, subject to conditions regarding the provision of a residential travel pack.

Historic England - We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Historic Buildings Consultant - I am unable to support this scheme which fails to preserve or enhance the curtilage listed granary in an appropriate manner whilst also having a detrimental impact upon the immediate setting of the two principal listed barns. For the purposes of planning the level of harm is considered to be less than substantial and therefore the local planning authority should seek to balance this harm against any supposed public benefit(s) which may arise as a result of the scheme or to secure the heritage assets optimum viable use. In this instance the proposed scheme is not considered to represent the granary's optimum viable use whilst sufficient evidence has not been provided, in my opinion, that residential conversion is the asset's only viable use. The local planning authority is requested to refuse permission in accordance with national and local heritage policies whilst the applicant is advised to seek pre-application advice and / or consult Historic England's guidance on such development and assessing setting.

BDC Ecology - Objection due to the absence of further bat survey work and assessments of other protected or priority species.

REPRESENTATIONS

One representation received making the following comments:

- The application is missing information and is incorrect
- No storage space for cycles, recycling and refuse
- The lack of sustainability has not been addressed. The site has no mains gas and is far from key services.
- Not able to scale from drawings

REPORT

Five Year Housing Supply

The Council cannot demonstrate a deliverable 5 year supply of land for housing. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating that, under paragraph 11, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This is further reinforced with the NPPF stating that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework 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 in the Framework taken as a whole. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Neither paragraph 11 or 73 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 11 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Principle of Development

Paragraph 83 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local plans should support sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. It is considered that RLP38 and RLP101 are consistent with this approach.

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

Policies RLP38 and RLP101 allow for the conversion of rural buildings/listed agricultural buildings respectively for business and/or community use subject to meeting the criteria set out within the policy. Policy RLP38 of the adopted Local Plan allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community use and the application is supported by a statement of the efforts that have been made.

Policy RLP101 of the adopted Local Plan permits conversion of listed barns/buildings to employment or community use provided that:

(a) the detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance and its contribution to the group value and/or landscape in general

(b) the proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads

(c) The criteria set out within Policy RLP38 are met

Conversion to residential use will only be acceptable where;

- (i) The applicant has made every reasonable attempt to secure suitable employment or community reuse and the application is supported by a statement of the efforts made
- (ii) Residential conversion is a subordinate part of the scheme for business re use of that group of buildings
- (iii) In either case, the design and traffic issues in (a) and (b) are fully satisfied.

The preamble to Policy RLP101 of the adopted Local Plan notes that there has been concern that the residential conversion of barns and other listed farm buildings has diminished their intrinsic historic importance. Residential conversions will be considered as a last resort, as a subordinate part of a conversion to business use or where there is no practical prospect of any other use. The Council will require evidence that all other options have been explored, including evidence of sustained and appropriate marketing of the property.

The application is not supported by any evidence which details that the site has been marketed for employment use. It is therefore considered that the applicant has failed to make every reasonable attempt to secure suitable employment or community reuse and the application is not supported by a statement of any efforts made. As such the proposal for residential use has not been made as a last resort, in conflict with the abovementioned policy.

Sustainability

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

The development will bring both social and economic benefits, albeit relative to the scale of the development. The development will provide 1 no. residential unit towards housing supply and bring benefits during the construction stage.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

The strategy set out in the Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that

promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: “That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

Policy CS7 of the adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. The site is located outside of the settlement boundary for Sible Hedingham to the north and beyond reasonable walking distance to the limited services and facilities provided within Sible Hedingham. The site is located within the countryside, in a location whereby day to day needs cannot be met. Development in this location would undoubtedly place reliance on travel by car which conflicts with Policy CS7 of the adopted Core Strategy. Allowing an additional dwelling in this location would be the antithesis of sustainable development and this weighs against the proposal in the overall planning balance.

Paragraph 79 of the NPPF advises 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. Local Planning Authorities should avoid isolated new homes unless development would represent the optimal viable use of a heritage asset.

The application site is located adjacent to a dwelling known as Nether Hall Farm, and as outlined above the application barn lies within a group of agricultural buildings. Whilst this small cluster of buildings and one dwelling does not constitute a settlement or village as outlined above, it does mean that the new dwelling would not be isolated in the context of the recent Court of Appeal decision.

The site is distant from the defined settlement of Gestingthorpe, Bulmer or Little Yeldham. The development would not be a natural extension of any settlement and it would result in sporadic development within the countryside. Given the proposal is for the conversion of the existing buildings, the impact on the countryside is lessened than if it was entirely new buildings.

Policy CS7 of the adopted Core Strategy states that “Future development will be provided in accessible locations to reduce the need to travel”. With regards to the site’s connectivity to services the site is not within reasonable walking distance (nor is there footpath connections) to any local amenities or employment and thus residents would be reliant on travel by private car. For this reason the proposed development would be functionally remote in the countryside and would conflict with the social and environmental roles of achieving sustainable development. The proposal would undermine the aims of the NPPF to locate new housing in rural areas close to services and facilities as a means of supporting the vitality of rural communities and reducing unnecessary travel by car.

The proposal would re-use the existing building which is currently being used for storage. The building fits with the former agricultural use of the site and given its reasonable condition does not present any detrimental harm to the countryside. However, introducing 1no. residential unit as proposed is not considered to enhance the setting but instead erode its established character. The impact of the proposal on the heritage assets is discussed in more detail below.

In order to comply with the abovementioned special circumstance of the NPPF the applicant would need to demonstrate that a residential use is the optimum viable use. As discussed above the applicant has not tested the viability of other uses on the open market and as such that it has not been evidenced that a residential use is the only viable option, or indeed the optimum use of the building. The NPPG does not advise as to how the optimum viable use should be identified; however in trying to establish that there is no viable use; the National Planning Practice Guidance (NPPG) advises that appropriate marketing is required. In the officer's opinion it would be reasonable to consider that establishing the optimum viable use should be investigated the same way.

It has not been evidenced that a residential use is the optimum viable use of the heritage asset. The proposal conflicts with the NPPF and Policies RLP38, RLP101 of the adopted Local Plan and Policy LPP34 of the draft Local Plan in this respect. In addition although the development would contribute to housing supply and there would be some economic benefit during the construction period, these benefits are modest given the scale of the development and would not in Officers opinion outweigh introducing residential development in the countryside and an unsustainable location.

The planning balance is concluded below.

Design, Appearance and Layout

Policy CS5 of the adopted Core Strategy seeks to protect the amenity of the countryside.

Policy RLP90 of the adopted Local Plan and Policy CS9 of the adopted Core Strategy seek to ensure a high quality design and layout in all developments.

It is considered that the conversion of the buildings to residential use and the resultant appearance of the buildings would result in the domestication of the site of harm to the amenity afforded to this countryside location and rural setting, especially given the number of units and the amount of new fenestration. The agricultural history of the site would be lost as a result. The creation of five separate curtilages would erode the rural character of the site and wider locality, contrary to policies CS5 and CS9 of the adopted Core Strategy and RLP90 of the adopted Local Plan.

The proposed extension to the barn is considered poorly designed; in particular the resultant roof form is awkward and at odds with the historic character of the existing building/group of buildings.

It is not clear where the proposed outside amenity area space would be for the new dwelling. Should it be located to the rear of the barn it would have to be enclosed by a boundary treatment, which is not known at this time. Without these details it is difficult to assess their impact and assess whether the proposal would provide a good quality of amenity for future residents.

Two car parking spaces are shown to be sited to the west of the barn within the existing yard. Access to these spaces would be through the existing yard and it is not clear how the introduction of the residential use would fit with the existing storage use of the site. It is considered that the two uses would create an unacceptable level of conflict and not be conducive to a residential use of part of the site.

The impact of the development on the listed buildings is considered below.

Impact on Heritage Asset

The NPPF requires great weight to be given to the conservation of heritage assets. As acknowledged, by the National Planning Policy Framework (NPPF 2018), heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation - the more important the asset, the greater the weight should be. Great weight should be given to any harm identified as part of the planning process, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Further to this, any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. The Framework also describes the desirability of new development making a positive contribution to local character and distinctiveness.

Policy CS9 of the adopted Core Strategy and Policy RLP100 of the adopted Local Plan allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 of the adopted Local Plan also requires the uses of appropriate materials and finishes. Policy RLP101 of the adopted Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The proposal seeks to convert the granary to a three bedroom residential dwelling together with associated parking, residential amenity space and

landscaping. The submitted planning statement does not state that the existing storage use will cease in the remaining barns and therefore it is unclear how the residential conversion will be integrated into this existing site. The introduction of a residential use and associated domestic paraphernalia will sit uncomfortably within the farmyard with the modern addition appearing an incongruous and overtly prominent intrusion which will alter how the listed, and curtilage listed, structures are experienced and interpreted.

The proposals fail to preserve or enhance the curtilage listed granary in an appropriate manner whilst also having a detrimental impact upon the immediate setting of the two principle listed barns. For the purposes of planning the level of harm is considered to be less than substantial and therefore the local planning authority are required to balance this harm against any supposed public benefit(s) which may arise as a result of the scheme or to secure the heritage assets optimum viable use. In this instance the proposed scheme is not considered to represent the granary's optimum viable use, whilst sufficient evidence has not been provided that residential conversion is the assets only viable use.

It is concluded that the proposal has limited public benefits, which does not outweigh the harm identified to the listed building contrary to guidance from the NPPF, CS9 of the Adopted Core Strategy and Policies RLP100 and RLP101 from the Adopted Local Plan.

Impact on Neighbour Amenities

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 requires consideration to be given to the amenity of neighbouring properties. The site is adjacent to the residential property of Nether Hall but is well distanced from any other residential property. The site is currently used primarily for storage, which is a low intensity use. The use of the site for residential purposes would see the increase in current activity at the site with the comings and goings of one residential unit, however this is not considered likely to give rise to a level of harm which would be detrimental to the residential amenity enjoyed by Nether Hall. Furthermore all vehicular traffic associated with the proposed development would be contained its own access away from the neighbouring property.

Nether Hall is sited at a higher level relative to the application site and thus the proposed development would not be overbearing nor would it cause unreasonable overlooking.

It is not considered that the proposal gives rise to any material detriment to the amenity of nearby residential properties, complying with Policy RLP90 (iii) of the adopted Local Plan.

Highway Issues

The proposed development would be served by the existing access off Nether Hill, to which the Highway Authority raise no objections. The Highway Authority suggest conditions in respect of vehicle parking and turning space, a construction management plan and residential travel packs, all of which could be attached to a grant of planning permission.

The submitted plan indicates that two parking spaces would be provided for the new three bed dwelling, which complies with the guidance from the Adopted Parking Standards. However these spaces would be accessed through the existing yard and it is considered this could lead to unacceptable conflicts between users.

OTHER MATTERS

Ecology

The application is supported by a bat survey. This initial survey confirms evidence of occupation by bats was found in 3 of the barns proposed for development. As such further bat survey work is required to determine the presence or absence of roosts.

No assessment has been made of breeding birds or barn owls.

In accordance with BS:42020:2013 the necessary surveys must be completed and the information submitted to the Local Planning Authority before an application can be determined so that it can be determine whether the impacts the development would have can be adequately mitigated and the species protected as required.

The absence of this survey work forms a justifiable reason to withhold planning permission given conflicts with the NPPF, Policy CS8 of the adopted Core Strategy and Policy RLP84 of the adopted Local Plan.

CONCLUSION

Policies RLP38 and RLP101 of the adopted Local Plan provide an exception to the protectionist countryside policies and allow for the conversion of rural buildings. These policies favour conversion to employment or community uses, but do allow for a residential as a last resort and provided evidence is submitted to prove no other use is a possibility. The application is not supported by any evidence that suggests other uses have been sought for the buildings, nor that a residential use is the optimum viable use of the heritage assets.

Notwithstanding the conflict with the abovementioned policies, consideration must be given to the diminished weight of the adopted Local Plan given the Council is unable to demonstrate a five year supply of housing land. The

presumption in favour of sustainable development sits at the heart of the Framework. The Framework is clear in its instruction at paragraph 11 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies of the Framework indicate development should be restricted or ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework as a whole.

The proposed development would, on a very small scale, contribute to the District's housing supply; however a net increase of one dwelling is negligible and thus carries limited weight in favour of the proposal. Some very limited benefit may arise from the conversion, but this would be for a limited period and modest given the scale of development. Furthermore there would be little contribution to the local economy/rural services and facilities.

The proposal would introduce 1no. residential unit to the countryside, beyond a defined settlement and in an unsustainable location. Furthermore the proposal would give rise to harm (less than substantial) to identified heritage assets. In addition the proposal would introduce a residential use into a working yard; is poorly designed; and the necessary surveys in respect of bats, birds and barn owls have not been undertaken. It is considered that the benefits of the proposal carry limited weight and would be outweighed by the adverse impacts noted above and therefore the proposal would not secure sustainable development.

RECOMMENDATION

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

- 1 The development would, by way of the conversion of one of the buildings in the group, give rise to harm to the character and setting of the heritage assets and the public benefits of the scheme would not outweigh the harm identified. In addition no evidence has been provided such to satisfy the Local Planning Authority that a residential use is the optimal viable use of the heritage assets. Furthermore, the conversion of the building as proposed and the use of part of the site for residential purposes domesticates the appearance of the site, which would be harmful to the rural character and would fail to lead to an enhancement to the immediate setting. The proposal fails to be sympathetic to the rural context or secure the environmental role of sustainable development in this regard, contrary to the NPPF, Policies CS5 and CS9 of the Core Strategy, Policies RLP90, RLP100 and RLP101 of the Local Plan Review and Policies LPP34, LLP50 and LPP55 of the Publication Draft Local Plan.
- 2 The site is located in the countryside beyond any defined settlement boundaries and in a location where there are limited

facilities, amenities, public transport links and employment opportunities. The proposal would introduce new housing development beyond the defined settlement limits, in an unsustainable location and would be contrary to the objectives of securing sustainable patterns of development and the protection of the character of the countryside. Development at this location would undoubtedly place reliance on travel by car, would do little to enhance or maintain the vitality of the area and would be the antithesis of sustainable development. The proposal is therefore considered to be contrary to the NPPF, Policy RLP2 of the Local Plan Review, Policies CS5 and CS7 of the Core Strategy and Policy LPP34 of the Publication Draft Local Plan.

- 3 The application is not supported by sufficient surveys in respect of bats, breeding birds and barn owls and thus it is not possible to determine whether these species are present in the barns and/or whether the impacts of development upon these species could be mitigated against. The proposal is therefore considered to be contrary to the NPPF, Policy CS8 of the Core Strategy, Policy RLP84 of the Local Plan Review and Policy LPP70 of the Publication Draft Local Plan.

SUBMITTED PLANS

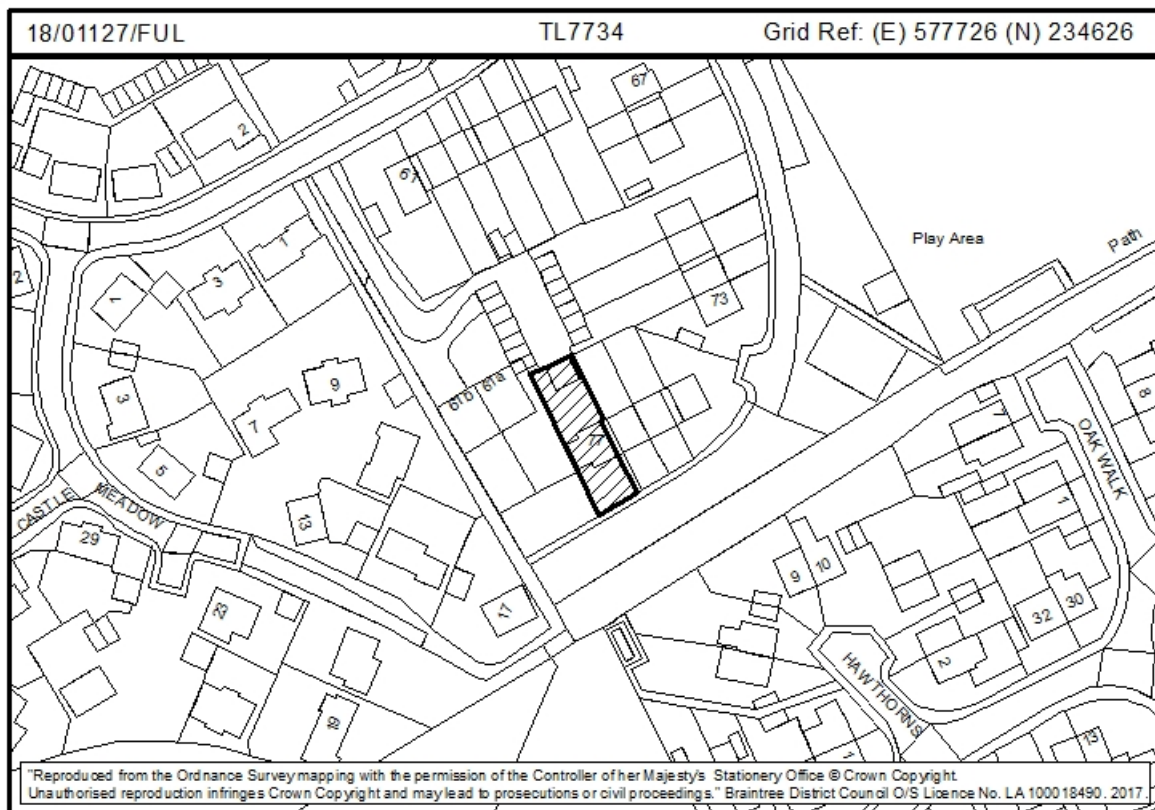
Proposed Site Plan	Plan Ref: 556.210.00
Existing Plans	Plan Ref: 22010SE-01
Existing Plans	Plan Ref: 556.013.00
Proposed Plans	Plan Ref: 556.213.00
Existing Site Plan	Plan Ref: 556.002.00
Location Plan	Plan Ref: 556.206.00

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01127/FUL DATE: 04.07.18
 VALID:
 APPLICANT: Kathryn Abrey
 77 Oxford Meadow, Sible Hedingham, Essex, CO9 3QP
 AGENT: The Green Room
 Mr Brian Connellan, The Green Room, Unit 4 Station Road,
 Uppingham, Oakham, LE15 9TX
 DESCRIPTION: Detached garden annexe to rear of property.
 LOCATION: 77 Oxford Meadow, Sible Hedingham, Essex, CO9 3QP

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages

RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP38 Residential Alterations, Extensions and Outbuildings
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee as Sible Hedingham Parish Council have objected to the application, which is contrary to Officer recommendation.

SITE DESCRIPTION

77 Oxford Meadow is an end of terrace two storey residential dwellinghouse, located within the village envelope of Sible Hedingham. The site consists of a modest sized garden with an existing outbuilding at the end of it, which is used as a garage.

PROPOSAL

The planning application proposes the removal of the existing garage, and in its place to erect a detached annexe building, incidental to the use of the host dwellinghouse, to be used by the occupier's elderly mother.

The proposed annexe would measure 7 metres x 5.5 metres (measured externally), and would contain one bedroom, an en-suite bathroom, a kitchenette, and a living space. The annexe would have one entrance,

through a door into the living space. This entrance would face the main dwelling.

CONSULTATIONS

Sible Hedingham Parish Council – Raise objection to the application, “on the grounds that it is backland development and is the equivalent of another residence being built.”

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations have been received.

REPORT

Principle of Development

The site is located within the village envelope of Sible Hedingham, where according to Policies RLP3 of the Braintree District Local Plan Review and LPP1 of the Braintree District Publication Draft Local Plan, the principle of development is acceptable.

The application proposes an annexe building, to be used by the occupier's elderly mother who needs an element of care. When determining applications such as these, it is necessary to distinguish between an annexe and a building which could be occupied as an independent residential dwelling in its own right.

The Parish Council raised an objection to the application on the grounds that the annexe would be the equivalent to another residence being built on the site. These concerns are noted; the building would be located at the end of the garden, next to a parking court. Submitted plans indicate the property is served by three parking spaces.

However, Officers consider that the limited internal space and lack of facilities inside the building, as well as the strong physical and functional relationship with the host dwelling, results in a building which could not be occupied independently, and therefore in officer view falls within the definition of ‘an annexe’.

The proposed annexe would not be accessed independently from the main dwelling. There are no doors on the rear elevation of the building which would indicate it could be accessed directly from the parking court outside the site. Although there is an access from the garden into the parking court, the only access into the building would be via an entrance door facing the host dwelling.

Whilst the concerns of the Parish Council are duly noted, Officers do not share the view that the proposal ‘is the equivalent of another residence being

built'. The proposal is acceptable in principle, subject to a condition requiring the annexe building to remain ancillary to the host dwellinghouse to address the concerns of the Parish Council.

Design, Appearance and Layout

The proposed building would be relatively small, being almost the same size in terms of footprint as the existing outbuilding, and being single storey with a flat roof. The building itself would be of a size akin to a traditional garden shed. The walls would be clad in Cedar weatherboarding, coloured sage green. The roof would be finished in EPDM resin roofing. Both materials and colouring are typical of a garden outbuilding.

At 2.7 metres in height, the building would be visible from the parking area, but no more than the existing building on the site or of a traditional garden shed. Officers consider that its design and appearance would not result in unacceptable impacts on the wider street scene which would warrant refusal of the application.

Although it would occupy a degree of garden which might make it appear large in context, it would not result in a cramped form of development.

Impact on Neighbour Amenity

Given the low height of the proposed outbuilding, and the incidental nature of it, Officers consider that it would not give rise to unacceptable impacts upon neighbouring residential amenities.

Highway Issues

Information contained within the application demonstrates the site would retain a total of three parking space, in excess of the required two spaces within the Essex Parking Standards.

CONCLUSION

The application proposes an annexe building which would be occupied by a dependent relative. Due to the size and location of the building, it could only be utilised for purposes incidental to the host dwelling; a separate residential dwelling would not be possible. A condition is recommended linking the annexe to the host dwellinghouse.

The design of the building is considered acceptable, and the application includes detail which shows it would not have unacceptable impacts in other regards.

Therefore, Officers recommend the application is approved, subject to a condition linking the building to 77 Oxford Meadow.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Location Plan

Block Plan

Proposed Floor Plan

Proposed Elevations Plan Ref: Front

Proposed Elevations Plan Ref: Rear

Proposed Elevations Plan Ref: Side A

Proposed Elevations Plan Ref: Side B

Other Plan Ref: Parking Plan

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.

Reason

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

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

Reason

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

- 3 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 77 Oxford Meadow. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

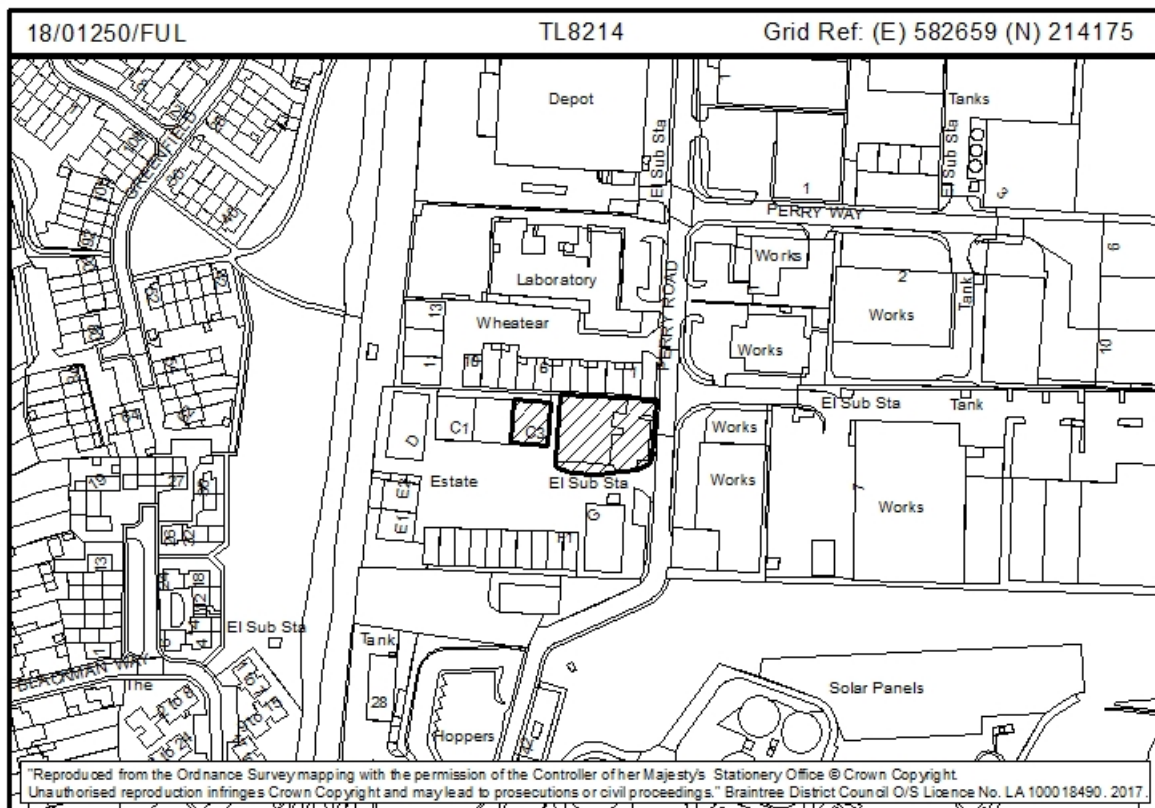
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 18/01250/FUL
 DATE: 17.07.18
 VALID:
 APPLICANT: Mr Ian Goodall
 2 Perry Road, Witham, CM8 3YZ
 DESCRIPTION: Installation of new smoking shelter
 LOCATION: 4 Perry Road, Witham, CM8 3YZ

For more information about this Application please contact:
 Ellie Scott on:- 01376 551414 Ext.
 or by e-mail to: ellie.scott@braintree.gov.uk



SITE HISTORY

17/00046/REF	Installation of air handling units and ductwork to external of building with brickwork walls and louvered panels to boundary to provide screening	Appeal Dismissed	25.10.17
17/00064/ENF	Appeal against	Appeal Dismissed	25.10.17
80/00196/P	Addition of office block to factory building	Granted	13.03.80
81/00217/P	Addition of single storey office block to existing factory building	Granted	08.04.81
84/01481/P	Erection of single storey industrial building adjoining existing factory for storage purposes	Granted	07.01.85
95/00881/FUL	Erection of extension and external works	Granted	31.08.95
15/01286/FUL	Application for retrospective consent for internal alterations and the installation of three air handling units	Withdrawn	24.02.16
16/01125/FUL	Installation of air handling units and ductwork to external of building with brickwork walls and louvered panels to boundary to provide screening	Refused then dismissed on appeal	28.04.17
18/01207/FUL	Erection of extension to industrial unit	Pending Decision	

POLICY CONSIDERATIONS

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

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“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)”.

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National Planning Guidance

National Planning Policy Framework (NPPF)
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RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee, because the applicant is an employee of Braintree District Council.

SITE DESCRIPTION

4 Perry Road is an industrial unit located within the town boundary of Witham.

PROPOSAL

The proposal is for the installation of a new smoking shelter measuring approximately 2.1 metres in height, 2.05 metres in width and 1.05 metres in depth. It is proposed that the shelter would be positioned to the front of the building on the right hand boundary (when facing from Perry Road). The shelter would be set back from the front boundary by approximately 1 metre.

CONSULTATIONS

BDC Environmental Health: Have no adverse comments to make. They have suggested however, that an informative should put on any decision notice which reminds the applicant that smoking litter should be dealt with appropriately.

ECC Highways: Have no comments to make on the proposal.

Witham Town Council: Raised no objections to the proposal.

REPRESENTATIONS

A site notice was displayed adjacent to the application site for a period of 21 days. No representations have been received.

REPORT

Principle of Development

The proposal is for a new smoke shelter within the development boundary and therefore is supported in principle, in accordance with Policy RLP3 of the Braintree District Local Plan Review and Policy LPP1 of the emerging Braintree District Publication Draft Local Plan, subject to criteria on design, amenity and other material considerations.

Design & Appearance

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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. Policy CS9 of the Braintree District Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposal is for the installation of a new smoking shelter at the front of the industrial unit at 4 Perry Road. The shelter is proposed to measure 2.1 metres in height, 2.05 metres in width and 1.05 metres in depth. The shelter would be positioned 1 metre from the front boundary and would be on the Eastern boundary when facing the industrial unit. Materials have been indicated to be polycarbonate. It is considered that the smoking shelter is of a scale that is appropriate in the context of this industrial unit and is therefore considered to be acceptable in terms of its design and external appearance.

Highway Considerations

It is not considered that this proposal will have any highway impacts and would not affect the existing parking arrangements at the site. Furthermore, no objections were raised by ECC Highways.

Conclusion

The proposed design and external appearance of the structure is considered to be acceptable and moreover would not have any detrimental impacts upon amenity, highways or parking. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Block Plan

General

Location / Block Plan Plan Ref: C-270-503

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

Reason

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

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

Reason

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

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

Reason

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

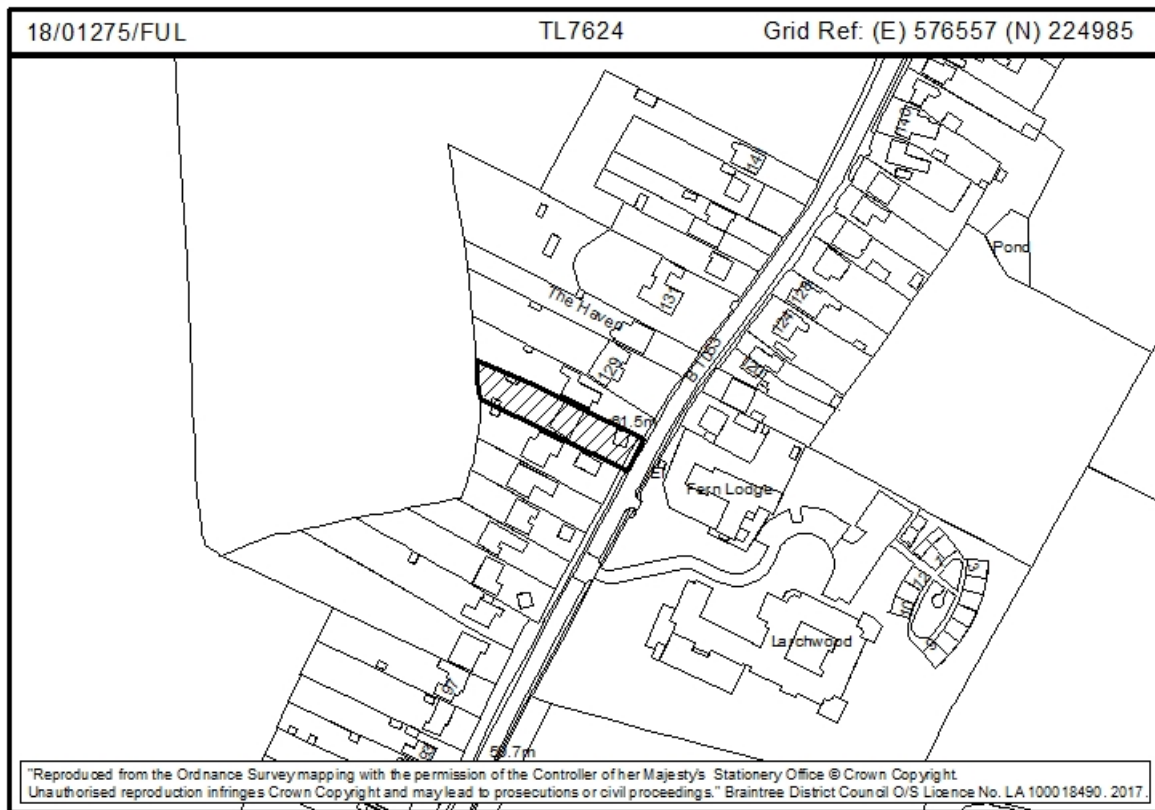
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 18/01275/FUL DATE: 13.07.18
VALID:
APPLICANT: Mr Barry Edwards
127 Broad Road, Braintree, Essex, CM7 9RZ,
DESCRIPTION: Removal of existing roof, installation of new roof to
incorporate 2 additional bedrooms and bathroom. Erection
of front porch.
LOCATION: 127 Broad Road, Braintree, Essex, CM7 9RZ,

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



SITE HISTORY

00/00463/FUL	Erection of double garage	Granted	25.05.00
88/00977/P	Erection Of Two Storey Rear Extension	Granted	06.06.88
12/00682/FUL	Proposed raising of roof with insertion of dormer windows, erection of porch and associated works	Granted	25.07.12
15/00586/FUL	Proposed raising of roof with insertion of dormer windows, erection of porch and associated works	Granted	29.06.15

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee as the applicant is related to an employee at Braintree District Council.

SITE DESCRIPTION

The application site is located to the West of Broad Road at the Northern tip of the Braintree Town Development Boundary. The site measures 70 metres deep and 15 metres wide and contains a two storey dwelling, with a large detached double garage at the front of the plot.

PROPOSAL

The application proposes the conversion of the roof space to additional habitable accommodation through the increase of the ridge height of the main roof of the dwelling and the existing front gable-ended projection, the associated change to the pitch of the roofs and the insertion of a dormer at the front of the dwelling and three dormers at the rear.

The main roof of the dwelling would increase from a height of 7.3 metres to a height of 8.5 metres. The gable-ended projection would increase from a maximum height of 6.6 metres to a height of 8.2 metres.

The application also proposes the creation of a porch extension at the frontage of the dwelling that would measure 1.2 metres in depth and 2.4 metres in width and feature a pitched roof built to a maximum height of 3.5 metres.

CONSULTATIONS

None.

REPRESENTATIONS

No representations received.

REPORT

Principle of Development

The site lies within the defined development boundary of Braintree. In this location, as set out in Policy RLP17 of the Braintree District Local Plan Review, and Policy LPP38 of the emerging Braintree District Publication Draft Local Plan, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The proposal is acceptable in principle, subject to compliance with the relevant policy criteria.

Design, Appearance and Layout

In terms of design and appearance, Policies RLP17 and RLP90 of the Braintree District Local Plan Review and Policies LPP1, LPP38 and LPP55 of the emerging Braintree District Publication Draft Local Plan states that that there shall be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The design, siting, form and materials should be compatible with the existing dwelling and there should be no material impact on the identity of the street scene, scale and character of the area.

The character of Broad Road is quite mixed with single and two storey dwellings, some of which include dormer windows, on fairly large, deep but narrow, plots. The proposed extension would increase the height of the dwelling by 1.2 metres, but this is not considered to be harmful to the character of the surrounding area on the grounds that both the neighbouring dwellings are of similar height and the changing ground levels and dwelling

styles means that there is very little height uniformity. The neighbouring dwellings both feature roof pitches that are more comparable to the proposed roof height at this site than the existing.

The proposal includes the insertion of dormer windows, with three being at the rear and one being at the front. The three dormers at the rear are large and would have an impact on the rear elevation of the dwelling, being visible from the rear of the neighbouring properties and from the agricultural land beyond. However, the impact is considered to be of little harm to the character of the wider area as the dormers are hidden from the majority of the public domain due to their positioning at the rear. The proposed dormer on the front elevation would emphasise the third floor accommodation being created, however, the street scene is diverse and the design is not considered to have a detrimental impact. The property is set back from the highway and is partially screened by trees, hedges and garages which minimises the prominence of the proposed development.

Impact on Neighbour Amenity

Policy RLP90 of the Braintree District Local Plan Review states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The existing dwelling is neighboured by two residential properties, both of which include windows in the side elevation. The property to the North (Birch House, 127a Broad Road) includes two obscure glazed windows in the side elevation and it is noted that the increased roof height would have some impact on the light received within those windows. The property to the South (111 Broad Road) includes one North facing window. This window would receive less light due to it being North facing and therefore it is considered that the impact on the light received would not be so detrimental to warrant the refusal of planning permission.

Therefore, it is considered that the proposal would not have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

Highway Issues

Policy RLP56 of the Braintree District Local Plan Review and Policy LPP45 of the emerging Braintree District Publication Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. When considering the impact of this factor, Paragraph 2.7.1 of the Essex County Council Parking Standards Design and Good Practice (September 2009) states that "prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided".

The proposal would not affect the parking provision provided at the property and therefore complies with the abovementioned policies.

Conclusion

The proposal is considered to be in keeping with the design and character of the property and is assessed to cause no detrimental harm on neighbouring properties. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: 01
Proposed Plans	Plan Ref: 02

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

Reason

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

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER