

PLANNING COMMITTEE AGENDA

Tuesday 5th April 2022 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

This is a decision making public meeting of the Planning Committee, which may be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public may also choose to attend the meeting. Members of the public will also be able to view and listen to this meeting via YouTube.

To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>

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

Membership:-

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

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy *(Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel).*

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

Public Question Time – Registration to Speak on a Planning Application/Agenda Item:

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

Members of the public who have registered to speak during Public Question Time are requested to indicate when registering if they wish to attend the Planning Committee meeting ‘in person’ at Causeway House, Bocking End, Braintree, or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for 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 three minutes each to make a statement.

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

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team by E-Mail at governance@braintree.gov.uk by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the continuing Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of

the public may also attend the meeting 'in person', but priority will be given to those people who have registered to speak during Public Question Time. Members of the public will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

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

Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that 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.

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

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

Documents: Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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

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

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

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

PUBLIC SESSION

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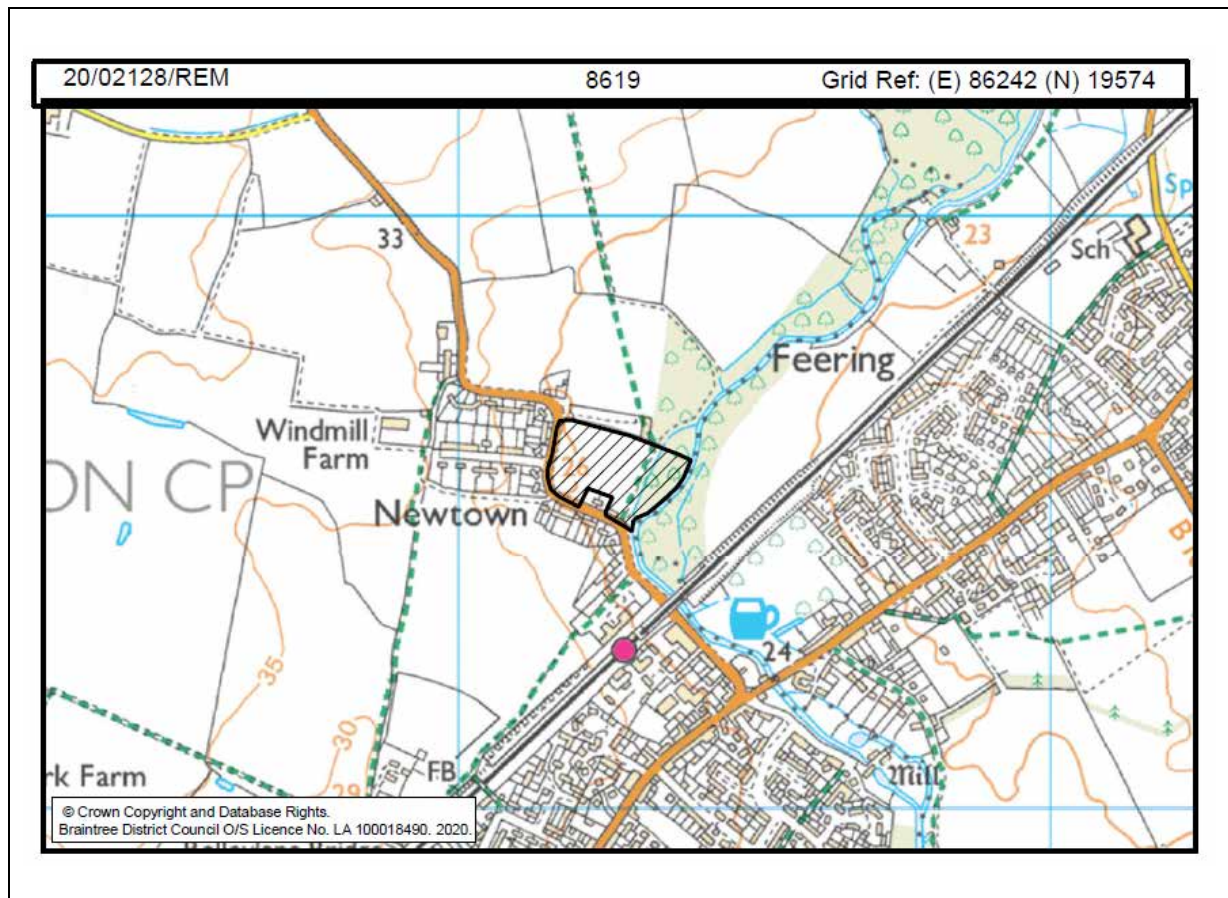
- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice 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 22nd March 2022 (copy to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications
- 5a App. No. 20 02128 REM – Land adjacent to Watering Farm, Coggeshall Road, KELVEDON** **6-37**
- 5b App. No. 21 02718 REM – Plc Hunwick Ltd, Kings Road, HALSTEAD** **38-58**
- 5c App. No. 21 03231 REM – Towerlands, Panfield Road, BRAINTREE** **59-98**
- 5d App. No. 21 03625 FUL – Cardinal Works, rear of 48 Bradford Street, BRAINTREE** **99-134**
- 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.

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.

Report to: Planning Committee		
Planning Committee Date: 5th April 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	20/02128/REM	
Description:	Submission of the reserved matters pursuant to outline planning permission 17/02271/OUT for the creation of 35 one, two, three and four bedroom houses and apartments plus associated roads, parking, open space and landscaping.	
Location:	Land Adjacent To Watering Farm, Coggeshall Road, Kelvedon	
Applicant:	Parker Strategic Land	
Agent:	JCN Design & Planning	
Date Valid:	23rd December 2020	
Recommendation:	<p>It is RECOMMENDED that the following decision be made:</p> <p>§ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</p>	
Options:	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s) 	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	<p>Lisa Page</p> <p>For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: lisa.page@braintree.gov.uk</p>	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 20/02128/REM.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p>

	<p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>
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1. EXECUTIVE SUMMARY

- 1.1 This application is for approval of the reserved matters, to determine the scale, layout, appearance and landscaping of the development. It follows the outline planning permission which approved the access point to the site to the north western corner and associated works.
- 1.2 The development provides 35no. dwellings, providing 40% as affordable housing. The mix of market dwellings (3no. 2 bed dwellings, 9no. 3 bed dwellings and 9no. 4 bed dwellings) fails to meet with that set out within the Neighbourhood Plan. However this mix was not secured on the outline permission and is not a matter that can now be considered at the Reserved Matters stage. The mix and location of the affordable housing is acceptable.
- 1.3 The layout of the development follows the fundamental principles set out within the Concept Diagram submitted as part of the application for outline planning permission. The creation of a strong frontage to Coggeshall Road, with a lower density of development towards to the east of the site facing onto the open space at this site edge is welcomed. The overall, layout, scale and detailed design would result in a high quality development that would positively respond to the character and appearance of the locality. All of the dwellings meet with the Nationally Described Space Standards for internal accommodation and externally are provided with amenity space in accordance with the Essex Design Guide.
- 1.4 The development does not provide tree lined streets as required by Paragraph 131 of the NPPF, however, this reserved matters application relates to a 2017 outline permission. The current application was also submitted prior to the requirements of the NPPF (Published July 2021). As such, matters in regards to the number of units that the site could accommodate, and the specific layout of development had therefore already been significantly progressed prior to the introduction of a requirement for tree lined streets. The applicant has worked with Officers to seek to deliver street trees to meet with the requirements of the NPPF. A number of additional trees have been incorporated to the layout since the initial submission, but given the advanced stage of the layout, it is accepted that the development cannot ensure that such trees are provided on both sides of the streets throughout the development. This is a matter which weighs against the proposal.
- 1.5 The development would not result in adverse impacts to the existing trees and groups of trees on site. Trees and the hedgerow on the northern boundary and hedgerow that encloses the Watering Farm cottages on Coggeshall Road are to be retained. Across the site, the landscaping scheme follows the principles of landscaped edges, street planting and parklands. For the proposed planting within the public open space, much discussion has been undertaken with the applicant to secure appropriate species for the site, and to ensure that the chosen trees and other planting

is appropriate, including the part of the application site that is vulnerable to flooding.

- 1.6 In respect of vehicle parking, all the dwellings are provided with parking provision in accordance with the Adopted Parking Standards. Unallocated parking spaces are well distributed throughout the site, and a total of ten spaces exceeds the minimum level required for the site. The plans demonstrate provision for electric vehicle charging within the scheme for all dwellings, and the applicant has agreed to a condition to provide details for approval prior to the first occupation.
- 1.7 Matters in regard to ecology are acceptable. However, in respect of the Habitat Regulations Assessment (HRA / RAMS), as the site is sited within the Zone of Influence of Ramsar sites, it is necessary for the Council to complete an Appropriate Assessment to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites. (An Appropriate Assessment was not undertaken on the outline permission due to it being a 2017 application). An Appropriate Assessment (Habitat Regulation Assessment Record) has now been completed and subject to proposed mitigation measures (which would consist of securing of a financial contribution of £127.30 per dwelling erected towards offsite visitor management measures at the above protected sites), would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites. This financial contribution would be secured by way of a Unilateral Undertaking which will need to be in place, prior to the decision being issued.
- 1.8 Matters in regard to flood risk and drainage are acceptable.
- 1.9 Equally, the development would not result in an adverse impact to neighbouring amenity.
- 1.10 Accordingly it is therefore recommended that reserved matters are approved, pending the issuing of the Unilateral Undertaking.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is broadly rectangular in shape and currently comprises 2.68 hectares of predominantly agricultural land located to the west of the Blackwater valley, with Coggeshall Road running along the west and south-west boundaries, a pair of semi-detached cottages and their respective plots (1 & 2 Watering Farm) punctuate the latter halfway along. The north-eastern boundary is largely shared with the site of a commercial business - Seven Seas Bespoke Kitchen Worktops – which appears a relatively low key industrial use; to the north west of which fronting Coggeshall Road is 'Moorings', a Grade II Listed Building of early eighteenth century construction.
- 5.2 Also beyond the eastern boundary, which includes part of the application site, is a wet woodland (willow plantation) which runs adjacent to the river through which passes a Public Footpath (92-4) which leads off in a northern direction towards Coggeshall Hamlet.
- 5.3 The land within the site generally slopes down to the south east, towards the Blackwater Valley.
- 5.4 The site lies within Flood Zone 1, 2 and 3. The open space and equipped play area to the east of the site lie within Flood Zone 2 and 3. All of the dwellings lie within Flood Zone 1, although the road to access dwellings at Plot No.9-15 and some of the visitor car parking spaces are located within Flood Zone 2.

6. PROPOSAL

- 6.1 This application seeks approval for reserved matters, to determine the scale, layout, appearance and landscaping of the development. It follows the outline planning permission which approved the access point to the site. The approved vehicle access is in the north western corner, incorporating the widening of Coggeshall Road, ghost lanes for vehicles waiting to turn right into the site and into Observer Way, a pedestrian refuge island that

separates the turning lanes, and a footway on the north side of the street between Watering Farm Cottages and the new entrance. These works tie into the new entrance to the Monks Farm site and include a forward visibility splay across the land at the street frontage where the ground levels have been be remodelled as part of the highway works.

- 6.2 The development provides 35no. dwellings. The majority of the development is 2 storey in scale, though there are 2no. single storey dwellings on the Coggeshall Road frontage. The majority of the site parking for the dwellings is provided on plot, or within the parking courts with visitor parking sited within the parking courts and on street. To the east of the site an area of open space is provided which contains the area of equipped play. An existing public right of way lies to the east of the open space, and as noted above, beyond that is an area of restricted access that will be managed for ecological purposes.

- 6.3 In terms of the mix of dwellings this is as follows:

Market dwellings

3no. 2 bed dwellings
9no. 3 bed dwellings
9no. 4 bed dwellings

Affordable dwellings

2no. 1 bed dwellings
8no. 2 bed dwellings
4no. 3 bed dwellings

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Essex Police

- 7.1.1 Comment that trees in front of the play area may compromise the natural surveillance over it from adjacent properties which mitigates the risk of crime. The intention to provide bollard lighting in the parking courts is also noted, but would seek this replaced with column lighting because bollard lighting: does not project sufficient light at the right height; can be subject of criminal damage or accidental damage; and can be less efficient requiring a greater number of bollards than column lighting.

7.2 BDC Ecology

- 7.2.1 Comment that the earlier ecological reports and appraisals have been re-assessed with the new detailed landscape proposals submitted as part of the reserved matters application. General support is given to the proposed planting schedules / specifications, and the incorporation of a woodland mix to the south of the site is welcomed.

- 7.2.2 Raised concerns to the original tree planting and mix of species. They have been re-consulted on the latest set of revised plans. No comments had been received at the time of this report being completed. Any comments received will be reported to Members either prior to the Committee or at the Committee itself.
- 7.2.3 Also comment that they encourage a Biodiversity Net Gain Assessment being undertaken to inform the finalised soft landscape proposals and finalised Landscape and Ecological Management Plan (as secured under Condition 19 of the outline consent). Also note that conditions on the outline approval include a bird and bat box strategy and a wildlife friendly lighting scheme.
- 7.3 BDC Environmental Health
- 7.3.1 In regards to noise, comment that the external noise levels on site will need to be verified for the plots closest to Coggeshall Road when the plots are complete. (The sound insulation of the window and ventilation systems will need to be verified by the manufacturer to confirm that the required sound reduction is achieved for the specific window/ventilator type used).
- 7.3.2 Note that the outline permission requires a Phase 2 assessment in regard to land contamination.
- 7.4 BDC Landscape Services
- 7.4.1 Comment that the revised drawings take account of early objections to lime and crab apple proposed to be planted within the river corridor. The palette has been amended with more appropriate species.
- 7.4.2 However, note that the suggested linear forms of planting does not reflect the informal mosaic of trees/understory found in the neighbouring river corridor (albeit also planted with cricket bat willows as a rotational crop).
- 7.5 BDC Waste Services
- 7.5.1 Comment that the private driveway nearest to Plots 11 and 12, will need the adopted highway extending towards them, as the private driveway extends well beyond the 20 metres collection distance. Also applies for Plots 19, 20, 22, 23, 24 and 35. If the private driveways are not adopted then they will need to be built to a standard equivalent to adopted highway, and Braintree District Council (BDC), will require written indemnity specifying that (BDC) will not be liable for repair to damages as a result of carrying out waste and recycling collections.
- 7.6 ECC Historic Buildings Consultant
- 7.6.1 No objections.

7.7 ECC Local Lead Flood Authority (LLFA)

- 7.7.1 Do not object to the granting of planning permission. Comment that the surface water drainage conditions put on application 17/02271/OUT should be discharged as part of a discharge of condition application.

8. PARISH / TOWN COUNCIL

8.1 Kelvedon Parish Council

- 8.1.1 No comments have yet been received to the latest set of amendments. Any comments which are received will be reported to Members beforehand or at the Committee itself.

- 8.1.2 Comments received March 2021 to the earlier consultation reiterate previous comments, which are as follows:

- Lack of electric vehicle charging points;
- Possible flooding issues / level of flood risk;
- Question the suitability of certain tree species being planted in flood plain.

8.2 Feering Parish Council

- 8.2.1 No comments have yet been received to the two latest set of amendments. Any comments which are received will be reported to Members beforehand or at the Committee itself. Comments received August 2021, to earlier consultation is as follows:

- Plots still fall below garden sizes;
- Seek environmentally friendly street lighting;
- Seek a minimum width of 2 metres for all the paths on the open space;
- Welcome that the footpath link from Watering Farm site towards the Monks Farm vehicular access has changed to a foot and cycle link. However seek it be increased from 3.5 metres to 4 metres;
- Maintain earlier concerns in regards to disabled parking spaces and bicycle or PWT spaces; rear access, bins, and bicycle spaces still unclear; that the plans do not accurately show the footway improvements secured under the outline permission; concerns with flooding and drainage; safety concerns with the new pedestrian access; and that renewable measures still not defined.

9. REPRESENTATIONS

- 9.1 The application was advertised by way of site notice, newspaper notification and neighbour letters.

- 9.2 Objections have been received from 6 neighbours, 2 District Councillors (Cllr Thorogood and Cllr Sandum); the Kelvedon and Feering Heritage

Society; the Ramblers Association; and the Feering and Kelvedon Wildlife Group. The following comments have been made:

- Application has been poorly advertised;
- Development is outside of village settlement;
- Impact to climate change. Development should provide electric charging points to all parking spaces, including visitors, and there should be the installation of renewable energy sources at the site;
- Affordable housing is grouped together and poorly sited on road side;
- The proposed vehicle access point is adjacent to that proposed for another development (19/00958/FUL – since refused). Access poor;
- The pedestrian access is on a blind bend in the road, presenting a risk to pedestrians trying to cross there;
- Footpaths in area too narrow to accommodate further use;
- Footpaths proposed / altered not shown to correct widths;
- Will impact upon services and infrastructure – the GP and schools already struggling to meet needs;
- Site is prone to flooding. Development will increase flood risk to neighbouring properties and further downstream;
- The main public open space and play area is likely to be covered by future flooding events as sited within a Flood Risk 3 area. Is not useable;
- Impact to the northern boundary hedge line unclear;
- No assessment of noise from adjacent railway line;
- Although the Landscape Plan outlines a management plan for the open spaces and trees, it does not identify who will carry out the maintenance, or how this will be funded, neither does it cover the management of the Ecological Area bordering the river;
- Japanese knot weed has not be adequately dealt with;
- Right of access for 1 and 2 Watering Farm needs to be preserved;
- Traffic congestion;
- Adverse impact upon ecology;
- Development on the site will destroy the aesthetic qualities of the village;
- Boundary treatments with 1 and 2 Watering Farm unclear;
- Will cause overlooking and loss of light to neighbours;
- Impact to existing trees and hedges on the site;
- Landscape design poor (wrong species of trees and hedging) and lacks biodiversity opportunities. Proposed planting could impact foundations of neighbouring properties;
- The SuDs system is poor. Should be designed as a landscape features which will also increase biodiversity;
- Although dwellings on the Coggeshall Road frontage are attractive and sympathetic, the density for the detached dwellings are too high – the dwellings should be semi-detached to create a ‘joined-up’ frontage;
- Development not in compliance with the Essex Design Guide;
- Play equipment near the river will disturb wildlife.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 As already noted, and as set out within Appendix 3 of this Report, there is an outline planning permission approved at the site for up to 35no. dwellings. This remains extant. The principle of residential development therefore is established and acceptable.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

- 11.1.1 As per the outline consent, the vehicular access to the site is via a new access off Coggeshall Road. This main access into the site provides a straight alignment and the view through to the public open space. Off this main route are 2 parking courts (serving some of the frontage dwellings) and a shared surface street that runs through the middle of the site. At the end of this main road, it divides in a northern and southern direct to provide access to the 7no. dwellings that front onto the open space.
- 11.1.2 An active frontage is proposed to Coggeshall Road, with dwellings following the curve of the widened road and facing outwards to address the public realm. The creation of a strong frontage to Coggeshall Road has always been a fundamental part of the proposed scheme, established by the Concept Diagram in the Design and Access Statement submitted as part of the application for outline planning permission. The siting, scale and design of these dwellings would positively address the road, reflect adjacent built form, and result in a high quality character and appearance street scene.
- 11.1.3 In entering the site via the single vehicular access point, to the northern side of the road, a consistent building line is created, set back behind the houses at either end of the street that turn the corners (Plots 4 and 9) to enable space for trees on the edge of the footway. A parking court is also accessed here to serve the houses facing Coggeshall Road. A further parking court is proposed to the south of this main access road, which otherwise in terms of built form has a more consistent building line with detached and semi-detached dwellings.
- 11.1.4 Accessed off this main access road is a shared surface street. This has a more uniform approach in terms of siting of dwellings and their materials and creates a separate character area. A further parking court and other allocated parking provision is provided to serve Plots 20-27 that front Coggeshall Road. To the end of this shared surface road a new footpath and cycle link to Coggeshall Road is proposed.
- 11.1.5 Lastly, is the eastern side of the site which has Plots No. 9-15 fronting onto the open space. The dwellings here are larger detached units, and thus this area is of lower density to the rest of the site. This approach provides a softening of built form and a transition to the public open space.

- 11.1.6 In regard to the parking courts across the site, these are required to enable the creation of a strong presence of dwellings along the frontage of the site with Coggeshall Road, and because there is no option for vehicle access from the western boundary. There are three parking courtyards proposed at the site, sited behind the street frontage to serve these dwellings. The design and articulation of these parking courts has been carefully considered to ensure they do not dilute the quality of the scheme. The street frontage of these parking courtyard is enclosed by a low wall topped by railings (to a total height of 1.2 metres) plus piers at the entrance, with space for shrub planting and street trees. The railings on the street frontage accommodate glimpsed views into the semi-private space behind, with the brick piers marking the entrance and the change from public to private realms. Surveillance is also provided with clear views from the rear windows of the dwellings served by the courtyards, ensuring that there is effective informal policing created by the adjoining properties and a sense of ownership of the space.
- 11.1.7 Lastly in regards to layout and turning to the provision of public open space, this follows the provision indicated within the outline permission. A green buffer formed by the open space and the ecological land (wet woodland) is provided to the eastern edge. This would ensure that the open character of the flood plain is essentially retained, whilst complying with Policy CS10 of the Core Strategy which requires a good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs; and that new development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.
- 11.1.8 Concerns expressed within the consultation regarding the siting of the open space and play equipment being located in Flood Zones 2 and 3 is noted. Guidance for flood risk is provided within the 'Flood Zone and Flood Risk' tables within the NPPG, which states that 'amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms' are defined as 'water-compatible development'. They are therefore 'appropriate development' in accordance with the 'Flood risk Vulnerability and Flood Zone Compatibility' Table. This matter does not therefore pose a constraint to the development. Under the terms of the Section 106 agreement the play area and equipment would be maintained by the Management Company which would be appointed by the developer and funded by future residents of the development.
- 11.1.9 Furthermore, Officers are mindful of a recent appeal decision at 'Land off Brain Valley Avenue, Black Notley' (LPA reference 20/02127/OUT / PINS reference APP/Z1510/W/21/3281232), wherein much of the proposed community park public open space was proposed within Flood Zone 3A. The Inspector did not consider that this would be unacceptable and commented that although the land was assessed as having a 1 in 100 or greater annual probability of river flooding, that this did not mean that the area is guaranteed to flood every year and noted that flooding is a temporary state. The Inspector further commented that the District has

other nature reserves and public open spaces that are subject to flooding, and noted that most of the time the community park would be useable.

- 11.1.10 Turning to the scale and design of the proposed dwellings, with the exception of the single storey semi-detached pair at Plots 23 and 24, all the dwellings are proposed at 2 storey, which respects the character and appearance of the locality. The dwellings include pitched roofs, projecting porches, exposed rafter feet and chimneys, and splayed gauged arches which respect the more traditional building forms seen within Kelvedon and Feering. In terms of materials a simple palette of materials that includes two facing bricks (red and buff), a pair of roof tiles (red tiles and grey slates), white/cream boarding and render, additionally reflect the locality and is acceptable. A condition on the outline permission secures full details of the materials.
- 11.1.11 Within the consultation, comments regarding the existing and proposed footpaths has been raised. To the east, the public footpath emerges from the site onto Coggeshall Road, with a new footway to be constructed along the northern side of the carriageway. However, it should be noted that the scheme proposes that the edge of the open space is enclosed by 1.2 metre high estate railings, adding enclosure in the short to medium term while the native whip mix behind becomes established enough to create an impenetrable barrier that separates users of the open space from passing traffic. The railings are set back from the footway and positioned on the edge of the land controlled by the applicant, ensuring that the landscaping will not block views of pedestrians on the public footpath emerging from the site.
- 11.1.12 The public footpath that crosses the site, running broadly parallel to the river, is proposed to be left on its definitive alignment. To address the comment made by the Ramblers Association and supported by the County Council's Highways team, a two metre wide path Tarmac path is proposed to be created along the route of the public footpath where it runs on land in the applicant's control. Lighting is not proposed because this would be an inappropriate response to the position of the path on the edge of the village.
- 11.1.13 The NPPF notes that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 131 of the NPPF states that 'planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible'. Footnote 50 of Paragraph 131 states that tree lined streets should be provided 'unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.'
- 11.1.14 This reserved matters application does of course relate to a 2017 outline permission, which was granted in January 2019. The current application

was also submitted prior to the requirements of the NPPF (Published July 2021). As such, matters in regards to the number of units that the site could accommodate, and the specific layout of development had therefore already been significantly progressed prior to the introduction of a requirement for tree lined streets. The applicant has worked with Officers to seek to deliver street trees to meet with the requirements of the NPPF. A number of additional trees have been incorporated to the layout since the initial submission, but given the advanced stage of the layout, it is accepted that the development cannot ensure that such trees are provided on both sides of the streets throughout the development. On balance, given the circumstances of this particular case, Officers accept that there are justifiable reasons why full compliance of tree lined streets cannot be achieved.

- 11.1.15 Turning to the proposed housing mix, the application proposes the following market housing mix:

3no. 2 bed dwellings (14%)
9no. 3 bed dwellings (43%)
9no. 4 bed dwellings (43%)

- 11.1.16 Although there was no condition on the outline permission stipulating the required housing mix for the market dwellings, the application would fail to comply with the requirements set by Policy HO5 (Mix of Housing Types) in the emerging Kelvedon Neighbourhood Plan. This seeks on developments of more than 10 dwellings, that the market housing will be provided as follows: 1 bed – 7%; 2 bed – 31%; 3 bed – 50%; 4 bed – 12%. Although, moderate to significant weight can be applied to the Neighbourhood Plan, and despite the proposal not complying in respect of mix, this is not a matter that can be considered at the Reserved Matters stage.

- 11.1.17 Furthermore, the application for outline planning permission envisaging a relatively low density of development of 35 dwellings per net hectare, and thus a higher proportion of larger properties. This reserved matters application reflects that approach. It also reflects the sites location on the edge of the village which forms a new transition from the built-up area to the countryside.

- 11.1.18 Further in regard to the proposed housing mix, is the affordable housing mix, which is as follows:

2no. 1 bed dwelling
8no. 2 bed dwellings
4no. 3 bed dwellings

- 11.1.19 13 of the units are sited fronting onto Coggeshall Road, with one to the southern side of the main access road. In regards to the tenure, 4no. will be for shared ownership and 10no. for affordable rented housing. This is acceptable and would meet with the obligation set by Paragraph 2 of the

Schedule 5 to the Section 106 Agreement on the outline planning permission.

11.1.20 In terms of the amenity for future occupiers, the internal layouts of all the dwellings meet with that set out within the Nationally Described Space Standards (NDSS) and all gardens comply with the standards within the Essex Design Guide (EDG) and the standards of Policy HO8 of the Kelvedon Neighbourhood Plan.

11.1.21 Maximum noise levels for external amenity areas and internal rooms are set by the outline planning permission. Noise levels on site will need to be verified for the plots closest to Coggeshall Road when the plots are complete. A condition is imposed to provide for this.

11.2 Landscaping

11.2.1 Impact upon landscape character and wider in-principle landscape considerations, were addressed within the outline application, and the associated Landscape and Visual Appraisal Report (LVA). The LVA concluded that the site was well contained in most views, and that views of the site are only possible at short distances from the immediate surroundings. It highlighted that the site is low-lying in relation to the land north of the railway line, contained by rising topography in its wider setting and enclosed by existing field boundaries and built development in its immediate setting.

11.2.2 In terms of existing landscaping upon the site itself, there are no Tree Preservation Orders in place. The outline permission and accompanying Arboricultural Report identified existing individual trees, groups of trees and hedgerow. The site contains a total of eighteen individual trees, six tree groups and one hedge. Seven individual trees, and one group are identified as Category B in accordance with BS5837 (moderate quality and value); eleven individual trees, two groups and the hedge are categorised as C (low quality and value); three group are Category U and were recommended to be removed for reasons of arboricultural management. These are G1 (English Elm), G2 (unknown) and G3 (English Elm) all sited along the western, Coggeshall Road frontage.

11.2.3 The scheme has been updated in accordance with the new Arboricultural Report (submitted on 11th March), showing the current crown spreads, root protection areas and the hedge along the northern boundary. This demonstrates that the development would not result in adverse impacts to the existing trees and groups of trees on site. The strong hedge on the northern boundary plays a role in separating the new homes from the industrial uses to the north, and was secured via the outline planning permission as retained, protected and strengthened as the boundary. Within this reserved matters application, this northern hedgerow is excluded from the rear gardens of plots along the northern side of the site so that it can be maintained by the management company, In regards to the ownership of this northern boundary, it appears to stand on the edge of

the ownerships with the title running straight through some of the trees, whilst other are just one side or the other of the actual ownership - thus the proposal for retaining it as part of the management company. The management company would also be responsible for the public open space, allowing it to be strengthened and retained as a permanent edge to the site. Similarly, the evergreen hedge that encloses the Watering Farm cottages on the Coggeshall Road frontage provides a strong and dense enclosure of the existing gardens and is retained in full to serve as the boundary to new private amenity space. In regards to ownership of this hedge, most of it falls within the site, but it is intended that the same principle of joint ownership and maintenance will apply. The 'garden to garden' layout is considered to work better to ensure that existing and new residents retain joint responsibility.

- 11.2.4 The landscaping scheme follows the principles of landscaped edges, street planting and parkland as set out within the illustrative scheme that accompanied the outline planning application. The detailed scheme shows the curtilage of the homes enclosed by hedges, with a native hedge running around the outside of the site to mark the new edge to Coggeshall Road and ornamental hedges within the site to add colour and interest. The soft landscaping palette seeks to differentiate between the hierarchy of space with the same principle applied to the trees, with birch lining the main street and cherry to the front of the houses in the shared surface street to the south.
- 11.2.5 For the proposed planting within the public open space, much discussion has been undertaken with the applicant to secure appropriate species for the site, and to ensure that the chosen trees and other planting is appropriate for an area of land subject to flooding. The planting mix now includes tree species as elm, field maple, alder, birch, hawthorn and gean. As detailed above, the Councils Landscape Officer is now content with the planting species mix. Comments from Ecology (specifically in respect of the planting mix) will be reported to Members in due course.

11.3 Ecology

- 11.3.1 The associated outline application was submitted with an Ecological Impact Appraisal, Reptile Survey Report, Otter Survey Report, and the Ecological Mitigation and Enhancement Plan, which related to the likely impacts of development on designated sites, Protected Species and Priority Species/Habitats. Within the outline permission, Officers secured effective mitigation and reasonable enhancement measures with the imposition of conditions to demonstrate that it met national planning policy and its statutory biodiversity duty.
- 11.3.2 Within this reserved matters application, detailed landscape proposals have been submitted which include the strategy for landscaping across the site, and which includes an 'Open Space Management Plan' and 'Open Space Specification' which includes the ecological area to the east of the site.

- 11.3.3 The Councils Ecologist has reviewed the information and supports the incorporation of a woodland mix to the south of the site, which will provide a dense scrub screen once established. As identified above, further comments are expected from the Ecologist in respect of planting mix. An update in this regard will be provided for Members.

11.4 Highway Considerations

- 11.4.1 Vehicular access for the site was secured within the outline planning permission. The approved vehicle access is in the north western corner, incorporating the widening of Coggeshall Road, ghost lanes for vehicles waiting to turn right into the site and into Observer Way, a pedestrian refuge island that separates the turning lanes, and a footway on the north side of Coggeshall Road between Watering Farm Cottages and the new entrance. These works tie into the new entrance to the Monks Farm site and include a forward visibility splay across the land at the street frontage where the ground levels have already been remodelled as part of the highway works.
- 11.4.2 The outline planning permission further secured two access points to the site in addition to the pedestrian entrance in the south eastern corner which is retained and formalised. These new access points include a new footway to the northern side of the road between Watering Farm Cottages, and a new crossing point to the south, matching the works to widen the footway that were approved as part of the Monks Farm scheme on the opposite side of the street (Application Reference 17/00418/OUT).
- 11.4.3 In regard to vehicle parking, all the dwellings are provided with parking provision in accordance with the Adopted Parking Standards. Equally, all the vehicle parking spaces measure 5.5m x 2.9m and thus meet with the preferred bay sizes as set out within the Standards.
- 11.4.4 In regard to unallocated parking spaces for visitors, these are marked on the site layout, which shows one space in the northern courtyard, two spaces in the southern courtyard, and 7 on-street spaces across the remainder of the site. The provision is well distributed throughout the site, and a total of ten spaces exceeds the minimum level required for the site.
- 11.4.5 In regard to electric vehicle charging, there was no provision secured within the outline planning permission. However, the applicant acknowledges that electric vehicles are becoming much more common with a drive for sustainable actions, and that future residents will expect charging facilities to be provided. The plans demonstrate provision for electric vehicle charging within the scheme for all dwellings, and the applicant has agreed to a condition to provide details for approval prior to the first occupation.
- 11.4.6 As it is unclear at this stage whether the roads will be adopted by the Highway Authority, the Councils Waste Services Section seek indemnity for any potential damage that occurs to private roads across the site, over which their refuse vehicles will need to travel across (due to carry distances

for refuse). Having sought legal advice, it is considered that such indemnity can be secured via a Legal Agreement.

11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 The existing immediate neighbours adjoining the site are the commercial unit to the north and No.1 and No.2 Watering Farm Cottages on the southern boundary. As noted above, the hedgerow on the northern boundary plays a role in separating the new homes from the adjoining industrial uses, and was secured via the outline planning permission as retained, protected and strengthened. Within this reserved matters application, this northern hedgerow is excluded from the rear gardens of plots along the northern side of the site so that it can be maintained by the management company that will also be responsible for the public open space, allowing it to be strengthened and retained as a permanent feature which assist in mitigating any impact between the site.
- 11.5.2 In regard to Watering Farm Cottages, given the distances involved and the orientation of dwellings, there would be no unacceptable overlooking, loss of light, harm to outlook or similar. Also as noted above, the evergreen hedge that encloses the Cottages provides a strong and dense enclosure of the existing gardens and is retained in full to serve as the boundary to new private amenity space. The applicant can confirm that there is no legal right of access through the site to the existing properties at Watering Farm Cottages. As such, no route through the site is proposed and the rear gardens of Plots 11 and 19 will form a back-to-back relationship with the existing garden.
- 11.5.3 Given the distances of the proposed dwellings fronting Coggeshall Road, to the existing dwellings to the opposite side of the road, and due to the intervening footpath and road itself, there would be no opportunity for the development to result in adverse impact to these neighbours amenity from overlooking, outlook or similar.

11.6 Flooding and Drainage Strategy

- 11.6.1 Matters in respect of flood risk and drainage were addressed under the outline planning permission wherein a number of conditions were imposed in this regard. To this reserved matters application the Local Lead Flood Authority (LLFA) have re-confirmed that the development remains acceptable.
- 11.6.2 All of the dwellings are located within Flood Zone 1, and although vehicular access to Plots 9-15 and 3 visitor spaces are located within Flood Zone 2, this does not fall foul of the requirements within the NPPF, and there is no requirement to create a site-specific emergency plan. The Flood Risk Assessment submitted with the outline permission and details within this application propose that the finished floor levels of the new homes are set at least 150mm above the adjoining roads and open space to protect them from overland flow.

- 11.6.3 The concerns expressed within the consultation regarding the siting of the open space and play equipment being located in Flood Zones 2 and 3 is noted, has been discussed above in assessing the acceptability of the layout and open space provision.
- 11.6.4 The concerns regarding the risk of surface water flooding as a result of the development are also noted. These concerns were also raised at the time of the outline permission. At that time, the applicant demonstrated that surface water run-off from the site could be controlled and then discharged in a controlled manner that does not increase flood risk elsewhere. The attenuation basin would store surface water before it is released at an agreed discharge rate. The Local Lead Flood Authority (LLFA) were content that this was acceptable and appropriate Conditions (No.13 and 14) were imposed to address both surface water drainage and off site flooding risk. As noted above, the LLFA raise no objections to this reserved matters application.
- 11.6.5 It is also noted that at the outline application stage, Anglian Water confirmed that the foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre that will have available capacity for these flows.
- 11.7 Habitat Regulations Assessment (HRA / RAMS)
- 11.7.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:
- § Blackwater Estuary Special Protection Area and Ramsar site;
 - § Dengie Special Protection Area and Ramsar site;
- 11.7.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites. An Appropriate Assessment was not undertaken on the outline permission due to it being a 2017 application.
- 11.7.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has now been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.
- 11.7.4 The proposed mitigation measures would consist of the securing of a financial contribution of £127.30 per dwelling (index linked) which will contribute towards offsite visitor management measures at the above protected sites.

- 11.7.5 This financial contribution would be secured by way of a Legal Agreement. This will need to be in place, prior to the decision being issued.

12. CONCLUSION

- 12.1 The development provides 35no. dwellings, providing 40% as affordable housing. Although the mix of market dwellings fails to meet with that set out within the Neighbourhood Plan, this mix was not secured on the outline permission and is not a matter that can now be considered at the Reserved Matters stage. The mix and location of the affordable housing is acceptable.
- 12.2 The layout of the development follows the fundamental principles set out within the Concept Diagram submitted as part of the application for outline planning. The creation of a strong frontage to Coggeshall Road, with a lower density of development towards to the east of the site facing onto the open space at this site edge is welcomed. The overall layout, scale and detailed design would result in a high quality development that would positively respond to the character and appearance of the locality. All of the dwellings meet with the Nationally Described Space Standards for internal accommodation and externally are provided with private amenity space in accordance with the Essex Design Guide.
- 12.3 The development does not provide tree lined streets are required by Paragraph 131 of the NPPF, however, this reserved matters application relates to a 2017 outline permission. The current application was also submitted prior to the requirements of the NPPF and as such, matters in regards to the number of units that the site could accommodate, and the specific layout of development had therefore already been significantly progressed prior to the introduction of a requirement for tree lined streets. The applicant has worked with Officers to seek to deliver street trees to meet with the requirements of the NPPF. A number of additional trees have been incorporated to the layout since the initial submission, but given the advanced stage of the layout, it is accepted that the development cannot ensure that such trees are provided on both sides of the streets throughout the development. This is a matter which weighs against the proposal.
- 12.4 Save for the 3 tree groups agreed to be removed within the outline application, due to being Category U, the development would not result in adverse impacts to the existing trees and groups of trees on site. Trees and the hedgerow on the northern boundary and hedgerow that encloses the Watering Farm cottages on Coggeshall Road are to be retained. Across the site, the landscaping scheme follows the principles of landscaped edges, street planting and parklands. For the proposed planting within the public open space, much discussion has been undertaken with the applicant to secure appropriate species for the site, and to ensure that the chosen trees and other planting is appropriate for an area of land subject to flooding.
- 12.5 In regard to vehicle parking, all the dwellings are provided with parking provision in accordance with the Adopted Parking Standards. Unallocated

parking spaces is well distributed throughout the site, and a total of ten spaces exceeds the minimum level required for the site. The plans demonstrate provision for electric vehicle charging within the scheme for all dwellings, and the applicant has agreed to a condition to provide details for approval prior to the first occupation.

- 12.6 Matters in regard to ecology are acceptable. Although a Unilateral Undertaking to secure £127.30 per dwelling (index linked), is required to meet with the proposed mitigation measures identified within the Appropriate Assessment undertaken.
- 12.7 Matters in regard to flood risk and drainage are acceptable. Equally, the development would not result in an adverse impact to neighbouring amenity.

13. RECOMMENDATION

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

- § To secure mitigation for the Ramsar sites in accordance with the Habitat Regulation Assessment, and
- § To secure indemnity for refuse vehicles using the private roads.

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Street elevation	WN002-ST-02 A	N/A
Street elevation	WN002-ST-01 C	N/A
Parking Strategy	WN002-PL-07 B	N/A
Site Layout	WN002-PL-06 D	N/A
Affordable Housing Plan	WN002-PL-05 REV	N/A
Planning Layout	WN002-PL-04 D	N/A
Site Layout	WN002-PL-03 REV	N/A
Location Plan	WN002-PL-01	N/A
Proposed Elevations and Floor Plans	WN002-HT-17 00	N/A
Proposed Elevations and Floor Plans		N/A
Proposed Elevations and Floor Plans	WN002-HT-15 REV	N/A
Proposed Elevations and Floor Plans	WN002-HT-14	N/A
Proposed Elevations and Floor Plans	WN002-HT-13 REV	N/A
Proposed Elevations	WN002-HT-12	N/A
Proposed Floor Plan	WN002-HT-11	N/A
Proposed Elevations	WN002-HT-10 B	N/A
Proposed Floor Plan	WN002-HT-09 A	N/A
Proposed Elevations and Floor Plans	WN002-HT-08 B	N/A
Proposed Elevations and Floor Plans	WN002-HT-07 B	N/A
Proposed Elevations and Floor Plans	WN002-HT-06 D	N/A
Proposed Elevations and Floor Plans	WN002-HT-05 B	N/A
Proposed Elevations and Floor Plans	WN002-HT-04 REV	N/A
Proposed Elevations and Floor Plans	WN002-HT-03	N/A
Proposed Elevations and Floor Plans	WN002-HT-02 REV	N/A
Proposed Elevations and Floor Plans	WN002-HT-01 REV	N/A
Garage Details	WN002-GA-02	N/A
Garage Details	WN002-GA-01	N/A
Garage Details	WN002-CP-02 A	N/A
Carport / Cartlodge Details	WN002-CP-01	N/A
Landscape Masterplan	JCN/1655/20 REV	N/A
Land Use Parameter Plan	JCN/1654/20 REV	N/A
Landscape Masterplan	G-JCN 1654 20B	N/A

Section	2007370-02	N/A
Levels	2007370-01 REV A	N/A

Condition(s) & Reason(s)

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

Reason: For the avoidance of doubt as to what is permitted.

2.
Prior to the first occupation of Plots 1-4 and Plots 20-30, a verification report detailing that the internal noise levels for these dwellings meets with the noise levels set out within the WSP Acoustic Planning Report dated November 2017, shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation of the window and ventilation systems will need to be verified by the manufacturer to confirm that the required sound reduction is achieved for the specific window/ventilator type used.

Reason: In the interest of amenity for future occupiers.

3.
No above ground development shall commence until an Electric Vehicle Charging Strategy to demonstrate the provision of at least one Electric Vehicle Charging point to every dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented for each dwelling prior to the occupation of that dwelling and thereafter retained.

Reason: In the interest of securing sustainable development and contributing to reduce carbon emissions.

4.
No development above ground level shall take place unless and until additional drawings that show details of proposed new eaves, verges and ridges to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the detail has the traditional appearance required for the traditional architecture that has been used in the design of the dwellings.

5.
No above ground development shall commence until a strategy to provide fastest available broadband access has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Reason: To ensure that all new dwellings/commercial units are provided with appropriate internet connectivity that will improve commercial opportunities and facilitate working from home and improve residents' connections to essential online services and social networks

6.

Prior to the occupation of each dwelling, the vehicle parking area allocated for that dwelling as indicated on the approved plans, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

7.

Prior to the first occupation of any dwelling, details of the proposed cycle storage provision for each dwelling (and any proposed at the area of equipped play) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities as approved shall thereafter be provided prior to the first occupation of the dwelling that it serves and shall be retained at all times. The development shall only be implemented in accordance with the approved details.

Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8.

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 dwellinghouses at Plots 1-4 and 20-32, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

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

9.

The garage at Plot 5 and 9 hereby permitted shall be used for the parking of motor vehicles, bicycles, and powered two wheelers associated with the dwelling.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

10.

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), and in relation to Plots 1-4 and 20-30 only, no gates, fence, wall or other means of enclosure shall be erected or constructed, as permitted by Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future mean of enclosure in the interests of visual amenity.

11.

The development shall be undertaken in accordance with the approved Arboricultural Report reference 4753-LLB-ZZ-ZZ-RP-AB-0001 S2 Revision 01 dated 10/03/21.

Reason: To ensure existing trees, shrubs and hedges that are identified for retention are protected as they are considered essential to enhance the character of the development and for their ecological value.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design And Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments ²
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage and Land Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodlands, Grasslands and Hedgerows
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm

RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings, and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP53	Provision for 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
LPP67	Natural Environment and Green Infrastructure
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy Within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Kelvedon Neighbourhood Plan

HO1	Number of New Homes
HO2	Phasing of New Homes
HO3	Development Briefs
HO4	Location/sites where development will be permitted
HO5	Mix of Housing Types
HO6	Density, footprint, separation, scale, bulk
HO7	Affordable Housing

HO8	Minimum Garden Sizes
HO9	High Quality Building and Design
MA1	Traffic Congestion
MA3	Transport and Access
MA4	Parking Provision
MA5	Creation of footpaths/bridleways alongside the river blackwater
NE3	Protection of green infrastructure and biodiversity
NE7	Air, noise and water pollution
NE8	Flood Prevention
BR4	Broadband & Mobile Connectivity

Other Material Considerations

Essex Design Guide Urban Place Supplement (2005)
 Parking Standards – Design and Good Practice (September 2009)
 Affordable Housing Supplementary Planning Document (2006)
 External Lighting Supplementary Document
 Open Space Supplementary Planning Document
 Open Spaces Action Plan
 Landscape Character Assessment (2006)
 Braintree District Settlement Fringes – Evaluation of Landscape Analysis
 (June 2015)

Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

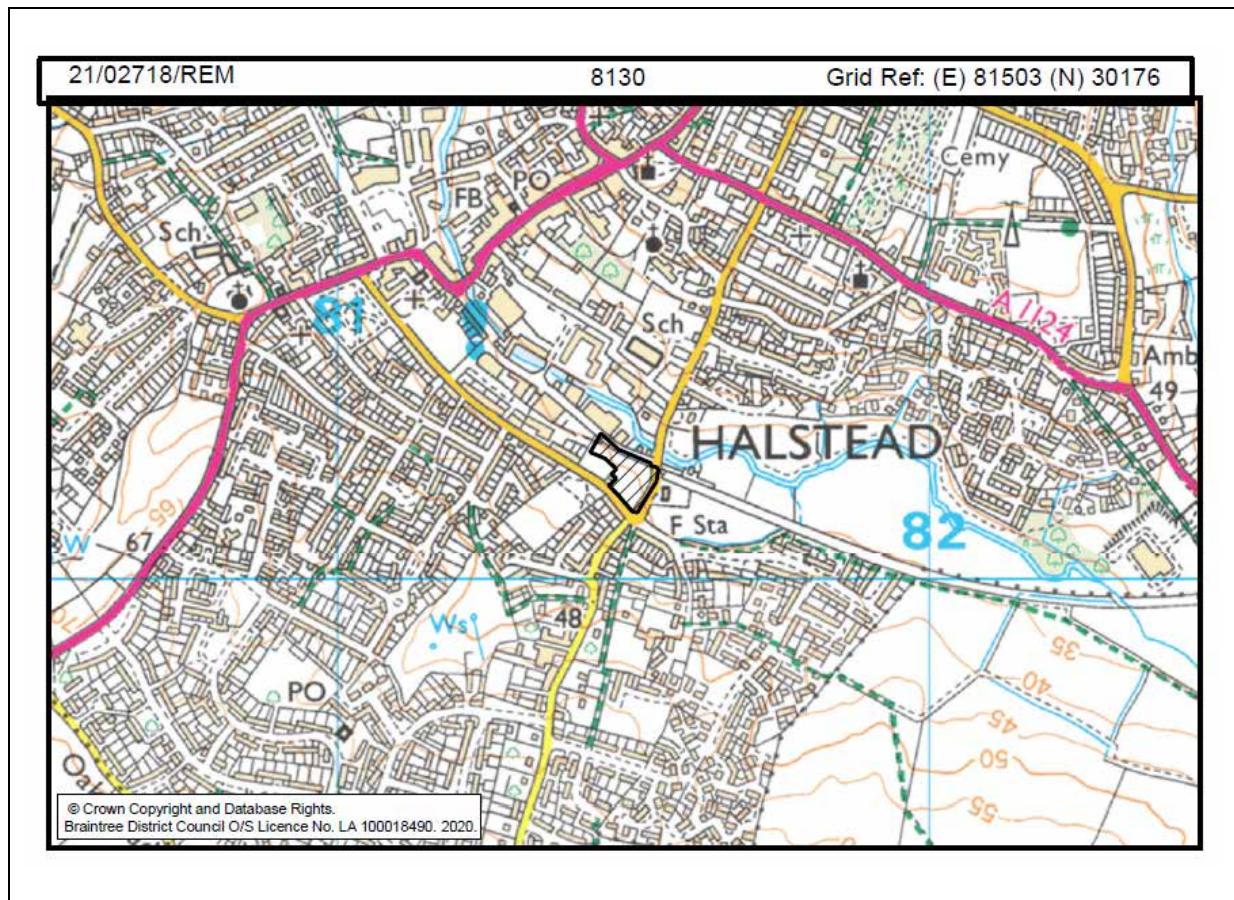
APPENDIX 3:

SITE HISTORY

17/02271/OUT	Outline Application with All Matters Reserved except for Access for up to 35 Dwellings, Open Space and Parkland with Access From Coggeshall Road	Granted with S106 Agreement	04.01.19
19/00819/DAC	Application for approval of details reserved by condition 18 of approved application 17/02271/OUT	Granted	25.06.19
21/02120/DAC	Application for approval of details as reserved by condition 3 of approved application 17/02271/OUT	Pending Consideration	

Report to: Planning Committee		
Planning Committee Date: 5th April 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/02718/REM	
Description:	Application for the approval of reserved matters (in respect of appearance and landscaping) pursuant to outline planning permission 19/02304/OUT granted 23.04.21 for the erection of for four x 2 bed houses, five x 4/5 bed houses, 12 flats and 10 commercial units for class B1(a) office purposes.	
Location:	Plc Hunwick Ltd Kings Road Halstead	
Applicant:	Mr James Wicks	
Date Valid:	10th September 2021	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: melanie.corbishley@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/02718/REM.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located within the Town Boundary of Halstead and is currently allocated as an Employment Area in the Adopted Local Plan. The site measures approximately 0.67 hectares and comprises part of a vacant cleared site that was an engineering works involved in metal fabrication. The former engineering buildings were demolished and the site cleared in 2016, with the exception of the original offices immediately to the east of the application site, which have since been converted into two houses (32 & 34 Kings Road).
- 1.2 Outline planning permission (Application Reference 19/02304/OUT) was granted on 23rd April 2021 for erection of four 2-bedroom properties, five 4/5 bedroom properties, 12 flats and 10 commercial units. The outline planning permission approved the site access points, the layout and the scale of the development.
- 1.3 This application seeks Reserved Matters approval for the appearance and landscaping.
- 1.4 The principle of the residential/commercial development of the site is established under the outline consent granted under Application Reference 19/02304/OUT.
- 1.5 There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance and landscaping of the development is acceptable in planning terms.
- 1.6 Overall it is considered that the detailed proposal constitutes a well-designed scheme and accordingly it is recommended that the Reserved Matters are approved.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is located within the Town Boundary of Halstead and is currently allocated as an Employment Area in the Adopted Local Plan.
- 5.2 The site measures approximately 0.67 hectares and comprises part of a vacant cleared site that was an engineering works involved in metal fabrication. The former engineering buildings were demolished and the site cleared in 2016, with the exception of the original offices immediately to the east of the application site, which have since been converted into two houses (32 & 34 Kings Road).
- 5.3 Over half of the application site is located within Flood Zone 2 and a small portion to the east lies in Flood Zone 3.
- 5.4 The application site is surrounded on three sides by highway, namely Kings Road, Parsonage Street and Factory Lane West.
- 5.5 The site has existing industrial and residential uses to the north and west, residential to the south and the fire station and one dwelling to the east.

6. PROPOSAL

- 6.1 This application seeks approval for Reserved Matters of appearance and landscaping, for four 2-bedroom properties, five 4/5 bedroom properties, 12 flats and 10 commercial units, pursuant to outline planning permission reference 19/02304/OUT that was granted on 23rd April 2021.
- 6.2 The outline planning permission was granted with some matters reserved, apart from access, scale and layout, meaning that whilst the principle of development has been established, along with the point of access, scale and layout, approval is still required for details of the appearance and landscaping of the development.

- 6.3 The layout of the proposed dwellings are in accordance with the layout approved pursuant to application reference 19/02304/OUT.
- 6.4 The application is also supported by a suite of documents which include:
- Hard Landscaping Plan
 - Landscape Plan
 - Full set of floor plans and elevational drawings

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 No comments received.

7.2 Environment Agency

- 7.2.1 No comments.

7.3 Essex Fire and Rescue

- 7.3.1 Access - Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. Access for Fire Service purposes is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.
- 7.3.2 Water Supplies - The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.
- 7.3.3 Sprinkler Systems - "There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

7.4 Essex Highways

- 7.4.1 Having reviewed the information submitted with the above application and noting that access and layout were agreed at outline stage, there are no further comments from the Highway Authority in relation to the above.

7.5 Essex Police

- 7.5.1 BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.
- 7.5.2 We would like to draw attention to our comment of 31/12/20 on the earlier application 19/02304/OUT. We note within this application on the drawing of the rear gate, that the gate does not have a locking system? We would recommend that as this gate on some properties may become the primary entrance that these gates are fitted locks that are key lockable from both sides.
- 7.5.3 We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

7.6 Natural England

- 7.6.1 It has been identified that this development falls within the 'Zone of Influence' (Zoi) 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.
- 7.6.2 In the context of your duty as competent authority under the provisions of the Habitats Regulations, 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.
- 7.6.3 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.

7.7 NHS

7.7.1 No comments received.

7.8 ECC Education

7.8.1 No comments received.

7.9 BDC Environmental Health

7.9.1 No objections on environmental health grounds.

7.10 ECC Independent Living

7.10.1 No comments received.

7.11 ECC Suds Team

7.11.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

7.12 BDC Ecology

7.12.1 No objection subject to securing:

- a) A proportionate financial contribution towards visitor management measures for the Blackwater Estuary SPA/Ramsar Site, Dengie SPA/Ramsar Site and Essex Estuaries SAC.
- b) Ecological mitigation and enhancement measures.

7.13 BDC Housing Research and Development

7.13.1 This application seeks detailed approval for a mixed use scheme that includes 21 residential dwellings, 6 of which are affordable homes. I confirm we are happy this meets the requirements of Core Strategy Affordable Housing Policy CS2.

7.13.2 The affordable homes, comprising a block of 6 x 1 bedroom flats, are identified on submitted drawings as being plots 17 – 22 are required by a Section 106 agreement to be provided for Affordable Rent.

- 7.13.3 We are supportive of this application because it provides opportunity for new affordable homes to be delivered which will assist the Council in addressing housing need.
- 7.14 BDC Landscape Services
- 7.14.1 Suggestions made with regards the proposal soft landscaping. Request conditions regarding the submission of a method statement and planting scheme.
- 7.14.2 Following the submission of an updated landscaping plan, the following comments were made.
- 7.14.3 Landscape Services has been consulted on the above application for approval of Reserved Matters in respect of Landscaping; after reviewing the resubmitted documentation Landscape Services provide the following comment:
- 7.14.4 There are still potential issues regarding the amount of space allocated for the Carpinus betulus and Ginkgo biloba to the east of the site (at the ends of plots 13 and 15). However with the appropriate condition, replacement of potential failures and ongoing management as stipulated within the S106 agreement can mitigate these problems.
- 7.14.5 Other amendments in response to previous comments are appreciated.
- 7.14.6 Conditions recommended regarding the timing of the implementation of the new planting and the maintenance of the new trees.
- 7.15 BDC Waste Services
- 7.15.1 The revised plans appear sufficient and comply with requirements, for carrying out waste and recycling collections, from the proposed development.
8. PARISH / TOWN COUNCIL
- 8.1 Halstead Town Council
- 8.1.1 No objection, but concerns raised with regards to tree proposed at the corner of Factory Lane West which will obscure the visibility for road users.
9. REPRESENTATIONS
- 9.1 No comments received.
10. PRINCIPLE OF DEVELOPMENT
- 10.1 The principle of developing this site for four 2-bedroom properties, five 4/5 bedroom properties, 12 flats and 10 commercial units has been established

through the grant of outline planning permission (Application Reference 19/02304/OUT).

- 10.2 This proposal considers matters reserved for consideration at the outline planning application stage, namely; appearance and landscaping. These particulars are explored below.

11. SITE ASSESSMENT

11.1 Appearance and Design

- 11.1.1 Paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The National Design Guide 'illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice'. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.
- 11.1.2 Policies RLP3 and 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 Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.1.3 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'. This is replicated in Policy RLP90 of the Adopted Local Plan.
- 11.1.4 The applicant proposes a development of four 2-bedroom properties, five 4/5 bedroom properties, 12 flats and 10 commercial units – the maximum permitted by the Outline planning permission. The layout of the buildings was fixed at the outline stage.
- 11.1.5 Following the grant of outline planning permission, the design of the proposed dwellings and commercial units have been revised following discussions during the application process. These discussions sought to

improve the overall quality of the design of the buildings. The current proposals are therefore a reflection of negotiations between Officers and the Developer, who have implemented the changes that have been requested.

- 11.1.6 The dwellings have a simple, but contemporary appearance. The style and design of the new dwellings are considered acceptable and comply with the policies and guidance outlined above.
- 11.1.7 During the life of the application the design of the commercial units has been amended so that their appearance is now less domestic and more appropriate to a business use.
- 11.1.8 A suitably worded condition is already imposed on the outline permission to secure finalised details of the materials for both the dwellings and the commercial units.
- 11.1.9 To ensure that the new residential properties retain sufficient sized gardens and also maintain acceptable relationship between them, it was considered necessary to impose a planning condition, on the outline consent, removing permitted development rights for alterations, extensions and the building of outbuildings in rear gardens.

11.2 Landscaping

- 11.2.1 Policy CS8 of the 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'. New residential developments are also required to provide an appropriate level of Public Open Space to meet future resident's needs.
- 11.2.2 During the life planning application, the landscape proposals have been amended and now reflect the advice and comments made by the Council's Landscape Officer.
- 11.2.3 The submitted plans indicate that the parking areas and driveways would be finished in permeable grey concrete block paving, that the private footpaths and patios would be finished with 50mm concrete paving flagstones, and that the public paths would be finished to blacktop tarmac to Highways specification.
- 11.2.4 The proposed car parking areas for the flats and commercial units are shown to be broken up by landscaped strips containing hornbeam hedgerow planting. Specimen trees are also proposed within both parking areas, such as Forest Pansy, Cherry and Silver Birch.
- 11.2.5 The land surrounding the proposed flats where they front onto Factory Road West and Parsonage Street will be enclosed by a brick and wrought

iron railing boundary treatment. Behind this will be a grassed area, a shrub mix planted close to the ground floor windows and a specimen cherry tree.

- 11.2.6 Hedging and railings are proposed around the whole of the site. The specimen trees and grass verges will soften the proposals and are considered acceptable.
- 11.2.7 To conclude, Officers are of the view that the street scene planting would mitigate against the landscape impacts of the development, which would be suitably assimilated into its surroundings.
- 11.2.8 The proposal satisfies the abovementioned policies and suitably worded conditions are recommended to ensure the landscaping scheme is implemented and maintained.

11.3 Highway Considerations

- 11.3.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development on the road network would be severe.
- 11.3.2 Having regard to the National Planning Policy Framework, particularly Paragraph 109, the Highway Authority has reviewed the planning application against its own Development Management Policies and they raise no objections to the scheme in highway terms.
- 11.3.3 When outline planning permission was granted the principle of using the site for residential/commercial purposes and the vehicular accesses were established. There are no new highway matters which need to be considered as part of this Reserved Matters application, and therefore the proposal is considered to be satisfactory in this regard.

11.4 Refuse

- 11.4.1 Condition 5 on the outline application (Application Reference 19/02304/OUT) required the submission of the full details of the location and design of the refuse bins, recycling separation, storage areas and collection points.
- 11.4.2 The submitted floor plans for the flats and the commercial units include scaled details of the bin storage areas, including the size of the bins and a separate area for recycling.
- 11.4.3 Bin collection points are shown to the front of plots 8-11 and to the rear of plots 12-16.
- 11.4.4 BDC Waste Services are satisfied with the details provided in terms of waste and recycling collections from the site.

11.5 Affordable Housing

11.5.1 Policy CS2 of the Core Strategy states that for a development of this size, affordable housing will be directly provided on site with a target of 30%. The application proposes the following tenure:

§ 6no. affordable rent 1 bedroom, 2 person flats;

11.5.2 The Council's Housing Enabling Officer is satisfied with the mix of type and tenure of housing proposed and therefore the proposal complies with Policy CS2 of the Core Strategy. The proposal is considered to be satisfactory in this regard.

11.6 Habitat Regulations Assessment (HRA / RAMS)

11.6.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

§ Blackwater Estuary Special Protection Area and Ramsar site;

11.6.2 HRA mitigation was secured at the outline planning application stage under Application Reference 19/02304/OUT and therefore no further mitigation is required in relation to this Reserved Matters application.

12. Planning Obligations

12.1 The Section 106 Agreement was completed at the outline stage and secured the following obligations to mitigate the impact of the development:

- Healthcare Contribution
- 30% Affordable Housing
- A financial contribution to outdoor sport
- A financial contribution to outdoor play
- Management of on-site amenity areas
- A financial contribution towards ecological mitigation

12.2 No amendments or variations to the Section 106 Agreement are proposed or required at this time.

13. CONCLUSION

13.1 The principle of residential/commercial development at the site has been established following the grant of outline planning permission. The applicant seeks approval only for reserved matters pursuant to this outline consent consisting of appearance and landscaping.

13.2 Officers consider that the detailed proposals for the appearance and landscaping of the development are acceptable in planning terms, subject to the further conditions recommended. Consequently, it is therefore recommended that the Reserved Matters are approved.

14. RECOMMENDATION

- 14.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	1729-10	C
Proposed Elevations and Floor Plans	1729-302	B
Proposed Elevations and Floor Plans	1729-304	A
Proposed Elevations and Floor Plans	1729-306	A
Proposed Elevations and Floor Plans	301	D
Garage Details	308	A
Landscape Masterplan	001	H
Proposed Elevations and Floor Plans	305	D
Other	300	D
Other	307	A

Condition(s) & Reason(s)

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 implementation of the landscaping scheme hereby approved a watering and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with these details. The approved landscaping scheme shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason: To enhance the appearance of the development.

3.

The scheme of landscaping indicated upon the approved plans, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed, become seriously damaged, or diseased within a period of five 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.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

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
RLP8	House Types
RLP9	Design And Layout of Housing and Mixed Use Areas
RLP90	Layout and Design of Development
RLP138	Provision of Open Space in New Housing Developments

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP53	Provision for Open Space, Sport and Recreation
LPP55	Layout and Design of Development

Other Material Considerations

Affordable Housing Supplementary Planning Document
Essex Design Guide 2005
External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Essex Parking Standards Design and Good Practice 2009

Statement on Draft Local Plan

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

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

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core

Strategy (2011) (“the Core Strategy”) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) (“the Section 1 Plan”), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan (“the Section 2 Plan”) and the weight that can be given is related to:

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

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

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

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

APPENDIX 3:

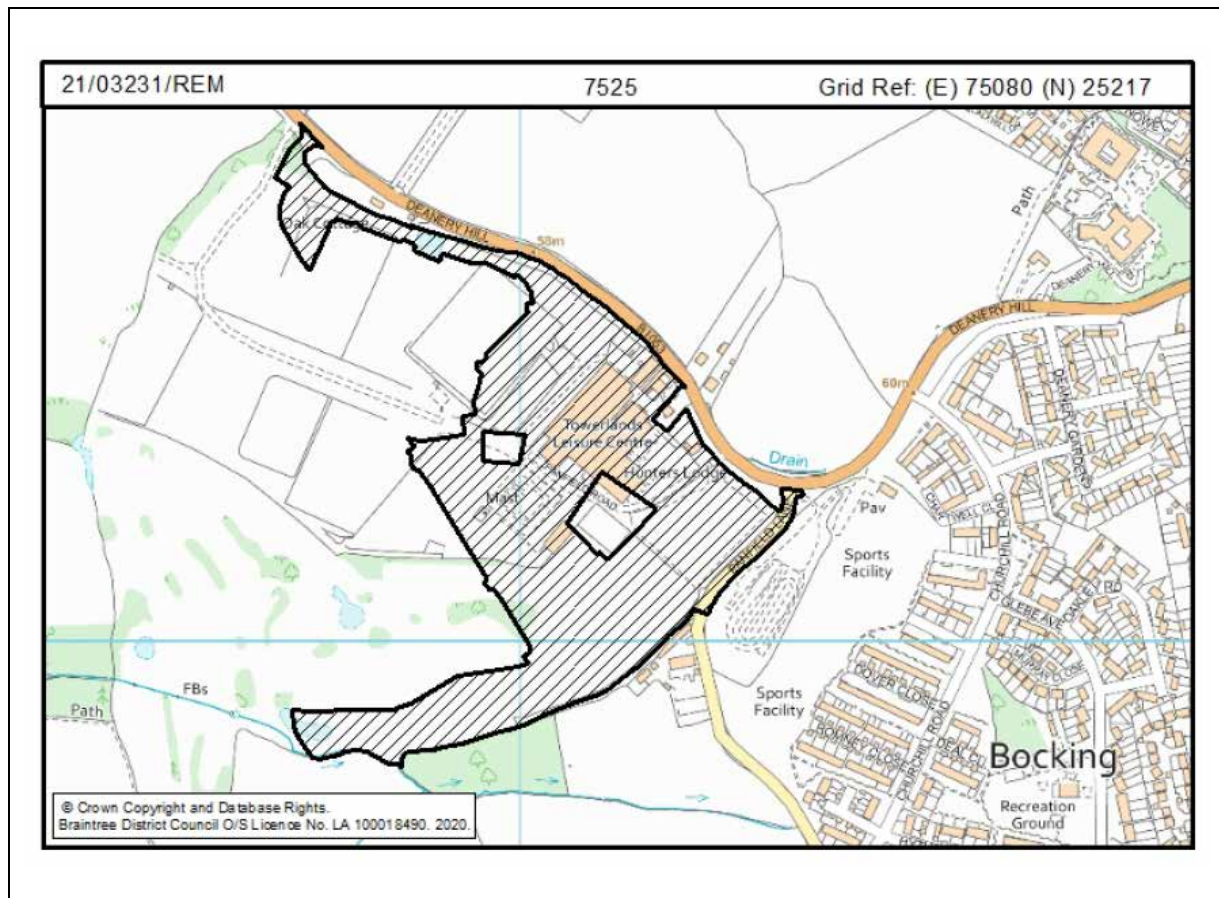
SITE HISTORY

19/00017/REF	Construction of seven dwellings comprising four x three bed houses, two x 2 bed houses and one x 1 bed flat	Appeal Allowed	19.08.19
18/01119/FUL	Construction of seven dwellings comprising four x three bed houses, two x 2 bed houses and one x 1 bed flat	Refused	17.08.18
18/01121/OUT	Outline application for four x 2 bed houses, eight x 3 bed houses, 28 flats and 8 commercial units for B1(a) office purposes (with all matters reserved other than means of access, layout and scale).	Refused	19.12.18
19/01856/DAC	Application for approval of details reserved by conditions 3 & 4 of approved application 18/01119/FUL	Granted	13.01.20
19/02304/OUT	Outline application for four x 2 bed houses, five x 4/5 bed houses, 12 flats and 10 commercial units for B1(a) office purposes (with all matters reserved other than means of access, layout and scale).	Granted with S106 Agreement	23.04.21
20/02124/NMA	Non-Material Amendment to permission 18/01119/FUL granted 17.08.2018 for: Construction of seven dwellings comprising four x three bed houses, two x 2 bed houses and one x 1 bed flat. Amendment would allow: Incorporation of the two stores to the ground floor of plot 5, incorporation part of the first floor flat of plot 7 to plot 5, enlargement of staircase to serve plot 7,	Granted	25.01.21

	creation of large store for plot 7, insertion of additional ground floor window to front elevation of plot 5 and amendment to size of window that would now serve plot 5, rather than plot 7.		
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Report to: Planning Committee		
Planning Committee Date: 5th April 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/03231/REM	
Description:	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT	
Location:	Towerlands, Panfield Road, Braintree.	
Applicant:	Dandara Eastern	
Agent:	JCN Design & Planning	
Date Valid:	1st November 2021	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Timothy Havers For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2526, or by e-mail: timothy.havers@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the above mentioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not;

	<p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/03231/REM.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 Outline planning permission (Application Reference 19/00786/OUT) was granted in April 2021 for the residential-led development of the Towerlands site for up to 575 dwellings with a neighbourhood centre and education site.
- 1.2 The current application is a Reserved Matters application for Phase 1 of the overall site. It would provide 168 dwellings along with some key pieces of site infrastructure including part of the main internal link roads, the two main site access points and large areas of public open space/strategic landscaping and SUDs features.
- 1.3 The Phase 1 Reserved Matters proposal has been the subject of a long and detailed pre-application process and the Applicant's team has worked constructively with Officers to ensure that the final proposal put before Members for consideration is of a high quality and represents an appropriate scheme for Phase 1 of this strategic site.
- 1.4 There are no objections raised by any technical consultees although Officers note that the Parish Council have raised an objection which is summarised in the below report.
- 1.5 Overall, subject to the conditions included at Appendix 1 it is recommended that the Reserved Matters application is approved.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is located outside but adjacent to the Town Development Boundary of Braintree, sitting to the north-west of the existing settlement. It is currently vacant and in parts is derelict. Previously it operated as an Equestrian facility; a conference centre and a golf course.
- 5.2 The application site measures approximately 35 hectares and consists of the following key components:
- § A previously developed area containing a number of large buildings and two large car park areas;
 - § A number of former paddocks and a former ménage;
 - § A former golf course with associated trees and hedges; and
 - § Boundary trees and hedges.
- 5.3 The site is bounded to the north by the B1053 (Deanery Hill). Panfield Lane is located to the east and abuts part of the site's boundary with the remaining southern and western boundaries abutting agricultural land and/or woodland. A stream runs through the south-western corner of the site where a small pond is also located.
- 5.4 In terms of the wider context, further countryside is located to the north and west, with Panfield village also being located to the west. A primarily residential part of Braintree (Bocking) Town sits to the east with Springwood Industrial Estate being located to the south.
- 5.5 The site is located adjacent to an area of land which is also identified as a Strategic Growth Location (Panfield Lane) in the New Local Plan which has planning permission for a residential-led scheme of up to 825 dwellings.
- 5.6 There are 4 existing vehicular access points to the site; three secondary accesses, one from Panfield Lane and two from the B1053, with the main entrance also being taken from the B1053.

- 5.7 In terms of gradient, the site shows a maximum levels difference of approximately 11 metres. In general terms the land is higher to the north, falling down towards the eastern part of the site where the buildings are located and to the south where the stream crosses the site.
6. PROPOSAL
- 6.1 Outline planning permission (ref 19/00786/OUT) was granted on 9th April 2021 for the residential development of the site for:
- Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.*
- 6.2 All matters except access were reserved, meaning that the detailed appearance; landscaping; layout, and scale of the proposed development must be considered at the Reserved Matters stage with the access being fixed at the outline stage.
- 6.3 The current Reserved Matters application seeks permission for all the matters reserved at the outline permission stage for Phase 1 of the overall site's development. Phase 1 would consist of the following key elements:
- § 167no. dwellings;
 - § Associated parking; landscaping and open space (including the village green area);
 - § Play area;
 - § Sustainable Urban Drainage Scheme components;
 - § Part of the main spine road for the development; and
 - § Previously approved site access points from Panfield Lane and the B1053.
- 6.4 The layout adheres to the previously approved Parameter Plans with two development parcels, one being located on either side of the spine road and associated areas of public open space and landscaping.
- 6.5 The proposed dwellings would consist of a mixture of detached, semi-detached and terraced units.
- 6.6 The applicant has also submitted, as part of the Reserved Matters Application details of the following: proposed finished floor levels of the new dwellings; details of a strategy for electric car charging and broadband

provision; a Construction Environmental Management Plan and Biodiversity Enhancement Strategy; details of refuse and recycling facilities; a detailed Tree Survey and details of the boundary treatment to Oak Cottage. These details are specifically to satisfy the requirements of Conditions 4 – 11 and Condition 48 of the outline planning permission which requires this information to be submitted as part of the Reserved Matters.

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

- § Affordable Housing Scheme details document
- § Landscape Design Strategy Compliance Report
- § Drainage Strategy Report
- § Design and Compliance Statement
- § Full set of layout and design drawings

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Two consultations were carried out, the second following the submission of revised plans which sought to address a number of design and layout concerns raised by Officers and consultees. A summary of the consultation responses received is set out below.

7.2 Anglian Water

7.2.1 Assets affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Request that an informative is included with any Decision Notice issued.

7.2.2 Foul water - We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 34 of the outline planning application 19/00786/OUT, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

7.2.3 Surface water - The preferred method of surface water disposal would be (SuDS) with connection to sewer seen as the last option. We note the applicant states the SuDS scheme may / will be adopted by Anglian Water - if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design.

7.3 Cadent Gas

7.3.1 No objection

7.4 Essex Fire and Rescue Service

7.4.1 Access for Fire Service purposes is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulations consultation stage. It is the responsibility of anyone carrying out building work to comply with Building Regulations.

7.4.2 The architect/applicant is reminded that additional water supplies for firefighting may be necessary for this development. Essex Fire and Rescue Services urges building owners to consider installing automatic water suppression systems due to their effectiveness in fire suppression.

7.5 Health and Safety Executive

7.5.1 The HSE were consulted at the outline planning application stage and confirmed that they had no objection to the development of the Towerlands site provided that no development took place within the exclusion zone around the high pressure gas pipe which crosses the northern part of the site. The outline planning permission set specific parameters which included ensuring that no development could take place within this exclusion zone. The current Reserved Matters application adheres to these previously approved Parameter Plans. For completeness, Officers have asked the HSE to re-confirm their 'no objection' to the Reserved Matters proposal. A further update will be provided to Members at the Planning Committee meeting.

7.6 Historic England

7.6.1 No objection

7.7 National Grid

7.7.1 No objection subject to all works being kept outside the gas pipeline easement and being supervised where required.

7.8 National Highways

7.8.1 No objection

7.9 Natural England

7.9.1 Natural England advise that they have no comments to make on this reserved matters application.

7.10 Police Architectural Liaison Officer

7.10.1 No concerns with the layout of the proposed development. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

7.10.2 We note in relation to the development it states 'it achieves the standard to secure an SBD gold award' and would welcome the opportunity to consult on this development to assist the developer to demonstrate their compliance with this policy by achieving a 'Secured by Design' homes award.

7.11 Sport England

7.11.1 The proposed development does not fall within either our statutory or non-statutory remit. Therefore no detailed response has been provided. If the proposal involves new housing then new/improved sports facilities should be secured. Consideration should also be given to how new development will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design Guidance can be used to help with this.

7.12 BDC Environmental Health

7.12.1 No objection

7.13 BDC Housing Officer

7.13.1 The proposal includes 50 affordable dwellings and meets the requirements of Adopted Local Plan Policy CS2.

7.13.2 The affordable unit mix plus our preferences for tenure is illustrated in the table below. It is disappointing the 4 x 4 bed 6 person houses could not be revised to be 7 person units, though it is noted with regard to the provision of larger four bedroom houses and bungalows, these will be delivered within the future phases.

7.13.3 The unit mix is considered appropriate to match evidence of housing need. There is no confirmation that the intermediate tenure element is to be shared ownership.

Unit Type	No	Affordable Rent	Intermediate Tenure preferably Shared Ownership
2 bed 4 person house	25	16	9
3 bed 5 person house	21	15	6
4 bed 6 person house	4	4	0
	50	35	15

- 7.13.4 We are happy to support the application providing there is agreement that the intermediate tenure is agreed as shared ownership.
- 7.14 BDC Landscape
- 7.14.1 Further clarity required around tree removal at the highway access points to confirm that ECC Highways will not require any additional tree removal over and above that shown for their visibility splay requirements.
- 7.14.2 It is acknowledged that the Towerlands development will require significant tree removal (as assessed at the outline planning stage and due to its previous use as a golf course). Opportunities to mitigate this loss should be taken.
- 7.14.3 It would be preferable to see a greater frequency of group planting of trees in the larger areas of open space and particularly around the upper margins of the various SuDS features, where they won't impede capacity but will support the objective of forming a stronger sense of a linked canopy cover in the medium term.
- 7.14.4 Generally, the scheme shows too much reliance on single stem tree planting which makes the landscape scheme vulnerable to poor establishment and imperils longer term success, if they fail towards the end of the 5 year replacement for the timeframe within the condition. Group planting would raise the odds of some more trees surviving to full establishment.
- 7.14.5 Some of the proposed plant species are not appropriate for the areas of open space where resilience and longevity are key elements for a successful scheme.
- 7.14.6 *Officer Note: The Applicant subsequently responded to each of the above points to address the concerns raised.*
- 7.15 BDC Waste
- 7.15.1 Bin presentation points for each household need to be within 20 metres from where the collection vehicle can safely stop. Some plots are not within this distance. Any private driveways which need to be accessed by BDC refuse vehicles need to be built to an adopted highway standard and BDC given written indemnity, stating they may use the driveway and are not be liable for any damages caused as a result.
- 7.15.2 Bin stores for flat blocks must be large enough to accommodate capacity, for both refuse and recycling bins for the total capacity of people that can reside within the block (45 litres per week per person for refuse and another 45 litres per person per week for recycling). The bin store must be easily accessible, clear of any shingle or stones, be on a flat surface and no further than 15 metres from where the collection vehicle can safely stop.

7.16 ECC Archaeology

- 7.16.1 A programme of archaeological evaluation and excavation has been completed on the above site, there will be no requirement for any further conditions on the reserved matters application.

7.17 ECC Ecology

- 7.17.1 The Councils Ecology Consultant does not object to the proposal overall but has advised that the submitted Construction Environmental Management Plan and Biodiversity Enhancement Strategy are not sufficiently detailed or up-to-date to discharge the relevant conditions (8 and 9) of the Outline planning permission. Therefore these conditions need to be re-imposed on this Reserved Matters application decision.
- 7.17.2 The necessary Habitat Regulations mitigation was secured at the outline planning application stage and will need to be implemented as per the s106 Agreement requirements.
- 7.17.3 Subject to some species changes the soft landscaping and planting is supported as is the proposed Landscape and Ecology Management Plan.
- 7.17.4 The Developer is encouraged to have a Biodiversity Gain Assessment completed in support of their soft landscape plans.
- 7.17.5 A Wildlife friendly lighting scheme will be required prior to occupation of the development as per Condition 40 of the outline planning permission.
- 7.17.6 Request a condition requiring the HRA mitigation measures on site to be implemented. *Officer Note: These are in fact already required by the s106 Agreement attached to the outline planning permission.*

7.18 ECC Highways

- 7.18.1 No objection subject to a condition requiring two very minor changes to the highway layout (addition of 3.5m cycleway connection adjacent to Plot 55/60 and slight re-location of visitor parking spaces adjacent to Plot 65).

7.19 ECC Historic Buildings Consultant

- 7.19.1 No objection. The proposed layout provides a space between the development and Panfield Road, reducing its visual impact on the approach to Bocking and the Conservation Area. From the street elevations it can be seen that the dwellings are well-spaced to prevent a sense of overcrowding.
- 7.19.2 In terms of design and materials for the dwellings, they are of an appropriate design and scale and I have no objections. The boundary treatments include the use of post and rail fences and knee rails, which are appropriate.

- 7.19.3 The details provided in this reserved matters application indicate that the development would not result in a detrimental impact to the significance of the nearby heritage assets, including the Conservation Area.

7.20 ECC SUDS

- 7.20.1 ECC SUDs placed a holding objection on the current proposal for a number of minor reasons. These included clarity around labelling of SUDs features typologies and permeable/non-permeable surfaces on submitted drawings; use of colour to indicate permanent water features and grading of basins and submission of an updated written report summarising the final drainage strategy and highlighting any minor changes to the previously approved strategy. The Applicant has submitted all of the requested information and final confirmation is awaited from ECC SUDs in relation to the above. An update will be provided to Members at the Planning Committee meeting.

8. PARISH / TOWN COUNCIL

8.1 Panfield Parish Council

8.1.1 Objection.

- 8.1.2 Highway/traffic impact – primary access road entering the village envelope will increase traffic in this rural area, degrading village character and distinguishable separation from Braintree Town.

- 8.1.3 Investment – Parish Council would like a guarantee that investment will be attributed directly to improving the highways in the village. Traffic slowing measures including chicanes to reduce speeding traffic through the village and prevent it being used instead of the A120 are required.

- 8.1.4 Would also like to understand how this development is going to promote sustainable travel within the immediate vicinity by investing in local amenities not just providing a cycleway.

- 8.1.5 Light pollution – Panfield prides itself on being a dark skies area and residents did not want streetlights installed. Concerned that this developments lighting will impact upon residents and wildlife.

- 8.1.6 Overall we understand that outline permission was granted but would like serious consideration given as to how S106 monies and local investment from this development will be used to help Panfield Parish as although it does not sit within their boundaries the effects will be inequitably be felt by this Parish that prides itself on its appearance and community.

9. REPRESENTATIONS

9.1 In total 10 objections have been received at the time of writing.

9.2 For the purposes of clarity none of the objectors stated that they withdrew their original objection following the revised scheme and therefore all objections have been treated as objections to both the original and the revised scheme.

9.3 The representations received are summarised below:

- Loss of existing ecology/biodiversity/trees/hedges on the site
- Highway safety and congestion
- Impact of construction traffic
- Why isn't Springwood Drive being extended into this development?
- Will cause coalescence between Braintree and surrounding villages
- Existing amenities/infrastructure (doctors; dentists; schools; hospitals; emergency services) cannot cope
- Air pollution impact
- New residents would be car reliant
- Fire risk
- Flood risk
- Noise pollution
- Light pollution
- BDC has already met its house building target
- Site should be preserved as a natural open green space

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of the residential development of the site has been established under the original outline planning permission (19/00786/OUT) which was issued on 9th April 2021. This included the detailed site access points. A Non-Material Amendment (Ref 22/00534/NMA) was also subsequently approved to regularise a discrepancy between the approved Design Code which requires a mix of 2, 2.5 and 3 storey along the site's southern parkland edge and the height Parameter Plan which restricted heights to 2.5 storey along part of the same edge in contravention to the Design Code.

10.2 The current application seeks approval only for the reserved matters pursuant to the outline planning permission for Phase 1 of the development consisting of:

- § Appearance;
- § Landscaping;
- § Layout; and
- § Scale.

10.3 It is therefore these reserved matters which must be assessed in detail.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

11.1.1 Policy RLP90 of the Adopted Local Plan requires a high standard of design and layout in all developments. Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design.

11.1.2 At the national level, the NPPF is also clear in its assertion at Paragraph 126 that:

‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.

11.1.3 There is therefore a strong policy basis for achieving a high degree of quality in terms of the appearance, layout and scale of the development whilst ensuring that it complies with the outline planning permission for the site.

11.1.4 Phase 1 of the development consists of 168 dwellings, positioned on the eastern side of the site and located in two development parcels on either side of the site’s spine road. The location of the built form is in accordance with the approved Parameter Plans for the site. Phase 1 also includes the two site access points, a section of the spine road which links them and a number of areas of open space; landscaping and SUDs features. Again, all of these are in accordance with the outline planning permission.

11.1.5 In terms of the detail of the proposal, the built form spans 4 of the character areas identified in the Design Code consisting of the Parkland Edge (North and South); The Avenue; and The Lanes.

11.1.6 The Parkland Edge South overlooks an extensive linear parkland area and maintains a continuous frontage to this. The Design Code requires a mix of dwelling types and a variety of building heights. The Parkland Edge North fronts on to the linear area of open space/green infrastructure along the site’s eastern boundary which includes the Deanery Hill play area. Both areas would utilise detached and semi-detached dwellings of 2 and 2.5 storey with some 3 storey for the Parkland Edge South as sought by the Design Code. Red and buff bricks would be used with red, brown and dark red roof tiles, cottage style windows and a mix of fully rendered, fully boarded and brick buildings.

11.1.7 The Avenue is of a different character with a wide tree lined street at its heart and a consistent built frontage made up of dwellings of a similar typology and size. Building heights are up to 3 storeys. All are red brick with

grey (reconstituted slate) and red roof tiles, sash style windows and stone cills.

- 11.1.8 The Lanes is situated in the heart of the development and is more intimate in its character with higher density housing up to 3 storeys in height and consisting primarily of terraced and semi-detached dwellings. Materials consist of red and buff multi bricks; grey and red roof tiles, casement style windows and feature render and timber areas.
- 11.1.9 Overall the proposed house types accord with the Design Code with more traditional designs and house types used in the Parkland Edge and The Avenue and a more contemporary approach employed in The Lanes. Overall, the design quality is high as are the materials used and the design features employed.
- 11.1.10 Internally, all house types meet the Nationally Described Space Standards (NDSS), standards which set out the required internal space standards for new dwellings of all tenures.
- 11.1.11 The development is also compliant with the Essex Design Guide in terms of proposed garden sizes and back to back distances between new dwellings.
- 11.1.12 With regard to the proposed housing mix, the scheme consists of the following dwelling mix with 118 market dwellings and 50 affordable dwellings:

Market Mix

11no. 2 bed
77no. 3 bed
15no. 4 bed
15no. 5 bed

Affordable Mix

25no. 2 bed
21no. 3 bed
4no. 4 beds

- 11.1.13 The dwelling mix covers a range of sizes for both private and affordable tenures although should also be read in the context of the wider site given that this is a phased development of a large scale. The Council's Affordable Housing Officer has confirmed his agreement with the proposed affordable mix in terms of meeting identified need.
- 11.1.14 In addition to the above built form, Phase 1 includes a number of other key components. Part of the circular footway and cycleway would be provided, (the finished route will loop 2km in length around the Towerlands site). An extensive Linear Park would be positioned along the site's boundary with Panfield Lane and a large play space would sit in the green infrastructure

running along the boundary with Deanery Hill. In the middle of Phase 1 and at the heart of the site would sit the Village Green, again in accordance with the previously approved Parameter Plans. The Village Green is an important focal area and will be located adjacent to the Children's Nursery (not included within this Phase as its delivery is linked to ECC). Finally, a number of SUDs basins are situated within the green infrastructure areas located around the periphery of the site, including those which will serve future phases to ensure that sufficient SUDs capacity is provided from the outset.

11.1.15 There are two areas which fall within the geographical scope of the Phase 1 boundary but are excluded from the current reserved matters application. These are the Children's Nursery and the Community and Retail Facilities or 'Neighbourhood Centre' area. Both would be the subject of separate planning applications, the former in conjunction with ECC as the relevant early years and childcare provider and the latter to be made by the applicant. The delivery of both is covered off in the approved Section 106 Agreement for the overall site (neighbourhood centre to be delivered by occupation of 250th dwelling on the site and nursery site to be prepared for handover to ECC in accordance with ECC timescales).

11.1.16 Overall the layout, appearance and scale of the proposal are considered to be acceptable. Layout in relation to green infrastructure and landscaping is discussed in more detail below.

11.2 Landscaping and Trees

11.2.1 The applicant proposes a hard and soft landscaping scheme across the reserved matters site which has been reviewed by the Council's Landscape Officer and Urban Design Consultant and is considered to be acceptable following a number of minor revisions.

11.2.2 The site's green infrastructure accords with the approved Parameter Plans and Design Code for the outline planning permission. Extensive areas of linear landscaped green infrastructure run along the sites boundaries with Panfield Lane and Deanery Hill (B1053). These contain the site's primary SUDs features; a footway/cycleway which loops around the site; an equipped children's play area; areas of informal parkland and buffer planting to the existing dwellings which abut the site boundary. Within the heart of the reserved matters parcel sits the village green, a more formal space designed and positioned for community use.

11.2.3 Tree planting is proposed extensively across the site and the only areas where it is not are those where infrastructure easements exist which prevent it. The outline planning permission and associated Design Code pre-dates the new NPPF requirement for tree line streets by some way, however substantial street planting is still achieved and plays an important role in helping to establish the street hierarchy within the site. The spine road ('The Avenue') in particular is characterised by formal, regular, rhythmic tree planting with larger trees sitting within spacious verges which

will result over time in a tree lined boulevard which will sit at the top of the street hierarchy.

- 11.2.4 Lower order secondary and tertiary streets and cul-de-sacs also contain tree planting as a key feature in accordance with the Design Code. The applicant has worked with Officers to increase and maximise tree planting to these areas wherever possible whilst remaining in accordance with the Design Code and the wider vision for the site. Innovative solutions such as planting trees within the forward most section of front gardens and placing them under the care of management companies have been utilised, to achieve planting in areas which previously have not been able to accommodate trees with any certainty because of concerns over their protection, care and longevity.
- 11.2.5 Towerlands is a site which contains a high number of trees planted across it, many dating from the site's previous use as a golf course. The loss of these trees was assessed at the outline planning stage where it was acknowledged that retaining extensively and randomly planted tree cover across this strategic site was not compatible with achieving a high quality and well laid out development which used the land effectively and employed the principles of good place making. Trying to randomly locate small, disjointed parcels of development in amongst clusters of existing trees was neither achievable nor appropriate, however Officers have worked with the applicant both to maximise tree planting and to ensure that opportunities to minimise tree loss are taken where possible. There is also an expectation in relation to the outline planning permission which requires a net gain of tree planting over tree loss to be achieved on the Towerlands site.
- 11.2.6 In accordance with the outline planning permission, the applicant has submitted a detailed tree survey for the reserved matters land parcel. Tree loss (which does not include any Category A trees) occurs where it is an essential requirement; such as to create the two site highway access points; where trees sit within development parcels or where they are positioned where infrastructure such as SUDs basins or cycleways need to be constructed. The proposal includes extensive new tree planting as per the previously approved Design Code with trees forming an integral part of the design rational for the site.
- 11.2.7 The sites hard landscaping varies. The spine road, footways and the circular cycleway would be constructed from tarmac whilst block paving would be used across the site for lower order streets and driveways.
- 11.2.8 Overall the site's proposed landscaping is considered to be carefully considered and of an acceptable standard.
- 11.3 Ecology
- 11.3.1 The Ecological impact of developing the site was assessed in full at the Outline Planning application stage and is not for specific consideration as a

reserved matter although an Ecological Enhancement Strategy for the site is required by way of planning condition. However, this phase of the development does contain significant areas of proposed ecological habitat, in particular along the site's southern boundary where the majority of the SUDs features are located and which would include marginal and aquatic planting and habitat in addition to wildflower planting and native hedgerow mix.

11.3.2 The Council's Ecology Officer has reviewed the application and has raised no objection. It is however highlighted that a more up-to-date and detailed Construction Environmental Management Plan and Biodiversity Strategy are required and these would need to be secured by way of condition. Some species changes to the planting palette were also requested, however the planting palette has already been agreed in accordance with both the Design Code and the Council's Landscape Officer and has already been subject to review and amendment.

11.3.3 Overall the proposal is considered to be acceptable in Ecological terms.

11.4 Highway Considerations

11.4.1 The Parish Council have raised concerns in relation to highway impact, however the impact of the development on the highway network and the acceptability of the access points were assessed at the outline planning stage and access is not a reserved matter. Parking provision and the internal site layout are however for consideration.

11.4.2 With regard to site layout, ECC Highways have been consulted and following a number of minor revisions have no objection to the site's internal layout in highway terms subject to a condition requiring to very minor alterations to the site's internal highway layout.

11.4.3 Cycle provision is well catered for with part of the proposed dedicated circular loop around the wider Towerlands site forming part of this phase and allowing residents to cycle safely and away from the highway network.

11.4.4 In terms of parking, private provision would be made across the site in accordance with the Essex Parking Standards (2009) with the required 1 space per 1 bed dwelling and 2 spaces per two or more bed dwellings. Visitor parking would be spread around the development and would also be in accordance with the standards.

11.4.5 With regard to electric vehicles, there is a condition attached to the outline planning permission which requires one charging point to be provided per dwelling. The applicant makes provision for a charging point for every dwelling in the proposed layout for this phase of the Towerlands development either in the form of a dedicated socket in a garage or by providing the appropriate cable infrastructure and ducting to allocated parking spaces.

11.4.6 Overall, parking provision on the site is considered to be acceptable.

11.5 Impact upon Neighbouring Residential Amenity

11.5.1 In terms of neighbouring amenity, the application site abuts a small number of existing residential development on its northern (2 dwellings) and southern boundaries (1 dwelling). The approved parameter plans for the outline planning permission and the relevant sections of the Design Code addressed this relationship comprehensively, ensuring that buffer zones were carefully established to protect the amenity of the occupiers of these existing dwellings.

11.5.2 The current reserved matters layout adheres to these previously approved buffer zones and it is not considered that the proposed development would result in any unacceptable degree of loss of amenity to existing residents in planning terms in relation to loss of privacy, sunlight, daylight or outlook/having an overbearing impact.

11.5.3 Internally, the site layout is also compliant with the Essex Design Guide in terms of garden sizes and back to back distances between new dwellings and would provide an acceptable degree of amenity to future occupiers of the new dwellings.

11.6 Flooding and Drainage Strategy

11.6.1 Flood risk and drainage were considered at the outline planning stage and a detailed set of related conditions are attached to the outline planning permission in relation to this.

11.6.2 Phase 1 of the development (i.e. the current reserved matters application) includes the majority of the SUDs scheme for the entire Towerlands development site. The applicant proposed to utilise a sustainable urban drainage (SUDs) system incorporating a number of SUDs basins located around the periphery of the site with the majority concentrated in linear fashion along the southern edge of the site layout and others located on the northern and eastern parts of the site. Runoff would be limited to green field rates with water being released appropriately into the existing ditch network. In addition, some underground attenuation is required in the south-eastern corner of the site to alleviate potential flooding in that localised area.

11.6.3 With regard to foul water, two gravity piped systems would convey flows to one of two foul water pumping stations located in the north and south of the Site. These pumping stations would then pump to separate high points within the site whereby foul flows would be conveyed out of the site through Phase 1 via a new gravity piped sewer to the existing Anglian Water public foul water network near Churchill Terrace southeast of the Site. Again, a detailed condition is attached to the outline planning permission in relation to this.

- 11.6.4 The SUDs conditions and foul water drainage condition attached to the outline planning permission remain in place and the full detailed drainage strategy for each would be submitted to the LPA for review and approval prior to commencement of development.
- 11.6.5 Essex County Council have been consulted as the Lead Local Flood Authority. They have lodged a holding objection in relation to minor details only such as the colours used to annotate the drainage drawings. The Applicant is working with Officers to address this and a further update will be provided to Members at Planning Committee. Anglian Water have been consulted as the statutory undertaker for foul water and have no objection at this stage.

11.7 Heritage

- 11.7.1 The likely heritage impact of the proposed development of the site was assessed at the outline application stage. The reserved matters land parcel does not sit in close proximity to any heritage assets although there are a number in the wider area. The Council's Historic Buildings Consultant has been consulted and raises no objection stating that:

'The proposed layout provides a space between the development and Panfield Road, reducing its visual impact on the approach to Bocking and the Conservation Area. In terms of design and materials for the dwellings, they are of an appropriate design and scale and I have no objections'.

'The details provided in this reserved matters application indicate that the development would not result in a detrimental impact to the significance of the nearby heritage assets, including the Conservation Area'.

- 11.7.2 Historic England have also been consulted and have confirmed that they do not wish to make any comment on the application.
- 11.7.3 Overall, no heritage harm is identified and the heritage impact of the proposal is considered to be acceptable.

11.8 Habitat Regulations Assessment (HRA / RAMS)

- 11.8.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:
- § Blackwater Estuary Special Protection Area and Ramsar site;
 - § Dengie Special Protection Area and Ramsar site;
 - § Essex Estuaries Special Area of Conservation.
- 11.8.2 HRA mitigation was secured at the outline planning application stage under Application Reference 19/00786/OUT and therefore no further mitigation is required in relation to this Reserved Matters application.

12. CONDITIONS COMPLIANCE

- 12.1 Conditions 4-11 and 48 of the outline planning permission are 'compliance conditions', requiring the applicant to submit details relevant to the condition as part of each reserved matters application. For reference these are set out below:

Condition 4 – requires details of finished site levels

Condition 5 – requires details of landscaping

Condition 6 – requires a strategy for fibre broadband provision

Condition 7 – requires a strategy for electric vehicle charging point provision

Condition 8 – requires a Construction Environmental Management Plan

Condition 9 – requires a Biodiversity Enhancement Strategy

Condition 10 – requires details of refuse/recycling facilities

Condition 11 – requires a Tree Survey

Condition 48 – requires details of the proposed boundary treatment to Oak Cottage

- 12.2 Site levels have been assessed both as part of the proposed design and layout and with regard to impact upon existing neighbour amenity and are considered to be acceptable. However a condition is recommended to ensure that the applicant is still required to provide a final levels drawing showing proposed finished floor levels and proposed finished ground levels. Electric vehicle charging provision is discussed under the highway section of this report and is also considered to be acceptable. The applicant has also confirmed that they will provide fibre broadband connections to all dwellings. The submitted details of refuse/recycling facilities and the tree survey details have been assessed and are considered to be acceptable.
- 12.3 The Construction Environmental Management Plan and Biodiversity Enhancement Strategies have been assessed but are not deemed to be sufficient to discharge Conditions 8 and 9. Therefore it is recommended that a condition relating to the requirement for each of the above is re-imposed on this Reserved Matters.
- 12.4 Finally, landscaping has also been discussed in the above report and is considered to be acceptable with the exception of the boundary treatment to Oak Cottage which would be further addressed by way of condition.
- 12.5 Overall it is therefore considered that Conditions 6, 7, 10 and 11 of the Outline Planning Permission have been complied with for Phase 1 of the

reserved matters for the site. Further information is required in relation to Conditions 4, 5, 8, 9 and 48 which is covered by renewed conditions.

13. CONCLUSION

- 13.1 The principle of the residential development of the site is established under the existing outline planning permission (Application Reference 19/00786/OUT). The applicant seeks permission for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of Phase 1 of the Towerlands development.
- 13.2 There are no objections from the relevant technical statutory consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.
- 13.3 Officers note the Parish Council's concerns around where Section 106 funding would be spent, however the Section 106 Agreement was completed as part of the Outline planning permission, including identifying with ECC Highways where highway mitigation was required and this is not a matter which procedurally can be given further consideration under this Reserved Matters application.
- 13.4 Overall it is considered that the Phase 1 Reserved Matters proposal constitutes a well-designed and carefully considered proposal and accordingly it is recommended that the Reserved Matters are approved.

14. RECOMMENDATION

- 14.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Drainage Details	8541-103-003	N/A
Other	Affordable Housing Scheme 11 Feb 2022	N/A
Drainage Details	Drainage Strategy Report	V.02 Feb 2022
Other	Guide to the Management of Landscape and Ecological Areas	REV A Oct 2021
Other	Broadband Strategy	Sep 2021
Other	Electric Vehicle Charging Strategy	Oct 2021
Refuse Information	Refuse Layout DN001-PH1-PL-07	REV A
Site Masterplan	DN001-MP-02	B
Landscape Masterplan	JBA 21/187-03	B
Planning Layout	DN001-PH1-PL-02	J
Planning Layout	DN001-PH1-PL-03	B
Parking Strategy	DN001-PH1-PL-04	B
Parking Strategy	DN001-PH1-PL-04a	B
Garden Study	DN001-PH1-PL-05	A
Storey Height	DN001-PH1-PL-06	B
Storey Height	DN001-PH1-PL-06a	A
Refuse Information	DN001-PH1-PL-07	A
Materials Details	DN001-PH1-PL-08	B
Location Plan	DN001-PH1-PL-09	A
Landscaping	JBA 21/187-04	B
Landscaping	JBA 21/187-05	B
Landscaping	JBA 21/187-06	B
Landscaping	JBA 21/187-07	B
Landscaping	JBA 21/187-08	B
Landscaping	JBA 21/187-09	B
Landscaping	JBA 21/187-10	B
Landscaping	JBA 21/187-11	B
Landscaping	JBA 21/187-12	B
Landscaping	JBA 21/187-13	B
Landscaping	JBA 21/187-14	B
Landscaping	JBA 21/187-15	B
Landscaping	JBA 21/187-16	B
Landscaping	JBA 21/187-17	B
Landscaping	JBA 21/187-22	B
Landscaping	JBA 21/187-23	B
Landscaping	JBA 21/187-24	B

Landscaping	JBA 21/187-25	B
Landscaping	JBA 21-187-26	B
Landscaping	JBA 21-187-27	B
Landscaping	JBA 21-187-28	B
Landscaping	JBA 21-187-29	B
Landscaping	JBA 21-187-30	B
Landscaping	JBA 21-187-31	B
Landscaping	JBA 21-187-32	B
Landscaping	JBA 21-187-33	B
Landscaping	JBA 21-187-34	B
Landscaping	JBA 21-187-35	B
Drainage Details	8541-100-001	E
Drainage Details	8541-100-002	E
Drainage Details	8541-100-003	E
Drainage Details	8541-100-004	A
Highway Plan	8541-108-001	C
Highway Plan	8541-108-002	C
Highway Plan	8541-108-003	B
Street elevation	DN001-ST-04	A
Street elevation	DN001-ST-05	A
Street elevation	DN001-ST-10	B
Street elevation	DN001-ST-06	B
Street elevation	DN001-ST-07	A
Street elevation	DN001-ST-08	N/A
Street elevation	DN001-ST-09	N/A
House Types	DN001-PH1-CCc-04	N/A
House Types	DN001-PH1-Cba-02	N/A
House Types	DN001-PH1-Cbb-03	N/A
House Types	DN001-PH1-Ccb-05	N/A
House Types	DN001-PH1-CHa-01	N/A
House Types	DN001-PH1-CHb-02	N/A
House Types	DN001-PH1-CHc-04	N/A
House Types	DN001-PH1-CSa-01	N/A
House Types	DN001-PH1-CSb-02	N/A
House Types	DN001-PH1-CSc-04	N/A
House Types	DN001-PH1-CSd-05	N/A
House Types	DN001-PH1-Dcb-05	N/A
House Types	DN001-PH1-CSe-06	N/A
House Types	DN001-PH1-Db a-02	N/A
House Types	DN001-PH1-Db b-03	N/A
House Types	DN001-PH1-Dcc-08	N/A
House Types	DN001-PH1-Ea-04	A
House Types	DN001-PH1-FRa-01	N/A
House Types	DN001-PH1-FRc-04	N/A
House Types	DN001-PH1-GWa-01	N/A
House Types	DN001-PH1-GOa-01	N/A
House Types	DN001-PH1-GOb-02	N/A
House Types	DN001-PH1-GOc-04	N/A
House Types	DN001-PH1-GOCa-01	N/A

House Types	DN001-PH1-GOCc-04	N/A
House Types	DN001-PH1-KIa-01	N/A
House Types	DN001-PH1-KIb-02	N/A
House Types	DN001-PH1-KWa-01	A
House Types	DN001-PH1-KWb-02	N/A
Location Plan	DN001-PH1-PL-01	N/A
Substation Details	DN001-PH1-SS-01	N/A
Cycle Plan	JBA 21-187-DT01	N/A
House Types	DN001-PH1-PAc-04	N/A
House Types	DN001-PH1-KNa-01	N/A
House Types	DN001-PH1-PAa-01	N/A
House Types	DN001-PH1-PAb-02	N/A
House Types	DN001-PH1-PEa-01	N/A
House Types	DN001-PH1-PECa-01	N/A
House Types	DN001-PH1-PECb-02	N/A
House Types	DN001-PH1-PECc-04	N/A
House Types	DN001-PH1-SAa-01	N/A
House Types	DN001-PH1-VYb-02	N/A
House Types	DN001-PH1-VYca-04	N/A
Drainage Details	8541-103-001	N/A
Drainage Details	8541-103-002	N/A
Drainage Details	8541-103-004	N/A
Drainage Details	8541-103-005	N/A
Drainage Details	8541-103-006	N/A
Drainage Details	8541-103-007	N/A
Drainage Details	8541-103-008	N/A
Carport / Cartlodge Details	DN001-PH1-CP-01	00
Garage Details	DN001-PH1-GR-01	00
Garage Details	DN001-PH1-GR-02	00
Garage Details	DN001-PH1-GR-03	00
Garage Details	DN001-PH1-GR-04	00
Other	Arb Method Statement	Oct 2021
	Arboricultural Method Statement	
Tree Plan	Tree Survey Plan Phase 1	N/A
	180626-P-20.01	

Condition(s) & Reason(s)

1.

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed above, with the exception of the following:

a) The proposed landscaping located along and adjacent to the site's boundary with Oak Cottage is not approved.

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

2.

Within 2 months of the granting of this Reserved Matters the applicant shall submit to the Local Planning Authority a revised detailed scheme of hard and soft landscaping to cover the area of the site adjacent to the shared boundary with Oak Cottage. The revised scheme shall be approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To ensure that the amenity of the existing residents in this dwelling are sufficiently protected.

3.

Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no windows, doors or rooflights of any type shall be installed in the north-eastern side elevation of Plot 23; the north-western side elevation of Plot 9; the rear facing roof slopes (including garages) of Plots 18 and 19; the front roof slopes of Plots 27 and 28 (other than those originally approved); the front roof slopes of Plots 155 to 158; Plots 149 to 154 and 135 to 136 and no other alterations shall be made to the roofs or elevations of these dwellings.

Reason: To protect the amenity of the occupiers of existing adjacent dwellings.

4.

The first floor bathroom window in the north-western side elevation of Plot 9 shall be obscure glazed only and no part of that window that is less than 1.7m above the finished floor level of the room in which it is installed shall be capable of being opened. The window shall be permanently retained in that form only.

Reason: To protect the amenity of the occupiers of existing adjacent dwellings.

5.

Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no rear extensions and no front or rear roof extensions shall be added to any of the dwellings hereby permitted without first obtaining planning permission from the Local Planning Authority.

Reason: To protect the amenity of the occupants of the new dwellings and of existing dwellings adjacent to the site

6.

Prior to the commencement of any above ground development details of the proposed finished floor levels (above ordnance datum) of the ground floors of all the proposed buildings in relation to existing ground levels and of proposed finished site levels (including gardens) in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard neighbour amenity

7.

The garages hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the relevant dwelling and shall not be 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.

8.

Prior to commencement of development in this phase a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority to cover the whole of the phase. The CEMP (Biodiversity) shall include the following:

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

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

Reason: To protect protected and priority species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). The CEMP is required prior to commencement of development to ensure measures are in place from the outset.

9.

Prior to the commencement of development in this Phase a Biodiversity Compensation and Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority for the whole of the phase.

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

- a) Purpose and conservation objectives for the proposed enhancement measures for the relevant phase of the development (which shall include the creation of nesting habitat for swifts via the use of integral swift house nesting bricks);
- b) Detailed designs to achieve stated objectives;

- c) Locations of proposed enhancement measures by appropriate maps and plans for the relevant phase of the development;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Persons responsible for implementing the enhancement measures for the relevant phase of the development;
- f) Details of initial aftercare and long-term maintenance (where relevant) for the relevant phase of the development.

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

Reason: To protect protected and priority species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). The Biodiversity Compensation and Enhancement Strategy is required prior to commencement of development to ensure measures are in place from the outset.

10.

Prior to the commencement of any above ground development the applicant shall submit to the Local Planning Authority for approval in writing a revised layout drawing which shows the following two alterations to the site's internal highway network:

- A 3.5m wide pedestrian/cycle connection to the footpath/cycleway off the turning head adjacent to Plots 56 to 60
- The visitor parking spaces adjacent to Plot 65 shall be behind the 500mm no build zone

The development shall only be carried out in accordance with the approved details.

Reason: In the interests of highway safety and promoting sustainable transport modes.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

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
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments2
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP65	External Lighting
RLP69	Sustainable Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage and Land Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodlands, Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites and Regionally Important Geological/Geomorphological Sites
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility

RLP93 Public Realm
RLP138 Provision of Open Space in New Housing Developments

Braintree District Shared Strategic Section 1 Local Plan (2021)

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

Braintree District Draft Section 2 Local Plan (2017)

LPP20 Strategic Growth Location - Former Towerlands Park Site
LPP33 Affordable Housing
LPP37 Housing Type and Density
LPP44 Sustainable Transport
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP51 An Inclusive Environment
LPP53 Provision for Open Space, Sport and Recreation
LPP55 Layout and Design of Development
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

Other Material Considerations

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

Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

APPENDIX 3:

SITE HISTORY

02/00207/T56	Erection of 15m lattice tower and equipment housing	Granted	25.03.02
04/00336/COU	Conversion of redundant buildings to two dwellings	Refused	02.08.04
04/00337/FUL	Construction of new manege	Granted	28.07.04
04/00348/OUT	Erection of new golf clubhouse	Refused	28.07.04
04/01702/FUL	Removal of condition 2 of Planning Permission P/BTE/0998/82 to allow premises to be used outside the currently permitted hours of 9.00 - 22.00 hours	Granted	19.10.04
04/01801/FUL	Extension to existing practice ring to main area of equestrian centre	Granted	13.10.04
84/01040/P	Alterations and extensions to changing rooms.	Granted	11.09.84
84/00226/P	Erection of extension to stable block.	Granted	05.04.84
82/00998/P	Proposed erection of building for indoor green bowling rink.	Granted	07.12.82
81/01177/P	Proposed building to house standby generator.	Granted	16.10.81
80/01483/P	Proposed retention of existing equestrian centre, with the removal of condition 8, relating to its use.	Granted	02.12.80
79/01052/P	Extension to main equestrian centre to provide additional seating.	Granted	15.08.79
79/01519/P	Extension to sports building.	Refused	24.01.80
79/00657/P	Erection of sports building.		24.07.79
77/01419/P	Extension of approved main equestrian centre building by the addition of one bay (20ft) to the practice ring.	Granted	12.01.78

77/00110/P	Proposed hay barn.	Granted	29.03.77
77/01119/P	Construction of an oxygest sewage disposal plant.	Granted	25.11.77
77/00058/P	Erection of a horses swimming pool building in connection with the Equestrian Centre.	Granted	15.02.77
76/01165/P	Equestrian centre and horse breeding establishment including managers house.	Granted	07.12.76
75/00558/P	Erection of managers house.	Refused	23.09.75
83/01349/P	Change of use of land from use in connection with equestrian activities to golf course and use in connection with equestrian centre.	Granted	06.02.84
89/01328/P	Erection Of Extension To Provide Golf Professional Shop, Workshop, Store & Office	Granted	01.08.89
90/00366/E	Proposed Signs		
91/00331/E	9100331e		
95/01225/FUL	Construction of access for emergency vehicles	Granted	10.01.96
97/00259/FUL	Proposed access for emergency vehicles - amendment to Planning Approval 95/01225/FUL	Granted	11.06.97
98/01416/FUL	Proposed internal alterations to form first floor gymnasium and new external fire escape	Granted	17.11.98
05/00484/FUL	Erection of extension to sports centre to provide swimming pool	Withdrawn	06.05.05
06/00788/COU	Change of use of land from agricultural to equestrian use and/or golf	Granted	25.07.06
07/00268/FUL	Erection of extension to sports centre to provide swimming pool and foyer extension	Granted	10.05.07
07/00643/FUL	Erection of 60-bed two storey hotel	Refused	02.07.07

08/01426/FUL	Variation of condition 4 of planning application 06/00788/COU to provide for the felling of 12 no. trees and partially remove boundary hedge/scrub	Refused	08.09.08
08/00108/DAC	Application for approval of details reserved by condition 2 of approval 06/00788/COU - Change of use of land from agricultural to equestrian use and/or golf	Granted	15.12.08
14/01033/HDG	Notice of intent to carry out works to a hedge - Remove 6 metres of hedge	Withdrawn	28.08.14
15/00007/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Outline application for the site clearance and development of up to 1,150 homes, up to 5,000sq.m of B1 employment, and up to 3000sq.m of other commercial uses including a local centre with retail	Screening/ Scoping Opinion Adopted	30.06.15
17/00006/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential-led, mixed-use development comprising: 1. Demolition of existing buildings and structures; 2. Construction of 600 new dwellings including affordable homes; 3. Primary school or contributions towards new primary school provision in the locality;	Screening/ Scoping Opinion Adopted	08.08.17

	<p>4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land;</p> <p>5. Local retail facilities;</p> <p>6. Public open space and formal and informal recreation including landscaping to the rural edge;</p> <p>7. Main access from Deanery Hill/Panfield Lane</p> <p>8. Potential additional vehicular access from the Growth Location to the south of the site;</p> <p>9. Associated engineering, drainage, access and other ancillary works.</p>		
18/00004/SCR	<p>Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request -</p> <p>1. Demolition of existing buildings and structures; 2. Construction of 700 new dwellings including affordable homes; 3. Contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal recreation including landscaping to the rural edge; 7. Main access from Deanery Hill/Panfield Lane 8. Potential additional vehicular access from the Growth Location to the south of the site; 9. Associated engineering, drainage, access and other ancillary works.</p>	Screening/ Scoping Opinion Adopted	10.09.18

19/00786/OUT	Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.	Granted with S106 Agreement	09.04.21
21/01900/DAC	Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT	Granted	19.10.21
21/02625/DAC	Application for approval of details as reserved by condition 17 of approved application 19/00786/OUT	Granted	19.10.21
21/03199/DAC	Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT	Pending Consideration	
21/03210/ADV	Display of non-illuminated - 1 x V-Stack Sign, 5 x Flags, 1 x Totem Sign	Granted	21.12.21

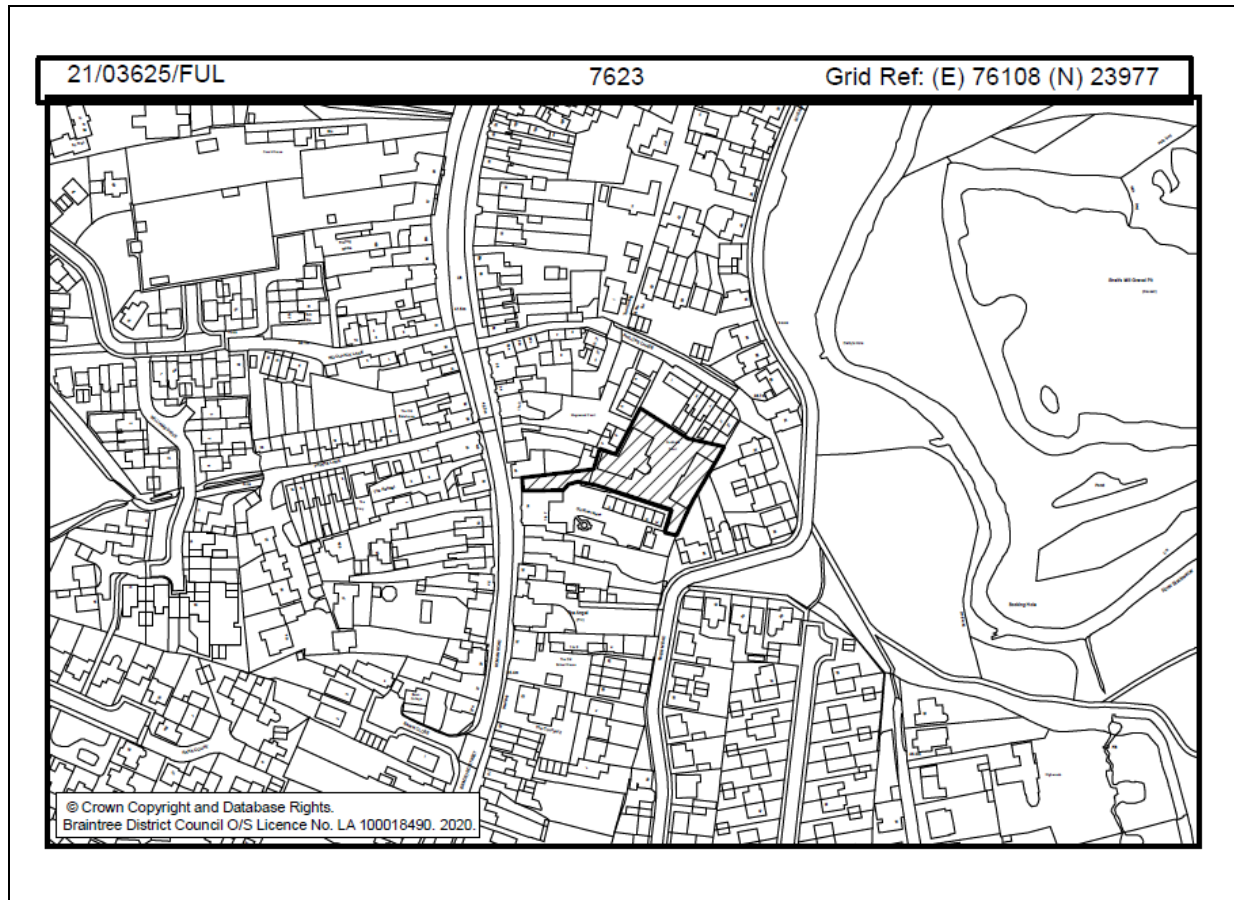
21/03438/DAC	Application for approval of details as reserved by conditions 14 and 22 of approved application 19/00786/OUT	Pending Consideration	
21/03439/DAC	Application for approval of details as reserved by condition 27 of approved application 19/00786/OUT	Pending Consideration	
21/03500/DAC	Application for approval of details as reserved by condition 16 of approved application 19/00786/OUT	Pending Consideration	
21/03608/REM	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for the ecological mitigation area at the northern end of the site (Phase 0) pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary),	Pending Decision	

	diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)		
21/03714/DAC	Application for approval of details as reserved by conditions 14 & 22 of approved application 19/00786/OUT	Pending Consideration	
22/00322/NMA	Non-Material Amendment to permission 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling. Amendment would allow:-Update to the text of condition 15 to specifically exclude the	Pending Consideration	

	ecological mitigation area (Phase 0) from the restriction on the commencement of development.		
22/00534/NMA	<p>Non-Material Amendment to permission 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.</p> <p>Amendment would allow for: Change in parameter plan to reflect the form of development approved for the Parkland Edge - South Character Area.</p>	Granted 24.03.2022	

Report to: Planning Committee		
Planning Committee Date: 5th April 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/03625/FUL	
Description:	Change of use from Offices (Use Class E) to a residential use (Use Class C3) consisting of 11 x 1 bed, 2 x 2 bed (total 13 residential units) with associated car parking, amenity space and covered cycle storage.	
Location:	Cardinal Works Rear Of 46 Bradford Street Braintree	
Applicant:	Mr L McNamee, A & D Period Renovation Ltd	
Agent:	Strutt And Parker	
Date Valid:	17th December 2021	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: melanie.corbishley@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race,</p>

	<p>religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/03625/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located to the rear of 46 Bradford Street comprising buildings known as the Cardinal Works site. The site is located within the town development boundary of Braintree.
- 1.2 The site is located in Flood Zone 1 which is the lowest category risk of flooding. The application site is also located in the Bradford Street Conservation Area and is within the setting of a number of listed buildings, including No.46 Bradford Street, No.44 Bradford Street (Stanford House), No.48 Bradford Street, No.50 Bradford Street, and No.40 and No.42 Bradford Street.
- 1.3 This application seeks planning permission for the conversion of both buildings at the Cardinal Works site to provide 13no. residential dwellings, 11no. 1 bedroom flats and 2no. 2 bedroom flats. The proposals also include external alterations to the buildings comprising of the removal of windows, insertion of new windows, insertion of new dormer windows and in the insertion of new doors, with minor repairs to the exterior of the building. The proposals would provide 13no. car parking spaces, a covered cycle storage, bin store and soft landscaping.
- 1.4 The proposals by reason of its design and layout would result in a sub-standard level of internal and external amenity space. Furthermore the proposals would lead to an unacceptable level of overlooking and disturbance to existing neighbouring properties. The proposals fail to provide a policy compliant level of off-street car parking, likely to result in the displacement of vehicles onto nearby streets.
- 1.5 The proposal fails to comply with Policies RLP3, RLP56 and RLP90 of the Adopted Local Plan, Policies CS2 and CS10 of the Core Strategy, Policy SP7 of the Section 1 Plan, Policies LPP45 and LPP55 of the Section 2 Plan, and the NPPF.
- 1.6 Accordingly, it is recommended that the application is refused.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is located to the rear of 46 Bradford Street comprising buildings known as the Cardinal Works site. The site is located within the town development boundary of Braintree.
- 5.2 The site itself is located to the rear of No.46 Bradford Street with vehicular and pedestrian access taken from between No.44 and No.46 Bradford Street. The site is 0.16ha in area and comprises two buildings, known as Cardinals Court and Cardinals Building, providing 932sq.m of commercial floorspace and was last used for offices and a workshop and these uses ceased recently.
- 5.3 Cardinal Court occupies the western portion of the site and Cardinals Building, the smaller building occupies the eastern portion of the site. Cardinal Court is an irregular shaped 2.5 storey building with a distinct relatively recent two storey glass atrium feature addition, which is located on the western elevation of the building. Cardinals Building is a 1.5 storey rectangular building, orientated north and south. The northern section of the building steps down and is on lower ground than the southern section of the building.
- 5.4 The site is located in Flood Zone 1 which is the lowest category risk of flooding. The application site is also located in the Bradford Street Conservation Area and is within the setting of a number of listed buildings, including No.46 Bradford Street, No.44 Bradford Street (Stanford House), No.48 Bradford Street, No.50 Bradford Street and No.40 and No.42 Bradford Street.
6. PROPOSAL
- 6.1 This application seeks planning permission for the conversion of both buildings at the Cardinal Works site to provide 13no. residential dwellings, 11no. 1 bedroom flats, and 2no. 2 bedroom flats. The proposals also include external alterations to the buildings comprising of the removal of

windows, insertion of new windows, insertion of new dormer windows and in the insertion of new doors, with minor repairs to the exterior of the building.

- 6.2 The proposals would provide 13no. car parking spaces, a covered cycle storage, bin store and soft landscaping.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Recommend that an informative to be included.
- 7.1.2 Wastewater Treatment - The foul drainage from this development is in the catchment of Bocking Water Recycling Centre which currently does not have capacity to treat the flows the development site, however has a responsibility to accept these flows.
- 7.1.3 Used Water Network - Request an on-site drainage strategy.
- 7.1.4 Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.
- 7.1.5 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable and would therefore recommend planning conditions regarding on-site foul water drainage and a surface water management strategy.

7.2 Essex Fire and Rescue

- 7.2.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.3 Essex Police

- 7.3.1 Note that some changes have been made to the cycle and bin stores, but still has concerns regarding the use if a high wall which would obstruct natural surveillance and other concerns that have not been mitigated. Would wish to comment further on lighting, boundary treatments and physical security measures, once finer details have been submitted. Would welcome the opportunity to work with the developer to achieve a Secured by Design by Homes award.

7.4 Natural England

7.4.1 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.

7.4.2 In the context of your duty as competent authority under the provisions of the Habitats Regulations, 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.

7.4.3 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.

7.5 NHS

7.5.1 Financial contribution of £4,800 to be used towards the increase in capacity at nearby surgeries.

7.6 BDC Ecology

7.6.1 No objection subject to securing:

- a) A financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation in line with the Essex Coast RAMS; and
- b) Biodiversity mitigation and enhancement measures.

7.7 BDC Economic Development

7.7.1 No comments received.

7.8 BDC Environmental Health

- 7.8.1 No objection on Environmental Health-related grounds in principle. On potential noise impact upon new dwellings, the area is residential in nature and on that basis there is no reason to suggest any worse amenity for the proposed residents than existing residents of the area.
- 7.8.2 Contamination - Satisfied with the Phase 1 report submitted in support with the application. Recommend a planning condition regarding further contamination investigative work.
- 7.8.3 Light, ventilation and outlook - Pleased to note that this revised application appears to have finally found a design that allows each of the dwellings to be afforded not only some natural light, but also at least some “outlook” from the dwellings. Therefore no objection.
- 7.8.4 General - Aside from the contamination-related conditions already specified, should the Planning Department be minded to grant consent for this particular application, a number conditions are recommended to ensure that the amenity of local residents is adequately protected during construction.

7.9 BDC Housing Research and Development

- 7.9.1 This change of use application from offices to 13 residential units is under the Braintree threshold of 15 or more units and has a site area of just 0.16 hectare. Consequently there is no planning policy obligation to provide a contribution for affordable housing.

7.10 BDC Landscape Services

- 7.10.1 No comments received.

7.11 BDC Waste Services

- 7.11.1 In order for waste and recycling services to be able to carry out their relevant collections, the 26 tonne collection vehicles will need to be able to reverse down to the point where parking spaces 1 and 3 are located. This means that the driveway will need to be either adopted highway, or built and maintained as such, and Braintree District Council (BDC) will require written indemnity stating that BDC will not be liable for any damages caused as a result of BDC driving over it.
- 7.11.2 Also, the flats will require the following capacity for bins. 45 litres per person per week for refuse. An additional 45 litres per week per person for recycling. The bin stores will need to be built to house the bins, and 15cms around each bin to enable our operatives to manoeuvre them.

7.12 ECC Highways

- 7.12.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions requiring the submission of a construction management plan and the provision of a residential travel information pack for each new dwelling.

7.13 ECC Historic Buildings Consultant

7.13.1 *Comments on original submission:*

- 7.13.2 The two buildings within the Cardinal Works are unlisted and the site is within the boundary of the Braintree/Bradford Street Conservation Area. The site is also to the rear of and within the setting of several Grade II Listed buildings fronting Bradford Street. The two existing office buildings were originally built as workshops and their appearance conforms to a historic pattern within the Conservation Area, with industrial utilitarian, weather boarded buildings and workshops behind the residential buildings on Bradford Street.
- 7.13.3 In principle I have no objection to the reuse of the buildings, should the continuation of their commercial use no longer be sought. Previous schemes for the reuse of the buildings compromised the non-domestic character of the Cardinal Works, with the fenestration in particular, being problematic.
- 7.13.4 I do not find that the issues related to the building's fenestration have been fully resolved. While there has been a reduction in the number and prominence of skylights, the latest application is still problematic. In particular the long mono-pitch dormer on the front roof pitch of Building 2 would be an over-prominent feature, incongruous with the character of the Conservation Area. The large panels of glazing on the first floor rear elevation of Building 1 and the skylight panels above, are also uncharacteristic elements. These are shown as being within a courtyard, yet I have concerns regarding their perceptibility within the setting of the listed buildings and within the Conservation Area. In an appeal decision from 2019 (Appeal Ref: APP/B5480/D/19/3227917), the Planning Inspectorate stated that lack of visibility within a Conservation Area does not equate to lack of harm.
- 7.13.5 Further to this, the covered bike storage areas and bin stores are also out of keeping with the character of the Conservation Area.
- 7.13.6 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 7.13.7 While some progress towards an acceptable scheme for the fenestration of the building has been made, the present proposed scheme would still result in a level of less than substantial harm to the significance of the Conservation Area and the nearby listed buildings, due to the inappropriate appearance of the development. If the conversion of the buildings to domestic use is necessary, then it would need to be carried out in a more sympathetic manner, which successfully preserves the non-domestic, workshop-like character of the Cardinal Works and the established historic pattern within Bradford Street. I believe a suitably sympathetic scheme is possible, but at present I am unable to support this application.
- 7.13.8 *Comments on revised submission:*
- 7.13.9 Following my previous comments dated 24/01/22, amendments have been made to the scheme and a revised heritage statement has been submitted.
- 7.13.10 The revisions include the alteration to the proposed long dormer on the front roof pitch of building 2 to two smaller dormers. This amendment is acceptable and the two dormers have a much reduced prominence within the Conservation Area.
- 7.13.11 In an amendment to Building 1 the roof glazing and the large screen at first floor level on the west elevation have been replaced by a single glazed opening and a braced timber door, resembling a first floor loading loop. The removal of these uncharacteristic, glazed elements is beneficial and this amendment is acceptable.
- 7.13.12 The bike and bin stores have also been amended and are more unobtrusive than in the previous scheme. I have no objection to the planting beds of the flat roofs of the structures.
- 7.13.13 Whilst the scheme for residential use will result in a degree of change within the Conservation Area and the setting of nearby listed buildings, I do not find that this change is inevitably harmful to the area's character or the significance of the heritage assets. The latest revisions have addressed the concerns raised in my previous letter and overall, the latest scheme retains the character of this part of the Conservation Area and I have no further objections. Should the application be approved I recommend standard conditions relating to details of doors, windows, external finishes, materials, boundary treatments and landscaping are applied.
- 7.14 ECC Suds
- 7.14.1 Following the submission of additional drainage information, no objection is raised. A number of conditions are suggested.
8. PARISH / TOWN COUNCIL
- 8.1 N/A.

9. REPRESENTATIONS

9.1 39 representations received from 26 addresses making the following comments:

- Loss of privacy to neighbouring properties.
- Insufficient parking provided, which will force cars to parking on surrounding roads.
- Increased traffic.
- Increased noise and disturbance to neighbours.
- Differing land levels between the site and properties in River Mead.
- There is no provision for the access and turning for delivery vehicles.
- There is no safe footpath provision for pedestrians and disabled access to the public footpaths in Bradford Street or to the lower entrances to the development.
- Mistrust of the developers.
- Inappropriate development in the Conservation Area.
- The proposal will set a precedent for unacceptable works elsewhere in Bradford Street.
- Disturbance during building work for surrounding residents.
- Existing building blocks out light to gardens.
- Serious flooding in the area could be made worse by the proposals.
- A kitchen window will be within 1m of an existing bedroom window which could cause issues of cooking smells, light disturbance, gasses from the kitchen flue, noise, privacy and security.
- Fails to enhance the character and appearance of the Conservation Area and would be harmful to the settings of the nearby listed buildings.
- Bin store located more than 20m from an adopted Highway.
- Does not meet the requirements of the NDSS.
- Communal amenity space does not meet standards.
- Poor amenity for future occupiers.
- Object to the change of use.
- Concerns about land contamination.
- Concerns regarding land ownership.
- Concerns that the HRA payment has already been made and therefore the application is a foregone conclusion.
- Extra traffic used the shared driveway that serves nearby properties.
- Loss of the last commercial site in Bradford Street, which has historically been a mixed use area, is regrettable. Could not an employment use be retained?
- Insufficient information regarding journey trips.
- Concerns about visibility of vehicle access onto Bradford Street.
- Concerns about the appearance of the proposals.
- Installation of additional service connections will cause disruption.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

- 10.1.1 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).
- 10.1.2 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.
- 10.1.3 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.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

10.2 5 Year Housing Land Supply

- 10.2.1 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 10.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 10.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 10.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 10.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, and having regard to the above appeal decision, the Council considers that the current 5 Year Housing Land Supply for the District is 5.1 years.
- 10.2.6 In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Local Plan but do not yet have planning permission or a resolution to grant planning permission.
- 10.2.7 These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core

Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

- 10.3.2 The application site is located within the Town Development Boundary in Braintree, where new development is considered acceptable in principle.
- 10.3.3 Overall, in terms of the Adopted Local Plan, the Adopted Core Strategy, the Section 1 Plan, the Section 2 Plan and the NPPF, the principle of the redevelopment of the site is supported in principle in planning policy terms.

11. SITE ASSESSMENT

11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.1.1 Paragraph 126 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.
- 11.1.2 Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 11.1.3 Policies RLP3, RLP10 and RLP90 of the Adopted Local Plan seek to protect the existing character of the settlement and the street scene. Policy RLP9 of the Adopted Local Plan states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development. Policy RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.
- 11.1.4 Policy SP7 of the Section 1 Plan sets out place shaping principles, including responding positively to local character and context to preserve and enhance of existing places and their environs.
- 11.1.5 Policy LPP55 of the Section 2 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.
- 11.1.6 The proposals include changes the external appearance of the existing Cardinal Works buildings in order to create the 13no. flats. The proposals include the installation of a number of new windows, doors and two dormer windows to the existing buildings.

11.1.7 The style, scale and design of the existing buildings are one of industrial character and utilitarian design and it is considered that this would be retained. Therefore the resulting buildings would be in keeping with the wider street scene surrounding the site.

11.2 Heritage

11.2.1 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.

11.2.2 Paragraph 199 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.

11.2.3 Paragraph 201 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.

11.2.4 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

11.2.5 Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 11.2.6 Policy LPP56 of the Section 2 Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas.
- 11.2.7 Policy LPP60 of the Section 2 Plan relates to heritage assets and their settings. It states that the Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.
- 11.2.8 The site and the two unlisted buildings (Building 1 and Building 2) are located within the Bradford Street Conservation Area. Bradford Street to the west is the main thoroughfare through this part of the Conservation Area, with many listed buildings fronting the street. The site is within the setting of a number of these, including No.46, No.44 Stanford House, No.48, No.50 and No.40 and No.42 Bradford Street.
- 11.2.9 Buildings 1 and 2 were built in the late twentieth century as workshops and then converted to office use. They are set within a rear court off Bradford Street, conforming to the established pattern, whereby industrial and manufacturing buildings were sited to the rear of those fronting the street. This pattern is evident along Bradford Street and despite some unsympathetic alterations, the buildings generally retains the character of traditional industrial buildings.
- 11.2.10 Paragraph 200 of the National Planning Policy Framework (NPPF) states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 11.2.11 The Council's Historic Buildings Consultant originally stated that the reuse of the buildings compromised the non-domestic character of the Cardinal Works, with the fenestration in particular, being problematic. Following the submission of revisions to the proposals, which include the alteration to the proposed long dormer on the front roof pitch of building 2 to two smaller dormers, which will have a much reduced prominence within the Conservation Area, the Council's Historic Buildings Consultant no longer raises a concern.
- 11.2.12 In an amendment to Building 1, the roof glazing and the large screen at first floor level on the west elevation have been replaced by a single glazed opening and a braced timber door, resembling a first floor loading loop. The removal of these uncharacteristic, glazed elements is beneficial and this amendment is acceptable.
- 11.2.13 The bike and bin stores have also been amended and are more unobtrusive than in the previous scheme and the Council's Historic

Building's Consultant has no objection to the planting beds of the flat roofs of the structures.

- 11.2.14 While the scheme for residential use will result in a degree of change within the Conservation Area and the setting of nearby listed buildings, the Council's Historic Buildings Consultant does not find that this change is inevitably harmful to the area's character or the significance of the heritage assets. The latest revisions have addressed the concerns raised in the Historic Building's Consultant previous letter and overall, the latest scheme retains the character of this part of the Conservation Area.

11.3 Amenity for Future Occupiers

- 11.3.1 Paragraph 174 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 also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is repeated in the Section 2 Plan within Policy LPP55 and within Policy SP7 from the Section 1 Plan.
- 11.3.2 The Nationally Described Space Standards (NDSS) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas.
- 11.3.3 For one bedroom dwellings two floor areas are provided, one person occupancy would require at least 39sq.m and for two person occupancy, at least 50sq.m would be required. The submitted floor plans indicate that all 8 one bedroom flats would contain a double bedroom and therefore could be occupied by two persons.
- 11.3.4 Plots 9 and 13 are listed by the applicant as a one bedroom flats, however a home office and dressing room is shown on the layout plans for both flats and Officers consider that this space could easily be used as a single bedroom and would be beyond the control of the LPA once permission is granted.
- 11.3.5 For two bedroom dwellings two floor areas are provided, three person occupancy would require at least 61sq.m and for four person occupancy, at least 70sq.m would be required.
- 11.3.6 The table below sets out the unit numbers, the bedroom number, the occupancy and the proposed floor area.

Unit	Bed No.	Floor Area
1	1 (2 persons)	41.9sq.m
2	1 (2 persons)	50.2sq.m
3	1 (2 persons)	45.5sq.m

4	1 (2 persons)	45.6sq.m
5	1 (2 persons)	48.6sq.m
6	1 (2 persons)	41.8sq.m
7	1 (2 persons)	44.7sq.m
8	1 (2 persons)	44.9sq.m
9	2 (3 persons)	46.3sq.m
10	2 (4 persons)	71.6sq.m
11	2 (4 persons)	74.9sq.m
12	1 (2 persons)	62.0sq.m
13	2 (3 persons)	48.9sq.m

- 11.3.7 Of the nine, one bedroom, two person occupancy flats, seven are undersized. Flat 9 is a two bedroom property, with three person occupancy and provides 46.3sq.m, and is approximately 15sq.m undersized. Flat 13 is a two bedroom property, with three person occupancy and provides 48.9sq.m, and is approximately 12sq.m undersized.
- 11.3.8 Therefore 9 of the 13 flats proposed have floor areas that are significantly below the prescribed figures from the NDSS. This signifies a poor level of internal amenity space for the future occupiers of the new dwellings.
- 11.3.9 National and local plan policies, specifically Policy CS10 of the Core Strategy, requires new development to make the appropriate provision for publically accessible green space. Furthermore the Essex Design Guide sets out minimum private garden sizes for new dwellings and in the case of flats is indicates that a communal space could be provide at 25sq.m per dwelling. This would equate to an area of 325sq.m.
- 11.3.10 The scheme has been amended since the previous application and now plots one and two have a private outside amenity area. However these are located adjacent to the driveway access and therefore Officers have reservations as to the tranquillity of this space and therefore question whether they would actually be used by the new occupants. A further area of private amenity space is shown to serve flat 4 and this space measures 18sq.m. Two other private outdoor amenity areas are shown, one for flat 10 and one for flat 11, one of which is also undersized.
- 11.3.11 Based on the above figures, and even if the private spaces were the correct size, 200sq.m of shared amenity space should be shown for the remaining 8 flats.
- 11.3.12 Three areas of amenity space are shown on the proposed block plan, when combined measure approximately 139sq.m. It is acknowledged that a case could be made that some flatted developments to have a non-policy compliant level for outside space, however Officers consider that the amount provided is significantly below the requirement in the EDG.
- 11.3.13 Building 1 is proposed to contain 9 flats. To facilitate flats 3, 4 and 7, bedroom windows are proposed to be inserted in the rear facing elevations on the ground and first floor. These windows will have an extremely limited

outlook as they will overlook the existing boundary treatment and a substantial building beyond the NW boundary. This is considered unacceptable resulting in a poor level of amenity for future occupiers.

- 11.3.14 Furthermore, the single bedroom proposed within flat 9 would only be served by a roof light. This type of opening being the only window for this room is considered unacceptable resulting in a poor level of amenity for future occupiers.
- 11.3.15 The proposed living/dining/kitchen area for flat 9 would be served by a single casement window and roof light. Officers considered that the resulting lack of light and outlook within this space is unacceptable and harmful on the amenity of future occupiers.
- 11.3.16 Building 2 is proposed to contain four flats. Flats 10 and 11 both have open plan living/kitchen/dining areas and are the full depth of the property. These two areas would be served by a window facing onto the central courtyard and a newly created window that would lie within 1m of the rear brick/fence boundary wall of the site and the extensive planting in the gardens beyond. These windows would have no natural light and an extremely limited outlook, and the resulting lack of light and outlook within this space is unacceptable.
- 11.3.17 Flats 12 and 13 both have open plan living/kitchen/dining areas and are the full depth of the property. These two areas would be served by a window facing onto the central courtyard and a newly inserted roof light window. Officers consider that the space would be poorly lit with limited outlook resulting in an unacceptable level of amenity for future occupiers.
- 11.3.18 The Essex Design Guide (2005) sets out minimum distances between properties to ensure sufficient outlook and privacy are preserved between dwellings. It states that a minimum distance of 35m (back to back) should be achieved between two storey dwellings. Officers consider that this figure should be applied between flats 8 and 12, and 6 and 13. There is less than 20m between living room window serving flat 6 and the bedroom window serving flat 13, and less than 22m between the bedroom and dining windows in flat 8 and the bedroom and living room serving flat 12. Officers consider that this relationship between the two buildings is too close and would result in an unacceptable loss of privacy between the new flats, contrary to Policy RLP90 of the Adopted Local Plan.
- 11.3.19 As set out earlier in this report the Council's environmental Health Officer no longer raised concerns with regards the outlook and light, however these considerations are somewhat beyond their expertise and as set out in the preceding paragraphs, Officers have genuine concerns about the level of amenity afforded to the occupiers of these new flats.
- 11.3.20 Given the above, Officers consider that the proposals, due to the under-sized floor areas for the proposed flats and the insufficient distance between the two buildings, results in an overdevelopment of the site.

- 11.3.21 The proposals are therefore unacceptable, resulting in a poor level of amenity for future occupiers, conflicting with the NPPF, contrary to the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP55 of the Section 2 Plan.
- 11.4 Impact upon Neighbouring Residential Amenity
- 11.4.1 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is reiterated in Policy LPP55 of the Section 2 Plan.
- 11.4.2 High level roof lights are proposed along the rear elevation of Building 2, which could offer unacceptable views of the private gardens belonging to a number of properties in River Mead. They would also lead to the perception of the gardens being overlooked. None of these gardens are significant in size and therefore Officers consider that the proposals conflict with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP55 of the Section 2 Plan.
- 11.4.3 In flat 13 a dressing room is proposed that could easily be used as a second bedroom and the creation of this room would be beyond the control of the LPA once permission is granted. A window is shown to serve this space on the relevant elevation, but this is not shown on the proposed floor plan. A similar window is proposed in the north facing elevation of building 2. Officers are concerned that these windows would offer unacceptable views of gardens serving neighbouring properties. None of these gardens are significant in size and therefore Officers consider that the proposals conflict with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP55 of the Section 2 Plan.
- 11.4.4 To the north of building 1 is a converted barn originally used in connection with a nearby Public House. The building has been converted into two, one bedroom flats, one on the ground floor and one of the first floor. The first floor property is known as 5 Kingswood Court. The roof of this property contains a number roof lights that lie within close proximity of Building 1. Flats 5, 6 and 7 are all proposed to have windows along the rear elevations that encircle the barn conversion. The drawings indicate that these windows would contain obscured glass. This is noted by Officers, however it would be unreasonable for these windows to be fully fixed shut, and therefore it is highly likely that the opening of these windows would cause a loss of privacy to No.5 Kingswood Court, along with an increase in noise and disturbance. Officers consider that the amenity level currently enjoyed by the occupiers of 5 Kingswood Court would be materially harmed by the development and the proposals would therefore conflict with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP55 of the Section 2 Plan.

- 11.4.5 Officers consider that the resulting poor relationships with the existing neighbouring properties, due to the increased need for openings required to facilitate the number of flats proposed, is a direct result of the proposed overdevelopment of the site.
- 11.4.6 No other impacts are envisaged to the amenity of nearby residential properties as a consequence of the proposed development.
- 11.5 Highway Considerations
- 11.5.1 No objection is raised to the proposal by ECC Highways, subject to conditions.
- 11.5.2 Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.
- 11.5.3 The submitted plans show that 13 parking spaces would be provided for the 13no. flats. The Council's adopted Parking Standards requires a minimum of 1 parking space per 1 bedroom dwelling, 2 spaces per 2 bedroom dwelling and 0.25 visitor space per dwelling. Therefore based on the bedroom assessment earlier in this report a minimum of 21 spaces would be required.
- 11.5.4 The Standards also state that reductions of the vehicle standard may be considered if the development is in an urban area (including town centre locations) that has good links to sustainable transport. In this case, the site is located nearby to the town centre which benefits from bus services, however the train station is a 20 minute walk from the site and there are no nearby public car parks. In addition on street parking on Bradford Street would not be possible. Therefore Officer's consider that this is a location where it would not be reasonable for the LPA to accept a lower level of parking provision.
- 11.5.5 In this case the proposed parking provision is considered unacceptable given each property could accommodate at least two people and no visitor car parking is provided.
- 11.5.6 Despite the development boundary location it is considered the scheme underprovides car parking and given the number of potential occupiers and visitors, the proposal could result in the displacement of cars beyond the site and on to nearby highways, which is unacceptable.
- 11.5.7 As set out previously in this report, the lack of on-site car parking provision to serve the 13 new dwellings, is a direct result of the proposed overdevelopment of the site. The proposals conflict with Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan.

11.6 Refuse

- 11.6.1 Policy RLP90 of the Adopted Local Plan provides a number of criteria relating to the layout and design of new development, one of which states that overall planning and detailed design shall incorporate measures to ensure the maximum practical environmental sustainability thought the construction and occupation of the development and in particular waste separation. This sentiment is reiterated in Policy RLP9 of the Adopted Local Plan. Policy LPP55 of the Section 2 Plan states that designs shall incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised.
- 11.6.2 The submitted plans indicate that there is a bin store sited centrally within the site between the two buildings and a bin collection point to the front of building 2. The Council's Waste Team have concerns about the siting of the bin store, as it is located more than 20m from an adopted highway.
- 11.6.3 The application has been supported by correspondence from Green Recycling Ltd who would be willing to enter into a service agreement to collect refuse and recycling from the site on a weekly basis. To ensure that this agreement is carried out, it would be necessary for this to be included within the Section 106 legal agreement.
- 11.6.4 Therefore, whilst the Waste Team has reservations, the proposed service agreement would ensure that the site is appropriately serviced with regards waste and recycling and accords with Policies RLP9 and RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan.

11.7 Drainage and Flood Risk

- 11.7.1 Paragraph 166 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.
- 11.7.2 Paragraph 174 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.
- 11.7.3 Policy RLP69 from the Adopted Local Plan states that where appropriate, the District Council will require developers to use sustainable drainage techniques such as grass swales, detention/retention ponds and porous paving surfaces, as methods of flood protection, pollution control and aquifer recharge.
- 11.7.4 The Lead Local Flood Authority (LLFA) at Essex County Council have reviewed the application, and the revised information submitted during the

application and raise no objection. A number of specific conditions are requested.

11.8 Habitat Regulations Assessment (HRA / RAMS)

11.8.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

11.8.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

11.8.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.

11.8.4 The proposed mitigation measures would consist of the securing of a financial contribution of £127.30 per dwelling erected towards offsite visitor management measures at the above protected sites.

11.8.5 This financial contribution has been secured and the applicant has made the required payment under S111 of the Local Government Act 1972.

12. PLANNING OBLIGATIONS

12.1 Paragraph 57 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 to grant it permission.

12.2 Open Space

12.2.1 Policy CS10 of the 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.

- 12.2.2 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 amenity green space.
- 12.2.3 A total financial contribution of £17,079.99 would be sought for outdoor space (allotments, outdoor sport, informal open space and equipped play).
- 12.2.4 There would also be a requirement to secure the on-going maintenance of amenity green spaces provided on site.
- 12.3 NHS
- 12.3.1 Financial contribution of £4,800 is proposed to be used towards the increase in capacity at nearby surgeries.
- 12.4 Refuse
- 12.4.1 Policy RLP90 of the Adopted Local Plan provides a number of criteria relating to the layout and design of new development, one of which states that overall planning and detailed design shall incorporate measures to ensure the maximum practical environmental sustainability thought the construction and occupation of the development and in particular waste separation. This sentiment is reiterated in Policy RLP9 of the Adopted Local Plan. Policy LPP55 of the Section 2 Plan states that designs shall incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised.
- 12.4.2 As highlighted above, the Section 106 agreement would need to require the submission of the Refuse Strategy prior to the occupation of the site to ensure that the refuse and recycling is collected and removed either a) removed from site or b) brought to the front of the site for the Councils refuse collectors to access and remove from site.
- 13. PLANNING BALANCE AND CONCLUSION
- 13.1.1 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 designated development boundary where the principle of development is generally considered to be acceptable in accordance with Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan.
- 13.1.2 Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to

demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.

- 13.1.3 Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.
- 13.1.4 As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.
- 13.1.5 As the Council can demonstrate the required 5 Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
- 13.1.6 In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan and Policies RLP2 and RLP3 of the Adopted Local Plan.
- 13.1.7 Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.
- 13.1.8 Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. Policy RLP3 of the Adopted Local Plan seeks to permit residential

development within village envelopes and town development boundaries, 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. As with Policy RLP2, it is considered that the policy remains broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given more than moderate weight.

- 13.1.9 Policy RLP95 seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 195 and 196 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP95 and RLP100 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.
- 13.1.10 Policy RLP56 of the Adopted Local Plan states that development will be required to provide off-street vehicles parking in accordance with the Council's Adopted Parking Standards, which requires maximum standards for parking provision. It is considered that the policy is broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given full weight. A similar sentiment is repeated in the relevant Section 2 Plan, LPP45.
- 13.1.11 Policy RLP90 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments, large and small. One of the criteria states that development should not have an unacceptable impact upon neighbouring amenity. It is considered that the policy is consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given full weight. A similar sentiment is repeated in the relevant Section 2 Plan, LPP55.

- 13.1.12 When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.
- 13.1.13 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.
- 13.1.14 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
 - a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
 - an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

13.2 Summary of Adverse Impacts

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

Conflict with the Development Plan

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

- 13.2.3 As set out within the report the proposals conflict with Policy RLP56 and RLP90 of the Adopted Local Plan and Policy SP7 of the Section 1 Plan. Significant weight is attributed to this conflict.

Future Occupiers Amenity

- 13.2.4 The proposals fail to provide an acceptable level of amenity for the future occupiers of the new dwellings with regards internal floor space, privacy and outlook and on-site outdoor amenity space, in conflict with the abovementioned policies. This weighs against the proposal and is afforded significant weight.

Car parking provision

- 13.2.5 The proposal fails to provide a sufficient level of on-site car parking which is likely to result in unacceptable on-street parking in the nearby roads, in conflict with the abovementioned policies. This weighs against the development and is afforded significant weight.

Harm to Neighbouring Residential Amenity

- 13.2.6 The application proposes to insert roof lights into the eastern elevation of Building 2, along with first floor windows in the north and south windows, which is likely to cause an unacceptable level of overlooking to the adjacent rear garden belonging to properties in River Mead, in conflict with the abovementioned policies.
- 13.2.7 The opening of the windows along the western elevation of Building 1 would cause a loss of privacy to No.5 Kingswood Court, along with an increase in noise and disturbance. The amenity level currently enjoyed by the occupiers of 5 Kingswood Court would be materially harmed by the development in conflict with the aforementioned policies.
- 13.2.8 These harms weigh against the proposals and are afforded significant weight.

13.3 Summary of Public Benefits

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

Delivery of Market Housing

- 13.3.2 The development would facilitate the provision of 13 new market dwellings. This is afforded moderate weight, given the scale of the development and the Council's current 5 year housing land position.

Location and Access to Services and Facilities

- 13.3.3 The proposed developments lies within the Town Boundary of Braintree and therefore accords with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan. As such, it is acknowledged that the site is located within a sustainable location with good access to services and facilities. This is afforded significant weight.

Economic and Social Benefits

- 13.3.4 The proposal would deliver economic benefits during the conversion period and economic and social benefits following occupation of the development, in supporting local facilities. However this is no more than any development and therefore this is afforded no more than moderate weight.

13.5 Summary of Neutral Benefits

Section 106 Obligations

- 13.5.1 Should it have been entered into the proposals would have secured a number of Section 106, obligations including the aforementioned open space and an NHS contribution.
- 13.5.2 The Section 106 benefits are afforded limited weight, as the obligations are mitigating the impacts of the development in accordance with planning policy.

13.6 Planning Balance

- 13.6.1 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal are outweighed by the harms, including the harm arising from the conflict with the development plan, such that planning permission should be refused in line with the Development Plan.
- 13.6.2 Notwithstanding the above, even if the 'tilted balance' was engaged, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context, it would be recommended that planning permission be refused for the proposed development.

14. RECOMMENDATION

- 14.1 It is RECOMMENDED that the following decision be made:
Application REFUSED for the reasons outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

REASON(S) FOR REFUSAL / SUBMITTED PLAN(S) / DOCUMENT(S)

Submitted Plan(s) / Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	11759-01	B
Refuse Information	DR1	N/A
Proposed Bin Collection Plan	26	N/A
Existing Elevations	11759-04	N/A
Existing Ground Floor Plan	11759-02	N/A
Existing 1st Floor Plan	11759-03	N/A
Existing Elevations	11759-05	N/A
Existing Elevations	11759-05	N/A
Existing Elevations	11759-06	N/A
Existing Floor Plan	11759-08	N/A
Existing Elevations	11759-09	N/A
Existing Elevations	11759-10	N/A
Proposed 1st Floor Plan	11759-13	D
Proposed Site Plan	11759-11	C
Proposed Ground Floor Plan	11759-12	D
Proposed 2nd Floor Plan	11759-14	D
Proposed Elevations	11759-18	B
Proposed Roof Plan	11759-15	D
Proposed Elevations	11759-16	B
Proposed Elevations	11759-17	B
Proposed Elevations	11759-19	B
3D Visual Plan	11759-20	B
3D Visual Plan	11759-21	B
3D Visual Plan	11759-22	B
Proposed Bin Collection Plan	11759-24	A
Proposed Sections	11759-25	N/A

Reason(s) for Refusal

Reason 1.

The proposal by way of its design and layout would result in internal floors areas which would not comply with the Nationally Described Spaces Standards, resulting in sub-standard and unsatisfactory internal environments which would fail to provide a satisfactory amenity for future occupiers. Furthermore many of the flats have a poor and enclosed outlook, with windows within close proximity to and overlooking existing boundary treatments. In addition the insertion of windows would lead to overlooking of neighbouring properties, along with an increase in noise and disturbance to the detriment of neighbouring residential amenity.

The proposal provides an insufficient level of allocated off street car parking and visitor car parking contrary to adopted standards, and is therefore likely to result in the displacement of vehicles on to the nearby highway.

The proposals amount to an overdevelopment of the site and are contrary to Policies RLP3, RLP56 and RLP90 of the Adopted Local Plan (2005), Policy SP7 of the Section 1 Plan, Policies LPP45 and LPP55 of the Section 2 Plan (2017), The Adopted Vehicle Parking Standards Design and Good Practice SPD (2009), the Essex Design Guide and the National Planning Policy Framework.

Reason 2.

Policy CS10 of the Core Strategy (2005), requires new development to make the appropriate provision for publicly accessible green space. Furthermore the Essex Design Guide (2005) sets out minimum private garden sizes for new dwellings.

The proposal significantly under provides outdoor amenity space, some of which given its position, would give rise to a level of intrusion on privacy and harm to future occupiers. The proposals are therefore contrary to Policy RLP90 of the Adopted Local Plan (2005), Policy CS10 of the Core Strategy, Policy SP7 of the Section 1 Plan (2021), Policy LPP55 of the Section 2 Plan (2017) the Essex Design Guide (2005) and the National Planning Policy Framework.

Reason 3.

The proposed development would trigger the requirement for:

- A financial contribution towards primary health services;
- The provision, maintenance and delivery of public open space, outdoor sports, equipped play and allotments.
- Refuse Strategy

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 and CS10 of the Core Strategy and the Open Space Supplementary Planning Document (SPD).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and setting these out clearly in the reason(s) for refusal. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy 2011

CS7 Promoting Accessibility for All
CS10 Provision for Open Space, Sport and Recreation

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes
RLP3 Development within Town Development Boundaries and Village Envelopes
RLP10 Residential Density
RLP53 Generators of Travel Demand
RLP56 Vehicle Parking
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
RLP138 Provision of Open Space in New Housing Developments

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1 Development Boundaries
LPP33 Affordable Housing
LPP37 Housing Type and Density
LPP44 Sustainable Transport
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP53 Provision for Open Space, Sport and Recreation
LPP55 Layout and Design of Development
LPP56 Conservation Areas
LPP60 Heritage Assets and their settings
LPP78 Flooding Risk and Surface Water Drainage
LPP79 Surface Water Management Plan
LPP80 Sustainable Urban Drainage Systems

Other Material Considerations

Essex Parking Standards/Urban Space Supplement
Affordable Housing Supplementary Planning Document (2006)
Essex Design Guide Urban Place Supplement (2005)
Open Space Supplementary Planning Document
Open Spaces Action Plan
Parking Standards – Design and Good Practice (September 2009)

Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

APPENDIX 3:

SITE HISTORY

01/01695/FUL	Erection of workshop and office	Granted	22.06.04
03/01287/FUL	Installation of a 'Titan' environmental diesel oil bunded storage tank	Granted	09.09.03
91/00054/P	Change of use of existing office and workshop to class B1 office accommodation with associated car parking and internal and external alterations	Granted	26.02.91
06/00181/COU	Internal and external alteration, change of use of existing office building and workshop to class B1 office accommodation, new main entrance and lift	Granted	22.03.06
07/01919/FUL	Retention of air conditioning units with louvred covers	Granted	12.12.07
17/01602/FUL	Proposed conversion of existing workshop to provide additional office space including new dormer window	Granted	25.10.17
20/00158/COUPA	Notification for prior approval for a proposed change of use of a building from Office Use (Class B1 (a)) to 20 residential units (Class C3)	Withdrawn	18.03.20
20/01431/FUL	External alterations to the Cardinal Court Building comprising the insertion of sky lights, windows and the removal of existing windows	Withdrawn	19.11.20
20/01570/COUPA	Notification for prior approval for a proposed change of use of a building from Office Use (Class B1 (a)) to 12 residential units (Class C3)	Withdrawn	19.11.20
21/01527/FUL	Change of use from Offices (Use Class E) to a residential use (Use Class C3) consisting of 9 x1 bed,	Withdrawn	11.08.21

	5 x2 bed (total 14 residential units) with associated car parking, amenity space and covered cycle storage.		
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