

PLANNING COMMITTEE AGENDA

Tuesday, 16 July 2019 at 7:15pm

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

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

Membership:-

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

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

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

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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 2nd July 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A**Planning Applications**

- | | | |
|-----------|---|----------------|
| 5a | Application No. 18 02084 OUT - Land off St Andrews Road, HALSTEAD | 6 - 42 |
| 5b | Application No. 18 02316 REM - Land South of Rickstones Road, in the Parish of RIVENHALL, WITHAM | 43 - 63 |
| 5c | Application No. 19 00359 FUL - Raynecroft Farm, 20 Colchester Road, COGGESHALL | 64 - 76 |

PART B**Minor Planning Application**

- | | | |
|-----------|---|----------------|
| 5d | Application No. 19 00709 HH - 12 Ravens Avenue, HALSTEAD | 77 - 83 |
|-----------|---|----------------|

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.

AGENDA ITEM NUMBER 5a

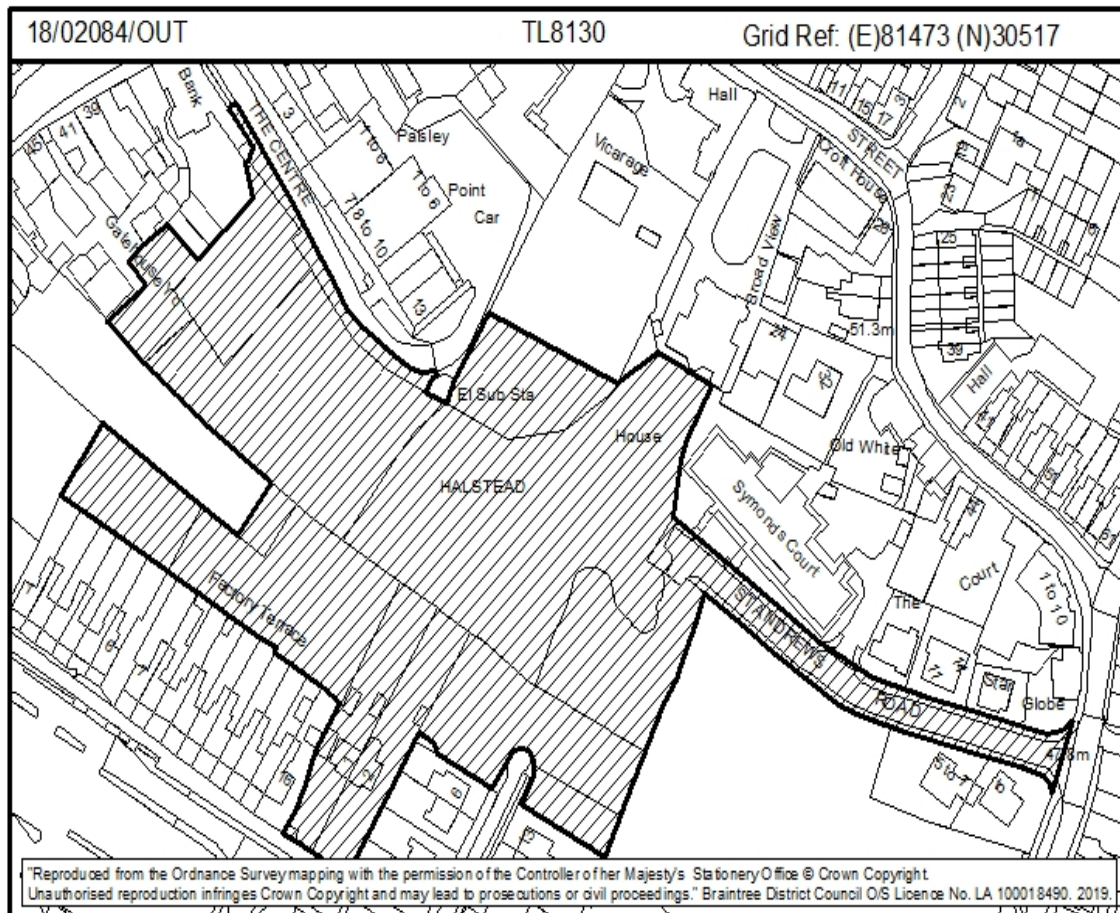
PART A

APPLICATION NO: 18/02084/OUT **DATE:** 22.11.18
VALID:
APPLICANT: Mr Jon Nash
 Unit 3 Park Farm, Witham Road, Black Notley, Braintree,
 CM77 8LQ
AGENT: Liam Sutton
 13 Arm & Sword Lane, Hatfield, AL9 5EH
DESCRIPTION: Development of land for residential and community use -
 Erection of up to 73 dwellings comprising of 32 houses and
 41 apartments, with associated car parking, amenity spaces
 and external works.
LOCATION: Land Off Of, St Andrews Road, Halstead, Essex

For more information about this Application please contact:

Melanie Corbishley on:- 01376 551414 Ext. 2527

or by e-mail to: melanie.corbishley@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PILRDBBFLDM00>

SITE HISTORY

19/00049/NONDET	Development of land for residential and community use - Erection of up to 73 dwellings comprising of 32 houses and 41 apartments, with associated car parking, amenity spaces and external works.
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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 need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP121	Land East of Halstead High Street
RLP122	Environmental Improvements in Halstead

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP24	Comprehensive Redevelopment Area - Land East of Halstead High Street
LPP33	Affordable Housing
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development

LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation
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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation, as part of the application site is owned by Braintree District Council and because the application is considered to be of significant public interest.

Members should be aware however, that the applicant has submitted an appeal on this application on the grounds of non-determination. This application is therefore being reported to the Planning Committee to enable the Council to advise how the application would have been determined.

SITE DESCRIPTION

The site is approximately 1.8 hectares in size and lies to the east of Halstead High Street. The application site is an irregular shape and slopes from north to south with the land falling by approximately 10 metres between the northern and southern boundaries. The site is currently undeveloped and overgrown with vegetation and trees; a number of these trees are mature and subject to Tree Preservation Orders. Fifteen underground WWII air raid shelters and an above ground shelter associated with the former Courtauld's Mill and Factory remain on site, stretching along the southern boundary of the site in two staggered rows.

Abutting the site to the north is The Centre and the rear gardens of the Vicarage and Congregation House (a Grade II listed building) which are residential properties along Parsonage Street.

Immediately to the east of the site lies the Richard de Clare Primary School playing fields and Symonds Court (which provides accommodation for older people).

To the south of the site are the residential properties on Factory Lane East and Vicarage Meadow. The terraced houses along Factory Lane East are Grade II listed and situated within the Conservation Area. The residential properties on Vicarage Meadow are also situated within the Conservation Area. Beyond Factory Lane East to the south is the Co-Op supermarket and a number of small scale retail units with associated car parking facilities alongside.

To the west of the site are the buildings which front the High Street. The built form along the High Street is characterised by established two and three storey terraces with predominantly retail units at ground floor level and commercial premises above. The majority of these buildings are also Grade II listed.

PROPOSAL

The application seeks outline planning permission, with some matters reserved for determination at a later date, for the development of the site for residential and community use. The application relates to the erection of up to 73 dwellings comprising of 32 houses and 41 apartments and two community use buildings with associated car parking, amenity spaces and external works.

As part of this outline planning application, the applicant seeks approval for access details only and scale, layout, landscaping and appearance are reserved for future consideration. The submitted plans indicate that the main vehicular site access would be off St Andrews Road. A secondary in/out access to serve a smaller part of the site is shown from The Centre which would serve both flats and community use units.

An indicative proposed layout has been submitted as part of the application submission. The layout includes a large three storey block containing 15 flats, which would be located along the northern boundary of the site with a car park proposed to the rear. A further three storey block of 9 flats would be located in the north-west corner of the site close to The Centre. Beyond this block is a further structure that would contain 17 flats and a community use unit. A further single storey community use building is proposed beyond this. The two storey housing is spread across the site and takes the form of detached, semi-detached and terraces of houses. No.1 and 2 Vicarage Meadow, located on Factory Lane East would be demolished and would be replaced by a terrace of four properties with car parking located to the front, accessed from Factory Lane East.

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 a fully detailed proposal is put forward.

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

- Ecological Appraisal;
- Heritage Assessment;
- Design & Access Statement;
- Accommodation Schedule;
- Flood Risk Assessment and Drainage Proposal; and
- Preliminary Environmental Risk Assessment;

The density of the development would be approximately 40.5 dwellings per hectare over an area of 1.8ha. The site layout plan also indicates a number of areas of public open space.

CONSULTATIONS

Historic Buildings Consultant Objection

“The proposed development site is formed of an undeveloped parcel of land at the back of the historic High Street. Along this road are a number of listed properties, the rear of which back on to the land this application seeks to redevelop. A number of alley ways and access routes lead through from the High Street towards the site, which is partly included within the Halstead Conservation Area and also has historic associations with the Courtauld family.

The following heritage assets as a minimum are considered relevant to this proposal:

- Congregational Church (HE ref: 1169434);
- 1-16 Factory Terrace (HE ref: 1169217);
- 1-75 High Street (containing individually listed properties, non-designated and locally listed properties);
- 2- 12 Parsonage Street (containing listed and non-listed properties);
- Parish Church of St Andrew (HE ref: 1338284);
- World War Two Air Raid Shelters on the site (a mixture of curtilage listed and non-designated heritage assets, all of which are of local importance);
- Halstead Conservation Area.

The proposed development site is located in a sensitive location. Paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

The applicant's heritage statement concludes with sentences such as:

The future of the designated and non-designated heritage assets, the locally significant Air Raid Shelters, will be determined as the design develops once the points of access have been determined.

Whilst the Heritage Statement is detailed and consulted a large number of resources, the effect of the proposed development has not been fully assessed. Furthermore, a development in a sensitive location such as this should typically be supported by information such as a 3D model or streetscape views of the proposal which would enable an acceptable assessment of the proposal to be undertaken. This has not been provided and therefore the proposal has not complied with paragraph 189 of the NPPF.

The development will cause both direct and indirect harm to the heritage assets noted above.

Direct harm would be caused to the World War Two air raid shelters and 1-16 Factory Lane East, due to the proposed development within their curtilage. The Proposed Site Layout suggests that all of the air raid shelters will be removed. With regards to the shelters in the curtilage of Numbers 1-16 Factory Lane East, this is considered to cause substantial harm with reference to the NPPF and therefore paragraph 195 is relevant. For the remaining (non-curtilage) air raid shelters this harm should be considered under paragraph 197 of the NPPF, as well as paragraph 195. The air raid shelters hold a group value, together with the air raid warden's shelter, therefore the loss of some, curtilage listed or not, would cause direct harm to the shelters which remained.

Direct harm would also be caused to the pavilion within the site; this harm should also be considered under paragraph 197 of the NPPF.

The Conservation Area would be subject to both direct and indirect harm, as its boundary runs through the site and as a consequence development would occur both within the Conservation Area and adjacent, both of which would affect its setting and special character. Whilst the site is currently subject to poor use, such as fly tipping, its undeveloped form contributes to the significance of the Conservation Area. Opening up the site would likely allow the area to more positively contribute to the Conservation Area by reducing the opportunities for anti-social behaviour; however this is one of the few benefits to the Conservation Area as a result of the development of the site. The proposed access routes will cause harm to the Conservation Area by increasing traffic and the volume of parked cars, against paragraph 196 of the NPPF. Similarly, the loss of trees to the boundary would likely affect views looking in and out of the Conservation Area.

Based on the limited information provided as part of the application, the proposed development is also considered to cause harm to the remaining heritage assets listed above. This harm is considered to be less than substantial as the development will cause harm to the setting of the heritage assets and the contribution that setting makes to their significance. Paragraph 196 is relevant for these assets.

As this is an outline permission application, full details are not available regarding the proposed buildings; however the volume of units sought by the application is inappropriate for the site, greatly adding to the dense urban nature of the town, which has gradually encroached upon the setting of the listed buildings for some time. The creation of community units and parking will also greatly alter the appearance of the Conservation Area and further enhance the harm caused by The Centre, an unsympathetic 1960s development located to east of (and accessed via) the High Street, north of the site referred to within this application”.

BDC Environmental Health

No objection - conditions suggested.

BDC Waste Services

No comments.

BDC Landscape Services

Objection - insufficient information.

BDC Ecology

Holding objection due to insufficient ecological information

ECC Highways

From a highway and transportation perspective the impact of the proposal is not acceptable to the Highway Authority as the applicant has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency.

Essex Police

“Concerns with the layout. Whilst it not clear whether it contains vehicular access through the development from the High Street to Parsonage Street as there appears to be pedestrian access through a proposed parking court. Such access from a town with a busy "night time economy" may put vehicles parked here at risk from crime and those on route may be subjected to ASB. To comment further would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

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”.

ECC SUDS

Holding objection to the granting of planning permission based on the following:

- "The applicant is suggesting to discharge at Qbar rates. As stated in our local standards we expect to see discharge rates limited to the greenfield 1 in 1 year rate for all rain events up to and including the 1 in 100 plus 40% climate change. Therefore all storage needs to be recalculated as to provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- There seems to be a lack of water treatment. The appropriate level of treatment for all runoff leaving the site is required, in line with the CIRIA SuDS Manual C753;
- A 10% urban creep buffer needs to be considered;
- Evidence of agreements from Anglian Water to discharge to their surface water sewers is needed to identify if this drainage strategy is viable."

BDC Housing Enabling Officer

In accordance with Policy CS2 of the Adopted Core Strategy, the outline proposal for up to 73 residential dwellings requires 30% to be provided as affordable housing which would equate to 21 affordable dwellings.

NHS

Financial contribution requested to provide additional administration space at the Elizabeth Courtauld Surgery.

Natural England

"It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed".

ECC Archaeology

Conditions regarding archaeological evaluation and historic building recording requested.

ECC Education

Request a contribution of £79,183 towards early years and childcare provision.

Environment Agency

Holding objection in relation to land contamination.

ECC Ecology

Holding objection due to insufficient ecological information

Anglian Water

Conditions suggested.

PARISH / TOWN COUNCIL

Halstead Town Council – Objection for the following reasons:

- 1) Poor access to the site and additional traffic in St. Andrew's Road/The Centre.
- 2) Overdevelopment of the site.
- 3) 2½ storey buildings would be too prominent.
- 4) The existing heritage air raid shelters should be respected and retained where possible.
- 5) Development too close to the Heritage site of Vicarage Meadow.
- 6) Additional traffic would mean danger as site is in close proximity to schools. Requested that policy RLP 95, national planning policies and draft local plan be respected and adhered to when discussing this application.

REPRESENTATIONS

117 objections received, making the following comments:

- Roads are insufficient and the development will lead to congestion
- Halstead is being overdeveloped
- Insufficient car parking provided within the development
- Increased traffic in the town

- Concern about loss of the heritage site, which should be turned into a learning area
- No need for additional commercial space, as there are empty shops in the town.
- Horrified at the lack of concern that Braintree Council have for road infrastructure, parking or local services and especially for disregard for the residents.
- Concern about impact to the historical importance of the WW2 air raid shelters
- Loss of an opportunity to regenerate tourism stimulate commerce.
- The development should preserve the history of the site
- This public place is a key to the future of the town
- Additional strain on existing services such as schools, doctors etc
- The town does not feel safe anymore
- The site should be used for open spaces and communities only
- Do not develop greenfield site
- Disruption to existing wildlife
- Concern about damage to Vicarage Meadow which is maintained by residents
- Objection to loss of 1 and 2 Vicarage Meadow and their replacement with modern boxes
- Concern about extra cars along Factory Lane East
- Overdevelopment of the site
- Harm to Conservation Area and the setting of a number of listed buildings
- Applicants have not carried out community engagement
- Concerns regarding flooding within and from site
- Lack of open space within the proposal
- Concerns regarding loss of trees from the site
- Infilling the site would be out of character with the town and out of scale compared with existing development.
- Harm to the amenity of residents of Congregation House.
- Loss of view from upper flats
- Due to the levels of the site the proposed building would loom over Halstead's skyline when viewed from the south.
- Permission has already been refused to a supermarket in 2012
- Town centres need green spaces
- Too much development already in Halstead.
- Vicarage Meadow is a private road.
- Support the Heritage Park proposal.
- Poor access to the site.
- The plans should be revised to allow for pedestrian and vehicular access across land adjacent to the site outside the red line but part of the site allocation.
- **North Essex Heritage Trust** wish to register their objections to the planning application. We believe that there is no justification within the proposal for the total demolition of the majority of the built heritage assets or the harm that is likely to occur to the character of the Conservation Area and its' setting and the setting of nearby listed buildings.

- **Essex Industrial Archaeology Group (EIAG)** objects for the following reasons:
 - It is a gross over-development of the site
 - It involves the loss forever of valuable open, green space
 - It involves the loss forever of highly significant heritage assets, the 16 Air Raid Shelters and nos. 1 and 2 Vicarage Meadow
 - It will mean that the opportunity to achieve major benefits for the town and local community through the conservation of natural and built heritage will be lost forever.
- **Halstead 21st Century Group** objects to the application. The group's vision is for the site to be used as a heritage park.
- **The Essex Field Club** object to this application on the basis that there is wholly inadequate information available for consultation and on which the planning authority can make a decision about the biodiversity value of the application land and impacts of the proposed development.
- **The Association for Industrial Archaeology** objects to the application as the development will affect the 16 Courtaulds Air Raid Shelters. These are locally listed and may also be of national importance. These 16 Air Raid Shelters form a rare group of WW2 shelters and are an important survival both because of their number and for their association with Courtaulds which were such an important part of Halstead's industrial history. It is insufficient to retain just a sample of them since their importance lies in their number, which in turn reflects the extent and importance of Courtaulds and their employees.
- **Save Britain's Heritage** object to the application due to the destruction of the air raid shelters.
- **Subterranea Britannica** objects to the application due to the destruction of the air raid shelters.
- **Clifford Road Primary School Air Raid Shelter Museum** objects to the loss of the air raid shelters.
- **Campaign to Protect Rural England** objects to the application with regards of the loss of the air raid shelters, detrimental impact to the setting of nearby listed buildings and the harmful impact on the Conservation Area and loss of a 'green lung'.
- **The Braintree Society** objects to the application.
- **Council for British Archaeology** objects to this outline application because it will result in substantial harm to the significance of the curtilage listed grade II air raid shelters referenced as 1-8 in the Heritage Statement and to the locally listed air raid shelters referenced as 9-15 in the Heritage Statement.
- **Braintree District Access Group** objects to the application.
- **Halstead and District Local History Society** object to the demolition of the air raid shelters.

3 general comments received making the following comments:

- The proposed access points are misleading, as they have unresolved safety issues.
- Concerns about the loss of the car parking at Gatehouse Yard.

- No exclusive pedestrian access to the site.
- Concerns about conflict between pedestrians and vehicles.
- Concerns about loss of on-street parking along The Centre.
- There are protected trees on the site.
- Glad to see that the main access would be from St Andrews Road and would not cause a rat run from the High Street
- Support the use of the application site as a heritage park

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

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

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable

development, an important material consideration in this case is the Council's 5 Year Housing Land Supply position.

The Development Plan

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

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011). The application site is located within a designated town development boundary. The general principle of development is therefore supported by Policy RLP2 of the Adopted Local Plan.

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Whilst the Council acknowledge the recently received appeal decision (APP/Z1510/W/18/3197293, Land at North and South of Flitch Way Pods Brook Road Braintree, CM77 6RE) in which the Secretary of State found that the supply position was 4.15 years, the Council is currently urgently seeking clarification as to the reasoning for this conclusion (as this has not been clearly set out within the Secretary of State's decision). As such, the Council is not currently able to currently set out a definitive position.

Whilst the 5 year supply position is currently unclear, the Council's last published 5 year supply position as at 11th April 2019 (recalculated utilising: the 2014 based household projections; the 2018 Housing Delivery Test results; and the 2018 local housing affordability ratio published 28th March 2019) was that the Council is able to demonstrate a 5.29 year housing land supply. This is supported by the Council's 2018 Annual Monitoring Report (1st April 2017-31st March 2018) published on 15th January 2019 and the Addendum to the Monitoring Report published on 11th April 2019.

The Council's 5 year housing land supply position must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement. This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Site Location and Designation

Within the Adopted Local Plan the site is allocated as a Comprehensive Development Area. Policy RLP121 of the Adopted Local Plan states that *'mixed uses on this site should include shoppers car parking. A development brief is to be agreed with the Council, prior to the commencement of any development'*. A development brief for this site was approved in January 2005, which set out the principles for a mixed use development. The indicative plans showed 56 flats (including 30 small sheltered flats for the elderly) and 37 houses (including 5 live/work units) and 600sq.m of commercial development.

Subsequently, in September 2011 the Local Development Framework Core Strategy was adopted. Paragraph 6.25 states that the Core Strategy objective relating to town centres is *'to maintain and develop vibrant and prosperous main towns of Braintree, Witham and Halstead, by encouraging new development and regeneration schemes that support their function as major service centres, with a range of good quality employment, shops, services and cultural provision'*. Paragraph 6.30 states that *'the main issues for Halstead is to strengthen the town centre through retail facilities, particularly food store provision to draw back trade currently lost to the town. Land east of the High Street presents the main opportunity for regeneration. This could include additional retailing and car parking with strong links being provided to the High Street'*.

Policy CS6 of the Adopted Core Strategy states that *'the town centres of Braintree, Halstead and Witham will be the primary location for retail, leisure*

and cultural provision in the District. The improvement and regeneration of the town centres will be promoted and the regeneration of the following locations is (inter alia) proposed to meet the identified need for additional retailing and other town centre uses:

Halstead Town Centre – The areas around The Centre, Weavers Court and land to the east of the High Street.

Any proposals for retailing and town centre uses will be based on the sequential approach, in accordance with national planning policy guidance.

The site's allocation as a Comprehensive Development Area along with the approved Development Brief set out the principles for a mixed use development of the site and identify the opportunities and constraints that exist. The adoption of the Core Strategy also establishes the principle that the site maybe suitable to meet the identified need for additional retailing and car parking with strong links being provided to the High Street and presenting one of the main opportunities for regeneration in Halstead.

Heritage

The site is located partly within the Conservation Area and abuts the boundary to the Grade II listed Factory Terrace and numerous listed properties on the east side of the High Street. The site also contributes to the setting of many other listed buildings including the Grade I listed St Andrews Church and Grade II listed United Reform Church. The proposal also involves the demolition and removal of 16 WWII curtilage listed and non-curtilage air raid shelters associated with the Courtauld Factory (demolished in 1986) to the rear of Factory Terrace.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Policies RLP90 and RLP100 of the Adopted Local Plan and Policies LPP56 and LPP60 of the Draft Local Plan seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building.

Policy RLP90 of the Adopted Local Plan ensures that *'the Council seeks a high standard of layout and design in all developments'* specifically by ensuring that the layout, height, mass and overall elevational design of developments is in harmony with the character and appearance of the surrounding area. This is supported by Policy CS9 of the Adopted Core Strategy and the NPPF. Paragraph 56 of the NPPF states that *'the Government attaches a great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*. Furthermore paragraph 64 of the NPPF states that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*.

Part of the site is located within the Conservation Area Boundary. Policy RLP95 of the Adopted Local Plan states *'that built or other development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that: the proposal does not detract from the character, appearance and essential features of the Conservation Area and is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings'*.

The site is surrounded by listed buildings and contains the air raid shelters, many of which are considered to be curtilage listed by virtue of their relationship with the listed Factory Terrace. Policy RLP100 of the Adopted Local Plan states that *'development involving alterations, extensions and partial demolitions to a listed building or structure (including any structures defined as having equivalent status due to being within its curtilage) and changes of use will only be permitted if the proposed works or uses: do not harm the setting, character, structural stability and fabric of the building; and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance'*. The policy also states that *'the Council will seek to preserve and enhance the settings of listed*

buildings by appropriate control over the development, design and use of adjoining land’.

The vegetated nature of the site contributes significantly to the setting of the Conservation Area and the listed buildings along its edge. In longer views from the opposite valley side, the green area of woodland contrasts with and offsets the small scale roofs of the urban development of the High Street. It provides a backdrop to the listed Factory Terrace and a foreground for St Andrews Church and the United Reformed Church, separating them from the smaller scale building on the High Street and enhancing their dominant status. The trees along The Centre obscure longer views of the mid 20th century shopping centre, which is not particularly prepossessing and is uncharacteristic of the Conservation Area, providing a pleasant counterpoint to its rather brutal architecture in views along The Centre from the High Street.

Advice from the Historic Buildings Consultant is summarised below:

A detailed heritage statement accompanies the application, but the effect of the development has not been fully assessed and development in this sensitive location would normally be accompanied by a 3D model or streetscape views to enable a full assessment to be carried out.

Direct and indirect harm would be caused to the following heritage assets:

- *Congregational Church (HE ref: 1169434);*
- *1-16 Factory Lane East (HE ref: 1169217);*
- *1-75 High Street (containing individually listed properties, non-designated and locally listed properties);*
- *2- 12 Parsonage Street (containing listed and non-listed properties);*
- *Parish Church of St Andrew (HE ref: 1338284);*
- *World War Two Air Raid Shelters on the site (a mixture of curtilage listed and non-designated heritage assets, all of which are of local importance);*
- *Halstead Conservation Area.*

“Based on the limited information provided as part of the application, the proposed development is also considered to cause harm to the remaining heritage assets listed above. This harm is considered to be less than substantial as the development will cause harm to the setting of the heritage assets and the contribution that setting makes to their significance.

Based on the information provided, harm has been identified to designated and non-designated heritage assets. As such paragraphs 195, 196 and 197 of the NPPF are considered relevant to this application. The lack of information provided regarding this harm should also be considered against paragraph 189”.

The applicant was advised at pre-application stage that, due to the constraints of the site, a full application should be submitted. Unfortunately the applicant chose to submit an outline application with very limited information, against

the advice of the local planning authority. Subsequently, due to the poor quality submission, additional information with regards heritage, along with a number of other matters, was sought from the applicant in December 2018 in accordance with Article 5(2) of the Development Management Procedure Order 2015. Despite initially agreeing to submit the additional information, the applicant advised the Council in February 2019 that they were no longer intending to submit the information. An appeal against the non-determination of the application was made to the Planning Inspectorate in May 2019.

As a result the proposed development would cause direct harm to the curtilage listed air raid shelters, non-listed air raid shelters and 1-16 Factory Terrace, as the development would be in their curtilage. Substantial harm would be caused to the curtilage listed and non-listed air shelters as they are to be removed. The air raid shelters hold a group value, together with the air raid warden's shelter, therefore the loss of some, curtilage listed or not, would cause direct harm to the shelters which remained.

The Conservation Area would be subject to both direct and indirect harm, as its boundary runs through the site and as a consequence development would occur both within the Conservation Area and adjacent, both of which would affect its setting and special character.

Officers have concluded that the scheme fails to make a positive contribution to local character and distinctiveness (NPPF Paragraph 192). For the purposes of this assessment this harm is considered to represent less than substantial harm to the listed buildings (1-16 Factory Terrace and Conservation Area). The local planning authority are therefore required to weigh this harm against the public benefits of the proposal (NPPF Paragraph 196) and consider whether there is clear and convincing justification for the harm (NPPF Paragraph 194).

The proposal would result in a number of benefits which would clearly weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would deliver public benefits including up to 52 market homes and 21 affordable homes, making a contribution towards the Council's housing land supply. It is acknowledged that the application site is located in a sustainable location, within the Town Boundary of Halstead.

It is also recognised that there would be economic benefits during the construction process and after the occupation of the dwellings through residents using local facilities. These benefits are application to housing development generally and given the scale of the development these benefits should only be given moderate weight.

Against these benefits, the proposed development would cause both direct and indirect harm to the curtilage listed air raid shelters, non-listed air raid shelters, Grade II listed 1-16 Factory Terrace and the Halstead Conservation Area. Although it is considered that the level of harm would be less than

substantial harm in this case, the absence of a full assessment by the applicant with regards the effect the proposal would have on the heritage assets can only lead the local planning authority to conclude that the proposal fails to comply with paragraph 189 of the NPPF.

In these terms, the direct and indirect harm to designated heritage assets is considered to outweigh the public benefits of the development.

Design and Layout

Paragraph 124 the NPPF highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

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

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

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more.

The scheme remains fundamentally short of information that would demonstrate how the proposed number of dwellings would be accommodated in an appropriate manner. The submitted drawings illustrate a gross overdevelopment of the site that has scant regard for good design principles and insufficient space to provide the basic entitlements of well-designed parking and an appropriate standard of amenity. Accordingly the applicant has failed to demonstrate that a strong, good quality sense of place could be achieved with the number of dwellings proposed.

The site layout demonstrates a substandard amenity for the majority of dwellings. Only 10 dwellings have amenity provided to the appropriate standard of the Council's adopted Policy. The layout indicates discountable poor quality or non-existent open space for all of the apartments. There should be a total provision of outdoor space for the apartments of 1,025sq.m, however the small areas of space that are shown to be provided are neither

meaningful nor functional and therefore do not represent a good standard of amenity. The lack of external space for apartment blocks would potentially create poor internal amenity for ground floor dwellings that have no defensible space around their windows. The proximity of parking courts to ground floor bedrooms and habitable rooms may not be mitigated in any subsequent layout as the density dictates that the majority of amenity spaces will need to be compromised.

Of the 32 houses proposed, only 10 have a private gardens that meet the standards within the Essex Design Guide. The deficit for the remaining 22 is in excess of 700sq.m. This is an average deficiency of 31sq.m per garden but many have only around 50% of the standard. Such compromise would be exacerbated by the dictates of the density and mix sought that would also involve the significant compromises in public open space that the illustrative layout demonstrates.

The application also prejudices comprehensive development of the land identified for development by the Council, by leaving a small strip of waste land with no active use and no means of access. The inability to include this strip or demonstrate how future development on the comprehensive site would come forward cannot be considered good design.

The illustrative layout demonstrates a poor understanding of the surrounding character and as an overdeveloped proposal the difficulty in responding to the local context in a sympathetic design.

A historic, above ground, building on the site is indicated as an outline on the layout drawings. There is ambiguity across the application material as to whether this is retained or removed. This small shed was previously used in association with the retained air raid shelters but in this proposed layout the historic assets of the site are in fragments of open space and isolated from each other. There is reference to the building in the heritage report that associates the building to the air shelters. The issue raised by the density proposed is that how can the retained structures be retained in an arrangement that provides a coherent and meaningful experience of their value.

The applicant proposes three separate and segregated locations of retained heritage assets that would not be considered good design that positively creates a sense of place and character around the opportunities and assets this site comprises for Halstead.

The applicant has not demonstrated that the necessary sensitivity to the historic fabric and character of the site's periphery has been considered. The density and mix applied for would be dependent on three storey buildings or higher. This is clearly evident in the illustrative layout and this is not appropriate in the quantity proposed because of the poor relationship to the Conservation Area and the many listed buildings that relate to the site. This backland site requires a sympathetic subordinate form that allows the status and massing of the High Street to remain dominant. It is not demonstrated

where or how the number of apartments sought can be successfully accommodated on the site in townscape terms or with the required communal amenity space and car parking.

The southern boundary contains an important row of Grade II listed terraces that are local landmarks and nationally important assets. The illustrative layout demonstrates a lack of respect and sympathy for the appearance and setting of these heritage assets where the proposal includes a short terrace set back off a strong building line to accommodate an inadequate number of parking spaces. This is poor design resulting in harm to the setting of the listed buildings.

Public open space on the site is shown in a random and poorly considered manner. Where the layout plan indicates open space, it has very poor natural surveillance and would be less than functional for the number of dwellings proposed as it contains the half submerged retained air raid shelters. There is a lack of information regarding the quality of the air raid shelters and what status they will have in the redevelopment. As locally important assets this tokenistic and poorly conceived retention of three arbitrarily chosen shelters is poor design and given that the heritage report acknowledges that 1 to 8 are curtilage listed the retention of Nos. 5, 14 and 15 is illogical. Given that the group value would be much higher than the individual values, this is poor design.

The retention of shelter No. 5 with a large access behind private garden boundaries is poor design with public space having poor natural surveillance and will make private gardens require secure boundaries such as brick walls set against this public space. The alternative is for space around shelter No. 5 that will be fenced off from the public making it exclusive and unavailable as public space. Any resolve of this poor design would require there to be less dwellings to be proposed.

This lack of information is exacerbated by the unknown future of the air raid shelters where the application contains no information as to how the retained shelters will be treated. The loss of the group and especially the curtilage listed group would be harmful to the opportunities the site presents.

There is a clear demonstration within the applicant's own submission that there is overdevelopment to the extent that private and public amenity is severely compromised, that car parking provision is overly compromised and that the features and value of the site and its surroundings are highly compromised.

The proposal by way of the design, layout and density results in overdevelopment, and fails to integrate successfully into the sensitive historic edge of Halstead town centre and cumulatively these weigh against the proposal in the overall planning balance. The proposal contains insufficient information, and is contrary to the abovementioned policies and fails to secure sustainable development in this regard.

Highways Issues, Access and Car Parking

The National Planning Policy Framework sets out a presumption in favour of sustainable development and states that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Policy CS7 of the Adopted Core Strategy promotes accessibility for all and states that sustainable transport links will be imposed, including provision of and contributions for cycling and walking and quality bus partnership.

As outlined earlier in this report, the application seeks permission for the access. Drawing 428/18/PL1003 shows both the proposed vehicular and pedestrian accesses to the site. The main vehicular access to the site is from St Andrews Road to the east of the site. A secondary vehicular access (in/out) is shown from The Centre to the north of the site. These accesses would serve the new community units and some of the flats proposed.

The Highways Authority have raised an objection to the proposal, as the applicant has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency.

Additional information was requested from the applicant's agent to demonstrate the following two matters:

- a) Sufficient visibility could be achieved from the proposed accesses at The Centre and St Andrews and;
- b) Sufficient land is available within highway and/or the applicants control for vehicles to enter and exit the proposed accesses from The Centre having regard for the existing parking scheme in operation in this location.

The applicant was given an opportunity to submit additional information regarding the proposed access points, however chose not to. Insufficient information has been provided by the applicant to demonstrate that the proposal is acceptable in highway terms and the proposal therefore conflicts with guidance from the NPPF and Policy CS7 of the Adopted Core Strategy.

Four pedestrian accesses are shown on Drawing 428/18/PL1003. One along Vicarage Meadow to the south of the site, one between No.6 and No.7 Factory Terrace and another between No.43 and No.45 High Street. These accesses are across land that does not form part of the application site and is private land. There are no public rights of access with regards these three routes into the site. The fourth pedestrian access is shown from The Centre to the north of the site.

No information has been provided by the applicant with regards whether or not the private land has been secured by the applicant to create the three

pedestrian accesses. In this regard the applicant completed Certificate B on the application form as all three of the pedestrian accesses are outside of the red line on the submitted site location plan. The applicant states that these links would provide east-west and north-south links through a currently inaccessible piece of land within the town centre.

In the absence of this information the land remains largely land locked for pedestrians and therefore contrary to the guidance contained within Policy CS7 of the Adopted Core Strategy.

Policy RLP56 of the Adopted Local plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off street vehicle parking in accordance with the Council's Adopted parking Standards. The adopted Parking Standards (Sept 2009) indicates the maximum parking standards for a variety of uses.

The local planning authority acknowledge that the application is located in the centre of Halstead, in a sustainable location with access to public transport connections.

The proposal includes two new units to be used for community uses indicated as Use Class D1 on the application form. The application submission does not indicate what type of community use is proposed for the buildings and therefore it is difficult to accurately calculate how many parking spaces would be required to sufficiently serve the new buildings.

The Parking Standards for many of the D1 uses rely on the number of staff to calculate, which is not known at this time. D1 uses such as museums and public halls require 1 space per 25sq.m and places of worship and libraries require 1 space per 10sq.m. An average of the two would be 1 space per 17.5sq.m and therefore based on the floor area proposed, a maximum of 13 car parking spaces would be required. However as the intended use of the buildings is currently unknown, it would be incorrect to conclude that a more intensive D1 use would not operate from the site, such as a children's nursery or a doctor's surgery. These type of D1 uses would require a significantly higher level of parking and given the existing parking pressures within the town centre, it is highly likely that due to the wholly inadequate level of parking proposed, the proposed development would result in unacceptable off-site parking and harmful to highway safety.

Policy RLP122 of the Adopted Local Plan sets out that the application site is a comprehensive development area and that a shopper's car park should be provided when the site is re-developed. Paragraph 9.29 indicates that this shopper's car park should have at least 30 car parking spaces.

The adopted parking standards require 1 space per one bedroom dwelling and two spaces per dwelling with 2 or more bedrooms. One visitor parking spaces is require per 4 dwellings.

The north-west corner of the site that contains the two new community buildings and three one bedroom flats and 23 two bedroom flats would require a total of 99 car parking spaces (13 for the new community uses, 30 for the new shoppers' car park and 56 for the 26 flats). The indicative layout proposes 39 spaces in this part of the site which is wholly deficient of the requirements of the Standards.

Furthermore the 47 remaining flats and dwellings would require 106 parking spaces (includes visitor). The indicative layout indicates that only 65 spaces are provided to serve these dwellings, 41 spaces less than the standards require.

In total, the scheme should be providing at least 205 parking spaces, and this figure maybe more depending on the D1 use proposed for the community units, however only 104 spaces are provided for the whole development which is nearly half the amount this type of development should be providing. This would have a huge impact on the development as the lack of off-street car parking would result in on-street parking within the site, to the detriment of the manoeuvrability around the site, highway and pedestrian safety and the character and appearance of the public spaces within the development. It is highly likely that the deficiency in on-site car parking would lead to on-street parking in the local area, harmful to highway and pedestrian safety and the character and appearance of streets in the nearby area.

The proposal therefore is unacceptable on highway grounds in terms of the proposed vehicular access points and in the deficiency of car parking proposed, contrary to the NPPF and Policies RLP56 and RLP122 of the Adopted Local Plan, Policy CS7 of the Adopted Core Strategy and Policy LPP45 of the Draft Local Plan.

Impact on Neighbour Amenities

Paragraph 170 in the NPPF states that 'planning policies and decisions should ensure that development that create places that are safe with a high standard of amenity for all existing and future occupants of land and buildings'. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity.

Whilst the submitted layout is indicative, the potential neighbour relationships between the new dwellings and those proposed can be assessed. The land directly to the rear of the properties in Factory Terrace and Vicarage Meadow is significantly higher and therefore it is considered that Plots 18 and 19 would overlook the rear garden belonging to No.6 Vicarage Meadow, to the detriment of privacy and amenity contrary to Policy RLP90 of the Adopted Local Plan, Policy LPP55 of the Draft Local Plan and guidance from the NPPF. A similarly poor relationship is likely to result between Plot 28 and No.14-16 Factory Terrace.

Within the site Plots 20-23 would sit on higher land and would overlook the gardens and rear elevations of Plots 24-27. The back to back distance is less than the 25m minimum required by the Essex Design Guide, and therefore the resulting relationships between the 8 new dwellings would be unacceptable and conflicts with Policies RLP7, RLP9 and RLP90 of the Adopted Local Plan, Policy LPP55 of the Draft Local Plan and guidance from the NPPF.

Landscapes and Ecology

Policy RLP80 of the Adopted Local Plan states inter alia that *'development should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, pond and rivers'*. This is also supported by Policy RLP84 of the Adopted Local Plan which states that *'planning permission will not be granted for development which would have an adverse impact on protected species'*.

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.

The site is predominantly secondary woodland established on a site that contains relics of its former use (structures and planted trees), currently obscured to a large extent by this secondary woodland. It is appreciable as a woodland area in the wider setting.

A holding objection has been raised by the Council's Ecologist as the applicant's Ecological Appraisal recommends that a Preliminary Roost Assessment and Emergence Surveys for bats is undertaken. The Ecologist has indicated that the survey must be provided prior to determination, to ensure that the local planning authority has sufficient certainty of impacts for European Protected Species for this application.

The development has not sufficiently identified and pursued opportunities for securing measurable net gains for biodiversity. The Site Layout Plan shows that virtually all the secondary woodland would be cleared as part of the proposed development. This habitat has been proposed to be compensated, within the ecological appraisal, by a landscaped buffer around the site boundary. However, this landscape buffer has not been demonstrated within any submitted documents provided by the applicant. Therefore, it is considered that the appropriate level of biodiversity net gain has not been demonstrated for this application.

The local planning authority has not received the additional bat survey work and is concerned about the overall impact on the biodiversity within the site and therefore the proposal is contrary to Policy RLP84 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.

The many trees on the site have been assessed in an Arboricultural Report. The applicant has selected some of the best individual specimens for retention but the illustrative layout demonstrates that little space can be afforded to their setting, growth and presence as assets of the site. The density and number of dwellings would not allow adequate space for the manmade and natural assets of the site to sufficiently coexist in any arrangement.

The application did not include a Tree Survey, or any form of Tree Report other than the Tree Impact Plan which did not include details of root protection areas or topographical changes that are due across the site. Due to this lack of information it has been extremely difficult to make a full assessment of the proposals in relation to the existing trees and landscaping on the site.

The proposed indicative layout appears to ignore the existing trees and landscaping, and whilst the applicant has indicated a willingness to amend the layout following input from the local planning authority, they only intend to carry out a tree survey at the Reserved Matters stage. There is no evidence that an arboricultural consultant has been involved with the indicative layout design. Furthermore the application was not supported by a Landscape and Visual Impact Assessment to demonstrate how the new development would be integrated into the existing land and townscape of Halstead. In the absence of this information the proposal is unacceptable as insufficient information has been received in relation to existing trees and vegetation, contrary to Policies RLP80 and RLP81 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policies LPP68, LPP69 and LPP71 of the Draft Local Plan.

Flood Risk and Drainage

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site as being located within Flood Zone 1 (low risk).

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development.

The Lead Local Flood Authority (LLFA) at Essex County Council have reviewed the Flood Risk Assessment and the associated documents which

accompanied the planning application, and raise an objection to the granting of planning permission based on the following:

- Insufficient information submitted regarding discharge rates,
- Lack of water treatment and;
- Evidence of agreements from Anglian Water to discharge to their surface water sewers.

In the absence of this information and the objection raised by Essex County Council the application conflicts with Policy CS8 of the Adopted Core Strategy and Policies RLP67 and RLP69 of the Adopted Local Plan.

Habitats Regulations Assessment (HRA) / RAMS

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

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

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

S106 Agreement

Policy CS11 of the Adopted Core Strategy states that *'the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community, (including, but not restricted to, transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities) are delivered in a timely, efficient and effective manner. Provision will be funded by developer contributions through legal*

agreements, planning obligation, standard charges, or the Community Infrastructure Levy.'

Policy RLP122 of the Adopted Local Plan states that *'areas in Halstead Town Centre at Bridge Street, Weavers Court, High Street, The Centre and Market Hill are proposed for environmental improvement. Proposals which would prejudice these improvements will not be permitted. Contributions towards the improvements and towards their future maintenance, where appropriate, will be sought from developments that are permitted in the town centre and other developments which may have an impact on the vitality and viability of the town centre'*.

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant permission, based on the on the assessment carried out to date on the poor quality submission.

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 on sites in town areas. Subject to confirmation from the Council's Housing Enabling Officer on the mix, this could be secured through a S106 Agreement if the application were acceptable in all other respects.

Education

Essex County Council has requested a contribution of £79,183 towards Early Years and Childcare provision.

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 do not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £27,600 to mitigate the impacts of the proposal and would be directed towards the Elizabeth Courtauld Surgery.

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.

Air Raid Shelters

A scheme that would secure the retention, refurbishment and future management of the retained air raid shelters should be secured by a legal agreement, to ensure that the heritage assets are safeguarded in accordance with guidance from the NPPF.

Shoppers Car Park

Policy RLP121 of the Adopted Local Plan relates to Land East of Halstead High Street and states that this site has been allocated as a Comprehensive Development Area on the Proposals Map. The policy indicates that mixed uses would be appropriate on this site, including a shopper's car park. Therefore the provision and long term management of the car park should be secured by a legal agreement.

Pedestrian Links

Policy CS7 of the Adopted Core Strategy promotes accessibility for all and states that sustainable transport links will be imposed, including provision of and contributions for cycling and walking and quality bus partnership and therefore a number of pedestrian links into and out of the site and in particular between the site and the High Street should be secured via a legal agreement.

Community Uses

The proposal includes the provision of two community use units. To secure them and suitable long term management arrangements for them, a clause should be included within a legal agreement.

Environmental Improvements in Halstead

Policy RLP122 of the Adopted Local Plan states that a number of areas in Halstead Town Centre are proposed for environmental improvements. One of these areas is The Centre and therefore financial contributions would be sought for improvements and their future maintenance.

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 an outdoor equipped play area. The indicative layout plan shows that the scheme would provide three areas of public open space only. The scheme does not provide an area for an on-site children's equipped play area and therefore conflicts with Policy CS10 of the Adopted Local Plan and the Open Spaces SPD.

A financial contribution would be sought for improvements to existing outdoor sport and allotments. The provision/contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance/management of any public open space provided on site. These aspects could be secured through a S106 Agreement.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in some respects. However the applicant has not advised the local planning authority that they are content to agree to make the financial contributions and therefore no such agreement is in place at the present time. Therefore the development fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Policies CS2, CS10 and CS11 of the Adopted Core Strategy, Policy RLP138 of the Adopted Local Plan and Policy LLP82 of the Draft Local Plan.

Other Matters

Contaminated Land

The Phase 1 Desk Top Study Report submitted to support the application confirms that further work is required to be undertaken to ensure the land is suitable for residential development. This can reasonably be controlled by condition on any grant of consent.

CONCLUSION AND PLANNING BALANCE

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a town development boundary where the principle of development is acceptable.

Whilst the Council acknowledge the recently received appeal decision (APP/Z1510/W/18/3197293, Land at North and South of Flitch Way Pods Brook Road Braintree, CM77 6RE) in which the Secretary of State found that the supply position was 4.15 years, the Council is currently urgently seeking clarification as to the reasoning for this conclusion (as this has not been clearly set out within the Secretary of State's decision). As such, the Council is not currently able to set out a definitive position.

Whilst the 5 year supply position is currently unclear, the Council's last published 5 year supply position as at 11th April 2019 was that the Council is able to demonstrate a 5.29 year housing land supply. The Council's Housing Land Supply position must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

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

As outlined earlier in this report, the application site has been allocated for redevelopment both in the Adopted Local Plan and the Draft Local Plan. Therefore it is considered that the development of the site, would lead to social and economic benefits in terms of additional affordable and market dwellings, which would contribute to the Council's housing land supply, and increased economic benefits during the construction period.

However as indicated through this report the proposal as submitted is wholly deficient in a number of areas, and therefore Officers can only conclude that the development would give rise to significant environmental impacts. These include direct and indirect harm to the curtilage listed air raid shelters, the

non-designated air raid shelters, grade II listed 1-16 Factory Terrace and Halstead Conservation Area. Insufficient ecological surveys and arboricultural information have been provided by the applicant, which combined with the poor layout clearly indicate that natural features of the site have not influenced the indicative design proposed. The poor neighbour relationships between dwellings, insufficient private garden and car parking spaces for many of the proposed dwellings amounts to an overdevelopment of the site, in that the number of dwellings proposed for the site is excessive. Furthermore an equipped children's play area has not be indicated within the indicative layout plan.

The application is not supported by the sufficient information in order for the highway authority to effectively assess the proposed new access points on The Centre and the increased capacity proposed for St Andrews Road and therefore in the absence of this information it is concluded that the proposed access points are unacceptable. Parking provision falls way short of requirements and would lead to increased parking off site to the detriment of traffic flow and highway safety in Halstead. A further technical objection is raised by the County Sustainable Drainage team due to the lack of information submitted regarding discharge rates, lack of water treatment and evidence of agreements from Anglian Water to discharge to their surface water sewers.

The increase in population that the development would inevitably result in increased pressure on existing services and facilities within Halstead. It is however acknowledged that these pressures could be duly mitigated through a Section 106 agreement to address the various heads of terms identified within this report. The applicant has not however agreed to the mitigation measures identified within the report.

Members are advised that very limited information has been submitted in support of the non-determination appeal, especially given the complexities of the site and its surroundings.

Paragraph 196 of the NPPF states that where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, as set out earlier in this report, the public benefits of the proposal do not outweigh the direct and indirect harm that would be caused to the curtilage listed air raid shelters, non-designated air raid shelters, grade II listed 1-16 Factory Terrace and Halstead Conservation Area.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan.

The proposed development does not constitute sustainable development and it is recommended that, had the local planning authority been able to

determine the application, outline planning permission would have been REFUSED for the following reasons:

RECOMMENDATION

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

- 1 Based on the information submitted, the proposal would result in both direct and indirect harm to the Halstead Conservation Area and direct harm to the curtilage listed air raid shelters, non-listed air raid shelters and the listed buildings, 1-16 Factory Terrace. Whilst the level of harm in this case would be less than substantial harm, taking into account the cumulative impact upon the designated heritage assets, the benefits of the proposal do not outweigh the harm to the identified assets. The proposal is therefore contrary to the NPPF, Policies RLP95 and RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LLP50, LLP56, LLP60 and LLP61 of the Draft Local Plan.

- 2 The indicative layout submitted fails to demonstrate that the scale and quantum of development proposed could be satisfactorily accommodated on the site, in terms of design, layout and density, and as such would result in the inappropriate overdevelopment of the site and would fail to integrate successfully into the sensitive historic edge of Halstead town centre. This is further demonstrated by the indicative layout which fails to demonstrate that the dwellings would have sufficient private amenity space provision, sufficient car parking provision, and an acceptable relationship with neighbouring properties to the south of the site contrary to adopted standards.

The applicant has failed to demonstrate that the quantum of development can be successfully accommodated within this highly constrained site contrary to the NPPF, Policies RLP3, RLP7, RLP9, RLP10, RLP56, RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policies LPP45, LPP50 and LPP55 of the Draft Local Plan and the Essex Design Guide.

- 3 The proposal fails to provide sufficient information regarding landscape and ecological features within the site, contrary to the NPPF, Policies RLP80, RLP81 and RLP84 of the Adopted Local Plan, CS8 of the Adopted Core Strategy and Policies LPP68, LPP69, LPP70 and LPP71 of the Draft Local Plan.

- 4 The Council's Open Spaces SPD sets out details on how the open space standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity

open space and an outdoor equipped play area. The indicative layout plan fails to demonstrate that a sufficient area for an on-site equipped children's play area could be accommodated along with the quantum of development proposed, contrary to Policy CS10 of the Adopted Core Strategy and the Open Spaces SPD.

- 5 Insufficient information has been submitted to demonstrate that the proposed access points are acceptable in terms of highway safety and efficiency. Furthermore three pedestrian accesses are shown on the indicative layout plan, which runs over private land with no confirmation that these accesses can be secured for public use in perpetuity. The proposal is therefore unacceptable in highway terms and contrary to the NPPF, Policy CS7 from the Adopted Core Strategy and Policy LPP24 of the Draft Local Plan.
- 6 Insufficient information has been submitted with regards a sustainable urban drainage system, resulting in a holding objection from the Local Lead Flood Authority (Essex County Council). The proposal is therefore considered contrary to the NPPF, Policies RLP78 and RLP80 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policies LPP78, LPP79 and LPP80 of the Draft Local Plan.
- 7 The proposed development would trigger the requirement for:
- The delivery of 30% affordable housing on site;
 - A financial contribution towards early year and childcare places;
 - A financial contribution towards primary health services;
 - The provision, maintenance and delivery of public open space, outdoor sports and allotments;
 - Retention, refurbishment and management of air raid shelters;
 - Provision of shoppers car park;
 - Provision of permanent pedestrian links;
 - Securing community uses on the site;
 - Environmental Improvements in Halstead.

These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS10 and CS11 of the Core Strategy, the Open Space Supplementary Planning Document (SPD) and Policy LPP82 of the Draft Local Plan.

SUBMITTED PLANS

Proposed Block Plan	Plan Ref: 428/18/PL1002
Existing Site Plan	Plan Ref: 428/18/PL1001
Access Details	Plan Ref: 428/18/PL1004
Access Details	Plan Ref: 428/18/PL1003

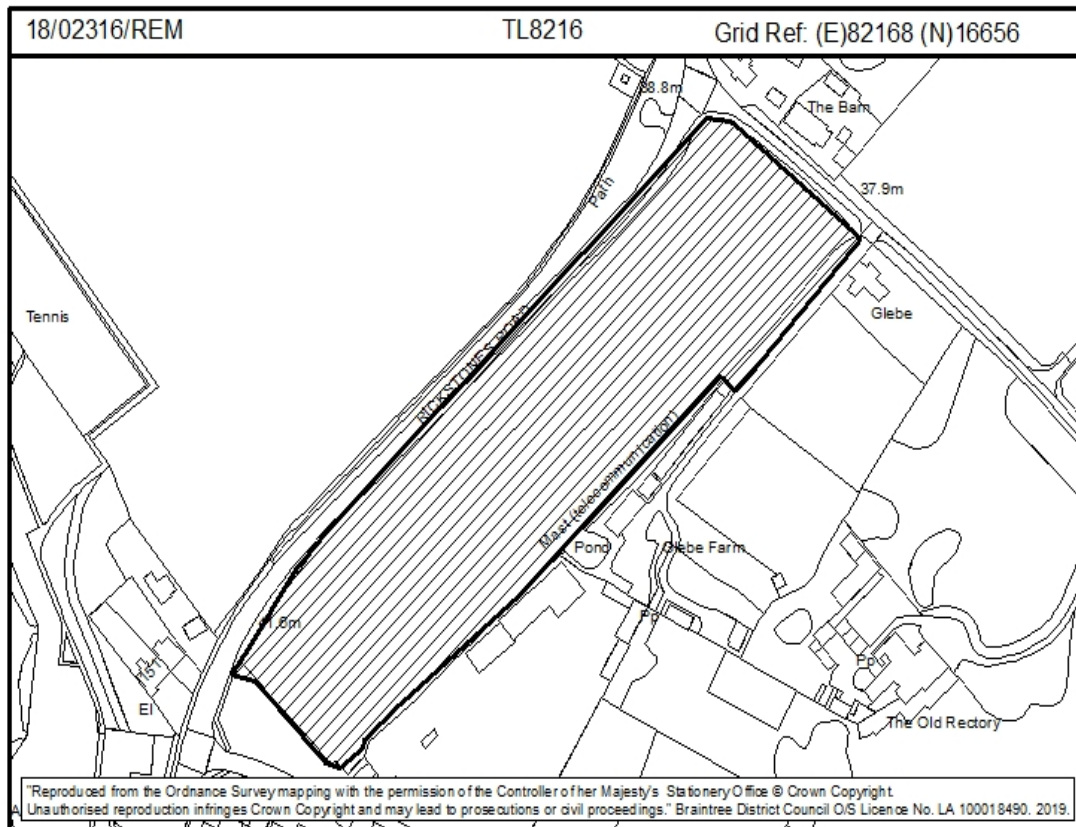
Planning Layout	Plan Ref: 428/18/PL1005
Tree Plan	Plan Ref: 428/18/PL1006
Proposed Site Plan	Plan Ref: 428/18/PL1007
Location Plan	Plan Ref: 428/18/PL1000

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/02316/REM DATE: 22.01.19
 VALID:
 APPLICANT: Mrs Sarah Cornwell
 Bellway House, 1 Cunard Square, Townfield Street,
 Chelmsford, CM1 1AQ
 AGENT: Miss Philippa Robinson
 Town Mill, Mill Lane, Stebbing, Dunmow, CM6 3SN, UK
 DESCRIPTION: Reserved matters application following outline approval
 18/00947/OUT seeking detailed approval for access,
 appearance, landscaping, layout and scale for 58 dwellings,
 public open space, sustainable drainage systems, refuse
 collection, noise mitigation, broadband provision, electric
 car charging and landscaping including retention of the
 Rickstones Road hedgerow onsite, and associated
 development.
 LOCATION: Land South Of, Rickstones Road, In The Parish Of
 Rivenhall, Witham, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PKFSZKBFM0B00>

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.	Appeal Withdrawn	14.09.18
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
18/00947/OUT	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	Granted with S106 Agreement	22.01.19
18/02271/DAC	Application for approval of details reserved by condition 26 of approval 18/00947/OUT - 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	Granted	23.01.19

18/02287/DAC	including retention of Rickstones Road hedgerow on site and all associated development Application for approval of details reserved by conditions 8 and 10 of approval 18/00947/OUT - 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.	Granted	08.05.19
18/02293/DAC	Application for approval of details reserved by condition 24 and 25 of approval 18/00947/OUT - 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.	Part Grant, Part Refused	08.05.19
18/02315/DAC	Application for approval of details reserved by conditions 17,18,19 and 20 of approval 18/00947/OUT - 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	Granted	14.02.19

19/00011/DAC	on site and all associated development Application for approval of details reserved by condition no 5 of approval 18/00947/OUT - 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.	Granted	14.02.19
19/00412/DAC	Application for approval of details reserved by condition no. 12 of approval 18/00947/OUT	Granted	09.05.19
19/00695/DAC	Application for approval of details reserved by condition 15 of approval 18/00947/OUT - 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	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 shortcomings 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.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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
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
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 being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the site is considered to be of significant public interest.

SITE DESCRIPTION

The application site is located outside the Town Development Boundary of Witham and in the Parish of Rivenhall. It measures approximately 2.38 hectares and consists of a rectangular agricultural field with associated trees and boundary hedges.

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 pattern 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 3metres from north-east to south-west.

PROPOSAL

This application seeks approval for details of all the Reserved Matters - access, appearance, landscaping, layout and scale - for a residential development of 58 dwellings with associated infrastructure and landscaping, pursuant to outline planning permission 18/00947/OUT that was granted planning permission on 22nd January 2019, following being reported to Planning Committee on 11th September 2018.

The outline planning permission was granted with all matters reserved, meaning that whilst the principle of development has been established approval is still required from the Local Planning Authority for the layout and scale of the development; detail of the access; appearance and landscaping. This Reserved Matters application seeks permission for all the matters reserved at the outline permission stage.

CONSULTATIONS

ECC Highways

No objection

Highways England

No objection

ECC Archaeology

Note that as a condition was imposed on the outline application to secure archaeological evaluation prior to development, no further conditions are required.

ECC Historic Buildings Consultant

Comment that their previous consultation response should be taken into account with regard to boundary treatments. No objection raised to the Reserved Matters application.

Previous comments (on the outline planning application):

'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’.

ECC Flood and Water Management

Comment that ‘Having reviewed the Flood Risk Assessment and the associated documents we do not object to the discharge of the conditions 8, 10 and 11 of 18/00947/OUT...’

Essex Police

Comment that they would welcome the opportunity to consult on the 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.

Natural England

Note that the site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The scheme is to be subject to a project level Habitats Regulations Assessment (HRA) and advise that appropriate funding should be secured to fund strategic ‘off site’ measures in and around the relevant European designated sites.

BDC Environmental Health

Note that due to the close distance of residential gardens to the Rickstones Road, the upper guideline value of 55dB(A) cannot be achieved for all garden areas. Request that additional screening to the side of the gardens be considered. With regard to the noise from the builders’ merchants, as this is intermittent and as garden areas have been designed to be separated from the road the assessment is accepted.

BDC Ecology

Having reviewed the ecological Assessment and the Addendum to Bat Surveys, relating to the likely impacts of development on protected and priority species, state the development would be acceptable with appropriate mitigation measures.

BDC Housing

Comment that the affordable housing provision is in accordance with Policy CS2 of Adopted Core Strategy. The affordable unit and tenure mixes illustrated have been agreed with the applicant and are considered appropriate to match evidence of housing need. All affordable homes

accessed at ground level should be compliant with Building Regulations Part M Cat 2.

PARISH / TOWN COUNCIL

Rivenhall Parish Council

Make the following comments:

- Welcome that the hedge is being retained, but question the date for the commencement of development and the retaining/transplanting of the hedge along Rickstones Road;
- The site is a projection of Rivenhall and will join Witham with Rivenhall;
- All residents will become part of Rivenhall Parish and will result in increased traffic through Rivenhall with increased use of their services and facilities (primary school, village hall, pre-school, playing field).
- Request S106 be spent within Rivenhall;
- Will increase car use;
- The pedestrian routes the development are disjointed;
- Seek speed limit to be imposed on adopted roads in the development;
- Need for a formal crossing of Rickstones Road;
- Limit on working hours.

Witham Town Council

Recommend refusal on the following grounds:

- Insufficient road width and lack of visitor parking;
- The position of the children's play area next to a pond;
- Clarity regarding the proposed position of the hedgerow adjacent to the highway;
- Need to provide a pedestrian crossing.

REPRESENTATIONS

3 letters of objection were received raising the following comments:

- Rickstones Road is too narrow to accommodate large amounts of traffic. Are already queues from the A12 and with the narrowing of the railway bridge in Oak Road will be made worse;
- Will add to traffic congestion; on street parking and associated road hazards;
- Loss of fields and open spaces – no spaces for people to enjoy;
- An overdevelopment of Witham;
- Houses are not affordable;
- Increased vehicles will add to pollution and house heating will affect breathing problems and health;
- Adverse impact on sports provision;
- Increased pressure doctors surgeries and policing;
- Loss of wildlife environments;

1 letter, neither objecting nor supporting the application was received raising the following comments:

- Drainage outfall discharges into Rectory Lane. Question whether examination has been undertaken to ensure the ditch network can cope;
- All ditches should be cleared of blockages; made good prior to construction and maintained;
- The siting of the play area has potential to impact on noise.

REPORT

Principle of Development

The principle of development has been established through the grant of outline planning permission (reference 15/00280/OUT), issued on 22nd January 2019. The current application seeks approval only for the reserved matters pursuant to the outline consent.

Layout, Scale and Appearance

Both 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...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate and effective landscaping'.

The applicant proposes a development of 58 dwellings. The design and layout has been the subject of extensive discussions and Officers acknowledge the positive approach that the applicant has taken to addressing issues that Officers have identified.

It is proposed that the development is served by one main access leading into the site from Rickstones 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. This is an acceptable approach to developing the site and consistent with the indicative layout on the outline permission.

In terms of the scale of the dwellings these are a maximum height of 2 storey which would reflect the scale of development in the locality. The dwellings are

well articulated with projecting gables, bay windows and a coherent and appropriate application of materials.

All of the plots are compliant with the Essex Design Guide in terms of garden sizes for the size of dwelling. Further, the communal amenity space serving the development would meet with the Council's desired standards. Essex Design Guide for back to back distances between new dwellings are also complied with.

Overall, the layout is considered to be appropriate to the context of the site and its surroundings and would result in a high quality of layout and design that would be compliant with policy.

Residential Amenity

The NPPF states that planning decisions should seek to '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.

There is an established Builders Merchants located to the south-east of the site which sits adjacent to the boundary and which has the potential to impact upon the amenity for future occupiers. Noise impacts from Rickstones Road further has the potential to impact upon dwellings fronting this boundary. The applicant has submitted a Noise Report in support of their application. A number of noise related conditions were imposed on the outline application and which have subsequently been discharged. The layout has been designed to reduce noise impacts to future residents and affected dwellings are designed with 1.8 metre high brick wall boundary enclosures together with a 2.5m high acoustic barrier alongside the Builders Merchants. Whilst the proposal would fall slightly short of the upper guideline value for a number of dwellings fronting Rickstones Road, on balance Officers are content that this would not result in undue harm to the amenity of future occupiers to warrant the refusal of the application. Measures to ensure compliance would result in harm to visual amenity and the quality of the development.

In regards to the impact upon neighbouring amenity, it is noted that 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. The Essex Design Guide requires a 25m separation distance for dwellings which sit in a back to back relationship, and this is adhered to in the layout.

It is acknowledged that the construction of a housing development will result in noise and disturbance for local residents. A condition was imposed on the outline application requiring the submission and approval of a Construction Management Plan which seeks to protect neighbour amenity, so far as is practicable.

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires that in such an area 30% affordable housing provision will be directly provided by the developer within new housing schemes. The application complies with this policy and provides for 17 affordable dwellings. Furthermore the applicant has specifically identified the provision of 1no.6 bed (11 person) house (affordable rented) and 1no. 3 bed (5 person) wheelchair accessible bungalow (affordable rented). The size, mix and design of the affordable housing has been drawn up to help the Council to meet local housing need and the Council's Housing Enabling Officer has agreed the affordable housing offered and supports this element of the application. The affordable housing is being secured via the legal agreement on the outline consent.

Heritage

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan seeks to protect listed buildings and their settings. Whilst the NPPF also seeks to protect designated heritage assets, paragraph 196 states that harm to heritage assets to be balanced against public benefits.

When the application for outline planning permission was being assessed Officers raised no objection to the proposed development stating that the application site does not form part of the immediate historic setting of the Grade II Listed Building of The Old Rectory, located approximately 115m to the north-west. As per the Historic Buildings Consultant recommendations on the outline consent, a strong landscape boundary is created and the height of building are limited to ensure that the new dwellings are properly screened from The Old Rectory.

Although 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', as planting to this boundary is secured the impact upon Rectory Lane would be ameliorated.

Overall, there are no objections to the development in terms of impact upon heritage assets.

Landscaping

As required by the outline planning permission this application is accompanied by detailed plans showing the approach to hard and soft landscaping. 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.

As detailed within the Committee Report for the outline permission Officers were content that development on the site would have no unacceptable impact to the landscape character of the area given the relatively well contained nature of the site in the wider landscape and the fact that the scheme has been specifically designed to facilitate the re-location and retention of the Rickstones Road hedge, and which is secured via Condition 26 on the outline consent.

With regard to trees and hedges, the submitted Arboricultural Report details proposals to retain existing trees and boundary hedging to the south-west; south-east and north-east site boundaries, together with substantial additional planting along the north-eastern and south-western boundary.

In regards to the Rickstones Road frontage hedgerow, as secured on the outline consent, the proposal will include the retention of the hedgerow supported by a realignment of a smaller section extending to almost 90 metres in length.

The application has further been submitted with a detailed landscaping approach which includes 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. This is being secured via conditions on the outline application.

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.

Matters relating to ecology were addressed on the outline application, which was supported by a Biodiversity Survey 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.

The development was not considered to adversely impact protected species, including badgers, bats, birds, great crested newts, grass snakes or common lizards, subject to the imposition of conditions. These were secured on the outline consent and remain in force. No further conditions are considered necessary on this reserved matters application. The hard surfacing materials

are equally appropriate and would enhance the character and appearance of the site.

Access and Highway Considerations

The outline planning permission was granted with all matters reserved, but which indicated a singular vehicular access to the site being formed off Rickstones Road. A number of conditions relating to highway matters were secured on the outline application as well as obligations within the legal agreement.

This reserved matters application has progressed on this basis of that presented in the outline application. County Highways are content that highway matters are acceptable and that no further conditions are required.

Parking for each dwelling would be provided in accordance with the Essex The Council's adopted Parking Standards (2009) which requires that dwellings are provided with a minimum of 1 space per 1 bed unit and a minimum of 2 spaces for each dwelling with 2 or more bedrooms. In addition visitor parking is provided. Provision for cycle storage is to be provided in accordance with Council standards.

The layout enables walking and cycling opportunities through the site from the north to south, and allows a safe route through the site away from Rickstones Road.

Other Matters

Archaeology

Planning conditions imposed on the outline consent will secure a programme of historic building assessment and recording and archaeological evaluation.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their outline 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.

Planning conditions imposed on the outline consent will secure an appropriate SUD's and drainage system.

PLANNING BALANCE / CONCLUSION

The application site is located outside of the Town Development Boundary of Witham and Rivenhall as identified in the adopted and the emerging Local Plan and is situated in the countryside. However, the principle of development has been established under the approved original outline consent, reference 15/00280/OUT, issued on 22nd January 2019. This Reserved Matters application seeks permission for all the matters reserved at the outline permission stage, namely the layout and scale of the development; detail of the access; appearance and landscaping.

In this respect the development is considered to result in a high quality scheme of a layout, scale and detailed appearance that would respect the locality and provide for acceptable amenity for future occupiers, with no unacceptable harm to neighbouring residents. Matters relating to access and other highways considerations are acceptable.

Further, as detailed on the outline application, the application would meet with social sustainability with the provision of 1no.6 bed (11 person) affordable rented house and 1no. 3 bed (5 person) wheelchair accessible affordable rented bungalow.

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

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

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

House Types	Plan Ref: 860-PL-132 V2019	Version: 3B HA83
		House type B
Highway Plan	Plan Ref: F285-009	Version: A
Highway Plan	Plan Ref: F284-004	
Swept Path Details	Plan Ref: F287-003	Version: A
Technical Information	Plan Ref: F287-006	Version: A

Levels	Plan Ref: F287-007	Version: A
Levels	Plan Ref: F287-005	Version: A
Street elevation	Plan Ref: 860-PL-136	Version: Sheet 4
Street elevation	Plan Ref: 860-PL-135	Version: Sheet 3
Street elevation	Plan Ref: 860-PL-137	Version: Sheet 5
Street elevation	Plan Ref: 860-PL-134	Version: Sheet 2
Site Layout	Plan Ref: 860-PL-138	Version: A
Public Open Space Details	Plan Ref: 860-PL-106	Version: A
Location Plan	Plan Ref: 860-PL-102	Version: B
Development Framework Plan	Plan Ref: 860-PL-104	Version: A
Location Plan	Plan Ref: 860-PL-100	
Planning Layout	Plan Ref: 860-PL-103	Version: N
House Types	Plan Ref: 860-PL-130-A	Version: HA71 2B
HOUSETYPE		
House Types	Plan Ref: 860-124-B	Version: NEVILLE
HOUSETYPE		
House Types	Plan Ref: 860-131-A	Version: SPECIAL
5B-9/10 PERSON		
Landscape Masterplan	Plan Ref: PR106-01	Version: Q
House Types	Plan Ref: 860-PL-130 C	Version: C
House Types	Plan Ref: 860-PL-127 B	Version: B
House Types	Plan Ref: 860-PL-128 B	Version: B
House Types	Plan Ref: 860-PL-129 A	Version: A
House Types	Plan Ref: 860-PL-131 D	Version: D
House Types	Plan Ref: 860-PL-132 A	Version: A
Substation Details	Plan Ref: 860-PL-133	
Site Layout	Plan Ref: 860-PL-CD -15F	Version: F
Site Layout	Plan Ref: 860-PL-101 Q	Version: Q
Site Layout	Plan Ref: 860-PL-103 P	Version: P
Site Layout	Plan Ref: 860-PL-107 Q	Version: Q
Site Plan	Plan Ref: 860-PL-108 Q	Version: Q
Site Layout	Plan Ref: 860-PL-109 Q	Version: Q
Parking Strategy	Plan Ref: 860-PL-111 Q	Version: Q
House Types	Plan Ref: 860-PL-120 D	Version: D
House Types	Plan Ref: 860-PL-121 B	Version: B
House Types	Plan Ref: 860-PL-122 A	Version: A
House Types	Plan Ref: 860-PL-123 C	Version: C
House Types	Plan Ref: 860-PL-124 C	Version: C
House Types	Plan Ref: 860-PL-125 D	Version: D
House Types	Plan Ref: 860-PL-126 B	Version: B

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

Reason

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

- 2 Prior to the first occupation of any dwelling, boundary treatments shall be carried out in accordance with Plan 860-PL-CD-15F.

Reason

In the interests of residential amenity.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out to Plots 42, 45, 49, 50, 53, 54, 55, 56, 57 or 58 without first obtaining planning permission from the local planning authority.

Reason

In order that the Local Planning Authority may exercise control over any proposed future extensions in the interests of residential and/or visual amenity.

- 4 The garage hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority

- 5 The car parking spaces shall be kept available for the parking of motor vehicles at all times and shall be used solely for the benefit of the occupants of the dwellings, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking space is provided within the site in accordance with the standards adopted by the local planning authority

- 6 Prior to the first occupation of the development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

- 7 The hard surfacing shall be provided in accordance with plan PR106-01 REV M and shall be provided prior to the occupation of the dwelling or dwellings to which it relates.

Reason

To enhance the appearance of the development.

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).

2 You are reminded of the need to comply with all relevant conditions attaching to the outline planning permission 18/00947/OUT and the associated legal agreement.

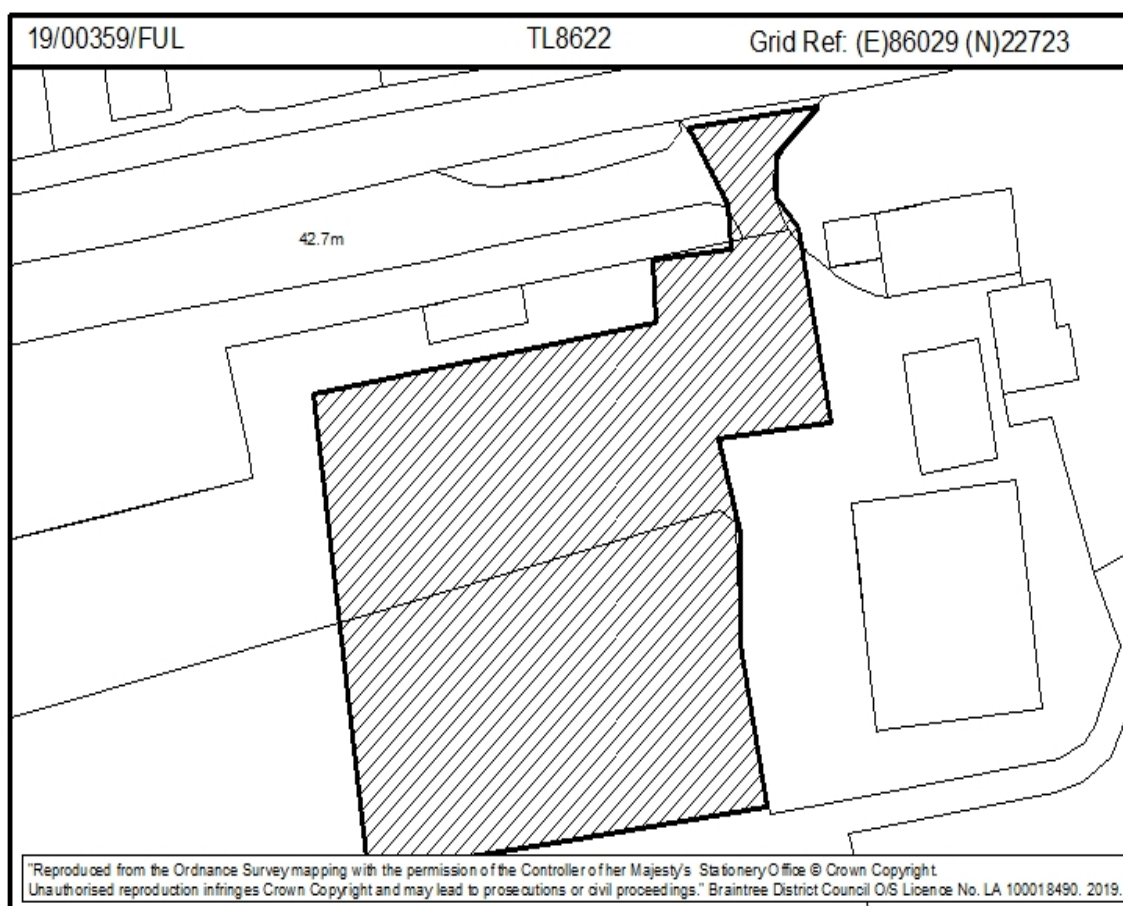
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/00359/FUL
DATE VALID: 18.02.19
APPLICANT: Mr Potter
C/O Agent
AGENT: Mr Peter Le Grys
The Livestock Market, Wyncolls Road, Colchester, CO4 9HU
DESCRIPTION: Erection of replacement workshop for use by A T Autos for motor vehicle servicing, repairs and as a Class 7 MOT Testing Station
LOCATION: Raynecroft Farm, 20 Colchester Road, Coggeshall, Essex, CO6 1RP

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PNL9G3BF0/G00>

SITE HISTORY

95/00454/AGR	Erection of a grain store and tractor shed	Permission not Required	19.05.95
95/01370/COU	Proposed change of use from farm building to work shop	Granted	30.01.96
97/00025/COU	Proposed change of use from farm buildings to joinery workshop	Refused	10.06.97
99/00226/FUL	Erection of porch	Granted	24.03.99
13/00732/FUL	Erection of two storey and single storey rear extension, new porch and pitched roof over boiler room on side elevation	Granted	02.08.13
16/01437/FUL	Proposed change of use of existing storage unit into carpet shop	Withdrawn	20.10.16

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.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

Essex Parking Standards/Urban Space Supplement
Draft Coggeshall Neighbourhood Plan:
(Limited weight – had regulation 14 but still early in process overall)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to Officer recommendation.

SITE DESCRIPTION

Raynecroft Farm is situated on the South Side of Colchester Road in Coggeshall. It comprises numerous former agricultural and other buildings within a short distance of the site entrance, while the farm house is located further to the east. To the west lies a large proportion of the wider site, and linear residential development beyond that towards the centre of the village. To the South is horticultural/agricultural land.

PROPOSAL

The application in this case is to erect a servicing, repair and MOT testing building on the site at Raynecroft Farm. The building would measure 20m by 20m and be approximately 6.2m high. It would be sited approximately 20m further west than the existing former agricultural building on the site. The proposal is for all operational works to take place inside of the building.

The proposal would relocate an existing local business currently located on the north side of Colchester Road where planning permission has recently been granted for a residential development of 300 houses. As a result of this planning permission, the existing business would be displaced and as such this application seeks permission for its relocation.

CONSULTATIONS

ECC Highways

No objection. Given the existing use of the site, the proposed development and the area to be available for parking within the site for all uses, which complies with Braintree District Councils adopted parking standards, the proposal is acceptable to the Highway Authority.

BDC Environmental Health

No objection, subject to conditions related to the control of noise and site clearance during construction.

PARISH / TOWN COUNCIL

Coggeshall Parish Council object to the application for the following summarised reasons:

- Site is not commercial – it is part of a farm yard
- Any conversions / new buildings that have taken place have not benefited from planning permission – should not be justification to allow this development
- No justification provided for new building rather than conversion of an existing building
- It was the applicant who sold the land to housing developer, so was not forced out of the previous site unwillingly
- No benefits to local economy or community that would outweigh harms which is to the landscape setting of the village
 - Detrimental impact on landscape character
 - May set precedent for further development in future
- Development would not preserve open character of the road
- Contrary to Neighbourhood Plan
- Unclear what is happening with the hedge at the front of the site

REPRESENTATIONS

Neighbouring properties were notified of this proposal in writing and a site notice was erected adjacent to the site. No representations have been received.

REPORT

PRINCIPLE OF DEVELOPMENT

The NPPF states in paragraph 83 inter alia that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

The NPPF in Paragraph 84 also states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It also states that in these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The site is not identified as being within a development boundary in the adopted Local Plan and as such is on land designated as 'countryside' where there is a presumption against new development. Policy RLP2 of the Adopted Local Plan states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies apply. Policy CS5 of the Adopted Core Strategy states

that development outside of defined boundaries will be strictly controlled to uses appropriate to the countryside in order to protect and enhance landscape character, biodiversity, geodiversity and the amenity value of the countryside.

Policy RLP27 of the Adopted Local Plan states that Development for employment uses shall be concentrated on suitable sites in towns and villages where housing, employment and other facilities can be provided close together. Development for business, commercial and industrial use shall be located to minimise the length and number of trips by motor vehicles.

Furthermore, Policy RLP40 of the Adopted Local Plan states that the new industrial and commercial development in the countryside is acceptable providing it is on a small scale compatible with the surrounding area. Policy LPP8 of the Draft Local Plan echoes the above and states that where it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new buildings shall be well designed, and appropriately sited. New buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings. All such new development shall also be considered against the criteria above.

The application in this case is to erect a servicing, repair and MOT testing building on the site at Raynecroft Farm. The building would measure 20m by 20m and be approximately 6.2m high. In accordance with the above policies, there are numerous interlinked tests set out in the NPPF and local policies which the building is required to meet to be considered acceptable in principle. These are broadly separated out into the below sub-headings, with a conclusion paragraph at the end.

Site Location

The site is not located within a development boundary and as such is located in the countryside. In accordance with the above policies, that does not automatically make the proposal unacceptable. The site in this case is not remote, it forms part of a cluster of loose knit buildings on the south side of Colchester Road. On the north side of Colchester Road opposite the site, there are numerous linear dwellings, although these are also to some extent spaced out from each other. Beyond these houses to the north is the recently approved development for 300 new dwellings.

The existing edge of the village development boundary is approximately 110m away from where the proposed building would be sited, although this boundary will extend across the north side of Colchester Road to encompass the new houses once built, and thus would be directly opposite the application site. Taking into account all of the above, while the site is located within the countryside, it is physically well-related to the existing settlement. In accordance with Paragraph 84 of the NPPF, this type of development should be encouraged in principle.

Justification & Existing Buildings

From supporting evidence submitted with the planning application, it is understood the rationale for requiring an additional building on the site stems from the requirement to move off of the previous site on the north of Colchester Road. It is stated in the supporting statement that there are currently no buildings available on the site which could accommodate the proposed workshop, and thus a new building is necessary. Taking into account that the business is relocating to the site, rather than expanding from existing business on site, it is considered that further justification is not necessary in principle to allow for a new building to be erected. However, the building would still need to be of an appropriate size and scale to be considered acceptable. This is explored further in the report.

Design, Siting, Scale, Appearance & Landscape

Paragraph 124 of the NPPF states inter alia that Good design is a key aspect of sustainable development. In addition to this, Policy RLP90 of the Adopted Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

Policy CS8 of the Adopted Core Strategy indicates that where development is to take place in the countryside it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. The policies set out above seek to protect the countryside and direct new development to sustainable locations.

The building would measure 20m by 20m and be approximately 6.2m high to ridge, and 4m high to eaves. It would comprise green steel cladding for both the roof and walls. It would be sited approximately 20m further west than the existing former agricultural building on the site, and be very similar in terms of position and scale. The building would not contain any fenestration, but would include two doors and a roller shutter door. This is in an attempt to retain a traditional agricultural appearance for the building opposed to a modern office building with large fenestration, colour banding etc.

In terms of landscape impact, the area to the South of Colchester Road is considered to have a medium-low landscape capacity for new development in accordance with the Coggeshall Settlement Fringes Landscape Area Evaluation June 2015 (Parcel 2f - which starts at the junction of Feering Road and Colchester Road, extends southwards for approx. 400m, then arcs around towards the junction of the A120 and Colchester Road).

In assessing the landscape impact of the development, it is important to take into account existing buildings, local context and the proximity of public footpaths. In this case, from Colchester Road, the site is relatively well screened apart from the site access, which blocks wider landscape views. As such, the proposed building would be screened to a degree from the street. From views south-north, across the agricultural fields, the site is more open and visible. However, there is no public footpath which runs behind the site for a considerable distance.

In views east-west, there is a public footpath which runs approx. 350 away which will facilitate some limited views of the proposed building, however this will be seen in conjunction with the existing farm buildings at the site, and would not appear out of place due to the size and scale of the proposed building. The site would also be screened largely from views from Feering Road in west east views due to existing development and vegetation, but where gaps do exist it would be the same scenario as above that the proposed building would not appear at odds with the existing development. A landscaping scheme has been recommended via condition in order to assist screening the development.

As such, taking into account all of the above, while there would be some landscape impact of the proposed development, this would be relatively limited due to existing built form/vegetation and the proposed buildings scale, appearance and location. Concerns have been raised about this proposal setting a precedent for future development, however each application is determined on its own merits, and this cannot form a reason to refuse the planning application.

Impact on Neighbour Amenities & Noise

Policy RLP90 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Policy RLP36 of the Adopted Local Plan states that planning permission will not be granted for new development, extensions or changes of use which have an unacceptable impact on the surrounding area.

It is reported that the proposed operation of the business at the site would be identical to the operation at the existing workshop, which primarily relates to the repair and MOT testing of motor vehicles. It is reported that the work would not involve any bodywork repairs, welding or paint spraying activities. All work would be undertaken inside the building and the hours of operation are between 8.00am and 6.00pm Mondays to Fridays and 8.00am and 1.00pm on Saturdays. Cars awaiting servicing and repair would be stationed upon the forecourt and to the rear of the building. There would also a skip placed alongside the building used for the storage of waste. No work or storage would take place outside the building. The proposed relocation would remove the business away from existing properties on Colchester Road, but closer in proximity to the existing farmhouse at the site which would be approximately 60m away from where the building would be located.

The Environmental Health Officer has considered the application and has no objection subject to the imposition of the same noise control conditions for the existing nearby site, including: delivery times, background noise, all work to be carried out internally, any external plant or machinery would need planning permission and hours of work during construction. These conditions have been recommended.

Taking into account the siting of the proposed building, coupled with the separation distances to the residential development, proposed operation and suggested conditions, it is considered there would not be a detrimental impact on the amenity of neighbours by virtue of overlooking, overshadowing or overbearing.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009.

The site would be accessed via an existing egress from Colchester Road. The development would not alter this existing configuration. The application form accompanying the application states that the new building would generate 4 full time employees (no net increase from existing site). It is considered that these 4 employees could be accommodated at the site without detriment to the local highway network. Furthermore, there is sufficient space at the site to accommodate customer and employee parking of a considerable number. Furthermore, Essex Highways have not objected to the application.

As such, taking into account all of the above, it is considered from a highways perspective that the proposal is acceptable.

Other issues

Concerns have been raised by the Parish Council in respect to operations/activities at the site which do not benefit from planning permission. However, there are no current enforcement cases which have been referred to the Council at this site. While the Council uses its best endeavours to monitor sites the enforcement service is reactive rather than proactive. Should the Parish Council wish to discuss any unauthorised uses with the Council at the site, they should do this through a separate process.

CONCLUSION

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the

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

In terms of benefits, the relocated business would provide economic and social benefits by continuing to be able to operate, providing a service to Coggeshall and beyond for motor repair etc. In terms of environmental harm, the building would have some landscape impact, but overall the harm would be limited. Furthermore, while the site is located in the Countryside, it is well related to an existing settlement which has access to services and facilities.

As such, taking into account all of the above, it is considered that the economic and social benefits of the development would outweigh the environmental harms that would arise. As such, it is considered the proposed development would constitute sustainable development and it is therefore recommended that planning permission is granted.

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

Proposed Elevations and Floor Plans Plan Ref: PCR-01 Version: B

- 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 Apart from the parking of vehicles on the hardstanding to the front of the building, and the skip as shown on Plan PCR-01B, there shall be no outdoor storage or display of equipment, plant, goods or materials within the site whatsoever.

Reason

In the interests of visual amenity and in order to safeguard the character and appearance of the countryside.

- 4 Noise from the operation shall be suitably attenuated so as not to increase the background noise level (LA90, 15 minutes) at any time as assessed at any noise sensitive premises.

Reason

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

- 5 The premises shall not be open for business and there shall be no work at the premises outside the following hours:

Monday to Friday 0800hours - 1800 hours

Saturdays 0800 hours -1300hours

Sundays, Bank Holidays and Public Holidays: No opening or work.

Reason

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

- 6 All work to vehicles shall be carried out within the building in accordance with approved Plan PCR-01B.

Reason

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

- 7 Details of any external plant and machinery, including noise emissions and sound attenuation measures, shall be submitted to and approved in writing by the local planning authority prior to installation. The approved plant/machinery shall thereafter be implemented in accordance with the approved details.

Reason

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

- 8 Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority.

Such 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 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

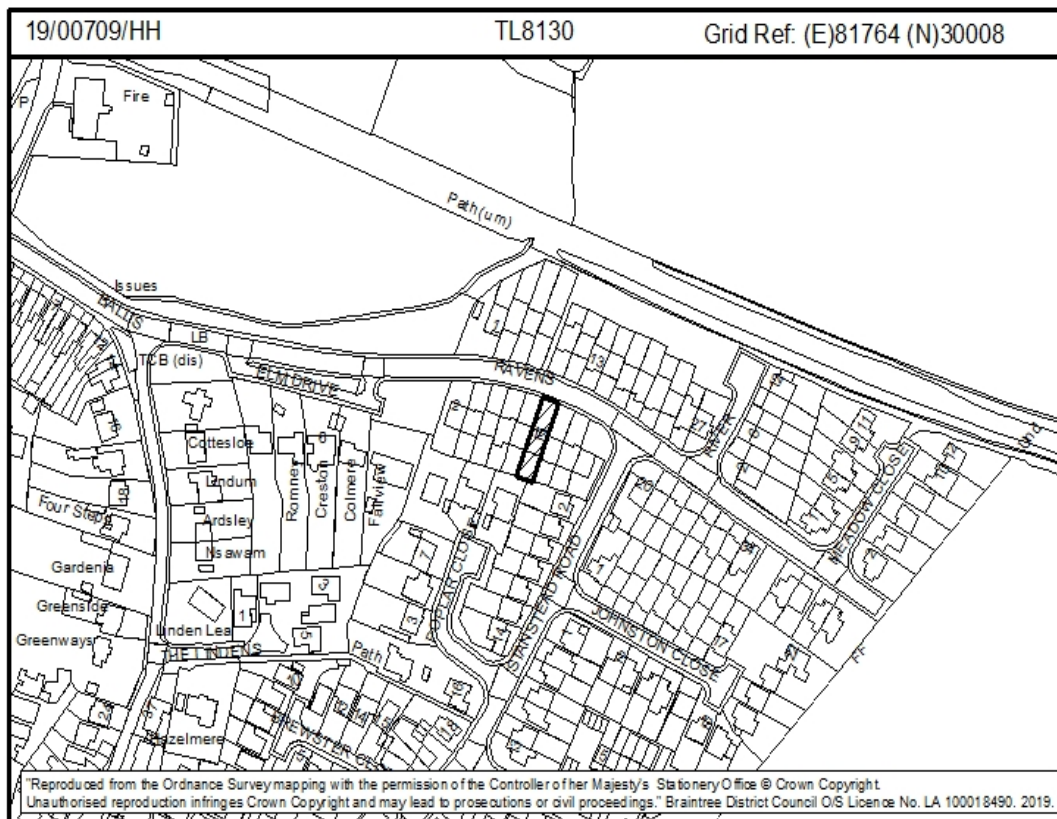
To enhance the appearance of the development and in the interests of amenity and privacy.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 19/00709/HH DATE: 15.04.19
 VALID:
 APPLICANT: Ms Nicola Ridgewell
 12 Ravens Avenue, Halstead, CO9 1NZ
 AGENT: Mr Aeron Stubbs
 21 Tidings Hill, Halstead, CO9 1BD
 DESCRIPTION: Removal of flat roof over garage and entrance and provision of front porch with a pitched roof canopy across entire front elevation of the dwelling and conversion of garage to provide additional living accommodation.
 LOCATION: 12 Ravens Avenue, Halstead, Essex, CO9 1NZ

For more information about this Application please contact:
 Daniel White on:- 01376 551414 Ext. 2518
 or by e-mail to: daniel.white@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQ27OYBF0JD00>

SITE HISTORY

18/00113/FUL	Erection of 6no. 3 bedroom dwellings, new access road, car parking and landscaping.	Granted with S106 Agreement	27.07.18
18/01756/DAC	Application for approval of details reserved by conditions 7 & 9 of approved application 18/00113/FUL		19.10.18
18/02044/VAR	Application to vary condition 2 of planning permission 18/00113/FUL amending house types	Refused	23.01.19
19/00242/VAR	Application for a variation of Condition 2 of planning permission 18/00113/FUL- Redesign of house types.	Granted	02.04.19
19/00243/DAC	Application for approval of details reserved by conditions 4 and 10 of approved application 18/00113/FUL	Granted	09.05.19
19/00681/VAR	Application for a variation of Condition 2 of planning permission 18/00113/FUL - updated site plan	Granted	20.06.19

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.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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
LPP50	Built and Historic Environment
LPP45	Parking Provision
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 Planning Committee in accordance with the Council's scheme of delegation as the applicant is a member of staff at Braintree District Council.

SITE DESCRIPTION

12 Ravens Avenue is a terraced dwelling situated in the Halstead Town Development Boundary. The property is constructed from dark red multi bricks, with large white UPVC windows on the front elevation and dark coloured concrete tiles used for the roof. The property has an existing flat roofed garage on the front elevation and a large driveway.

PROPOSAL

The application seeks planning permission for the erection of a new pitched roof over the existing garage and front porch and a pitched roof canopy across the entire front elevation. The proposal would also involve the conversion of the existing integral garage to habitable accommodation, to provide a study and a utility room/WC.

The conversion of the garage to living accommodation would involve the replacement of the existing garage door with a large rendered panel, and high level windows similar in appearance to those at first floor level at the existing property. The front entrance door of the property would be moved forward to be in line with the former garage projection and create a new porch area.

The materials proposed comprise new low level brickwork to match the existing, a large pale coloured rendered infill to replace the garage door, high level UPVC windows, two pale coloured rendered panels either side of the new front door, and tiles for the roof to match those used on the existing dwelling.

CONSULTATIONS

None

PARISH / TOWN COUNCIL

Halstead Town Council have no objections to the application.

REPRESENTATIONS

No representations have been received.

REPORT

Principle of Development

The application site is located within the Town Development Boundary of Halstead, where the principle of extensions and alterations to existing dwellings is acceptable, as established by Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan.

This is, however, subject to the resulting design and neighbour relationships being acceptable.

Design, Appearance and Impact upon the Character of the Area

The proposed design and appearance of the proposal is considered to be acceptable and in keeping with the character and appearance of the existing property and wider street scene

Impact on Neighbour Amenity

The proposal would not have a detrimental impact upon the neighbouring residential amenities, although the extension and changes to the front elevation of the property would be visible in the street scene.

Highway Issues

The proposal would result in the loss of the existing integral garage, however the submitted plans demonstrate that two parking spaces would be retained on the site frontage. The proposal would therefore comply with the adopted parking standards.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The proposal would result in the loss of an existing integral garage, but sufficient parking would be retained at the property. 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	Plan Ref: 001
Block Plan	Plan Ref: 002
Existing Ground Floor Plan	Plan Ref: 003
Proposed Ground Floor Plan	Plan Ref: 004
Elevations	Plan Ref: 005

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

Reason

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

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

Reason

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

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

Reason

To conform with the pattern of the existing development in the locality.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER