

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 18/01640/OUT

Date Received: 7th September 2018

APPLICANT:

Gladman Developments
Gladman House
Alexandria Way
Congleton Business Park
Congleton
CW12 1LB
UK

AGENT:

DESCRIPTION :

Outline planning application for the erection of up to 98 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Colchester Road. All matters reserved except for means of access.

LOCATION :

Land Off Colchester Road Bures Hamlet Essex

SUBMITTED PLANS :

Location Plan	Plan Ref: CSA/3465/110	Version: C
Framework Plan	Plan Ref: CSA/3465/114	Version: F

DECISION :

The Braintree District Council as local planning authority has considered your application and gives notice of its decision to **REFUSE** planning permission in accordance with the above plan(s) and for the following reasons:

- 1 The application site sits outside the Village Envelope of Bures Hamlet in the open countryside where residential development is restricted. The site has importance as the buffer between settlements and as part of the wider landscape in the Stour Valley that development on the site would result in an unacceptable detriment to a valued landscape which would not be outweighed by the benefits of the development. The development is contrary to the NPPF, Policies RLP2 and RLP80 of the Adopted Local Plan Review, Policies CS5 and CS8 of the Adopted Core Strategy and Policies LPP1 and LPP72 of the Emerging Draft Local Plan.
- 2 The proposed development would extend the existing twentieth century residential sprawl, resulting in the historic core of the settlement being further detached from its open landscape, whilst also further encapsulating the low lying flood plains of the River Stour which provides the village core's immediate setting.

Furthermore the proposed development would result in less than substantial harm to the Grade II listed Brook House by the further encroachment of residential development into the asset's setting.

Planning Decision Notice

Whilst the level of harm in this case would be less than substantial harm, taking into account the cumulative impact upon the designated heritage assets, the benefits of the proposal do not outweigh the harm to the identified. The proposal is therefore contrary to the NPPF, Policies RLP90 and RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LLP50 and LLP60 of the Draft Local Plan.

- 3 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to their location.

Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District.

The proposed development would trigger the requirement for:

- The delivery of 40% affordable housing on site;
- A financial contribution towards childcare, early years and primary and secondary school places and transport;
- A financial contribution towards primary health services;
- The provision, maintenance and delivery of public open space, outdoor sports and allotments.

These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to the above policies and adopted SPD.

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

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 Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas

Planning Decision Notice

RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP88	Agricultural Land
RLP90	Layout and Design of Development
RLP94	Public Art
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP163	Infrastructure and Community Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP7	Development & Delivery of New Garden Communities in North Essex
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP74	Climate Change

Dated: 17th December 2018

Signed:  _____

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Christopher Paggi
Planning Development Manager
Causeway House, Bocking End, Braintree, Essex CM7 9HB

Planning Decision Notice

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, then if you want to appeal against the local planning authority's decision on your application you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served after a planning application is determined which relates to the same or substantially the same land and development as in your application and you want to appeal against the local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. This is regardless of any right of appeal against the enforcement notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

Planning Decision Notice