

PLANNING COMMITTEE AGENDA

Tuesday, 26 February 2019 at 07:15pm

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

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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 19th February 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

- | | | |
|-----------|---|------------------|
| 5a | Application No. 17 01081 FUL (Variation) - Land adjacent to Oxford House, Upper Holt Street, EARLS COLNE | 6 - 26 |
| 5b | Application No. 18 00214 OUT - Land rear of Tey Road, EARLS COLNE | 27 - 71 |
| 5c | Application No. 18 01749 FUL - Land East of Sudbury Road, HALSTEAD | 72 - 118 |
| 5d | Application No. 18 01917 FUL - Land off Tenter Close and rear of 51-57 Church Lane, BRANTREE | 119 - 142 |

PART B

Minor Planning Applications

There are no applications in Part B

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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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.

Variation to resolution to grant planning permission, Land Adjacent Oxford House, Upper Holt Street, Earls Colne – 17/01081/FUL		Agenda No: 5a
Portfolio	Environment and Place Planning and Housing Economic Development Health and Communities	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Natalie Banks, Senior Planning Officer	
Report prepared by:	Natalie Banks, Senior Planning Officer	
Background Papers:		Public Report
Planning Committee Report – Application Reference 17/01081/FUL Planning Committee Minutes – 28.08.2018		Key Decision: No
Executive Summary:		
<p>This report relates to a planning application for a residential development that the Planning Committee considered and resolved to grant subject to a planning obligation.</p> <p>Officers are seeking to vary the resolution to grant planning permission and the matter is duly brought back to Committee for consideration.</p> <p>Members resolved to grant planning permission for the erection of 2 dwellings on Land Adjacent Oxford House, Upper Holt Street, Earls Colne on 28th August 2018, subject to the applicant entering into a suitable legal agreement to make a financial contribution to mitigate the development's impact upon the Blackwater Estuary SPA and Ramsar site.</p> <p>At the time Officers advised the Planning Committee that there would be a need to secure a financial contribution towards mitigation and the resolution was granted on this basis. Officers advice now is that currently a development of this size does not need to contribute towards mitigation.</p> <p>As a result it is proposed that the resolution is amended and that the Council grant planning permission, subject to the conditions set out in the original Committee Report, without having to enter into a S106 legal agreement. Members are also reminded that</p>		

when considering this matter they should remember that the Council's reported position on 5 year housing land supply has changed since August 2015.

Recommended Decision:

That the application is GRANTED planning permission subject to the conditions and reasons set out in item 5a of the Planning Committee Agenda dated 28th August 2018 (copy appended to this report) and in accordance with approved plans:-

APPROVED PLANS

Floor Plan - Plan Ref: 299HGR_101_001_01 Version: A

Proposed Elevations - Plan Ref: 299HGR_101_001_02 Version: B

Site Plan - Plan Ref: 286OH-101-001-03 Version: A

Location Plan - Plan Ref: 299HGR_101_002

Purpose of Decision:

To enable the Local Planning Authority to grant planning permission and allow the proposed development to proceed.

Corporate Implications

Financial:	No matters arising out of this report
Legal:	No matters arising out of this report
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	No matters arising out of this report
Customer Impact:	No matters arising out of this report
Environment and Climate Change:	<p>The resolution passed in August 2018 would have allowed the Council to secure a financial contribution which could contribute towards mitigating the impacts arising from increased visitor numbers at European designated habitat sites.</p> <p>It is recommended that a contribution is not now sought so this could in theory have a barely perceptible impact on the designated site.</p>
Consultation/Community Engagement:	No matters arising out of this report
Risks:	No matters arising out of this report
Officer Contact:	Natalie Banks
Designation:	Senior Planning Officer
Ext. No:	2545
E-mail:	natalie.banks@braintree.gov.uk

The above planning application was reported to the Planning Committee on 28th August 2018 and a copy of that report is appended to this document for ease of reference.

Members resolved to grant planning permission subject to conditions and the completion of a Section 106 Agreement requiring a contribution in relation to the Habitat Regulations, as set out below:

'It is therefore RECOMMENDED that subject to:

- 1) The completion of a Habitat Regulations (HRA) Appropriate Assessment Report which concludes that no likely significant effect will be caused and which identifies suitable mitigation which is likely to be in the form of a financial contribution; and*
- 2) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to mitigate the development's impact upon Natura 2000 sites.*

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

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

Since that resolution was passed, there have been two material changes in circumstances. These relate to how the Council will deal with the Habitat Regulations and the Council's 5 Year Housing Land Supply. This report considers the implications of these issues.

Habitat Regulations

In accordance with the revised interim guidance on the Habitat Regulations, an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified Natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the Essex RAMS (Recreational Avoidance and Mitigation Strategy), which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would

not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

It is concluded therefore, that a S106 Agreement will not be required.

Housing Land Supply

As Members are aware, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrated a 6.00 years' supply, which took account of the revised calculation methods recommended in the revised NPPF.

Although the Council now considers that this represents a robust assessment of the Council's Housing Land Supply position, this must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound. Unlike the current methodology, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

The Planning Balance

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within the Earls Colne Village Envelope, where new residential development is considered acceptable in accordance with Policy RLP3 of the Adopted Local Plan.

As set out in Paragraph 8 of the NPPF, sustainable development has three dimensions; an economic objective (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity); a social objective (supporting strong, vibrant and healthy communities, by providing the supply of housing required and by fostering a well-designed and safe built environment, with accessible services and open spaces); and an environmental objective (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation as they are mutually dependent.

In terms of benefits, the proposal would provide an acceptable development in accordance with social objectives, whilst also providing an economic benefit during construction. With regards to the housing supply, whilst the contribution of the two dwellings would be limited, they will nevertheless make a contribution.

In terms of considering the planning balance in this case, it is concluded that the above changes would not alter the previous recommendation that whilst there would be a shortfall in rear garden amenity space, this harm would not significantly and demonstrably outweigh the economic and social benefits of the application. The development is therefore acceptable.

CONCLUSION

In conclusion, the proposal would provide a residential development without material harm to the character or appearance of the surrounding area, the amenity of neighbouring residents or highway safety and is an acceptable form of development within an existing defined settlement.

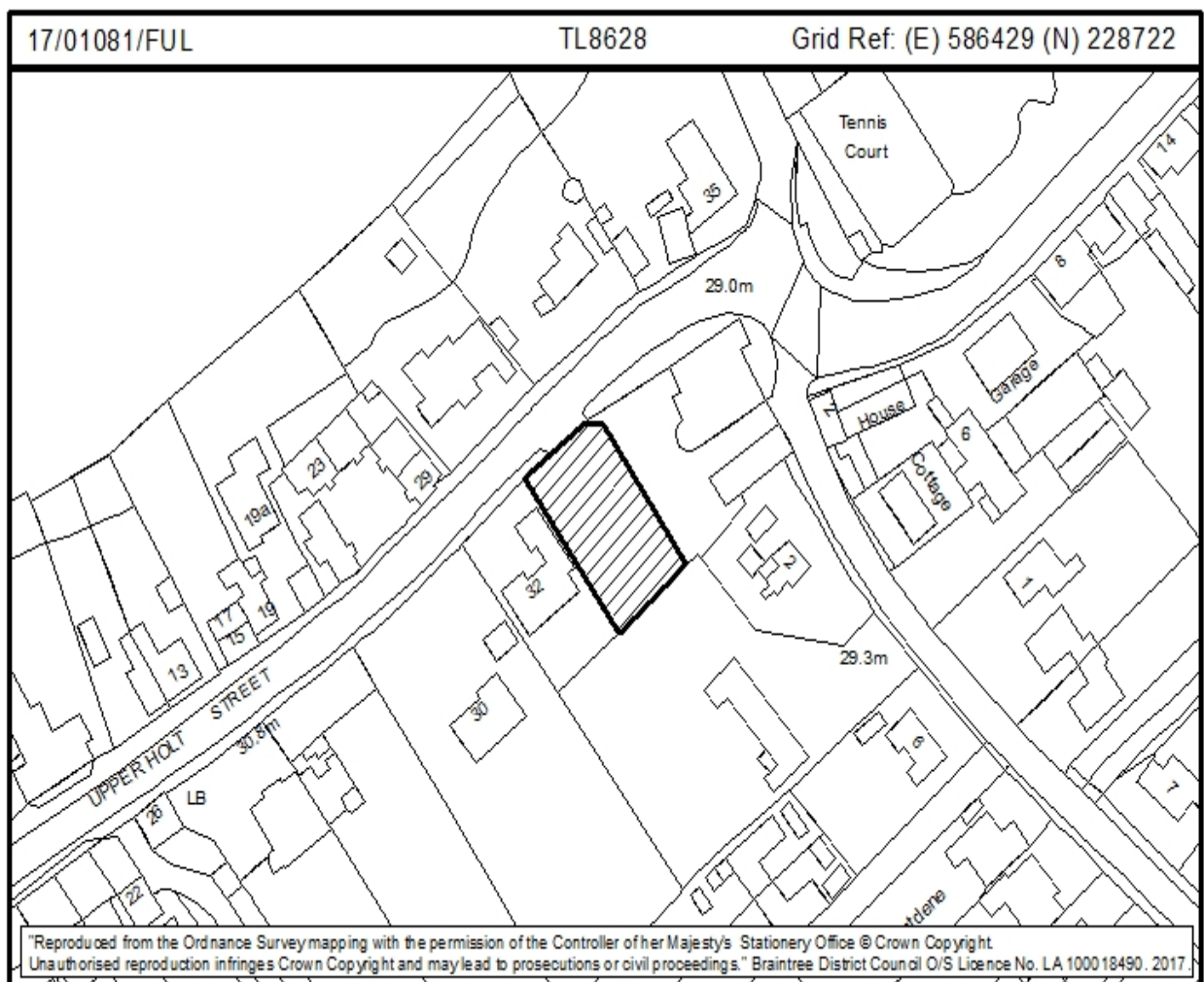
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER

APPLICATION NO: 17/01081/FUL
DATE VALID: 31.07.17
APPLICANT: Mr Pascoe
Oxford House, Upper Holt Street, Earls Colne, Essex, CO6 2PG,
AGENT: Cox Design And Planning
Mr Charlie Barber, 12 Atlas Works, Earls Colne, Essex, CO62TE,
DESCRIPTION: Erection of 2 no. dwellings
LOCATION: Land Adjacent Oxford House, Upper Holt Street, Earls Colne, Essex, CO6 2PG,

For more information about this Application please contact:
Mr Andrew Martin on:- 01376 551414 Ext.
or by e-mail to: andrew.martin@braintree.gov.uk



SITE HISTORY

00/01171/FUL	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
00/01172/LBC	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
01/00859/FUL	Proposed alterations to conservatory	Granted	12.07.01
01/00860/LBC	Proposed alterations to conservatory	Granted	16.07.01
84/00473/P	Alterations to bar area and re-siting of cellar and toilets.	Granted	31.07.84
88/00113/E	Hanging Sign		
88/01673/P	Erection Of Conservatory	Granted	02.11.88
88/01674/P	Erection Of Conservatory	Granted	02.11.88
88/02453/P	Display Of Illuminated Illustrated Hanging Sign	Granted	31.01.89
89/00686/P	Surfacing Of Car Park And Display Of Three Sign Boards	Granted	31.05.89
89/01191/P	Display Of Non Illuminated Signs	Granted	24.08.89
90/00654/PFHS	Demolish Outbuildings And Erection Of Two Storey Side Extension	Refused	29.05.90
91/00305/PFHS	Demolition Of Outbuilding And Erection Of Outbuilding For Use As Guest Bedroom Units And Stores	Granted	06.06.91
91/00306/PFHS	Demolition Of Outbuilding And Erection Of Outbuilding For Use As Guest Bedroom Units And Stores	Granted	06.06.91
99/01641/LBC	External and internal alterations	Granted	03.02.00
06/01292/LBC	Installation of ceilings, new staircase to first floor.	Granted	22.08.06
09/00650/FUL	Alterations to bar/cellar Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self contained flat)	Withdrawn	21.07.09
09/00651/LBC	Internal Alterations	Granted	17.07.09
09/01195/FUL	Change of use from A3/A4 to residential (Conversion of	Granted	10.11.09

09/01207/LBC	ground floor bar/restaurant to a three bedroom self contained flat) Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self contained flat)	Granted	10.11.09
14/00587/FUL	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant into two self-contained flats and associated works) and erection of a detached two storey dwelling and associated works)	Granted	06.02.15
14/00588/LBC	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant into two self-contained flats and associated works) and erection of a detached two storey dwelling and associated works)	Granted	03.02.15
16/01083/DAC	Application for approval of details reserved by condition nos. 1-20 of approved application 14/00587/FUL	Granted	22.08.16
16/01463/DAC	Application for approval of details reserved by condition nos. 1-5 of approved application 14/00588/LBC	Part Grant, Part Refused	01.12.16
17/00261/DAC	Application for approval of details reserved by condition no. 4 of approved application 14/00588/LBC	Granted	23.03.17
17/00758/FUL	Conversion of existing barn to 1no. one bedroom single storey dwelling	Withdrawn	11.07.18

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August

2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development
LPP60 Heritage Assets and their Settings

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement
Village Design Statement
Open Space SPD

INTRODUCTION

This application is brought before the Planning Committee as Earls Colne Parish Council has objected to the proposal, contrary to officer recommendation.

SITE DESCRIPTION AND CONTEXT

The application site is adjacent to Oxford House, the former Carved Angel public house, which is a Grade II Listed Building in Upper Holt Street. It once formed part of the car park to this building but is no longer in use. It is within the Village Envelope of Earls Colne and within a designated Conservation Area.

Planning permission and listed building consent were granted in 2014 for the residential conversion of the ground floor (the first-floor was already in residential use), under application reference 14/00587/FUL and 14/00588/LBC. These permissions include the provision of a single detached dwelling in the same location as the current proposal. Whilst the 2014 applications have been implemented, insofar as the conversion is concerned, the dwelling has not been constructed. The new dwelling could therefore still be implemented.

PROPOSAL

This application seeks permission for the erection of two, three bedroom, semi-detached dwellings on the same site as the previously approved single dwelling.

The design of the front elevation proposed is similar to that which has already been approved. It is of a traditional style, taking the form of a handed pair, with bay windows at ground-floor and externally expressed chimneys to the gable-ends.

To the rear of the main body of the dwellings two projections are proposed. These projections have been amended during the course of the application and are now reduced in both height and depth.

Other changes made since the initial submission primarily relate to the architectural detailing and material finishes which have been enhanced on all elevations. Notably, the side and rear elevations are no longer blank expanses of fenestration, with simple windows and bi-fold doors, rather they incorporate more material differentiation and details of interest to break up the elongated form.

Overall the proposed dwellings would measure approximately 7.2 metres in height, 11 metres in width and 14.3 metres in depth. The materials proposed are brick and render with a slate roof.

It is also noted that the proposed dwellings have been set back further from the highway to accommodate off-street parking provision to the front of the site. A further access from the highway is also being sought, towards the west side of the site, to serve the shared driveway proposed. The driveway would have the capacity to provide four off-street spaces with two for each property.

CONSULTATIONS

Essex County Council Highways Authority – from a highway and transportation perspective the impact of the proposal is acceptable, subject to conditions.

Historic Buildings Consultant – initially objected to the proposal in relation to the design and not the principle. Following amendments to the design of the proposal this objection has been withdrawn, subject to conditions.

Earls Colne Parish Council – notes the revised/additional plans but wishes to reiterate previous objection comments made on 17 August 2017, as follows:

- Design of the two dwellings would not fit in with current street scene

- Previous application for a single dwelling allowed for a turning circle for vehicles. Two dwellings create additional vehicles with a need to enter or leave by reversing from or onto the public highway, which would be extremely hazardous at this particular location.

Ramblers Association – comment received in relation to the impact of the proposal on public footpath 50, which runs to the rear of Oxford House, as it is unclear on the plans if this will be interfered with.

Braintree Drainage – based on the information supplied and records held by this authority, this department is unaware of any surface water issues affecting this site.

REPRESENTATIONS

One letter of support received from the neighbour at No. 32 Upper Holt Street. The content of the comments relate to access rights for maintenance of their property.

Private access rights are a civil matter and are not a material planning consideration.

REPORT

Principle of Development

Central to the Government's planning policies and objectives within the National Planning Policy Framework is a presumption in favour of sustainable development. This means that proposals which accord with the local planning authority's Development Plan should be approved without delay.

Policy RLP3 of the adopted Local Plan states development within existing Town Development Boundaries and Village Envelopes will be permitted, subject to satisfying various criteria including amenity, design, highways, heritage and environmental considerations.

The site is within the established Village Envelope and Conservation Area for Earls Colne. There is also an existing planning permission on the site for the erection of a single dwelling, which must also form a material consideration in the determination of this application.

The principle of development is therefore considered to be acceptable.

Design and Appearance / Heritage

The National Planning Policy Framework (NPPF) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, as it creates better places in which to live and work, whilst helping to make development acceptable to communities.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF explains that local 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.

Policy CS9 of the Core Strategy and Policy RLP90 of the adopted Local Plan reflect the NPPF by seeking the highest possible standards of design and layout in all new development. Amongst other matters they also require development to respond to local context, especially where it affects the setting of historic or important buildings, conservation areas and areas of the highest archaeological sensitivity.

Policy RLP95 of the adopted Local Plan seeks to preserve and enhance the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of the designated areas. Applications which fail to preserve or enhance the Conservation Area will be refused.

Policy RLP100 states that development involving internal or external alterations, extensions and partial demolitions to a listed building or structure (including any structures defined as having equivalent status due to being situated within its curtilage), and changes of use will only be permitted if the proposed works or uses;

- (i) do not harm the setting, character, structural stability and fabric of the building (or structure); and
- (ii) do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The aforementioned policy objectives are also present in emerging Policies SP6, LPP50, LPP55, LPP56 and LPP60 of the draft Local Plan.

The Earls Colne Village Design Statement identifies the application site as being within the historic core of Earls Colne, where it is recommended that new buildings should be consistent in style with surrounding buildings and should reflect the local architectural heritage. It is also recommended that the Lower and Upper Holt Street area should be retained as primarily residential in nature.

Oxford House is a timber framed building, of fourteenth century construction, which the historic building record submitted suggests was associated with the

manor centred on the Priory (formerly located directly north of the site). It is a Grade II Listed Building for its architectural and historic significance.

The site is also in a prominent location, due to its proximity to the junction between Upper Holt Street and Tey Road, as well as the slight curvature of Upper Holt Street emphasising its presence. Oxford House is therefore a prominent and significant building, making a positive contribution to the character and appearance of the Earls Colne and White Colne Conservation Area.

The site is currently an open area to the rear of Oxford House, which previously formed the associated car park for the building, when it was in use as a public house.

In principle the subdivision of the proposed built form into two semi-detached dwellings is not objectionable. This is because the proposed dwellings would not significantly differ in footprint to the previously approved single dwelling. Notably, the proposed dwellings would, when compared to the dwelling already approved, represent a 26% increase in ground-floor space and a 35% increase in gross floor space. This increase in floor space is largely due to an increase in first-floor space and a more regular width from the front to the back of the proposed dwellings.

Concerns had previously been raised in relation to the original design of the proposed dwellings. The concerns primarily related to the rear projections and their unsympathetic relationship to the main body of the dwellings, their surroundings and the identified heritage assets. Since then revised drawings have been submitted in which the overall massing and scale of the rear projection has been reduced.

Notably, the rear projection has been reduced by 11% in depth and 13% in height, resulting in a more subordinate form. It is also noted that the revised proposal would represent a reduction in maximum depth when compared to the previously approved dwelling.

Moreover, the revised proposal has made changes to the elevation design, as a means of overcoming initial concerns relating to the unbroken elongated elevations and the over-proliferation of fenestration.

For instance, soldier course lintels, brick plinths, in addition to timber-framing to the first-floor section of the rear elevation, have all been incorporated to create an additional degree of material differentiation. Furthermore, a new bay window has been added to the west-side elevation, whilst the first-floor windows have been emphasised by gable roof forms.

These amendments, when viewed collectively, reduce the visual impact and massing of the dwellings, while also providing architectural details of interest which break up the appearance of the built form.

Therefore, whilst the proposed dwellings would be larger in massing than the previously approved dwelling, on balance, it is considered that the extent of the change in size and design would not result in material harm when compared to what has already been approved and can be implemented on the site.

Consequently, the setting of the listed building would not be harmed by the proposed development and it is also considered the proposal would preserve the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the adopted Local Plan and Policy LPP55 of the Draft Local Plan, both emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

In this instance the proposal would maintain an acceptable relationship with all neighbouring properties. This is because the placement of windows with the side elevations have not materially changed from the previously approved dwelling. Further, the placement of the dwelling in relation to neighbours, is not considered to result in any undue harm to residential amenity.

Consideration must also be given to the relevant standards in terms of amenity space. The Council has adopted the Essex Design Guide (EDG) which recommends minimum garden sizes of 100 square metres for a three-bedroom or more dwelling. The site plan submitted indicates that the dwelling on the west-side of the site would have a rear amenity space of 82 square metres, whereas, the dwelling on the east-side of the site would have a rear amenity space of 80 square metres.

Despite the proposal falling below the minimum standard, set by the EDG, there are no nationally recommended minimum standards for external amenity space. Subsequently, given the scale of the development and the degree of the shortfall, both dwellings would benefit from a good standard of useable space without prejudice or overlooking. To ensure that this level of amenity would not be compromised in future a condition has been attached to remove relevant permitted development rights.

Therefore, on balance, the level of amenity space proposed is not considered to be so harmful as to warrant a refusal.

The internal amenity proposed for each dwelling is compliant with the nationally described space standards.

Highway Issues

Policy RLP56 of the adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

As such, for the two dwellings proposed, four off-street parking spaces are required, all of which need to comply with the aforementioned space dimensions. The proposed site plan indicates that this level of parking would be accommodated on the hardstanding to the front of the proposed dwellings.

The proposed site plan also indicates that there would be two vehicular accesses to the site. The access closest to the western boundary of the site is a re-used access which was approved under the previous application. The new access would be towards the eastern boundary of the site and would have a very similar relationship to the highway as the re-used access.

Essex County Council Highways have been consulted on the application and have returned no objection. Notwithstanding, conditions have been recommended and attached, in the interest of maintaining highway safety.

Comments have also been received from the highway authority and the Ramblers Association with regards to the impact of the proposal on public footpath 50. This is because the footpath runs to the rear of Oxford House and is in close proximity to the north-east corner of the application site.

Officers have reviewed the safeguarding and have concluded that, whilst the footpath would be close to the site boundary, there would be no obstruction of footpath 50. However, for the avoidance of doubt, as the concern relates to land-ownership, an informative has been attached advising that the footpath should be kept clear of obstruction.

PLANNING BALANCE

In the context of a shortfall in the 5 year housing land supply, paragraph 11 of the NPPF requires the LPA to assess whether there are specific policies of the NPPF (footnote 6) that indicate that development should be restricted. No such policies are considered to apply to the development the subject of this application. In such circumstances, paragraph 11 of the NPPF requires the LPA to apply the 'tilted balance', by assessing whether any adverse impact of granting permission would be significantly and demonstrably outweigh the policies in the NPPF taken as a whole.

As set out in Paragraph 8 of the NPPF, sustainable development has three dimensions; an economic objective (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support

growth, innovation and improved productivity); a social objective (supporting strong, vibrant and healthy communities, by providing the supply of housing required and by fostering a well-designed and safe built environment, with accessible services and open spaces); and an environmental objective (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation as they are mutually dependent.

In terms of benefits, the proposal would provide an acceptable development in accordance with social objectives, whilst also providing an economic benefit during construction. With regards to the housing supply shortfall, whilst the provision of two dwellings would be limited, it will nevertheless make a contribution.

Taking into account the above, conducting the planning balance in the context of Paragraph 8 and 11 of the NPPF, it is considered that while there would be a shortfall in rear amenity space, this harm would not significant and demonstrably outweigh the economic and social benefits in the tilted balance. It is therefore considered the development is acceptable.

CONCLUSION

In conclusion, the proposal would provide a residential development without material harm to the character or appearance of the surrounding area, the amenity of neighbouring residents or highway safety.

Therefore, it is considered to be an acceptable form of development within an existing defined settlement.

The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Floor Plan	Plan Ref: 299HGR_101_001_01	Version: A
Proposed Elevations	Plan Ref: 299HGR_101_001_02	Version: B
Site Plan	Plan Ref: 286OH-101-001-03	Version: A
Location Plan	Plan Ref: 299HGR_101_002	

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

Reason

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

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

Reason

To ensure that the development does not prejudice the appearance of the Conservation Area.

- 3 Above ground construction of any building shall not be commenced until additional drawings that show details of proposed new windows, doors, cills, lintels and surrounds 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 only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 4 Above ground construction of any buildings shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved samples.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 5 Prior to their installation details of all gates/fences/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, heights and materials of the screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of the building hereby approved and shall be permanently retained as such.

Reason

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

- 6 Prior to the occupation of the development hereby approved a scheme of

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

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

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

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

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

Reason

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

- 7 Prior to occupation of the development, the access onto Upper Holt Street at its centre line shall be provided with a 2.4 metre parallel band visibility splay across the whole of the sites frontage, (land edges red and blue), as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 8 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking shall be retained in this form at all times and is not to be used for any purpose other than the parking of vehicles that are related to the use of the development.

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 in accordance with the Council's adopted Parking Standards.

- 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) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 2 There shall be no discharge of surface water on to the highway.

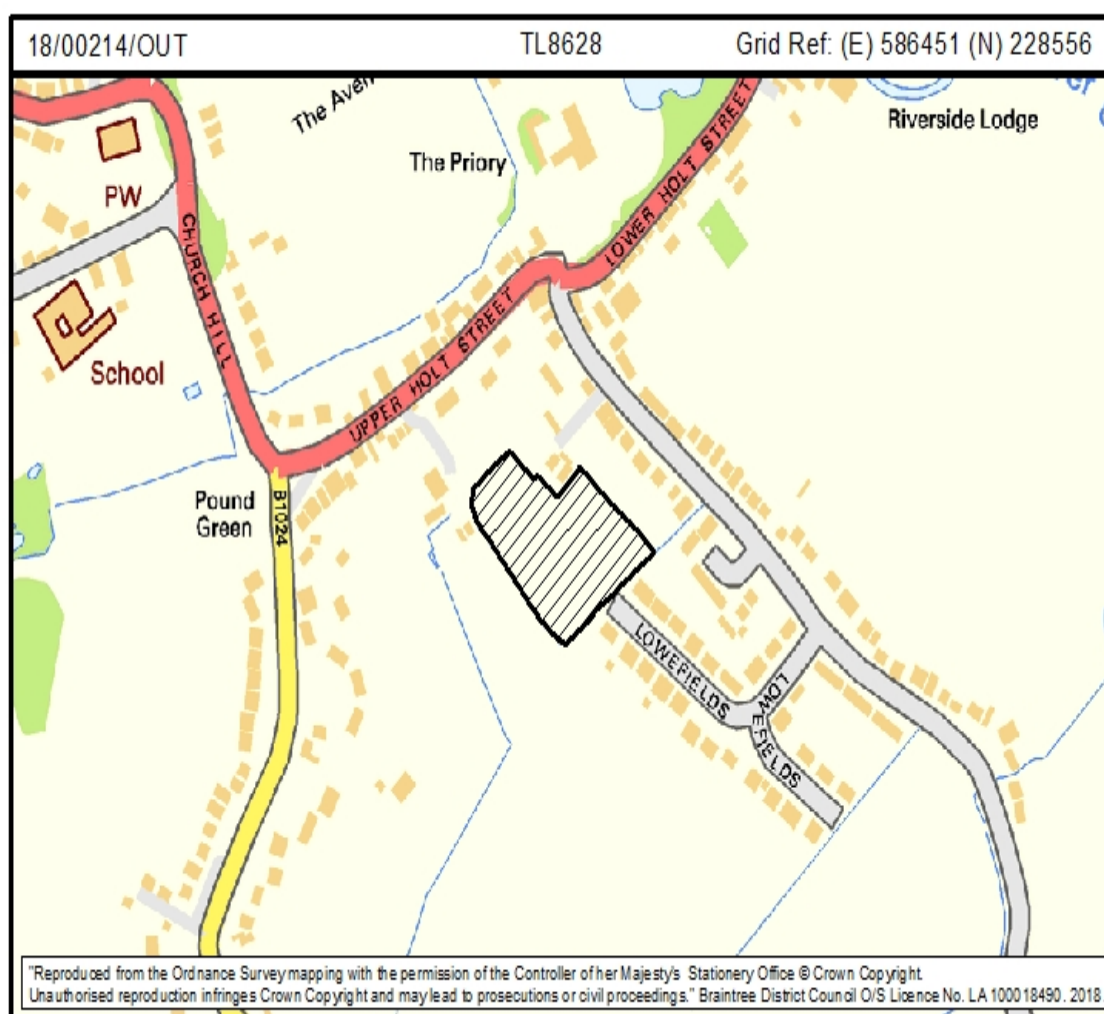
All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 18/00214/OUT
DATE VALID: 30.01.18
APPLICANT: Mr And Mrs Robinson
Springtrees, Tey Road, Earls Colne, Colchester, Essex,
CO6 2LG
AGENT: The Planning And Design Bureau Ltd
Mr Stewart Rowe, 45 Hart Road, Thundersley, Benfleet,
Essex, SS7 3PB
DESCRIPTION: Erect 23 No. Detached and Semi-Detached, 1,2,3,4 and 5
Bedroom Dwellings and Associated Garages, Lay Out
Parking, Amenity Areas, Public Open Space, Estate Roads,
Private Drives, Drainage Infrastructure and Landscaping
LOCATION: Land Rear Of, Tey Road, Earls Colne, Essex

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



SITE HISTORY

None

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
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
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP105	Archaeological Evaluation
RLP95	Preservation and Enhancement of Conservation Areas
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision

LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

Earls Colne Village Design Statement

Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the application is considered to be of significant public interest and as Earls Colne Parish Council have objected to the application contrary to the recommendation of Officers. The application was originally scheduled to be heard at Planning Committee for the 20th of November 2018, but was withdrawn from this agenda.

SITE DESCRIPTION

The site comprises to paddock land located behind Tey Road in Earls Colne. The land is relatively open within the site but is surrounded by residential development on three sides by Upper Holt Street to the north west, Tey Road to the north east and Lowefields to the south east. To the west is a further paddock. The existing vehicular access to the site comes from a private drive

serving 'Springtrees' and a low key B8 (storage) complex of buildings on the northern tip of the site.

In terms of heritage and wider context, the site is located adjacent to the boundary of the Earls Colne Conservation Area, albeit with heavy screen planting along the rear edge of the plots along Upper Holt Street which form the boundary. To the south and east of the site are 41 and 43 Tey Road, a pair of cottages, which previously formed a single house of fifteenth or sixteenth century construction, with later alterations. The pair are together listed Grade II. To the north of the site, fronting onto Upper Holt Street, Chandlers is also listed Grade II. Public Right of Way 75_34 runs parallel to the southern tip of the site extending from Tey Road, through to Lowefields and eventually Coggeshall Road. On the adjacent paddock is also a row of trees subject to a Tree Protection Order.

PROPOSAL

The application in this case seeks outline planning permission with all matters reserved for later consideration other than access and layout for the erection of 23 dwellings. The application would close up the existing private access from Tey Road and instead take vehicular access from Lowefields. The application originally proposed up to 30 new dwellings on the site which has since been revised to 23 new dwellings to overcome layout concerns raised by Officers.

The proposed layout would include a new internal spine road through the development site going all the way to the very top edge of the site. Plots 15-23 would back onto existing development at Tey Road, while also mirroring to some extent the linear pattern of development found on Lowefields. This linear pattern of development is also reflected on the other side of the internal spine road, there would however be some development in depth on this side with Plots 3, 4 and 10.

The exact scale and appearance of each of the dwellings is reserved for future consideration and so the details shown at this stage are purely indicative. Details would be considered at the reserved matters stage. It is proposed however that all existing site boundary treatments are retained with only scrub vegetation removed.

The development would provide 40% of the houses as affordable housing (9 units) and would also propose an area of amenity open space for public use on the northern tip of the site.

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions relating to site clearance, no burning, dust and mud scheme, no piling & contamination risk assessment.

Essex Police Architectural Liaison

No objection – welcome opportunity to assist with compliance of Approved Document "Q" of the Building Regulations by achieving a Secured by Design award with developer.

Historic Buildings Consultant

No objection; considers that the development of the site would not result in anything other than minor potential harm to heritage assets which could be mitigated at reserved matters stage.

BDC Waste Services

No comments.

ECC SUDs

No objection; subject to conditions relating to surface water drainage strategy, minimising run-off water during construction, maintenance plan for surface water and yearly logs of maintenance.

Anglian Water

No objection subject to foul water & surface water strategy condition.

ECC Archaeology

No objection subject to conditions in relating to a written scheme of investigation, mitigation strategy and post excavation assessment.

ECC Education

Initially requested £114,606 for primary education and £20,805 based on the 30 dwelling scheme. With revised number of dwellings (23), the contribution has been reduced to £87,865 for primary education and £15,950.50 for secondary school transport contribution. ECC Education have also commented that: "The developer should ensure that safe direct walking and cycling routes are available to the local school".

NHS

The NHS were consulted on the planning application, however no response has been received. (Note -Currently NHS England policy is to only comment on developments of 50 or more dwellings due to current restrictions on pooling contributions).

BDC Ecology Officer

No objection subject to conditions in relation to lighting, mammal protection during construction, nesting birds, ecological enhancement plan and a landscape and ecological management plan.

BDC Landscape Services

No objection to the development however raise concerns in respect of future maintenance of the hedge adjacent to Plots 3 & 4 (*management strip created there to act as buffer*).

BDC Strategic Housing

No objection – development would require 9 affordable units:

Unit Tenure + Mix			
<u>Type</u>	<u>No.</u>	<u>Rented</u>	<u>Shared Ownership</u>
1 Bed 2 person flat	2	2	0
2 Bed 4 person house	6	3	3
3 Bed 5 person house	1	1	0
Total	9	6	3

ECC Highways

No objection to the development subject to conditions relating to the site access.

Residents also provided their own transport statement, prepared by their appointed highways consultants. The Highway Authority reviewed that statement and provided the following response:

“Thank you for sending the Ardent report which we’ve reviewed and noted its content. As you know, when assessing a planning application, we remain impartial at all times and base our review and recommendation on the information submitted as well as our own information and knowledge of the highway network.

We acknowledge the layout of the A1124/Tey Road junction is unconventional but note that there is no accident record, this suggests that perhaps its unconventional layout means drivers are more cautious.

Furthermore, given the modest scale of the development we do not consider its impact would be severe and there is likely to be only a modest increase in traffic. This is why the Highway Authority are not able to raise an objection.”

Earls Colne Parish Council

Objects to the development based on the following summarised reasons:

- Outside of development limits
- Junction of Lower Hold Street and Tey Road very dangerous – additional traffic would make this situation worse
- Congestion issues on Tey Road
- Detrimental impact on wildlife
- Layout overly dense
- Development of 2/2.5 storey houses out of character
- Substandard footway along Tey Road – pedestrians having to walk on road – additional traffic issue
- Distances to amenities and facilities exceed recommended lengths in the Essex Design Guide

PUBLICITY & REPRESENTATIONS

Publicity

The application has been publicised by way of neighbour letters, site notices and adverts in the press. The reasons for advertising the application were as follows:

- Application Affecting the Setting of a Listed Building
- Application Affecting the character and appearance of a Conservation Area
- Application does not accord with the Development Plan
- Application for Major Development
- Application for Planning Permission
- Application Affecting a Public Right of Way

Representations

Two group objections reportedly from more than 160 local residents (on initial and revised scheme) have been received, also with a petition signed with approx. 116 signatures. In addition to this, 128 letters of representation were received from 72 individual properties:

- 1a, 3, 4, 6, 8, 9, 10, 11, 12, 16, 18, 20, 22, 24,, 26, 28, 29, 30, 36, 39, 49, 51, 55, 59, 61, 63, 65 - Tey Road
- 1, 3, 4, 6, 7, 8, 10, 16, 18, 19, 20, 22, 24, 25, 26, 29, 30, 33, 34, 35, 36, 37, 49, 51, 55, 59, 61, 63, Woodpeckers - Lowefields
- Dovers Barn, 24, 26a, 28, 30 - Upper Holt Street
- Munns Farm, Hill Rise & Ford Mill House - Elms Hall Road
- The Lound Maldon Road Witham
- 6 Josselin Close
- 3 Kemsley Road
- 4 The Spinney, Braintree

- Flat 21, Lydgate Court – Bury St Edmunds

Two general comments were also received from 56 Park Lane and 11 Tey Road. The group objections and individual objections/comments are set out within the summarised concerns below:

- Road from Chalkney Woods in poor state of repair – traffic would increase along there – construction traffic would not cope & could impact upon pedestrians – users already utilise Tey Road – more delivery vehicles etc going to site – would be diversion route if Tey Road is shut and would not be adequate
- Tey Road
 - narrow highway – lots of local residents park on it because of a lack of off-street parking causing it to be narrow – large vehicles cannot get through and no footpath on some elements so residents forced to walk on the road
 - Noise & pollution issues during construction – road closures for gas works etc – construction vehicle parking will cause issues
 - point of congestion at its junction with Lower Holt Street – blind bend – drivers turning right having to use other side of road for visibility – addition of 30 new homes worsen this impact and make it more unsafe with increased traffic – already accidents happen and bumps and scrapes which do not get reported – cannot be widened due to historic buildings – some of which are flats with associated issues of car parking close to junction – highways officers wrong – speeds are high on the road – zebra crossing not given permission due to road speeds
 - separately commissioned transport/traffic report (by neighbours) – said junction not safe
 - Lowefields - cannot cope with extra houses using road & construction traffic
- Transport statement provided misleading and not accurate
- Affect quality of life for residents and affect view of the field at rear of houses
- Increase in noise pollution from future residents of development – affect local business and quiet residential streets with elderly residents
- Poor accessibility to local services and facilities – those services that do exist will have unacceptable strain put on them – local busses at capacity at peak times – it's a village not a town – people will still drive to higher order settlements
- Issues with affordable housing maintenance & area not affordable in general
- Out of character with the area – Lowefields mainly bungalows
- Outside of village envelope – rejected as part of local plan
- Crammed overdevelopment – need more parking to avoid overspill of parking – too high density – development hard up against boundaries – small gardens– lack of visitor parking - plans not accurately reflect wider context – urban plan for rural location – will have visibility in wider

area due to land topography - Revised proposal – higher proportion of 4 & 5 bed houses –possibility of more than 2 cars needed

- Set precedent for further development on similar sites
- Other approvals for other housing development of large scale elsewhere in the village & West Tey development not too far away – cumulatively the village cannot cope – extra traffic and demand for services – why over half of 716 be located in village
- Overlooking & overshadowing from new development into existing development
- Footpath floods in winter months – also significant increase in water flow from development – water course will be affected – how managed and mitigated? – Anglian Water object but want further information – Flood risk assessment has no allowance for climate change or urban creep
- Loss of mature trees and inadequate protection during construction for retained trees
- Reduction in animal habitat and loss of meadow land – danger to wildlife – with horses removed become haven for wildlife - should have further ecological surveys
- Land ownership queries
- Little economic benefits of development – no local suppliers of materials in village
- No S106 contributions proposed that would go towards the development/wouldn't be appropriate
- Impact upon Listed Buildings
- Question whether suitable electricity and telecom connections can be made
- Nearest bus stop some distance away from the site
- Minimal local consultation prior to submission of application
- Grade 3 agricultural land – high quality
- Archaeological impacts

Since the publication of the first Committee Report, a further objection has been received from the residents group. The contents of this objection is summarised and responded to in an addendum to this Committee Report.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

The Development Plan

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

The application site is located outside of a designated development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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

landscape character and biodiversity, geodiversity and amenity of the countryside.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks outline planning consent to erect 23 dwelling units on land outside of a village envelope which would be a departure from the Adopted Development Plan.

5 Year Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, 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. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20%

as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19th October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities & Village Designation

Earls Colne is classed as a Key Service Village in both the current adopted Core Strategy and the Publication Draft Local Plan. Key Service Villages are large villages with a good level of services, including primary schools, primary health care facilities, and convenience shopping facilities, local employment, and frequent public transport to higher order settlements and easy access by public transport to secondary schools. Development may be considered

sustainable within a Key Service Village, subject to the specific constraints and opportunities of that village. The site allocations for Earls Colne as part of the draft New Local Plan were approved at Local Plan Sub-Committee, dates: 25 May 2016 and 28 November 2016. The following housing allocations were made for Earls Colne:

- EAR 3H – Land at Station Road (capacity 56 dwellings). Outline permission granted 26 August 2016 (15/00934/OUT).
- EARC 221 – Land off Monks Road (capacity 50 dwellings). Full permission granted 22 May 2017 (16/01475/FUL).
- EARC 225 – Land rear of Halstead Road (capacity 80 dwellings). Outline Permission granted 8 August 2017 (15/01580/OUT).

Planning application 18/00121/OUT Land West of Station Road Earls Colne was also given a resolution to grant planning permission subject to S106 at Committee in July 2018 for the erection of 90 dwellings. The decision was issued on 8th January following the completion of the S106. Taking the above into account, Earls Colne has or will have planning permission for 276 houses since 2016. The significance of these permissions will be reviewed later in the report.

Site History

This site also has history at the Call for Sites stage of the emerging Local Plan. However, the site formed part of a much larger parcel of land, stretching all the way from the rear of Tey Road to the rear of Coggeshall Road. This suggested allocation 'EARC218' was not taken forward for the reasons below:

"EARC218 is located outside the development boundary to the rear of Upper Holt Street. The site contains a significant amount of tree preservation orders and adjoins the conservation area. The SA report suggested that there would be a negative effect upon Tilekiln Farm, a designated wildlife site. It is recommended that the development of the site would be considered backland development and an unwarranted encroachment into the countryside."

The application site in this case forms a smaller part of that wider proposed allocation EARC218; it would not include any trees subject to a Tree Preservation Order, and would be approx. 190m from the Local Wildlife Site of Tilekiln Farm at the closest point. The application site in this case instead follows the natural boundary of a field hedge which abuts the south west boundary of the site, while being encompassed by existing residential development on all other boundaries. The site now measures just under 1ha in size. As such, it is considered the site is now materially different to that of the wider site previously considered. The site circumstances will be explored further in the report.

Landscape Character and Layout

The NPPF states that new development should seek to improve streetscapes and buildings to create attractive and comfortable place by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping. In addition, the NPPF states that planning applications should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 91).

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

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

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

This application seeks outline planning permission for 23 dwellings with matters of access and layout for consideration, and matters of appearance, scale and landscaping for later consideration through a reserved matters application. Landscape character, layout and wider character particulars are discussed in this section of the report.

Landscape Character

The Braintree District Settlement Fringes Evaluation of Landscape Analysis Study of Earls Colne for Braintree District Council (2015) provides a detailed analysis of the landscape surrounding the settlements of Earls and White Colne. The report indicates that the site is located within the wider Colne River

Valley character area that emphasises the visual sensitivity of the valley slopes and strong historic integrity of settlements such as Earls Colne.

In terms of the characteristics of the site, it is surrounded by residential development on three sides; behind Upper Holt Street, Tey Road and parallel to Lowefields. The site is therefore contained on three sides by residential development in a back land context. The south west boundary is the only one which does not back/side onto existing residential development, and instead adjoins other paddock land and further afield Tile Kiln Farm located approx. 190m away at the closest point.

The application is supported by a Landscape Appraisal Report which attempts to assess the overall landscape impact of the development. The report provides views towards the site from a number of public vantage points; from Lowefields itself, to public rights of way on the edge of Chalkney Wood. The topography of the land slopes upwards towards Chalkney Woods and this does offer an opportunity to look back over to the houses on Tey Road and Lowefields, albeit in a marginal way. This marginal view is due to the large separation distance between the vantage point and the site before the land topography is high enough to facilitate a view across to Tey Road and Lowefields. The report concludes that the site would be seen within the backdrop of the existing settlement edge and its development would not bring about any notable landscape or visual impact implications in the wider setting.

The report also includes a copy of the Council led Earls Colne Settlement Fringes Evaluation, prepared by the Council's Landscape Consultants as part of the Evidence Base for the new Local Plan. The evaluation which sought to review landscape capacity of various sites on the fringes of the village. However, the site in this case was not included within this assessment, which is probably perhaps owing to its generally self-contained nature as discussed above. The wider countryside beyond the site however was included within this assessment, such as (4f Tile Kiln Farm) which was assessed to have an overall landscape capacity of medium-low. However, as discussed above, the circumstances pertaining to this site are materially different to the wider parcel of land (4f) which is more open and exposed.

The one area which the Landscape Appraisal Report does not cover in much depth is the views into the site from PROW 75_34 from the adjoining paddock land to the south west boundary. Officers have visited the site on numerous occasions and have walked this footpath in a westerly direction towards Coggeshall Road, looking back at the site from public vantage points. The existing vegetation on the boundary of the site is strong both in terms of depth and height, restricting views at ground level into the site. The vegetation is proposed to be retained, but is however deciduous and therefore likely to facilitate more views into the site in winter months. The dwellings proposed in close proximity to the vegetation would also likely have some visibility above the hedge.

The wider views however from public vantage points to the west even in winter months would be limited. This is because the adjoining paddock is

enclosed by its own even stronger row of vegetation including a number of trees subject to a preservation order, further vegetation and back gardens of other properties on Coggeshall Road. As such, the overall landscape impact from public vantage points in the westerly direction would be limited, and this view is shared by the Councils Landscape Officer.

In summary, taking into account all of the above landscape character analysis, Officers have concluded that the development of the site by virtue of its self-contained nature and location, could be achieved without having a detrimental impact upon the landscape or the wider character of the countryside.

Layout

The application originally sought outline planning permission for the erection of up to 30 dwellings on this site, at a density of approx. 30 dwellings per hectare. It was considered however that the site could not reasonably be developed for 30 dwellings without significant compromises in terms of the quality of the layout, sense of place that would be created and the amenity afforded to future occupiers. The layout was subsequently revised to 23 dwellings to overcome these issues.

The revised layout plan shows access to the site would be taken from Lowefields, with an internal spine road running through the middle of the site to serve all dwellings; the front entrance of the site would be a type E access road with 5.5m width and 2m pavements, while further into the development this would change to a 6m shared surface. An area of open space would also be introduced at the northern tip of the site adjacent to the low key B8 storage buildings.

Plots 15-23 would appear as a continuation of linear development from Lowefields and would have a back-to-back relationship with properties on Tey Road. The layout being configured in this way would enable a continuation of the existing back-to-back settlement pattern shared between Lowefields and Tey Road. Plots 1-2 and 6-9 also all broadly reflect the linear pattern of development on Lowefields. The main difference is that on the south west side of the development, there would also be development in depth to facilitate the erection of Plots 3, 4, 5 and 10. Developing the site in depth in this way would not be so in keeping with the character of the immediate surroundings of the development; however there are other examples of development in depth in the locality including Tey Road Close, Springtrees Barn, Springtrees and 24 Upper Holt Street. As such, while development in depth is not particularly characteristic of the immediate area, it would not be wholly out of keeping in the wider locality.

The development at the south western edge of the site would also leave an approx. 1.8m gap between the edge of Plots 3, 4, 5 and 10 to facilitate access for a management company to ensure that the hedge on the western boundary to be retained remains in good order, to enable its longer term protection and enhance the overall street scene of the development. At the northern tip of the site, plots 11-14 form their own smaller cluster of

development in close proximity to the open space. Plot 14 in particular would act as a terminating feature at the end of the internal spine road.

The scheme would provide 9 affordable units; 6 affordable rent and 3 shared ownership. The affordable units would be sited in three clusters; Plots 4 and 5 on the south western edge, Plots 21-16 backing onto Tey Road and Plot 11 on its own at the top of the site. Matters of scale and design are not for approval however at reserved matters stage it would be ensured that the development was “tenure blind”.

In terms of parking, each dwelling would have a minimum of two parking spaces in tandem; some of this would come from on-plot parking, while others would come from proposed garages which would be built in accordance with the Council’s adopted parking standards of 7m by 3m which is large enough to constitute a car parking space. Some plots such as No.14 and No.10 would comprise undercroft/carport parking, although these particulars would be secured at reserved matters stage. The development does not contain any parking courts or any allocated on-street parking (other than visitor spaces which are in accordance with the Adopted Parking Standards). Parking for the affordable units would be the same as the market houses.

In terms of garden sizes, it is more difficult to determine the level that would be appropriate for each dwelling as matters of scale and appearance are reserved for later consideration. While the layout is for approval, the scale of dwellings might need to be reduced, as shown indicatively on the site plan, to a smaller number of bedrooms to reflect a smaller garden size requirement. However, all plots would provide over the minimum of 50sq.m private garden amenity space required for 2 bedroom dwellings. As such, the site could accommodate 23 dwellings all with gardens in accordance or in excess of the size standards.

As alluded to above, the size and scale of each dwelling at the site would be confirmed at reserved matters stage. Similarly, details of landscaping and boundary treatments would be secured at the reserved matters stage. It is considered these particulars could reasonably be agreed without detriment to the layout currently under consideration.

Taking into account all of the above, the site would be able to accommodate 23 dwellings taking into account the site constraints. It is acknowledged that the density of development would be higher than in surrounding roads, however national and local policy require planning to secure an efficient use of land. The developments surrounding the site were built in a different era and this is reflected in their lower density. In any case, the proposed development at a lower density of 23 dwellings per hectare (rather than 30 dwellings per hectare as originally proposed) would be more commensurate with the pattern of development in the wider locality. It is therefore considered that the development would be acceptable from a layout perspective.

Heritage & Archaeology

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

Policy RLP95 of the Adopted Local Plan and Policy LLP56 of the of the Draft Local Plan states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within/adjoining Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

The site in this case is located outside of Earls Colne Conservation Area and does not directly adjoin any listed buildings. The closest listed buildings are located approx. 50m and 130m away respectively at the closest points to the site. These buildings are already located within a residential context. Due to the above, the Historic Buildings Consultant considers that there is anything other than a minor potential for harm to heritage assets, which could be alleviated at reserved matters stage, and as such has no objection. The proposal is therefore acceptable in this regard.

The site also has the possibility of containing archaeological remains. As such, in accordance with the recommendations of the Archaeological Officer, conditions would be attached to secure appropriate investigation and mitigation where appropriate.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Concerns have been raised by neighbouring residents about the possible negative effect of the development on their properties. The main aspects when considering the impact upon neighbouring properties relates to layout (siting), scale (height/bulk) and appearance (window placement). In this case, layout has been submitted for consideration, with appearance and scale reserved for future consideration. As such, the required assessment at this

stage is whether the layout of the development in itself would cause possible detrimental harm to neighbouring properties.

In this respect, reviewing the proposed layout, each of the proposed dwellings would be of a sufficient distance away from neighbouring properties to not cause detrimental harm subject to the detailed appearance and scale of each proposed dwelling being appropriate. This will be an important material consideration at reserved matters stage to ensure the development does not have a detrimental impact upon neighbouring properties by virtue of loss of natural light, overlooking, overshadowing or overbearing. Objectors have referred to the loss of views from their properties but such views are not protected and this is not a material planning consideration.

A large number of concerns were also raised in respect of construction activities at the site, including possible road closures for infrastructure and movements of heavy goods vehicles. Construction activity however is a temporary disturbance that is associated with any development. The Local Planning Authority cannot reasonably refuse an application because construction works may temporarily disturb neighbouring properties/commercial premises. A condition would however be imposed to ensure that construction works would not occur outside of unreasonable hours. Any damage caused by construction vehicles would be a civil matter and not something that the Local Planning Authority can control by way of condition. Any necessary road closures will be dealt with in an appropriate way by the Highways Authority.

Highway Issues

The proposed access is a matter for approval at the outline application stage. It is proposed that the site would utilise an existing field access from Lowefields for vehicle and pedestrian traffic. No new access would be created; however future occupiers of this development would have to traverse a number of other local roads before being able to enter the site.

The need to traverse other roads has brought about a large number of objections both from the Parish Council and residents. The main area for concern is the adequacy of the Tey Road junction with the A1124 and the increase in traffic that would result from the development utilising this junction. The concern also arises from the lack of footpath in close proximity to the junction on Tey Road in relation to pedestrian safety.

The Transport Statement submitted with the application considered the impacts of the development on the highway network for 30 dwellings. The conclusion was that the junction of Tey Road and the A1124 would operate well within capacity as existing and with the development proposed given the small number of vehicle movements that would be generated from the development (approximately 15 vehicles AM/PM at peak periods). No revised transport statement was submitted with the application, however the number of dwellings have been reduced by 7, which would consequently result in a reduction in the overall number of vehicle movements at peak periods. As

such, the proposal for 23 dwellings would not affect or change the previous conclusions of the Transport Statement.

Residents however disagreed with the findings of the applicants Transport Statement and subsequently submitted their own Transport Statement completed by Ardent Consulting Engineers, for the consideration of the District Council and The Highways Authority. The report focused on the junction of Tey Road and the A1124. The Ardent report stated that the junction has inadequate visibility to be operated safely by road users, but acknowledges the lack of accidents recorded at the site. The report concludes that the increase in traffic, from not just this development but others, would increase the risk of accidents at this junction.

Essex Highways reviewed both the applicants Transport Statement and the Ardent Transport Statement. Essex Highways noted the findings of the Ardent report, but stated that they base their recommendation on the information submitted as well as their own information and knowledge of the highway network. In this case, Essex Highways acknowledge that the layout of the A1124/Tey Road junction is unconventional, but highlight that there is no accident record. Furthermore, Essex Highways consider that this unconventional junction is likely to make drivers more cautious when entering/exiting it, taking into account the accident record. In addition, Essex Highways consider that the development proposed would be modest in scale, and consider that its impact would not be severe, with only a modest increase in traffic from 23 dwellings. Members know that the NPPF states clearly 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Para.109). Based on the assessment of the Highway Authority neither potential grounds for refusal of an application exist here.

Furthermore, the section of Tey Road which does not benefit from a footpath on either side would be approximately 10m in length in relatively close proximity to the junction with Colchester Road. This section is however illuminated and vehicles would naturally be moving slower than 30mph as the road is relatively narrow in this location and as most vehicles will either be slowing on approach to the priority junction, or will have slowed down to turn into Tey Road. As such, taking into account all of the above, Essex Highways have not objected to the application, subject a number of conditions / improvements to the local highway network to be secured through a Section 106 agreement.

Officers have visited the site on numerous occasions and as stated above acknowledge that the junction is unconventional in its layout. However, Essex Highways are the statutory consultee and provide the Council with specialist advice on highways matters. Their recommendations hold significant weight in the determination of a planning application. As such, while the concerns of neighbouring residents are noted, in the absence of a Highway Authority objection, and given the relative small scale of development proposed, the development of the site would not have a detrimental impact on the road

network or pedestrian safety. Furthermore, the access from the site from Lowefields is also acceptable to Essex Highways subject to conditions. The development is therefore considered to be acceptable from a highways perspective.

Ecology & Trees

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

Matters of landscape are reserved for later consideration. However, as set out in the submitted Arboriculture Impact Assessment, there are a number of trees and hedgerows on the site that are proposed to be retained and cut back where necessary. Some low value vegetation is also proposed to be removed on other site boundaries.

The Councils Landscape Officer initially raised a concern about the management of the western boundary hedge and the onus of responsibility this would place on future residents of the development. If left unchecked, the hedge could become overgrown and cause wider issues that will lead to a pressure to remove it. It was subsequently suggested that a gap be incorporated to allow for management of the hedge. As such, and as set out in the layout section, an approximately 1.8m gap was included within the revised plans between Plots 4,5 and 10 to enable the existing hedgerow on the western boundary to be retained and managed by a management company.

An additional tree protection plan was also submitted during the life of the application which identifies the hedges to be retained and the means of protection of these trees and hedges during construction. A compliance condition has therefore been recommended to ensure that the trees and hedges are protected by protective fencing prior to development commencing on site. The Landscape Officer had no objection to the Tree Protection Plan.

The landscape officer also raised some concerns about the tree work proposed to other areas of the site, although set out these particulars could reasonably be controlled at reserved matters stage and through planning conditions. The Landscape Officer had no objection to this approach.

In terms of ecology, an Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal- t4 Ecology Ltd, June 2017) has been submitted with this application. The report has been prepared by a suitably qualified ecologist. The report highlights that there was not a presence of any identified protected species at the site, although the report recommends that the hedge boundary to the west be retained. The report finds it unlikely that great crested newts or reptile species would be adversely affected by the development proposals given the land use, management and associated absence of potentially suitable habitat. The report recommends that no further surveys are required. The Council's Ecology Officer reviewed this survey and had no objection to the development.

Residents in their representations set out that where the site has recently been left unmanaged, more wildlife has been using the site, thus suggesting further surveys are required. However, if the development is approved, it would be accompanied by a number of conditions to protect bats or any other protected species, and some of this is also covered by separate legislation. As such, while the site may have been left more unmanaged within the past year, this does not justify the need for further surveys to be carried out at the site.

Taking all of the above into account, the development is acceptable from a landscape and ecology perspective subject to appropriate conditions.

SUDS, Sewerage and Drainage

Policy RLP69 of the Adopted Local Plan and Policy LPP78 of the Draft Local Plan states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

Government Policy as set out in Para.163 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to reduce the risk of surface water flooding in extreme weather events. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by either reducing the quantity of surface water run-off from a site or controlling the speed at which it reaches water courses or the drainage system. The use of SuDS techniques also promotes groundwater recharge, and improves water quality and amenity.

The site is located in Flood Zone 1 and is not at risk from other flooding sources such as surface water flows (pluvial), groundwater, tidal and artificial. The application was supported by a flood risk and surface water drainage strategy document. The document shows that the surface water generated at the site would be directed to a detention basin at a controlled rate towards the top of the site, which would act as the small area of amenity space for the development. It is set out that permeable paving can be provided for private driveways, accesses and car parking. The report also sets out that this surface water would discharge from the basin and be directed into a new sewer which would run beneath the driveway between Springtrees and Russetdene onto Tey Road before running north along Tey Road and connecting into the 300mm public surface water sewer at Manhole 4753.

Essex Sustainable Urban Drainage team have considered the submitted flood risk and surface water assessment and have no objections to the development, subject to a number of conditions. In addition, Anglian Water also have no objection to the development, stating that the Earls Colne Water Recycling Centre will have available capacity for these flows. Initially Anglian Water raised concerns with the submitted surface water strategy/flood risk assessment, however these issues were resolved during the course of the application. Anglian Water also required a condition for a further survey to be carried out by the developer to determine the exact extent of works that need to be carried out to facilitate the connection to the main sewer. However, should these works require the closure or partial closure of Tey Road, the works and vehicle movements would be managed by way of the Construction Method Statement required by Condition 10 if this was deemed to be necessary.

Lighting

Policy RLP65 of the Adopted Local Plan states that proposals for external lighting which require planning permission will only be permitted if the lighting is designed as an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; and there is no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users and there is no unacceptable harm to natural ecosystems.

No details of lighting have been submitted to support the application, however this is an application for outline planning permission so such detail would not be expected at this stage. These details will however be secured via condition. Notwithstanding the above, the site is located in an area that has existing illumination measures in place. As such, subject to an appropriate lighting scheme being secured via condition, there would not be a detrimental impact on the area by any future proposed lighting on the scheme. Lighting controls would also extend to protecting biodiversity in the area.

Reserved Matters Timescales

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

SECTION 106

Paragraph 96 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to

the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 and CS11 of the Adopted Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

Open Space in Braintree District is calculated in accordance with the standards set out in the Open Spaces SPD and the Core Strategy. The exact amount depends on what is being provided at the site. There would be a small area of amenity greenspace provided at the north of the site. Due to the scale of this development, there would not be a requirement for provision for equipped play, sports or allotments on the site, but instead these aspects could be secured via financial contribution to identified schemes in Earls Colne. The payment of the contribution will be secured through the S106 legal agreement. The calculation of the Open Space financial contribution can only be made once the number of bedrooms in each property is known, after the Reserved Matters have been agreed.

In addition, it is proposed that the maintenance of the amenity greenspace along with other areas of the public realm and the retained hedge would be maintained by a management company. This would also be secured through the Section 106 Agreement.

The Section 106 agreement will also secure 40% affordable housing on the site, which would equate to 9 units. 6 units will be provided as Affordable Rent and 3 provided as 'other affordable routes to home ownership' (e.g. shared ownership).

The S106 Agreement would also include works to the access from Leyfields, and works to improve the surface of the Public Right of Way between the site access and Tey Road. The exact method of how the PROW will be improved is currently being discussed with Essex Public Right of Way, but these works would include the instillation of hard standing on the PROW itself for a minimum width of 2m, and the culverting of the ditch alongside the eastern boundary of the site (and possibly to the junction with Tey Road) to help prevent surface water flooding.

Finally, the S106 Agreement would require financial contributions to the provision of additional Primary Education places and a Secondary School Transport contribution. These figures are anticipated to be in the region of £87,865 and £15,950.50 respectively although the actual level of contribution will be determined by the number of qualifying dwellings (dwellings with 2 or more bedrooms) and will be calculated after the Reserved Matters are agreed.

PLANNING BALANCE & CONCLUSION

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement for the District.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing more than moderate weight but less than significant weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number

and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of the economic and social objectives, the development of the site for 23 homes would contribute towards the Districts 5 year housing supply, which includes providing 9 new affordable units which will help the Council address the pressing need for Affordable Housing. Furthermore, the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application from 3 years to 2 years leading to earlier delivery of the site. There would also be jobs provided during the construction stage and once occupied, future occupiers would contribute to the vitality of the village, supporting local shops and services. The development of the site would also secure financial contributions to mitigate the impact upon services and open space within the area and would be secured through a Section 106 agreement. Similarly, the development would look to improve part of the local PROW network, which was an issue identified during the consultation process, and which will be for the benefit of all residents in the locality. As such, it is considered there are numerous economic and social benefits that would arise from the development that can be afforded moderate weight.

In terms of the economic and social objectives, the development of the site for 23 homes would contribute towards the Districts 5 year housing supply, which includes providing 9 new affordable units which will help the Council address the pressing need for Affordable Housing. Furthermore, the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application from 3 years to 2 years leading to earlier delivery of the site. There would also be jobs provided during the construction stage and once occupied, future occupiers would contribute to the vitality of the village, supporting local shops and services. The development of the site would also secure financial contributions to mitigate the impact upon services and open space within the area and would be secured through a Section 106 agreement. Similarly, the development would look to improve part of the local PROW network, which was an issue identified during the consultation process, and which will be for the benefit of all residents in the locality. As such, it is considered there are numerous economic and social benefits that would arise from the development that can be afforded moderate weight.

In terms of the environmental objective, although the site is located outside of defined settlement limits it is not in an isolated location, but located in one of the more accessible locations in the district in a key service village with good access services and amenities to meet many of the day to day needs of the future needs of occupiers. In addition, due to the visually self-contained nature and size of the site, its development for 23 houses could be reasonably

accommodated. There would be sufficient space to provide with sufficient parking and private garden space, while not having a detrimental impact upon the character of the area or wider landscape. Furthermore, while it is acknowledged that the Tey Road / A1124 junction is unconventional in its layout, the development of this site would not lead to an unacceptable level of traffic utilising the junction. Moreover, the site can achieve safe pedestrian and vehicular access from Lowefields. The development would also retain existing trees/hedging worthy of retention, would not significantly impact upon local wildlife and would not have a detrimental impact upon heritage assets. The site could also reasonably be developed without detriment to neighbouring properties, although these particulars would be secured at reserved matters stage. As such, there would be minimal environmental harm connected with the development.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the moderate weight afforded to the conflict with the Development Plan. The proposed development would constitute sustainable development and it is therefore recommended that planning permission is granted.

Section 106 Heads of Terms

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

- **Affordable Housing:** 9 units comprising tenure of 6 x Affordable Rent & 3 Shared Ownership. Trigger: not to permit the Occupation of more than 50% of the Market Dwellings until such time as all of the Affordable Housing Dwellings to be provided
- **Public Open Space:** On site provision of public open space, as shown on the Site Layout Plan. Management Company be appointed for the maintenance of the proposed open and amenity space and tree buffer zone. Financial contribution for equipped play, allotments and sports (details of projects to be discussed with the Parish Council). Exact figures to be confirmed at reserved matters stage in accordance with the Councils SPD
- **Highways:** Highways works to include; access to the site, and works to improve the surface of the Public Right of Way between the site access and Tey Road and works to culvert the ditch along the site boundary and adjacent to the Public Right of Way, to reduce surface water flooding on the footpath.
- **Education:** Financial contributions for primary education and secondary school transport, amount to be calculated in accordance with standard ECC contribution formula. (For Members information – ECC Education have indicated that if 23 qualifying dwellings are built,

then the financial contributions would be £87,865 for primary education and £15,950.50 for secondary school transport contribution. The actual level of contribution will be determined by the number of qualifying dwellings).

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

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

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: NC_17.333-P-202	
Proposed Site Plan	Plan Ref: 17.333-P-205	Version: a
Arboricultural Report	Plan Ref: HWA10042_2.0 APIII	
Tree Plan	Plan Ref: 17.337-P-209b	

1 Details of the:-

- (a) scale
- (b) appearance of the building(s);
- (c) landscaping of the site

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

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

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

Reason

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

Planning Act 1990 (as amended).

- 2 The landscaping scheme required by Condition 1 of this permission shall provide for the retention of an existing boundary tree/hedging (except as required to provide the proposed access) and shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

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

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

Reason

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

- 4 No above ground development shall commence unless and until details of all gates/fences/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of any dwelling hereby approved and shall be permanently retained as such.

Reason

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

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

Reason

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

- 6 Development shall not be commenced until an investigation and risk assessment, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include the following:

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

(iii) A remediation strategy (if required). The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason

To ensure the satisfactory drainage of surface water in the interests of sustainability. This matter must be dealt with prior to commencement of development as it will include works that need to be undertaken prior and during construction.

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

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

Reason

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

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

Reason

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

- 9 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

- 10 No development shall commence unless and until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery and demolition.
- A method statement for badger/small mammal protection during construction
- No HGV vehicles shall access the site if Tey Road is closed or partially

closed to facilitate connection to the main sewer network or other infrastructure connections.

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

Reason

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

- 11 No development shall commence unless and until a detailed surface water drainage scheme/strategy for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Further investigation with regards to the potential to discharge to the adjoining ditch network.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - Where discharge is to a Surface water sewer, permission in principle should be provided from the relevant water company.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

increased flood risk and pollution hazard from the site.

- 12 No development shall commence unless and until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason

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

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

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

- 13 No development shall commence unless and until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved, in writing by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

- 14 No development shall commence unless and until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

Reason

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

- 15 No development shall commence unless and until details of the proposed ecological enhancement of the site are submitted to and approved in writing by the Local Planning Authority. It should include new habitat creation, particularly the proposed SUDs scheme which should be enhanced for biodiversity through wildflower planting/seeding of the attenuation basin. It must detail the proposed habitat improvement/retention on the site particularly of the trees and hedgerows for wildlife corridors (including treatment of gaps in hedging to allow continuous foraging commuting routes for bats and badgers and provision of dark areas). Specification of the design, type and location of bird nesting and bat roosting boxes which where appropriate should be integrated into the building design and should include integrated swift bricks/boxes. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

Reason

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

- 16 No development shall commence unless and until a landscape and ecological management plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period)
 - g) Details of the body or organization responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding

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

Reason

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

- 17 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport. These packs will include information about local services and transport alternatives for future residence of the site.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

- 18 No development or preliminary groundworks shall commence unless and until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

Reason

This information is required prior to the commencement of development as the site is considered to be of potential archaeological importance, as such any investigative works would need to be completed prior to the commencement of development as not to disturb any potential archaeological remains.

- 19 No above ground development shall commence unless and until the following (including an implementation timetable) has been submitted to and approved in writing by the Local Planning Authority:

(a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

(b) details of any proposed external lighting to the site including a

strategy to protect bats

The development shall be constructed in accordance with the approved details/specification and thereafter so retained.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

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

- a minimum of 1 car parking space per 1 bedroom dwelling;
- a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
- a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and
- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 21 Rear garden amenity space across the development shall be provided in accordance with the minimum standards set out in the Essex Design Guide (2005) which requires the following garden sizes for dwellinghouses:

- a minimum of 25sq.m per flat
- a minimum of 50sq.m for 1-2 bedroom dwellings
- a minimum of 100sq.m for 3+ bedroom dwellings

Reason

To ensure future occupiers of the development can enjoy sufficient levels of amenity.

- 22 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 23 dwellings, parking, landscaping and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 23 The principal access to serve the development hereby permitted shall be constructed and available for use in accordance with the details as shown on the approved plan which is attached to and forms part of this permission prior to the first occupation of any dwelling.

Reason

To ensure roads/footways are constructed to an acceptable standard and in the interests of highway safety.

- 24 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Hallwood Associates, reference HWA10042_2.0 AP111, dated January 2018, and the Approved Tree Protection Plan reference 17.337-P-209b. No alterations or variations to the approved works or tree protection schemes shall occur. The installation of the approved protective fencing shall take place prior to commencement of development on the site.

Reason

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

INFORMATION TO APPLICANT

- 1 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
 - Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
 - It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
 - The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
 - SUDS advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements.

- 2 Lighting for Bats
 - i. the developer should identify areas/features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging; and
 - ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

- 3 The badger protection shall include
 - a) Creation of sloping escape ramps, which may be achieved by edge profiling of trenches /excavations or by using planks placed into them at the end of each working day; and
 - b) Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.
- 4 To avoid disturbance to nesting birds vegetation removal should take place outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified ecologist. Any active nesting sites found must be cordoned off and remain undisturbed until young birds have fledged. (This should include ground nesting birds and on/in buildings also).

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built.
- 5 It has been reported that the majority of the site currently has no suitable habitat for reptiles due to it being mown and grazed. Therefore a mowing regime of the development area must be maintained prior to construction commencing to ensure it does not become overgrown/neglected and provide a potential attractive habitat for reptiles.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

[Report Addendum] - 18/00214/OUT Land Rear Of Tey Road Earls Colne Co6 2LH

This table aims to summarise and respond to the points raised by the Resident objection group in respect of the Tey Road planning application. The table will follow the same headings as those set out in 10 points, and will summarise at the end

Resident objection dated 13 th December 2018	Officer Response
<p>1) Omission of a Key Consultees Public Safety Requirement</p> <p>The Planning Officer fails to mention comments in ECC Education response which states:</p> <p><i>“The developer should ensure that safe direct walking and cycling routes are available to the local school”</i></p> <p>There is no footway on either side of Tey Road in close proximity to the entrance with the A1124 – residents are required to walk on the road near a blind corner which is not safe.</p> <p>Traffic report submitted with the application shows a footway where none exists.</p>	<p>The content of all Consultee Comments are summarised within the publicised committee report. Councillors are however able to review every Consultee Comment in full on the planning application website and Officers are aware that Committee Members will often read key consultation responses, including that of the Highway Authority, in full. In any case, while the exact phrasing from ECC Education was not included within the consultee comment section in the committee report, this does not mean that it was not taken into account. The lack of a pedestrian footpath in close proximity to the junction between Tey Road and the A1124 is highlighted within the published Committee Report.</p> <p>While ECC Education have said that the Local Planning Authority should ensure that there is a safe walking route to be provided by the developer, they have not raised an objection to the application on the basis that no safe walking routes are available. Instead this is a standard comment that ECC Education include within most of the consultation responses that they provide on planning applications.</p> <p>In terms of improving walking routes for pedestrians from the site, as part of the application the Local Planning Authority are requiring the developer to culvert and tarmac the Public Right of Way which runs parallel to the front of the site. This would significantly improve public connectivity from Lowefields to Tey Road for both existing and future residents. This is set out in the published Committee Report.</p> <p>Irrespective of all of the above, Essex Highways are the statutory consultee in respect of all matters relating to vehicle and pedestrian safety. Essex Highways considered the merits of the application and have raised no objection.</p> <p>As such, taking into account all of the above, while the concerns of residents are noted, it is considered that the committee report adequately addresses the points raised in respect to pedestrian safety, and that pedestrian safety would not be detrimentally compromised by this proposal.</p>
<p>2) Serious Underestimation of Vehicle Movements</p> <p>The number of 4 and 5 bedroom units have increased</p>	<p>As set out in the Committee Report, scale is not a matter for consideration at this stage. As such, the Local Planning Authority are not approving the unit mix at this stage and it will be a reserved matter.</p>

<p>at the site even though the unit numbers have reduced from 30 to 23; the 4 and 5 bedroom houses would go from 30% to 47.8%. This would give rise to a minimum number of 100 vehicle movements per day. This is significantly understated in the Committee Report.</p>	<p>In any case, the numbers of vehicle movements specified in the transport statement submitted with the application are indicative only and could fluctuate on a daily basis. ECC Highway Officers are experienced at assessing transport statements that accompany planning applications, including Outline applications such as this. As set out in the Committee Report, ECC Highways have considered the likely impact of the development in terms of additional vehicle movements on the highway network and raised no objection. As such, the Local Planning Authority could not reasonably raise an objection in this respect.</p>
<p>3) Failure to Address Key Road Closure Issues</p> <p>Tey Road would be required to be closed to facilitate sewage connection – any diverted traffic would be required to go towards Chalkney Wood which is a single track road not appropriate to accommodate diverted traffic.</p>	<p>Anglian Water have confirmed that there will be a need for new infrastructure to convey foul water flows to the receiving sewerage network and that this is the responsibility of the developer. This infrastructure is mainly included on site but the works will include making a connection to the existing foul network.</p> <p>To determine the exact extent of works that need to be carried out to facilitate this connection, Anglian Water have confirmed that a further survey would need to be completed by the developer.</p> <p>As such, at this time it cannot be confirmed whether Tey Road would be required to be closed to allow the connection works, or if it does need to be closed whether it would only need to be partially closed.</p> <p>It is understood that some residents are concerned about construction traffic using unsuitable routes to access the site in the event of a road closure but a condition has been recommended that will require that construction traffic only use an approved route (the Construction Method Statement (condition 10)). In this case it is proposed HGV movements are suspended to the site if Tey Road requires closure or partial closure.</p>
<p>4) Ignoring Significant Public Safety Issues Raised by a Report that Highways Admits it cannot take into account</p> <p>Essex Highways are the statutory consultee, yet they cannot consider the Ardent Report prepared by residents, while the planning officer states that matters pertaining to highways are dealt with by Essex Highways, attaching</p>	<p>Essex Highways remain the statutory consultee for all matters related to the local highway network. Essex Highways will assess the likely impact of a development in relation to (inter alia) the suitability of the site access, the impact that potential vehicle movements will have on the highway network and highway safety. As set out in the publicised Committee Report, Essex Highways had no objection to the development. It is noted that residents disagree with the findings of the Highways Officer.</p> <p>The Ardent report prepared by residents highlights a number of deficiencies with the junction of Tey Road and the A1124 and this is documented in the Committee Report. The conclusion of the Ardent report is that further development would likely</p>

<p>significant weight to their comments. Thus there is no responsibility taken in respect to vehicle safety.</p> <p>Essex Highways have not considered cumulative developments allowed elsewhere in the locality in their assessment of the site.</p>	<p>increase the risk of accidents at the junction, but concedes that there are no reported accidents. Essex Highways are tasked with ascertaining whether the increase in vehicle numbers using this junction would detrimentally increase the risk to vehicles and pedestrians as a result of this and other allowed development. As set out in the Committee Report and documented above, Essex Highways have not objected to the application.</p> <p>Moreover, in the absence of an Essex Highways objection, if the Local Planning Authority were to refuse the planning application in relation to highway safety, Officers consider that it would very likely lose an appeal and the Council would be liable to a claim of costs.</p>
<p>5) Inaccurate Claims about Density</p> <p>The development would not commensurate with the density of development in the locality which would be 14 dwellings per hectare including Tey Road, Tey Road Close and Lowefields.</p> <p>The development would be 23 dwellings per hectare.</p>	<p>It is acknowledged that the development would be at a higher density than existing development in the wider locality. The Committee Report highlights that the density would be ‘more commensurate’ with the densities in the locality but does not state that this is the same.</p> <p>Critically however, the development of the site corresponds with the pattern of development found elsewhere along Lowefields and Tey Road and this is documented in the Committee Report. As such, while the density may be higher within the site, it is a more efficient use of land that is required by national and local policy. Moreover, by comparison to other recent housing developments, most schemes are being at a density of 30 dwellings per hectare or more and the Publication Draft Local Plan states that as a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land. This site comprises a lower density in order to reflect the wider pattern of development and site constraints.</p>
<p>6) Claims that this is ‘Materially Different’ from the site rejected in the development plan</p> <p>The development of the site has circumnavigated the planning process by submitting an application rather than pursuing it through the emerging Local Plan.</p> <p>The site is not materially different to when it was considered and rejected as</p>	<p>It should be noted that the Local Planning Authority are required to determine applications that are submitted in accordance with Adopted Planning Policies and material planning considerations. The Local Planning Authority cannot refuse to validate a planning application because a particular site has not been taken forward through the Local Plan Process first. It is not unusual in the current planning environment for landowners and developers to pursue planning applications for sites after the Council has not recommended that they are not proposed to be allocated through the emerging Local Plan.</p> <p>It should also be noted that the reference in the Committee Report to the site being ‘materially different’ does not relate to the site characteristics. The material difference described in the Committee Report is related to the area of land that would be encompassed within the red line location plan, which, as set out</p>

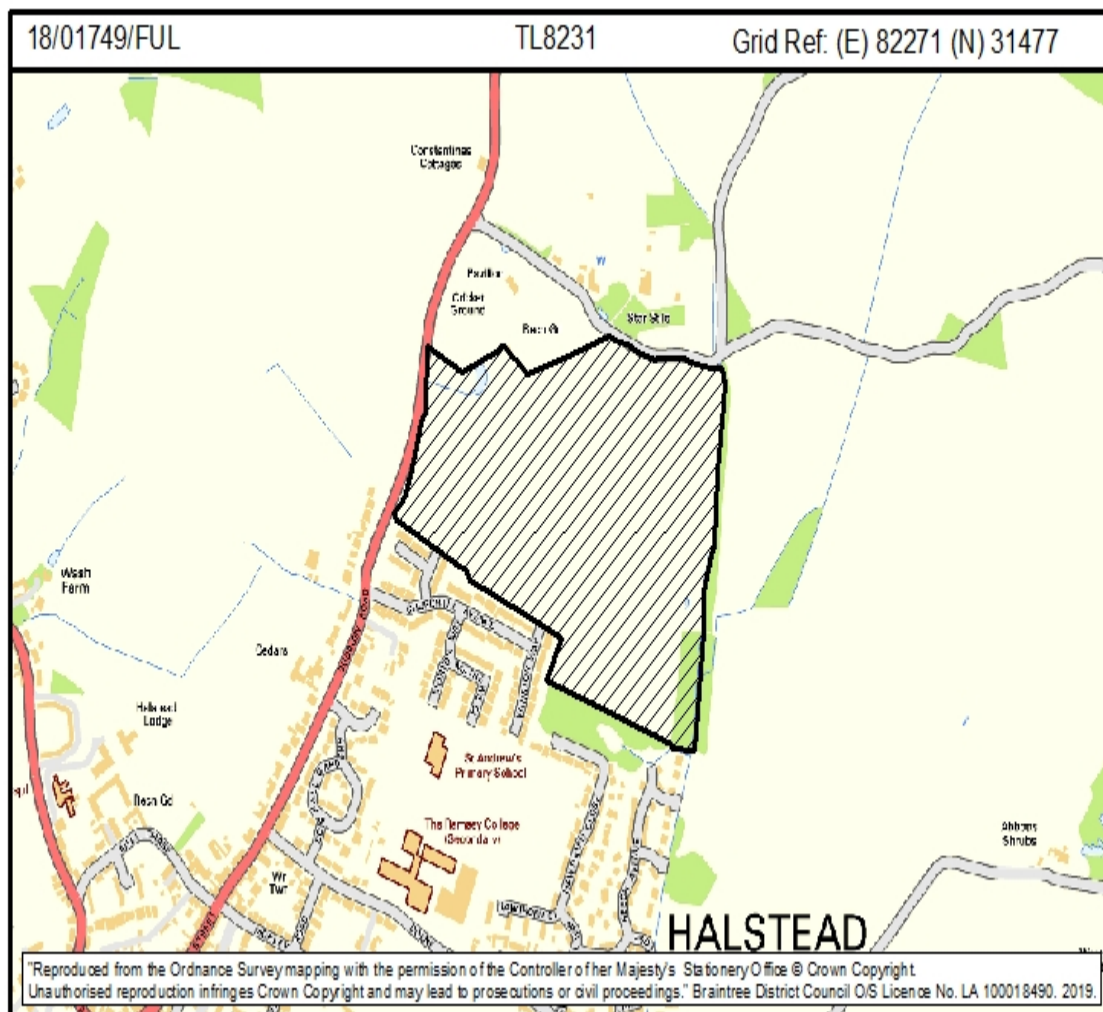
<p>part of EARC 218 at the call for sites stage.</p>	<p>in the Committee Report, would be less than what was previously considered as part of the local plan process.</p>
<p>7) Struggling to Fit the Sustainable Development Objectives</p> <p>The letter illustrates a number of points of disagreement in relation to economic and social benefits and environmental harm.</p>	<p>It is noted that residents disagree with the assessment made by the Planning Officer in respect of the three objectives of sustainable development. The stated benefits and assessment of harms have been drawn up based on the judgement of Planning officers but also with reference to Planning Appeal decisions that Officers have seen. . The Planning Balance exercise is a pre-requisite for any development relating to the creation of a new dwelling in the current circumstances. Planning Inspectors have identified economic and social benefits such as short term job creation, contributing to vitality of the village, supporting local shops and businesses. Officers have carefully considered the weight that can be attached to these benefits again with reference to Appeal Decisions. Within the body of the report officers consider the weight that can be attached to these benefits. As set out in the committee report, due to the scale of development for 23 dwellings, it is considered these benefits can be given moderate weight.</p> <p>In terms of environmental harm, there will be an impact on the environment when developing a greenfield site. However, this is the same for any greenfield site in the District. The District contains a limited amount of brownfield land that is suitable for development so if the Council are to facilitate home building at the rates required by the Government Planning applications have been allowed on appeal for the development of all kinds of green areas. This in itself is not a reason to refuse planning permission in these circumstances.</p> <p>Furthermore, as part of this development it is considered the sites most valued characteristics such as the hedge would be retained, while the overall visual impact on the wider countryside would be limited for reasons set out in the Committee Report. It should also not be forgotten that while the Council have a 5 year land supply, this is not a secure position for reasons set out in the Committee Report and thus each application must be determined on its own merits.</p> <p>Taking all of the above into account, the benefits of the development are considered to outweigh the harms and thus in accordance with the NPPF the development should be approved.</p>
<p>8) Obligations to Developers</p> <p>Due to revisions to the planning application between the developer and the Planning Officer, there may be an obligation on the part of</p>	<p>It should be noted that it is common practice for Officers to engage with developers to try to secure the best possible design and layouts in new development. We as a Local Planning Authority have an obligation from National Government to be positive and proactive on all sites where possible. This means that where there are issues the Council should explain what</p>

<p>the planning officer to recommend approval.</p>	<p>these are in order that the applicant has the opportunity to overcome these concerns.</p> <p>Notwithstanding the above, there is no requirement on the Local Planning Authority to accept revised plans if they do not overcome issues identified. In this case, the issues were considered to have been overcome from the original application thus planning approval has been recommended.</p>
<p>9) Ignoring Public Opinion on a Highly Contentious Proposal</p> <p>The planning officer has not made members aware of the significant public objection to the development, most of which set out sound planning reasons. It is apparent these representations hold no weight and can be circumvented at will.</p>	<p>It should be noted that each and every representation made by members of the public were read in full by the Planning Case Officer and as is usual practice a summary of the main points raised is set out in the representation section of the report. There have also been numerous public consultation periods on this application for revised plans etc. However, just because there is a large number of objections to a development, does not mean that planning permission can be refused. A planning application must be considered on its individual merits in accordance with national and local policy. If no sound reasons or grounds to refuse an application arise then the application should be approved in accordance with the NPPF.</p>
<p>10) Not Affording Due Weight to the Development Plan</p> <p>The emerging plan should be given more than moderate weight as it has a solid foundation of evidence. It should be given substantial weight.</p>	<p>The reason why the Council cannot attribute full weight to the Emerging Local Plan is clearly set out in the Officers Committee Report and follows the requirements of the NPPF. Were the Council to attach full weight to an emerging plan then the Council would be likely to be found to have acted unreasonably at appeal and it is likely that costs would be awarded against it.</p>
<p>Summary</p> <p>The Committee Report does not provide an accurate representation of all issues and is biased towards approving the application.</p>	<p>It is considered that the Committee Report fairly addresses all issues and has not provided an inaccurate representation of the issues. The Committee Report carefully considers all aspects pertaining to the merits of the proposal and concludes that the development should be accepted in line with adopted national and local policies.</p>

PART A

APPLICATION NO: 18/01749/FUL DATE: 25.09.18
 VALID:
 APPLICANT: Bellway Homes Ltd
 C/o Agent,
 AGENT: Ms Jennifer Carroll
 Strutt And Parker, Coval Hall , Rainsford Road, Chelmsford,
 CM1 2QF
 DESCRIPTION: Erection of 218 homes with associated infrastructure
 including SUDs features, new accesses from Tylneys Road
 and Winston Way, hard and soft landscaping and provision
 of public open space.
 LOCATION: Land East Of, Sudbury Road, Halstead, Essex

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



SITE HISTORY

05/00179/FUL	Construction of main football pitch, 2 no. practice pitches, kids pitch, associated club house and pavilion, car parking, access and flood lighting for the proposed relocation of Halstead Town Football Club	Refused	03.08.05
16/02094/FUL	Change of use of land for the keeping of horses and the erection of three stable blocks with associated hard standing, fencing and vehicular access	Refused	06.02.17
17/00575/OUT	Outline planning permission for up to 205 residential dwellings (including 30% affordable housing), 0.51ha for apartments with care (C2 use class), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.	Granted with S106 Agreement	09.11.17
18/00007/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Full application comprising residential development 6.72 ha, up to 218 dwellings and open space 13.53 ha.	Screening/ Scoping Opinion Adopted	06.12.18
18/02005/DAC	Application for approval of details of reserved by conditions 7, 8, 13, 17, 28, 29, 30 and 32 of approved application 17/00575/OUT	Pending Consideration	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans

RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP86	River Corridors
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP136	Formal Recreation Policy
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP4	Providing for Employment and Retail

SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

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

Other Guidance

Landscape Character Assessment 2006
Braintree District Settlement Fringes – Evaluation of Landscape Analysis June 2015

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications. The Town Council also object to the application contrary to the Officer recommendation for approval.

NOTATION

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

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

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

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Town Development Boundary of Halstead which is located to the South. It measures approximately 20.25 hectares and consists of 3 agricultural fields and two areas of woodland. The site falls by approximately 19m from the north-west to the south-east.

The site is bounded to the north partly by Halstead Cricket Club and partly by Star Stile Lane beyond which lies Star Stile House, a Grade 2 Listed building. To the west lies the A1313 (Sudbury Road) and to the south existing residential development. A local wildlife site is also located immediately adjacent to the site's southern boundary. To the east further agricultural land is positioned beyond a linear tree belt.

In terms of the wider context, the town of Halstead lies to the south whilst agricultural countryside is positioned to the west, north and east.

PROPOSAL

The applicant seeks full planning permission for the erection of 218 dwellings with associated infrastructure including SUDs features; new access points from Tylneys Road and Winston Way; hard and soft landscaping and the provision of public open space.

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

- Planning Statement
- Design and Access Statement

- Transport Assessment
- Flood Risk Assessment and Drainage Strategy
- Contaminated Land Assessment
- Biodiversity Method Statement
- Arboricultural Impact Assessment
- Construction Management Plan
- Noise Impact Assessment

CONSULTATIONS

Three consultations were completed, the first upon receipt of the planning application and the second and third following receipt of revised plans.

BDC Waste

No objection and no comments to make.

Essex County Council (ECC) Highways

No objection subject to conditions or s106 obligations requiring the following:

- A Construction Traffic Management Plan
- The completion of the proposed site access as shown on Drawing 181741-011
- The upgrading of the two bus stops which would best serve the application site with details to be agreed with ECC Highways prior to commencement of development
- The provision of a footpath between the application site and the western end of Honeywood Road
- Improvements to the public rights of way which run through the application site between Star Stile Road; Sudbury Road; Hawthorn Close and Beech Avenue with detail to be agreed with ECC prior to the commencement of development
- Residential Travel Information Packs

ECC Highways also advise that the public rights of way network is protected by the Highways Act 1980.

The public's rights and ease of passage over the public footpaths located at Star Stile, Sudbury Road, Hawthorn Close and Beech Avenue shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Where an application for a permeant diversion of the definitive route of a PROW is required, the outcome of such an application is not guaranteed. The applicant is advised to contact PROWPlanning@essexhighways.org to progress this.

BDC Housing Officer

No objection.

This application seeks detailed approval for a scheme of 218 residential dwellings including 65 affordable homes. I confirm we are happy that this meets the requirements of Affordable Housing Policy CS2 of Adopted Core Strategy.

The affordable unit and tenure mixes illustrated on submitted Site Master Plan 8661/03 and Affordable Housing Plan 8661/23 are considered completely appropriate to match evidence of housing need.

Type	Total	Rent	S/O
1 bed 2 per house	13	7	6
2 bed 4 per house	37	25	12
3 bed 5 per house	6	3	3
3 bed 6 per house	6	6	0
4 bed 7 per house	1	1	0
2 bed 4 per bungalow (Part M Cat 3a)	1	1	0
3 bed 5 per bungalow (Part M Cat 3a)	1	1	0
Total	65	44	21

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

We are supportive of this application because it provides opportunity for a significant number of new affordable homes to be delivered which will assist the Council in addressing housing need.

Essex Wildlife Trust

The proposed landscape management and ecological mitigation plans, along with details of their long-term funding, should be secured by condition as part of approval. We would advise that the proposed development is an ideal location for the inclusion of integral swift bricks into the new build dwellings. Technical advice on how to proceed can be provided by John Smart (Save our Swifts), the Essex Birdwatching Society and by ourselves.

Natural England

Objection. Based on the information provided in support of the application, Natural England's view is that there is currently insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary Special site1 Protection Area (SPA) and Ramsar to be ruled out.

Request that information is provided in relation to the above and that we are re-consulted on this accordingly and given a further 21 day period within which to respond.

ECC Archaeology

The application relates to land previously covered by application 17/00575/OUT for which an archaeological condition was recommended. A Written Scheme of Investigation and a programme of archaeological evaluation has been completed for this application and no further archaeological fieldwork is required. A report will need to be submitted to fulfil the condition on application 17/00575/OUT. There will be no requirement for any conditions on the above application.

ECC Education

No objection subject to the following contributions being secured:

Early Years and Childcare – the proposed development is located within the Halstead St Andrews Ward. There are insufficient places to meet demand from this proposal. A developer contribution of £319,868 is therefore required to mitigate the development's impact upon Early Years and Childcare provision.

Primary Education – the proposed development sits within the priority admissions area of St Andrews Primary School. The School is at or close to capacity in every year group. There is also significant pressure on primary schools across the area. A developer contribution of £935,197 is therefore required to mitigate the development's impact upon local primary school provision.

Secondary Education – it is anticipated that there will be enough capacity at the local school, The Ramsey Academy to accommodate a development of this size.

Having reviewed the proximity of the site to the nearest primary and secondary schools Essex County Council will not be seeking a school transport contribution. The Developer should ensure that safe and direct walking/cycling routes are available to the nearest schools.

NHS

The proposed development is likely to have an impact on the services of 1 main surgery operating within the vicinity of the application site. The GP practice does not have the capacity for the additional growth resulting from this development and cumulative development growth in the area.

The development would have an impact on healthcare provision in the area and its implications if unmitigated would be unsustainable.

A Developer contribution of £82,478 is required towards improvements to capacity, by way of the provision of additional administrative space to increase clinical capacity for the benefit of the patients of the Elizabeth Courtauld Surgery.

Greenstead Green and Halstead Rural Parish Council

Acknowledge that the principle of development has already been accepted with the grant of planning permission 17/00575/OUT. The Parish Council's comments therefore focus upon the proposed parkland and public open space which falls within our parish boundary.

- Delivery of 13.53ha of public open space is welcomed and supported
- Consider that the Landscape and Nature Conservation Management Plan which accompanies the application provides a good framework
- Full implementation of the plan will enable the landscaped park to become an attractive and usable setting for the residential scheme
- Therefore important that the Management Plan is ratified through the s106 Agreement
- Parish Council is keen to ensure that the structural planting along the northern edge of the residential development is maintained throughout the life of the development

Health and Safety Executive

The Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.

As the proposed development is within the consultation distance of a major hazard pipeline you should consider contacting the pipeline operator (Cadent Gas Ltd) before deciding the case because:

- The operator may have a legal interest (easement; wayleave etc) in the vicinity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline.

Cadent Gas Ltd (National Grid)

Cadent Gas issued a standard holding response followed by a further response issued on the 29 November stating that they had no objection to the proposal in principle. Following the general re-consultation for the application Cadent Gas again issued their standard holding response although the details of the proposed development in relation to the high pressure gas pipeline which crosses the northern part of the site had not changed.

At the time of writing their final response is still awaited although Officers do not anticipate that it will differ to their previous response which stated no objection in principle.

Sport England

The proposal does not fall within either our statutory remit or non-statutory remit therefore Sport England has not provided a detailed response in this case.

If the proposal involves the provision of new housing it will generate additional demand for sport. If existing facilities do not have the capacity to absorb the additional demand then new/improved sports facilities should be secured and delivered in accordance with approved local policy.

ECC Minerals and Waste

The Mineral Planning Authority has no objection with regard to the current planning application.

Environment Agency

No objection (consultation identified as being unnecessary).

ECC Historic Buildings Consultant

No objection. The present application differs little from that previously approved (17/00575/OUT).

Essex Police

BDC Local Plan Policy RLP90 requires development design and layouts to promote a safe and secure environment; crime reduction and prevention and encourage the relative enhancing of personal safety.

The Design and Access Statement (DAS) states that it is intended to hedge the LEAP/LAP play area with a 2m hedge, this not recommended as this would remove any natural surveillance over this area. Care needs to be taken with trees and hedging to ensure that their height and location do not conceal the play area or jogging track.

The plans show dividing fences between properties as being 1m close boarded wooden fencing it should be noted that burglars are known to go "garden hopping" between properties to commit crime and at 1m the fencing will not deter this.

To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We note within the DAS that the applicant intends consulting with us with the object of achieving a Secured by Design award and look forward to hearing from them.

Anglian Water

Anglian Water were formally consulted on 22nd October 2018 and were prompted again on 28th January 2019, 4th February 2019 and again on 7th February 2019. No consultation response has been received to date.

Officers note however that Anglian Water did manage to respond to the consultation for the previous outline planning application (17/00575/OUT) stating no objection and confirming that Halstead Water Recycling Centre had available capacity for wastewater flows from the development and that the foul sewerage network had capacity for the required flows.

The planning application to which this previous consultation response relates is subject to an extant planning permission and could be implemented. Officers therefore consider that the current application which is for 218 dwellings as opposed to the previous application for 205 dwellings plus a care home is directly comparable and that there are therefore no grounds for objection from Anglian Water.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures. We are satisfied that there is sufficient ecological information available for determination. Conditions relating to securing the recommendation set out in the submitted Ecology Appraisal and a wildlife sensitive lighting scheme are required.

BDC Landscape

No objection. With reference to the plans submitted for SuDS embankment planting - I have looked at the details prepared by Matt Lee to soften the impact of the new structure and consider they will help to mitigate the visual impact; part of the consideration is the proximity of the PROW to the engineered structure and the proposal to divert the route of the definitive path to provide a wider margin/buffer will provide a more acceptable relationship – and a less jarring aesthetic, for those walkers using this well-used footpath, subject to the appropriate consent from Essex County Council's Rights of Way Officers.

The planting mixture for the Eastern Embankment Edge would also benefit from an evergreen component and an increase in the proportion of blackthorn, *Prunus spinosa* - (a better colonising species) at the expense of the proportion of hawthorn, *Crataegus monogyna* and removal of *Euonymus europaea* from the planting palette.

The tree planting proposals across the remainder of the development are proportionate to the development and the boundary planting with the parkland is appropriate to the setting; the boundary with Sudbury Road shows separate groups of birch, field maple and scots pine and I would prefer to see a more

intimate mix of pine and birch with the birch as a nurse crop for the pine and planted in a ratio of 3:1 with exclusion of the other proposed species.

Conditions:

1. Tree Protection Plan is approved and in place before development commences.
2. The approved play area is installed at an early stage of the development.
3. The scheme is landscaped in accordance with the approved plan.

BDC Environmental Health

No objection subject to conditions relating to hours of working; piling noise and vibration levels and the burning of construction waste. The noise mitigation measures set out in the applicant's Noise Report shall also be completed prior to first occupation of the relevant dwellings and a report submitted to evidence that these works have been completed.

A condition is also requested requiring the applicant to submit an Air Quality Assessment detailing the impact the development may have on local air quality due to increased levels of traffic due to development and its impact on Halstead Town Centre.

ECC Flood and Water Management

No objection following the receipt of further information. Require standard conditions relating to the submission of a detailed surface water drainage strategy; the submission of a scheme to minimise the risk of offsite flooding during construction; the submission of a Maintenance Plan for the proposed SUDs system and a requirement for the keeping of a maintenance log of this system.

Halstead Town Council

Objection.

- 1) The increased burden of traffic on Churchill Avenue would be a safety and congestion issue and access from Sudbury Road via a roundabout would be the better solution
- 2) The S106 money should be the same as previously agreed as a minimum requirement, adjusted for the increased number of dwellings
- 3) The objector to Plot 192 should be consulted to find a workable solution to their objections
- 4) A bus route through the estate should be planned if possible and a bus stop should be placed near the access point
- 5) There should be a wildlife pond included on the site
- 6) The aesthetics for the site should be revisited

Halstead 21st Century Group

Objection.

Request a full archaeological report is completed and made publicly available.

Worrying that a Habitat Regulations Assessment (HRA) has not been completed and published yet.

Landscape proposals will go so far to offset the urbanisation of this rural area. To comply with Policy CS8 BDC could ensure conditions include creation of a pond; hedgerow restoration; planting of native tree species; sowing of native plants; bat and bird boxes; and a robust conservation based maintenance programme.

Tree planting should be required across the whole development site.

Request that negative impact on Public Rights of Way 89-19; 89-32 and 89-21 be reduced by mitigation measures.

ECC Highways comments not yet submitted. BDC should consider fully the extensive knowledge of Halstead residents regarding local road conditions and safety.

Representations

At the time of writing 48 letters of objection have been received. The main reasons for objection are summarised below:

- Impact of development upon directly adjacent properties (loss of privacy; loss of enjoyment of property; loss of sunlight/daylight; loss of view/outlook; overbearing; new dwelling located far too close; noise)
- Highways safety with regard to pedestrians, particularly children
- Highway safety (vehicular) including in relation to local bus depot whose buses use the junction of Churchill Avenue and Tylneys Road to turn around in
- Object to development being accessed via existing cul-de-sacs – should be via Sudbury Road from which the temporary construction access is proposed with extension to 30mph zone
- Increased noise and traffic
- Increased air pollution – Halstead already has an air pollution problem
- BDC Planners have a duty of care to existing residents (particularly) in relation to air quality and health
- 'Proposed' open space is simply a makeover of existing open space already accessible by public footpath
- Impact upon wildlife/natural habitat
- Inadequate buffer zone between development edge and Coggeshall Pieces. Previously agreed to be no less than 40m

- More in depth surveys required for Great Crested Newts in resident's gardens ponds at Churchill Avenue
- Inability of infrastructure to cope (doctor's surgery/healthcare; education; social care facilities; public transport)
- C2 Care Home has been dropped from proposal. No evidence to justify this has been submitted
- Council have already ignored significant local concerns about the development of this site
- Loss of greenfield site
- Flood risk
- Council have refused an application for 70 dwellings at Chapel Hill, Halstead. Current application must be refused if Council's policy on tribunals has changed since the original application was approved
- Question the legality of the previous decision where ECC Highways comments were based on 3 access points not two. No Transport Assessment has been completed for a two access point scheme
- Loss of good agricultural land
- Request 1.8m boundary fence uses concrete posts for longevity
- Natural England's advice regarding inclusion of swift nest bricks should be followed. A pond should be constructed rather than 13 additional dwellings. These would be enhancements to biodiversity
- Gladman intend to submit another application for 200 houses on the opposite side of Sudbury Road, immediately opposite the current development site. Access to this new site would have to be from Sudbury Road. A roundabout could serve both developments reducing traffic impact on the Churchill Road/Sudbury Road junction
- High pressure gas pipe (Major Accident Hazard) located in close proximity to the proposed housing estate. Health and Safety Executive should be consulted
- Concerned at advertising by flags and other displays already erected on the site by overzealous developers before planning permission has been finalised
- Development overcrowded and not in keeping with the area

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

The Development Plan

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

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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

landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the Publication Draft Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular Policy LPP1 which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The proposed development is therefore considered to be contrary to the Development Plan and the Publication Draft Local Plan.

The adopted Development Plan also allocates the western part of the site for formal recreation under adopted Policy RLP136. Policy RLP136 states that development which would result in the loss or reduction of formal recreation sites will not be permitted unless it is for ancillary buildings or alternative open space is provided and there is no loss of visual amenity. However, this allocation is not carried forward into the Publication Draft Local Plan.

Furthermore the formal recreation identified is on privately owned land which the Council has little, if any control to bring forward in this capacity. The proposed development would allocate 13.2ha of public open space, a significantly larger area than that which was allocated for formal recreation. The fact that there is also an extant consent in place to develop the site in a residential capacity also carries significant weight in this context.

5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the Planning Practice Guidance, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, 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. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually

every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;

- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19th October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context

described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

The Application Site and the Emerging Local Plan

The application site is not proposed for allocation in the Publication Draft Local Plan and is therefore contrary to it, in particular Draft Policy LPP1 which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The Publication Draft Local Plan is at a relatively advanced stage having been submitted for Examination, with the Examination commencing on 16th January 2018. At the time of writing the Examination for Part 2 of the Draft Local Plan is due to take place later in 2019. As such limited weight can be given to its policies.

The Previous Planning Permission

Outline planning permission was granted on the 9th November 2017 (17/00575/OUT) for the erection of up to 205 dwellings on the application site alongside a Care Home. This permission remains extant and represents a clear fall-back position. This is a very significant material planning consideration in the determination of the current planning application as the principle of the residential development of the site is already established.

Location and Access to Services and Facilities

The application site is located immediately adjacent to but outside the Town Development Boundary of Halstead as identified in the adopted Local Plan. Halstead is identified in the adopted Core Strategy as a main town, one of 3 within the District.

Main towns sit at the top of the settlement hierarchy within the District with Halstead being the major service centre for the north of the District.

The designation of Halstead (alongside the two other main towns of Witham and Braintree) as a settlement sitting in the top tier of the settlement hierarchy has been carried forward into the Publication Draft Local Plan. Further tiers have been added to the lower part of the hierarchy with Key Service Villages; Second Tier Villages and Third Tier Villages sitting below the main towns.

It is therefore accepted that at the strategic level the town of Halstead is identified as being one of the more sustainable locations within the District, acting as the major service centre for the north.

The application site itself is considered to be positioned in a sustainable location, being positioned immediately adjacent to the Town's existing Development Boundary. Halstead, as one of the District's main towns provides a wide range of facilities and services which are accessible from the application site by foot or bicycle with the northern end of the High Street (junction between Heddingham Road and the High Street) being located approximately 870m from the closest point of the application site, where the applicant proposes a footpath link.

The Town's facilities include 4 pre-schools/nurseries; 3 Primary Schools, a secondary school, numerous shops; a number of café's; restaurants and pubs, several dentists and a doctor's surgery.

In terms of public transport, there are regular bus services provided from the town to the wider hinterland including to Colchester and Braintree. The closest bus stop to the site is located on Sudbury Road.

Heritage

There is a Grade 2 listed building (Star Stile House) located to the north of the application site approximately 74m from the site boundary and approximately 288m from the nearest dwellings and the edge of the developable area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, Policy RLP100 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy also seek to conserve the setting of listed buildings and the historic environment and paragraph 193 of the NPPF requires great weight to be given to the conservation of heritage assets.

Star Stile House is located a considerable distance from the developable area of the site. The Council's Historic Building's Consultant has reviewed the application and has no objection to the proposal on heritage grounds, with no specific harm identified to the heritage asset.

Star Stile Lane (also known as Cangle Lane), which is identified as a Protected Lane under Policy RLP87 of the Adopted Local Plan is also located to the north of the application site. Policy RLP87 seeks to conserve the traditional landscape and nature conservation character of such lanes, including their associated verges, banks and ditches. Proposals which would adversely affect the physical appearance of such lanes or give rise to a material increase in traffic using them will not be permitted.

Again, due to the fact that the northern part of the application site would not be developed it is not considered that the proposal would cause any specific harm to this protected lane. In addition, the vehicular access points to the site

would be taken from its opposite (southern) boundary and additional traffic would not be directed onto Star Stile Lane (Cangle Lane).

Design, Appearance and Layout

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

The applicant seeks full planning permission for the erection of 218 dwellings. The submitted layout proposes two vehicular access points taken from Tylneys Road and Winston Way respectively. Two pedestrian only access points are also proposed, one linking the western end of the site to the existing footway network which runs parallel to Sudbury Road and a second which would utilise the existing public right of way which leads onto the site from the adjacent nature reserve. Two further pedestrian connections are detailed on the site's northern boundary. The proposed dwellings would be located on the southern part of the site whilst the northern part of the site would form a substantial area of public open space.

The dwellings would be arranged in a series of perimeter blocks which would allow the development to be outward facing on all sides. The exception would be where the development would directly adjoin existing development to its south. In this area the perimeter blocks would be positioned either in a back to back or side to back relationship with the existing dwellings in the locality.

The development proposes a mix of house types including 1, 2, 3 and 4 bed units. The specific mix consists of 13no. 1 bed units; 52no. 2 bed units; 90no. 3 bed units and 63no. 4 bed units. The layout is compliant with the Essex Design Guide in terms of back to back distances and is largely compliant with the required garden sizes. Where there is a deficiency in garden sizes these relate primarily to market units and not to affordable units.

House types are considered by Officers to be acceptable being traditional in form and with 3 character areas identified as the Spine Road, the Central Area and The Edge. Materials proposed include red and buff brick and elements of weatherboarding, tile hanging and render.

The south-eastern portion of the site would be occupied by a large SUDs feature and a new wooded area which would act as a buffer to the existing nature reserve.

In terms of parking provision, the development would consist of 218 dwellings with 13 no.1 beds and 205 no.2 or more bed dwellings. The Essex Parking

Standards require a minimum of 1 space for 1 bed dwellings and 2 spaces for 2 or more bed dwellings giving a total requirement of 423 spaces. In addition, visitor parking is required at a rate of 0.25 spaces per dwelling giving a total of 55 visitor spaces and an overall total of 478 spaces. The scheme proposes 575 spaces although this includes 125 visitor spaces of which 21 are proposed as 'opportunity' spaces which are on the highway but not designed into the layout (i.e. not bays or half bays). The total number of formal visitor spaces is therefore 104.

Overall the scheme, complies with the required Essex Parking Standards and is considered acceptable in this regard.

With regard to unit numbers, the applicant proposes 218 dwellings which would sit on approximately 11.4ha of the site, with the undeveloped area of open space positioned to the north. The net density of the development (i.e. excluding the area of public open space to the north) would be approximately 19.1 dwellings per hectare which is considered appropriate for an edge of settlement location.

Noise

The applicant has submitted a Noise Report in support of their application which identifies that the dominant noise source affecting the proposed development is road traffic from the A131. The report identifies that the line of dwellings closest to this road will require sound insulated glazing with trickle vents on their front and side elevations only with standard thermal double-glazing being used elsewhere on the site. Solid timber fences are predicted to provide sufficient noise attenuation to all rear garden spaces on the site.

The Council's Environmental Health Department have reviewed the Noise Report and have no objection subject to a condition requiring the identified noise mitigation measures to be installed prior to first occupation of the relevant new dwellings. Conditions to protect the amenity of existing residents are also required including hours of working, details of any piling and no burning of construction refuse.

Landscape

Policy CS8 of the Adopted Core Strategy *Natural Environment and Biodiversity* states that '*development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment*'.

The landscape impact of permitting residential development on the site was assessed in detail under the previous planning application. The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the developable area of the application site as falling within a larger area of land (evaluated as Parcel 3b) which has medium capacity for development (sites being rated from low; medium-low; medium; medium-high

and high in category). The proposed development would consist of two storey dwellings which would be in keeping with existing adjacent development to the south.

The site is relatively well contained and existing hedging to the north and west of the new dwellings would largely be retained with new tree planting also proposed. Overall, whilst there would inevitably be a degree of landscape harm it is not considered that it would be so significant that it would outweigh the benefits of the proposal. In addition, Officers note that the landscape impact of developing the site was assessed during the previous planning application and that this planning permission provides the applicant with a robust fall-back position.

The Council's Landscape Officer has assessed the application and has no objection on landscape grounds subject to some minor changes to the species mix for the proposed landscaping scheme. The proposed diversion of a short section of Public Footpath 32 is supported as it would allow a greater distance between the footpath route and the proposed SUDs basin with new buffer planting in-between.

The Landscape Officer has also requested the following conditions:

- Adherence to the formally approved Tree Protection Plan
- The installation of an approved play area at an early stage of the development
- The scheme is landscaped in accordance with the approved landscape plan.

The majority of the existing trees on the site are shown to be retained with only a small number being removed to facilitate the development. The applicant has also submitted a set of Tree Protection Plans which would be identified as formally approved drawings for the proposal and would ensure that the existing trees to be retained would be afforded an appropriate level of protection.

Overall, Officers do not consider that there are any grounds to refuse the application on landscape impact.

Ecology

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

The applicant submitted a Biodiversity Method Statement in support of their application which contains a number of updated ecology surveys and

identifies mitigation and enhancement measures for the site. The Statement identifies that in terms of habitats the majority of the site is arable farmland but with areas of plantation woodland; scattered trees and scrub; dense scrub; species poor semi improved grassland and ruderal vegetation. Two ponds were also identified with one being of low ecological value and the other moderate ecological value. 13 hedgerows were identified, of which 5 were considered to be of very high value.

No badger setts were identified and no evidence of bat roosts were found within or immediately adjacent to the proposed construction zone. Great Crested Newts were recorded in the larger of the two ponds on site with both ponds proposed to be retained.

The Biodiversity Method Statement also identifies proposed mitigation measures which include the enhancing of existing retained hedgerows by filling in gaps, the enhancement of one of the ponds to be retained on the site and the management of the undeveloped area of the site as lowland meadow habitat. The proposed SUDs features are identified as having the potential to provide additional habitat for Great Crested Newts. Bat and bird boxes are also proposed to be installed on the site.

In terms of trees, the development would require the removal of 1 individual tree, 1 tree group, 2 trees from a tree group and short sections from 3 separate hedgelines. 2 additional trees are identified for removal due to their condition. In total, the applicant's arboriculture impact assessment identifies 110 individual trees, 23 tree groups, 27 hedgerows, 7 woodland sections and 1 scrub group on the site from which the above identified removals would occur.

None of the trees identified for removal are Category A trees. The sections of hedgerow proposed for removal are not extensive and are required to facilitate the proposed layout. The applicant proposes significant tree planting along the western boundary and to the north of the developable area in addition to a number of new parkland trees in the undeveloped area of public open space to the north which is to be managed as lowland meadow habitat.

The proposed temporary construction access does not form part of the current planning application. Officers note that it would be taken from Sudbury Road and would require the removal of a 25m stretch of hedgerow to facilitate visibility splays. It is however within the scope of the current planning application to ensure that a replacement section of hedgerow would be replanted in this location once the construction access is closed off.

The Council's Ecology and Landscape Officers have assessed the application and have no objection to the proposal subject to the imposition of conditions relating to the securing of biodiversity mitigation and enhancement measures in accordance with the submitted Biodiversity Method Statement and Landscape and Nature Conservation Management Plan.

Habitat Regulations

In terms of the wider ecological context, the application site sits within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area, part of the wider Natura 2000 sites located on the Essex coast. It is therefore necessary for BDC to complete an Appropriate Assessment under the Habitat Regulations to identify the required mitigation to prevent the development causing a likely significant adverse effect upon this coastal site. At the time of writing the Appropriate Assessment is being finalised for submission to Natural England in accordance with Natural England's standard guidance. The mitigation package will include an off-site contribution towards visitor management measures at the protected coastal sites and is also likely to include on site mitigation measures such as the erection of noticeboards detailing walking routes in the locality.

The Officer recommendation for approval is therefore subject to the outcome of this assessment process however Officers do not consider it likely that Natural England will have any objection to the mitigation measures proposed.

Officers note that Natural England submitted an objection to their original consultation. However this objection is based on there being 'insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary Special Protection Area (SPA) and Ramsar to be ruled out' and is accompanied by a request for this information to be provided to Natural England. This is being covered in full by the Appropriate Assessment process set out above.

Highways and Transport

The applicant seeks full planning permission which includes the proposed access and internal highway layout. A Transport Assessment and detailed access drawing have been submitted in support of the application.

Access is proposed from Tylneys Road and Winston Way. Many residents have objected to this on the basis that increased vehicle movements through this existing residential area could be avoided by making permanent use of the site's proposed construction access from Sudbury Road. However, Essex County Council (ECC) Highways have specifically advised that whilst access from Sudbury Road is acceptable for a temporary period to facilitate construction traffic, to avoid such traffic being routed through Churchill Avenue, it is not suitable on highway grounds for a permanent access. ECC Highway requirements are that permanent vehicle access should be taken from lower hierarchy roads where connections are available. ECC Highways have confirmed that they would formally object to the proposed development if a permanent access from Sudbury Road was proposed.

In terms of vehicle movements, the Transport Assessment identifies that the previously approved development for 205 dwellings with a care home use would generate 122 two way vehicle movements in the AM weekday peak and

127 in the PM peak. The proposed development for 218 dwellings with no care home element is predicted to generate 115 two way vehicle movements in the weekday AM peak and 127 in the PM peak representing a slight reduction to the previously approved scheme.

ECC Highways have assessed the application in detail and have no objection on highway grounds subject to a number of requirements which are set out below:

- Adherence to the submitted Construction Management Plan
- The completion of the proposed site access as shown on Drawing 181741-011
- The upgrading of the two bus stops which would best serve the application site with details to be agreed with ECC Highways prior to commencement of development
- The provision of a footpath between the application site and the western end of Honeywood Road
- Improvements to the public rights of way which run through the application site between Star Stile Road; Sudbury Road; Hawthorn Close and Beech Avenue with detail to be agreed with ECC prior to the commencement of development
- Residential Travel Information Packs

ECC Highways also advise that the proposed diversion to a short section of Footpath 32 will need to be applied for and that the outcome of the application cannot be guaranteed as with all footpath diversion applications.

Overall, it is not considered that there are any grounds to justify a refusal of planning permission in relation to highway matters.

Impact Upon Neighbour Amenity

There are existing dwellings located immediately adjacent to the application site's southern boundary. The proposed layout demonstrates compatibility with these existing dwellings. It is acknowledged that the development of the open farmland behind these dwellings will fundamentally alter their current edge of settlement position and existing residents' countryside views and open outlook.

However, Officers do not consider that in planning terms there would be any significant detrimental impact upon existing residents in terms of any loss of sunlight or daylight, overlooking or the development having an overbearing impact.

The scheme was, following receipt of objections from existing residents and at Officers request, revised specifically to reduce neighbour impact with proposed dwellings being moved further from the shared boundary (now 18.9m minimum back to side distance which occurs between Plot 192 and 45 Churchill Avenue) and proposed garages which were to be located adjacent to the boundary being removed from the scheme. The exception to this is Plot 218 which sits in a side to side relationship with no.14 Tylney's Road and is

immediately adjacent, effectively continuing the existing building line which again Officers do not consider would have an unacceptable impact upon existing amenity in planning terms.

Other Matters

Archaeology

The site is identified as having the general potential for prehistoric and Roman remains.

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application stating that a Written Scheme of Investigation and a programme of archaeological evaluation has already been completed for the site and no further fieldwork is required. This was done to satisfy Condition 7 of the previous planning permission for the site 17/00575/OUT. However the final Archaeological Report pursuant to this evaluation is still to be submitted and a condition (Condition 13) is therefore recommended to require this.

Construction Activity

The applicant has submitted a Construction Management Plan for consideration. The proposed temporary construction access is specified as being taken from Sudbury Road to avoid construction vehicles being routed through Churchill Avenue.

The Council's Environmental Services Team have requested conditions relating to hours of working and for approval and details of any piling operations. The applicant submitted a Construction Management Plan in support of their application and a condition requiring compliance with this is recommended.

Air Quality

An Air Quality Report was submitted and assessed by the Council's Environmental Health Officer under the previous application for the site (17/00575/OUT) with no objection lodged on air quality grounds. The Council's Environmental Health Officer has no objection to the current application but requested that a condition is attached to any permission granted requiring a new Air Quality Report to be submitted. However, Officers do not consider that such a condition would meet 2 of the 6 tests set out at paragraph 55 of the NPPF, namely that it would not be necessary or reasonable as there is already a planning permission in place for a similar sized residential development (which was predicted to generate marginally more vehicle movements) of the site, and such reports cannot be required by way of planning condition.

Following further discussion with the Environmental Health Officer it has been confirmed that the request for the new report was to assist the Council with background evidence gathering for consideration of making Halstead Town

Centre a formal Air Quality Management Area. The Environmental Health Officer has confirmed that there is no formal objection to the current application on air quality grounds and Officers do not consider that there are any grounds for refusal with regard to this matter.

Contamination

The applicant submitted a Contaminated Land Report in support of their application which did not identify any significant risks associated with soil contamination.

The Council's Environmental Health Officer has no objection on contamination grounds. A standard precautionary contaminated land condition is recommended to safeguard against any unexpected contamination discovered during the construction phase.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of their application and propose to utilise lined permeable paving areas located within parking bays and private driveways; geocellular storage tanks and two large detention basins to accommodate surface water from the site.

The Lead Local Flood Authority (Essex County Council) have been consulted and have no objection to the proposal subject to standard drainage conditions.

Anglian Water failed to respond to the consultation however under the previous application for the site they confirmed that Halstead Water Recycling Centre will have available capacity for the development of the site and that the sewerage system also has capacity for the development flows. This previous planning permission remains extant and is directly comparable in size to the current scheme. Officers do not therefore consider that there are any grounds for objection from Anglian Water or for refusal of the planning application on this basis.

Agricultural Land

The application site consists primarily of agricultural fields. The Agricultural Land Classification maps show the site to be grade 3 (good to moderate). Grade 3 agricultural land is divided into two sub categories, 3a (good quality) and 3b (moderate quality). It is grades 1-3a that is considered to be best and most versatile agricultural land.

The previous application was supported by a Soils and Agriculture Quality report which identifies the site to be grade 3 and 4 agricultural land. Soil samples were taken across the site to determine the quality of the soil. The soil testing determined that 75% of the site is grade 3b and 4 agricultural land

or is non-agricultural with 25% of the site being best and most versatile agricultural land.

Paragraph 112 of the NPPF requires Local Planning Authorities to take into account the economic and other benefits of such land and that where significant development of such land is demonstrated to be necessary, the Local Planning Authority should seek to use areas of poorer quality land in preference to that of a higher quality.

The development would result in the permanent loss of an area of best and most versatile agricultural land as set out above, however given its comparatively small size within the wider District it is not considered either that its loss would constitute the significant development of best and most versatile agricultural land nor that economic and other benefits of retaining the land in its existing form are substantial.

Officers do not therefore consider the loss of this land weighs significantly against the granting of planning permission when considering the planning balance.

Delivery Timescales

The applicant has agreed, at Officer's request, to reduce the time period for the commencement of development from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current planning application and would result in the development being brought forward earlier than could normally be expected, which in turn would assist the District's housing need.

Site Assessment Summary

There are no objections to the application from any statutory technical consultees with the exception of Natural England and this objection is being addressed through the standard Habitat Regulations Appropriate Assessment process.

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

Section 106

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

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas including Halstead.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 30% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 218 dwellings this equates to 65 dwellings.

The Council's Strategic Housing Team has confirmed that the affordable housing and tenure mix proposed is acceptable and is an appropriate mix to match evidence of housing need. They are supportive of the application's ability to provide a significant number of new affordable homes to assist the Council in addressing housing need.

Open Space

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

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for informal open space and children's playspace on site with a financial contribution towards the provision of off-site outdoor sports facilities and allotments.

In terms of off-site financial contributions, the Open Space SPD requires the following:

- £211,111.46 toward the off-site provision of, or improvements to outdoor sports facilities;
- £6,699.20 towards the off-site provision of, or improvements to allotments.

These contributions would be secured through the S106 Agreement.

A Management Company is also required to manage the on-site areas of public open space and a minimum of 13.53ha of on-site open space including an equipped play area should be provided.

Coggeshall Pieces

A financial contribution of £15,951.22 towards improvements to Coggeshall Pieces, including but not limited to the provision of footpath links.

Highways and Transport

The upgrading of the two bus stops which would best serve the application site with details to be agreed with ECC Highways prior to the commencement of development.

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

Education

Essex County Council have advised that the proposed development is located within the Halstead St Andrew's Ward. A development of this size can be expected to generate the need for up to 19.6 Early Years and Childcare places, 65.4 Primary School places and 43.6 Secondary School places.

Although there is some Early Years and Childcare capacity in the area, the data shows insufficient places to meet demand from this proposal. It is therefore clear that additional provisions will be needed and a developer contribution would be required. A developer contribution of £319,868 index linked to April 2018, is therefore sought to mitigate its impact on local Early Years and Childcare provision.

This development sits within the priority admissions area of St Andrew's Primary School, which has a published admissions number of 30 pupils per year. The School is at or close to capacity in every year group. There is also significant pressure on primary school places across the area (Group G3). In response, Essex County Council's '10 year plan' for meeting demand for school places proposes expansion within the Braintree planning group 3. Accordingly, a developer contribution of £935,197 index linked to April 2018, is sought to mitigate its impact on local primary provision.

With regards to secondary education provision, it is anticipated that there will be enough capacity at the local school, The Ramsey Academy, to accommodate a development of this size.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council have advised that they will not be seeking a school transport contribution.

Healthcare

NHS England advise that the development would give rise to a need for improvements to capacity, by way of a capital contribution towards the cost of the provision of additional administration space to increase clinical capacity for the benefit of patients of the Elizabeth Courtauld Surgery.

A developer contribution of £82,478 would be required to mitigate the impacts of this proposal. Payment should be made before development commences.

Community Building Contribution

A financial contribution towards a new community building at Butlers Road, Halstead of £462.30 per unit (£100,781.40 total) is required.

Habitat Regulations

A mitigation package to mitigate the development's impact upon the Natura 2000 sites is required. This will include a financial contribution towards off-site mitigation at the Natura 2000 sites and is also likely to include on site mitigation measures. The final detail of the mitigation package will be agreed with Natural England as part of the Appropriate Assessment process.

PLANNING BALANCE AND CONCLUSION

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

The proposed development would bring significant and demonstrable social and economic benefits with 65 affordable dwellings and 153 private dwellings to help meet the housing need within the District. Furthermore, the applicant has agreed to a foreshortening of the period for the commencement of development from 3 years to 2 years leading to earlier delivery of the site.

Environmentally, the site is located in a sustainable position within the context of the District, being immediately adjacent to one of the District's main towns which sits in the top tier of the settlement hierarchy with its associated services and facilities. The applicant proposes a number of pedestrian links from the site which would facilitate connections for future residents to the town centre and to bus stops in the locality with the northern end of the High Street being approximately 870m walking or cycling distance away.

Other benefits which weigh in favour of the development include financial contributions towards the off-site provision of outdoor sports facilities, allotments and a new community building and the provision of a substantial amount of public open space on site which could be used by both new and existing residents in the locality.

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

The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of planning conditions and a S106 Agreement. The proposed layout is considered acceptable and the applicant has demonstrated that the site can be developed without any unacceptable impact on existing adjacent dwellings in planning terms.

Importantly, there is an extant outline planning permission in place for the residential development of the site. This is a material consideration which represents a robust fall-back position for the applicant and establishes the principle of residential development. It must therefore be given significant weight in the planning balance.

The adverse impacts of the proposal are limited. There would be the loss of a greenfield site, however the degree of Ecological harm is limited and the Council's Landscape and Ecology Officers have identified a number of mitigation and enhancement measures which could be achieved by way of condition. The degree of landscape harm is also limited and the site is relatively well contained.

The site also includes an area of best and most versatile agricultural land, however this is not significant within the wider context of the District.

The Western part of the site is allocated for formal recreation under the adopted Local Plan, however this allocation is on privately owned land and is not carried forward into the Publication Draft Local Plan.

A number of objections have been raised from local residents with a particular focus on highway impact and impact upon the town's existing infrastructure. However, the Local Highways Authority do not object to the proposal and the proposed vehicular access is in line with their direct requirements. Objections have also been received regarding the impact of the development upon the closest existing neighbouring dwellings but as set out above Officers do not consider that in planning terms there would be any significant detrimental impact upon existing neighbour amenity.

The NHS and ECC Education do not object to the proposal subject to their required s106 obligations being secured.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the more than moderate but less than significant weight afforded to the conflict with the Development Plan. Officers therefore consider that the proposed development would constitute sustainable development and recommend that planning permission is granted.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The Habitat Regulations (HRA) Appropriate Assessment Report being agreed with Natural England and;

- 2) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
- **Affordable Housing** (30% provision which equates to 65 units. Unit mix and tenure mix to be in accordance with approved Site Master Plan 8661/03 and Affordable Housing Plan 8661/23. All affordable homes accessed at ground level should be compliant with Building Regulations Part M Cat 2).
 - **Public Open Space** (financial contribution of £211,111.46 towards outdoor sports provision and £6,699.20 towards allotments calculated in accordance with Policy CS10 and the Council's Open Spaces SPD using the Council's standard Open Spaces Contributions formula. A Management Company is also required to manage the on-site areas of open space and a minimum of 13.53ha of on-site open space including an equipped play area should be provided. Equipped play area to be provided as early as reasonably possible with details to be agreed with Officers).
 - **Coggeshall Pieces** (a financial contribution of £15,951.22 towards improvements to Coggeshall Pieces, including but not limited to the provision of footpath links).
 - **Education** (financial contribution of £319,868 index linked to April 2018 toward Early Years and Childcare and financial contribution of £935,197 index linked to April 2018 towards Primary School provision required based on the County Council's standard formula).
 - **Healthcare** (A developer contribution of £82,478 towards the cost of the provision of additional administrative space to increase clinical capacity for the benefit of patients of the Elizabeth Courtauld Surgery. Trigger point for payment is prior to commencement of development).
 - **Community Building Contribution** (A financial contribution towards a new community building at Butlers Road, Halstead of £462.30 per unit, (£100,781.40 total).
 - **Residential Travel Information Pack** (to be approved by Essex County Council. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
 - **Upgrading of bus stops** (The upgrading of the two bus stops which would best serve the application site with details to be agreed with the Local Planning Authority).
 - **Ecology** (mitigation package to mitigate the development's impact upon natura 2000 sites. This will include a financial contribution towards off-site visitor management measures at the natura 2000 sites

and on site mitigation measures. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA Appropriate Assessment process).

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

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

RECOMMENDATION

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

APPROVED PLANS

Other Nov 2018 SES	Plan Ref: Biodiversity Method Statement	Version:
Other Management Plan Matt Lee Landscape Architecture Ltd 2018	Plan Ref: Landscape _ Nature Conservation	Version: 5 Oct
Other Survey and Protection Plans 2018 SES	Plan Ref: Arboricultural Impact Assessment _ Tree	Version: 7 Sep
Proposed Site Plan	Plan Ref: 8661-03	Version: E
Planning Layout	Plan Ref: 181 741 11	
Location Plan	Plan Ref: 8661-01	
Proposed Block Plan	Plan Ref: 8661-02	Version: C
Proposed Site Plan	Plan Ref: 8661-04	Version: E
Site Plan	Plan Ref: 8661-05	Version: E
Street elevation	Plan Ref: 8661-10	Version: B
Street elevation	Plan Ref: 8661-11	Version: B
Street elevation	Plan Ref: 8661-12	Version: A
Street elevation	Plan Ref: 8661-13	Version: B
Street elevation	Plan Ref: 8661-14	Version: B
Street elevation	Plan Ref: 8661-15	Version: B
Storey Height	Plan Ref: 8661-20	Version: C
Parking Strategy	Plan Ref: 8661-21	Version: C
Refuse Information	Plan Ref: 8661-22	Version: C
Affordable Housing Plan	Plan Ref: 8661-23	Version: C
Materials Details	Plan Ref: 8661-24	Version: E

Boundary Treatment	Plan Ref: 8661-25	Version: D
Boundary Treatment	Plan Ref: 8661-26	Version: C
Garden Study	Plan Ref: 8661-27	Version: C
House Types	Plan Ref: 8661-28	Version: C
Street elevation	Plan Ref: 8661-29	Version: C
Boundary Treatment	Plan Ref: 8661-30	
House Types	Plan Ref: 8661-34	Version: A
House Types	Plan Ref: 8661-35	
House Types	Plan Ref: 8661-36	
House Types	Plan Ref: 8661-37	
House Types	Plan Ref: 8661-38	
House Types	Plan Ref: 8661-39	
House Types	Plan Ref: 8661-40	
House Types	Plan Ref: 8661-41	
House Types	Plan Ref: 8661-42	
House Types	Plan Ref: 8661-43	
House Types	Plan Ref: 8661-44	
House Types	Plan Ref: 8661-45	Version: A
House Types	Plan Ref: 8661-46	Version: A
House Types	Plan Ref: 8661-48	
House Types	Plan Ref: 8661-49	
Proposed Floor Plan	Plan Ref: 8661-50	
Proposed Elevations and Floor Plans		Plan Ref: 8661-51
	Version: A	
Proposed Floor Plan	Plan Ref: 8626-52	
Proposed Elevations and Floor Plans		Plan Ref: 8628-53
House Types	Plan Ref: 8661-55	
House Types	Plan Ref: 8661-57	
House Types	Plan Ref: 8661-58	
House Types	Plan Ref: 8661-59	
House Types	Plan Ref: 8661-60	
House Types	Plan Ref: 8661-61	
House Types	Plan Ref: 8661-62	
House Types	Plan Ref: 8661-63	
House Types	Plan Ref: 8661-65	
House Types	Plan Ref: 8661-66	
House Types	Plan Ref: 8661-67	
House Types	Plan Ref: 8661-68	
House Types	Plan Ref: 8661-69	
House Types	Plan Ref: 8661-70	
House Types	Plan Ref: 8661-71	
House Types	Plan Ref: 8661-72	
House Types	Plan Ref: 8661-81	Version: A
House Types	Plan Ref: 8661-74	
House Types	Plan Ref: 8661-75	
House Types	Plan Ref: 8661-80	
House Types	Plan Ref: 8661-82	Version: A
House Types	Plan Ref: 8661-83	Version: A
House Types	Plan Ref: 8661-84	

House Types	Plan Ref: 8661-85	Version: A
House Types	Plan Ref: 8661-86	Version: A
Garage Details	Plan Ref: 8661-87	
Garage Details	Plan Ref: 8661-88	
Substation Details	Plan Ref: 8661-89	
Roof Plan	Plan Ref: 8661-90	
Roof Plan	Plan Ref: 8661-91	
Landscape Masterplan	Plan Ref: PR134-01	Version: H
Play Area Plan	Plan Ref: PR134-02	Version: B
Play Area Plan	Plan Ref: PR134-03	Version: B
Tree Plan	Plan Ref: PR134-04	
Footpath link	Plan Ref: PR134-06	Version: A
Landscape Masterplan	Plan Ref: PR134-07	Version: A
Levels	Plan Ref: 181741-321 P3250918	
Levels	Plan Ref: 181741-322 P3	
Drainage Plan	Plan Ref: 181741-445 P3	
Drainage Plan	Plan Ref: 181741- 446 P3	
Access Details	Plan Ref: 181741-004	
Access Parameter Plan	Plan Ref: 181741-005	Version: D

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

Reason

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

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

Reason

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

- 3 No occupation of the development shall take place until the proposed site access as shown in principle on approved Drawing 181741-011 has been provided and completed.

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 4 No occupation of the development shall take place until a scheme for improvements to the public rights of way which run through the application site between Star Stile Road; Sudbury Road; Hawthorn Close and Beech Avenue have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for the implementation of the improvements and the scheme shall be carried out in accordance with the approved details and timescales.

Reason

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

- 5 The approved hard standing areas detailed in Material Plan 8661/24 REV E shall be completed in full prior to the occupation of the final dwelling to be constructed on the development.

Reason

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

- 6 The development shall be carried out in accordance with the submitted Tree Survey and Protection Plans and accompanying Arboricultural Impact Assessment dated 7th September 2018 and completed by SES.

Reason

To ensure that the trees identified as being retained are adequately protected during the construction phase of the development.

- 7 Prior to the installation of any lighting on the site (construction lighting and permanent lighting) a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in order to assess the nature and extent of any such contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a detailed remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms. The

Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10 The development shall be carried out in accordance with the approved Construction Management Plan (Bellway 18/09/2018).

Reason

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

- 11 No above ground development shall commence unless and until a schedule and samples of the materials to be used on the external finishes of dwellings and garages; brick boundary walls and block paved hard surfaced areas has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason

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

- 12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-houses/alteration of the dwelling-houses or erection of outbuildings, as permitted by Classes A, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out to Plots 1; 13; 218; 192 to 210 inclusive and 177 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/alterations in the interests of residential and/or visual amenity.

- 13 Within 6 months of the issue of this planning permission the applicant shall submit to the Local Planning Authority a final report or detailed publication proposal for the dissemination of the results of the programme of archaeological evaluation which has been completed on the application site.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 14 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Demonstrate a suitable half drain time - storage should half empty within 24 hours wherever possible
 - Detailed engineering drawings of each component of the drainage scheme
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

Reason

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

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

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged.

Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

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

Reason

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

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

Reason

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

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

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 19 All the identified biodiversity/landscape mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Method Statement, (SES Ecology, Sep 2018) and Landscape and Nature Conservation Management Plan,(Matt Lee

Landscape Architecture, October 2018) as submitted with the planning application.

Reason

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

- 20 The noise control measures detailed in Section 4.2 and 4.3 of the SRL Noise Report dated 7/9/2018 shall be completed before the first occupation of the dwellings to which they relate and a report shall be submitted upon their completion to evidence that the specified noise attenuation works have been completed to the standard specified in the noise attenuation scheme.

Reason

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

- 21 Prior to the first occupation of the development details of a footpath link between the application site and the western end of Honeywood Road shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented in their entirety prior to the first occupation of Phase 6 of the development as identified in the approved Construction Management Plan (Bellway 18/09/2018).

Reason

To ensure appropriate pedestrian links are provided to and from the application site to the existing footpath network in the locality.

INFORMATION TO APPLICANT

1 All residential developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and will ensure that the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority with details to be agreed before the commencement of work. You are advised to contact the Development Management team at development.management@essexhighways.org or SMO1 Essex Highways,

Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester C049Y.

3 You are reminded that under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Vegetation clearance should therefore take place outside of the nesting bird season or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified Ecologist. Any active nesting sites must be cordoned off and remain undisturbed until young birds have fledged.

4 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.

5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your cooperation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

6 Your attention is drawn to the following consultation responses to which you should have regard:

- Essex County Council SUDs consultation response dated 7th January 2019 which includes a number of SUDs informatives;
- Cadent Gas consultation responses dated 2nd January 2019 and 9th January 2019 which include a number of informatives.

7 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the public footpaths located at Star Stile, Sudbury Road, Hawthorn Close and Beech Avenue shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The granting of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Where an application for a permanent diversion of the definitive route of a PROW is required, the outcome of such an application is not guaranteed. The applicant is to bear all the costs associated with any application. The

applicant is advised to contact PROWPlanning@essexhighways.org to progress this.

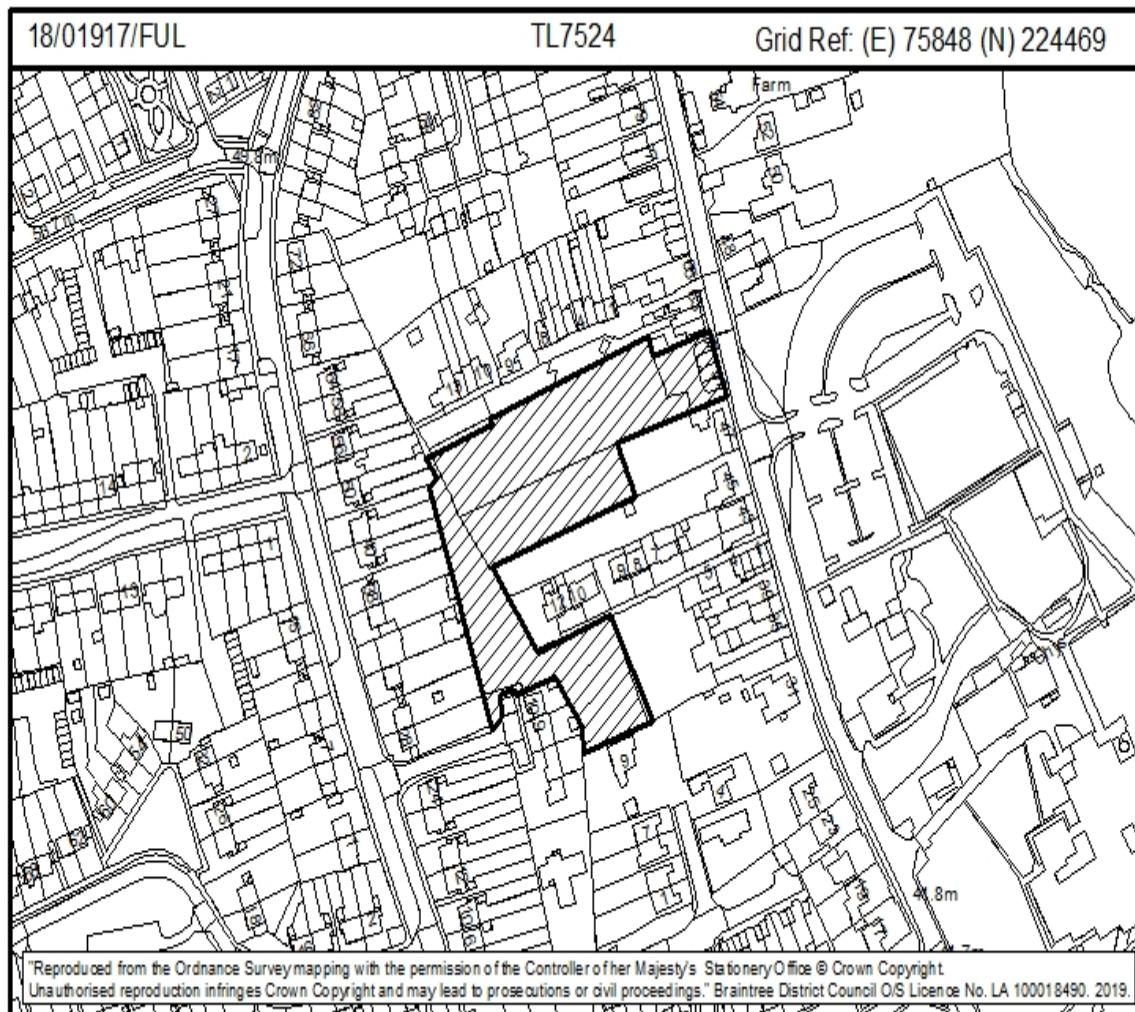
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 18/01917/FUL DATE: 24.10.18
VALID:
APPLICANT: RMBI Trading
c/o Agent , United Kingdom
AGENT: Miss Emily Brooker
Peter Brett Associates LLP, 33 Bowling Green Lane,
Clerkenwell, London, EC1R0BJ, United Kingdom
DESCRIPTION: Demolition of 4 no. dwellings (nos. 51, 53, 55 and 57
Church Lane) and erection of 19 no. dwellings with
associated access road, garages, car parking areas,
amenity open space and landscaping.
LOCATION: Land Off Tenter Close And Rear Of, 51 - 57 Church Lane,
Braintree, Essex

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



SITE HISTORY

01/02078/FUL	Erection of 17 dwellings with associated garages, cartlodes, bin stores and cycle stores	Granted with S106 Agreement	27.05.04
08/01490/FUL	Demolition of 5 houses (49, 51, 53, 55 & 57 Church Lane) and erection of 60 bed care home, erection of one no. two bedroom dwelling and new vehicular access from Church Lane	Withdrawn	25.09.08
08/01491/OUT	Erection of 2 no. three bedroom dwellings and 4 no. two bedroom dwellings off Tenter Close	Withdrawn	25.09.08
08/01493/LBC	Erection of matching timber fencing and boundary wall	Withdrawn	25.09.08
09/00438/FUL	Erection of 60 bed care home and 1 no. 2 bed dwelling	Refused	09.07.09
09/00439/OUT	Erection of 2 no. three bedroom dwellings and 4 no. two bedroom dwellings off Tenter Close	Granted with S106 Agreement	28.07.09
11/01586/OUT	Demolition of 4 no. dwellings (nos. 51, 53, 55 and 57 Church Lane) and erection of 15 no. private market and 5 no. affordable dwellings with associated access road, garages, car parking areas, amenity open space and landscaping	Withdrawn	30.01.12
12/00610/OUT	Demolition of 4 no. dwellings (nos. 51, 53, 55 and 57 Church Lane) and erection of 14 no. private market and 5 no. affordable dwellings with associated access road, garages, car parking areas, amenity open space and landscaping	Refused	04.09.12
12/01538/OUT	Demolition of 4 no. dwellings (nos. 51, 53, 55 and 57 Church Lane) and erection of 19 no. dwellings	Granted with S106 Agreement	26.02.13

	with associated access road, garages, car parking areas, amenity open space and landscaping		
16/00271/REM	Application for approval of reserved matters following outline approval 12/01538/OUT - Demolition of 4 no. dwellings (nos. 51, 53, 55 and 57 Church Lane) and erection of 19 no. dwellings with associated access road, garages, car parking areas, amenity open space and landscaping	Granted	12.05.16

POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
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 Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION

The application site is located in Braintree to the west of Church Lane and to the east of properties in Boleyns Avenue. The site is located within the Town Development Boundary of Braintree. The site is an irregularly shaped parcel of land, 0.69ha in area. Other than the 4 dwellings on Church Lane which form part of the application site, the site is currently vacant and overgrown with vegetation. No. 49 Church Lane was a modern detached dwelling, set behind no. 51-57, however this was demolished in 2010. The surrounding built form comprises a mix of styles and ages of predominantly 2 storey dwellings; and consists of traditional terraced cottages in Eagle Lane, Church Lane and in Faggot Yard, modern terraced houses in Tenter Close; and post-war semi-detached properties along Boleyns Avenue. There are also a number of listed buildings within close vicinity of the application site: Nos. 7-9 Faggot Yard, 31 and 47 Church Lane are Grade II listed; Nos. 35-37 Church Lane are Grade II* listed. In terms of topography there is a pronounced 2.5m north-east to south-west upward slope across the site.

In 2012, outline planning permission was granted for the same proposal as that included in this application, with some minor differences. This application was approved, leaving all matters bar access reserved. In 2016, an application for all reserved matters was approved subject to conditions and a Section 106 agreement.

PROPOSAL

The application seeks full planning permission for the demolition of 4 dwellinghouses on Church Lane, and the erection of 19 dwellinghouses, including an associated access road and amenity areas.

The proposed housing includes a mix of nine x 2 bedroom dwellings; two x 3 bedroom dwellings and eight x 4 bedroom dwellings. The scheme would include four of the dwellings being affordable housing.

CONSULTATIONS

Historic Buildings Consultant – No Objections.

BDC Waste – Notes that if the access would remain private, residents would have to wheel their collection facilities to the highway boundary. Officers understand that the road would be adopted.

BDC Environmental Health – No Objections, subject to conditions restricting working hours, preventing burning of waste, requiring a construction management plan, preventing piling without a noise report, and a contaminated land survey.

Essex Police – No objections, however recommends more detail on lighting, boundary treatments, and physical security measures to consider the fear of crime. These details can be required by way of planning condition.

NHS England – No Comments.

Natural England – Notes that the site falls within the zone of influence of the Blackwater Estuary.

ECC Archaeology – No Objections, subject to conditions requiring an archaeological evaluation survey, a mitigation strategy, a fieldwork study, and a post excavation assessment.

ECC SUDs – No Objections, subject to conditions relating to surface water drainage, and the need for a maintenance plan.

Anglian Water – No Objections.

BDC Ecology – No Objections, subject to conditions to ensure the development is carried out in accordance with the submitted mitigation measures, and further details of ecological enhancement of the site.

ECC Education – No Comments.

ECC Highways – No Objections, subject to conditions relating to the need for a construction management plans and highway works to improve visibility at the proposed access.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. A total of thirteen representations have been received from neighbouring properties, raising objection on grounds related to loss of on-street parking; concerns relating to ecology (both existing wildlife on the site and loss of trees), the loss of views from existing properties, a potential for an increase in traffic, increased fear of crime, and a loss of privacy at 36 Boleyns Avenue resulting from the development.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

The Development Plan

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

The application site is located within the town development boundary of Braintree and Bocking, and is also an allocated site in both the Adopted Local Plan and the emerging Draft Local Plan, for residential purposes. In this regard, the development of the site for 19 dwellings complies with The Braintree District Development Plan.

5 Year Housing Land Supply

A material consideration, is the Councils current housing land supply situation. In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, 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. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council

currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19th October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

The application site is located within the Town Development Boundary of Braintree. Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. The site is identified for residential development for 12 or more dwellings within the Local Plan Review Proposals Map. The whole site is allocated for 25 dwellings in Appendix 1 of the Local Plan Review.

Outline planning permission was previously granted for the site and subsequently reserved matters were approved (application references 12/01538/OUT and 16/00271/REM) for the demolition of the existing 4no.

dwelling and the erection of 19 no. dwellings. Although this permission is no longer extant, having not been implemented within the time prescribed within the decision, it is considered that the principle of the development (the demolition of 4 houses and erection of 19 no. houses) has previously been established.

The location of the site is highly sustainable, being located within walking distance to schools, other community facilities and Braintree town centre.

Design, Appearance and Layout/Impact upon Character of the Area

The proposed development of 19 dwellinghouses would retain a form very similar to that approved planning permission in 2016.

The access from Church Lane would serve 13 no. units of detached and semi-detached form. The dwellings would be sited predominately in linear form along a shared access road, and form a mews arrangement to the rear of the site. The use of the mews arrangement within part of the site allows for two distinct character areas to be formed which would add variety and interest to the development. Each dwelling is served by a minimum of two off street car parking spaces and all properties apart from plots 3 and 6 are served by a garage. The new dwellings would be served by a useable garden area to meet the sizes required by the Essex Design Guide.

The access off Tenter Close would serve 6 no. properties of semi-detached and terraced form. Plots 14 and 15 are served with off street car parking and garages. Plots 16-19 have their car parking arranged in a parking court. The parking court is not considered to be the best design for providing allocated car parking, however would represent an improvement upon that submitted with the outline application. This parking arrangement has limited visibility within the wider public realm and thus would not impinge upon the existing character of Tenter Close or Boleyns Avenue.

All properties would be served with garden areas to meet the required sizes as set out in the Essex Design Guide, apart from Plot 16 which falls 3sqm short. This is considered a minor deficit; especially given all other garden areas meet the standard, and was accepted when planning permission was granted previously.

The proposed dwellings are shown to be of two storey form and therefore representative of the existing dwellings within the wider area. The scale of the development would fit appropriately within the context of the existing street scene.

Given the backland nature of the development, it would largely form its own character and have limited association with the surrounding development. The site is surrounded by the traditional nature of the properties along Church Lane and within Faggot Yard, the post war age of the properties in Boleyns Close and more modern development in Tenter Close. The properties proposed are modern, but are considerate of the form of the post war era and

have detailing to reflect the more historic/traditional appearance of those dwellings along Church Lane. Plots 14 and 15 would be viewed in association with the existing properties in Tenter Close and no. 10 and 12 Faggot Yard. Although of a different design, this is not considered to be objectionable or of any adverse harm to the appearance of the street.

The planning statement advises that a range of materials have been chosen to reflect the local vernacular. These include red and brown bricks with grey and red roof tiles, render, weatherboarding and timber composite windows and doors. No further details have been provided such that it is considered necessary to require details and samples of all external materials by the imposition of a condition on any grant of consent.

The application is supported by a landscaping scheme and planting proposals. The drawings show soft and hard landscaping and a detailed planting schedule, together with a planting specification. The proposed landscaping is appropriate for the development and presents a good mix of hard surfacing and planting. The landscaping makes for a good quality environment. A condition can be attached to any grant of consent which would require the landscaping to be undertaken in accordance with the submitted details.

Heritage

The Historic Buildings Consultant has raised no objections to the proposed development, given the previous planning approval at the site which forms a material consideration and to which this application proposes no alterations which would affect the character and appearance of the Conservation Area, or which would warrant a different opinion being formed in relation to harm caused to designated heritage assets.

Landscape

The application is supported by a landscaping scheme and planting proposals. The drawings show soft and hard landscaping and a detailed planting schedule, together with a planting specification. It is considered that the proposed landscaping is appropriate for the development and presents a good mix of hard surfacing and planting to facilitate a good quality environment. A condition can be attached to any grant of consent which requires the landscaping to be undertaken in accordance with the submitted details.

Ecology

The site, being at present overgrown and disused, has a high potential for protected species to be present on it. In this regard, the Council's Ecology Officer has raised no objection, but recommended two conditions requiring ecological works to be carried out by a competent person in accordance with the approved details, and for the submission of further details in relation to ecological enhancement.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

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

Highways, Transport and Parking

Representations received have raised objection to the loss of on street parking, caused by the proposed development.

Whilst officers understand that as some of the existing dwellings on Church Lane do not have off street parking available, on street parking is relied upon. Notwithstanding this, the provision of on street parking is not recognised as such; given it is on the public highway, where users do not necessarily have a right to park and cannot be taken into account in the determination of the current application.

Each proposed dwelling would be provided with two vehicular parking spaces of at least 5.5m x 2.9m each, which meets the requirement set out by the Council's Adopted Parking Standards.

The proposal includes a new access and junction onto Church Lane. This access would serve thirteen of the proposed new dwellings. The Highway

Authority raises no objection to the proposed development, given the previous approval, and the use of planning conditions and obligations which can ensure the access is safe.

Impacts Upon Neighbouring Residential Amenities

Given the nature of the site the proposed development would sit amongst existing properties in Church Lane, Faggots Yard, Eagle Lane, Tenter Close and Boleyns Avenue. The properties in Faggots Yard would be surrounded by the development, although well distanced from the dwellings, separated by gardens areas and car parking. The properties in Faggots Yard are enclosed by existing vegetation which is to remain and therefore they have a sense of seclusion from the wider settlement. The proposed development would not give rise to any unreasonable overlooking, loss of light or give rise to an overbearing impact or any other harm, as a consequence of the development.

The site is situated with residential dwellinghouses surrounding it on all sides. The need to ensure the provision of 19 dwellings would not result in unacceptable impacts upon the residential amenities of the neighbouring properties is therefore highly important. One representation raised objection on grounds of impacts upon neighbouring residential amenities, particularly loss of privacy impacts upon 36 Boleyns Avenue. As there would be no windows in the side elevation of the proposed dwelling at Plot 12, an overlooking/loss of privacy issue is unlikely, and would not amount to an unacceptable impact.

Plot 16 and Plots 14 and 15 are within relatively close proximity to the existing properties in Tenter Close. The dwellings would be set at 90° to the existing properties and are not within proximity such as to give rise to an overbearing impact. Plot 16 is located immediately to the rear of no. 9 and 10 Tenter Close and would therefore be a noticeable addition. The floor plan for this plot shows a window at first floor level to bedroom 3, however this is not shown on the elevation. A window at first floor is acceptable for Plot 19 (same house type), but to Plot 16 would look towards the rear gardens of the adjacent properties in Tenter Close. Although the proposed elevation of Plot 16 indicates that no side window would be present, it is considered reasonable to condition that a first floor window would not be included on this elevation of Plot 16, in order to protect the amenities of the neighbouring properties. Given that bedroom 3 is double aspect, an acceptable level of amenity would be provided for the proposed property.

The proposed properties to the eastern part of the site have been sited such as to protect the amenities of the properties in Boleyns Avenue. No windows are proposed which would give rise to unreasonable overlooking.

The proposed properties at plots 2-6 would not be sited such as to give rise to unreasonable overlooking to the adjacent properties in Eagle Lane.

The proposed development would not give rise to any unreasonable impact upon residential amenity in accordance with Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

Fear of Crime

In accordance with Policy RLP90 of the Adopted Local Plan, the fear of crime is a material consideration which should be attached due weight in the decision-making process. In order to ascertain whether there would be an increase in the fear of crime, Essex Police were consulted. No objections have been raised to the application, provided additional details concerning external lighting, boundary treatments, and any physical security measures. These details can be requested by way of condition.

Flood Risk and Sustainable Drainage

The application is supported by a surface water drainage strategy. Having amended the scheme within the life of the application, Essex County Council Flood and Water Management Team raise no objections, subject to the imposition of several conditions on any grant of consent.

Archaeology

Given the size of the site, and the relatively historic nature of its surroundings, it is recommended that the standard conditions relating to Archaeology and excavation are attached to any consent, as recommended by Essex Place Services.

Construction Activity

Given the close proximity to neighbouring residential dwellings, Officers recommend a condition restricting construction hours on site, preventing any form of burning on the site, and preventing the use of piled foundations without a noise assessment first being submitted.

PLANNING OBLIGATIONS

Affordable Housing

Policy CS2 of the Adopted Core Strategy states that 30% of dwellings, on sites with a greater area than 0.5 hectares or proposed development of more than 15 dwellings, should be affordable housing units. The provision of 4 affordable housing units has been agreed, to be secured under the terms of a Section 106 agreement. The mix should include 2 x 2-bedroom, 2 x 4-bedroom dwellings.

When the application was first submitted, the section of the development which included the proposed affordable housing showed the provision of four houses which fell below the Nationally Described Space Standards. Revised plans were received, which amended the affordable housing to ensure it met

Standards, and the Council's Housing Officer raises no objections to the revised plans.

Similar to the S106 agreement which formed part of the previously approved planning permission, this application would secure the provision of 4no. dwellings (2 x 2 bed and 2 x 4 bed) as affordable units. The affordable units (Plots 16-19) are not pepper potted throughout the development, however given there is only 4no. units, it is appreciated this this arrangement is most favoured for future management.

Public Open Space

Policy CS10 of the Adopted Core Strategy states inter alia that the Local Planning Authority shall require new development to make appropriate provision (taking into consideration surpluses and deficiencies and condition of the different open space typologies within the vicinity of the site) for publicly accessible green space or improvement of existing accessible green space in accordance with the standards defined within the policy. Accordingly, the following obligation is sought:

- Public Open Space:
 - Off-site public open space financial contribution of £38407.27;
 - On-site open space/amenity space provision (as shown on plan 533.219.00).

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a designated town development boundary, where the principle of new development is generally considered to be acceptable. The site itself is also allocated for residential development in the Adopted Local Plan.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

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

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

The site is situated in a sustainable location, being close to the centre of Braintree, and within close proximity to local schools, bus links, and some facilities. The site itself is allocated for the provision of residential units, and the proposal has previously been granted planning permission (outline in 2012, and reserved matters in 2016).

The design and layout of the proposed development has been considered previously and was found to be acceptable. Although there have been representations made covering a number of points, Officers are satisfied that harm would be mitigated, and through the use of appropriately worded planning conditions, the development would be acceptable.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan. The proposed development would constitute sustainable development and officers recommend that planning permission is granted.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

1) 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:

- A financial contribution towards the provision and enhancement of public open space; and
- Provision of on-site affordable housing (Plots 16 – 19).

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

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

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 533.001.00
Topographical Survey	Plan Ref: 533.002.00
Site Plan	Plan Ref: 533.200.05
Proposed Plans	Plan Ref: 533.201.04
Proposed Plans	Plan Ref: 533.202.02
Proposed Plans	Plan Ref: 533.205.02
Proposed Plans	Plan Ref: 533.206.02
Proposed Plans	Plan Ref: 533.207.02
Proposed Plans	Plan Ref: 533.208.02
Proposed Plans	Plan Ref: 533.209.01
Proposed Plans	Plan Ref: 533.210.01
Proposed Plans	Plan Ref: 533.211.01
Proposed Plans	Plan Ref: 533.212.01
Proposed Plans	Plan Ref: 533.213.01
Proposed Plans	Plan Ref: 533.214.01
Proposed Plans	Plan Ref: 533.215.01
Proposed Plans	Plan Ref: 533.216.01
Management plan	Plan Ref: 533.219.00
Landscape Masterplan	Plan Ref: 01 Rev D
Tree Plan	Plan Ref: 03 Rev B
Proposed Plans	Plan Ref: 533/218/02 REV B
Proposed Plans	Plan Ref: 533/217/03 REV A

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or addition/alteration its roof as permitted by Classes A, B and C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers.

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

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

Reason

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

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

Environmental Services and shall be adhered to throughout the construction process.

Reason

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

- 7 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 8 Prior to the commencement of development, a programme of archaeological evaluation shall have been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason

The site may be of archaeological interest.

- 9 Prior to the commencement of development on those areas containing archaeological deposits, satisfactory completion of fieldwork as detailed in the mitigation strategy, shall have been approved in writing by the Local Planning Authority.

Reason

The site may be of archaeological interest.

- 10 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest.

- 11 Prior to the occupation of the new dwellinghouses, details of the proposed external lighting and any security measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall be installed in accordance with the approved details prior to the occupation of the dwellinghouses and thereafter retained.

Reason

To ensure the fear of crime is minimised.

- 12 No development shall commence unless and until the following, as part of the detailed surface water drainage scheme for the site, shall have been submitted to and approved in writing by the local planning authority.
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.

Please submit infiltration tests that satisfy BRE 365 requirements or similar approved

- Evidence that adequate attenuation storage applied with appropriate controlled runoff rates has been provided to ensure a half empty time of 24 hours for the critical event is provided, or enough volume is provided to contain a 1 in 10 year rainfall event within the storage within 24 hours of the 100 year rainfall event.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

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

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased.

- 13 Prior to the commencement of development, details in relation to how the management company services for the maintenance of shared drainage features shall be funded and managed for the lifetime of the development shall be submitted and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

Reason

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

- 15 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS Sep 2018) as already submitted with the planning application. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-

site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason

To protect features of recognised nature conservation importance. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

- 16 Prior to the commencement of development, details of the proposed ecological enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall detail the proposed habitat improvement and retention on the site particularly new native planting; and the design, type and location of bird nesting and bat roosting boxes, which where appropriate should be integrated into the building design. As swifts have been recorded in the local area integrated swift bricks/boxes should be included also. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

Reason

In order to ensure that appropriate provision is made for bats and birds on the site.

- 17 No development shall take place, including any ground works or demolition until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway.

Reason

In the interests of highway safety.

- 18 Prior to the occupation of the development, details of the following shall be submitted to and approved in writing by the Local Planning Authority.
- a) The access from Church Lane shall be constructed as shown in principle on the submitted documents and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. At its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m metres by 43 metres to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.
- b) The upgrade of the pair of bus stops that best serve the development. The upgrade to consist of new pole, flags, timetable frames and if possible

raised kerbs.

c) The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

The details shall be installed in full as approved prior to the occupation of the development and permanently maintained as such thereafter.

Reason

In the interests of sustainable development.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER