DECISION MADE BY THE DIRECTOR OF SUSTAINABLE COMMUNITIES

<table>
<thead>
<tr>
<th>Application No</th>
<th>: 14/01976/OUT Outline Application</th>
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<tbody>
<tr>
<td>Location</td>
<td>Horseshoe Farm Main Road Bicknacre Chelmsford Essex CM3 4EX</td>
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<tr>
<td>Proposal</td>
<td>Outline application for residential development of up to 110 dwellings, land for doctors surgery, open space, landscaping, ancillary infrastructure and means of access. (All matters reserved except access).</td>
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<tr>
<td>Development Type</td>
<td>Large Major Dwellings (D01)</td>
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<tr>
<td>Drawing No(s)</td>
<td>6057-L-06; 6057-L-02/K; 2524-GA-03/Rev G;</td>
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<tr>
<td>Applicant</td>
<td>Mr Ivor Beamon Gladman Developments Ltd</td>
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<tr>
<td>Agent</td>
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<tr>
<td>Date Valid</td>
<td>10th December 2014</td>
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<tr>
<td>Target Date</td>
<td>10th March 2015</td>
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<tr>
<td>Case Officer</td>
<td>Julie Broere</td>
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<tr>
<td>Consult Expiry</td>
<td>24th February 2015</td>
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SUMMARY OF RELEVANT PLANNING POLICIES:

CP1
Core Policy CP1 Securing Sustainable Development - The City Council will promote and secure sustainable development by linking housing and employment needs and directing development to locations supported by effective transport provision, leisure, community and other essential services, whilst minimising damage to the environment and actively securing environmental enhancements. When considering development proposals the City Council will take a positive approach reflecting the presumption in favour of sustainable development contained in the NPPF.

CP2
Core Policy CP2 The City-wide Spatial Strategy - All proposals for development will be considered in the context of the City-wide Spatial Strategy which sets out the City Council’s vision for development growth in the Borough in the period up to 2021.

CP4
Core Policy CP4 - Securing Infrastructure - The Council will require, through the use of planning contributions, that all new development meets the necessary on and off-site infrastructure requirements required to support the development and mitigates the impact of that development on existing community interests. Standard charges and/or standard
formulae, as appropriate, will be imposed for payment of financial contributions towards infrastructure, works or facilities.

CP5
Core Policy CP5 Containing Urban Growth - Urban growth will be contained by defining the physical limit of the urban areas of Chelmsford and South Woodham Ferrers and the Defined Settlements.

CP9
Core Policy CP9 Protecting Areas of Natural and Built Heritage Importance - The City Council is committed to protecting and enhancing the City's important natural and historic environment and will therefore seek to sustain biodiversity, archaeological and geological conservation.

CP10
Core Policy CP10 Protection from Flooding - The City Council will require that development is protected from flooding and that appropriate measures are implemented to mitigate flood risk and will work with the Environment Agency to put in place strategic flood defence measures.

CP11
Core Policy CP11 Energy Efficiency, Renewable Energy and Recycling - The City Council will expect development to have a net beneficial effect on the local and global environment by promoting more energy efficient development, minimising energy consumption, pollution and waste, and incorporating recycling facilities.

CP12
Core Policy CP12 Protecting and Enhancing Recreational Provision - The City Council will seek to maintain and enhance the provision of formal and informal recreation facilities, at appropriate locations within the City, including the designation of new local parks and gardens, country parks and other public open spaces.

CP13
Core Policy CP13 Minimising Environmental Impact - The City Council will seek to ensure that development proposals minimise their impact on the environment and that they do not give rise to significant and adverse impacts on health, amenity including air quality, and the natural environment.

CP18
Core Policy CP18 Providing New Community and Social Facilities in Major New Developments - The City Council will ensure that new community facilities are developed as an integral part of any proposals for major new residential development and will be accessible to all sections of the community.

CP20
Core Policy CP20 Achieving Well Designed High Quality Places - The City Council will require the layout and design of all development to create well designed high quality successful places for living and working.

DC2
Development Control Policy DC2 Controlling Development in the Countryside beyond the Metropolitan Green Belt - The countryside within the rural area beyond the Metropolitan Green Belt will be protected for its intrinsic character and beauty. Planning permission will be granted for development within the rural area provided that the intrinsic character and beauty is not adversely impacted upon and provided it is for a new building that supports sustainable growth of an authorised viable rural business and there is a justified need and no adverse impact upon character, appearance and visual amenity of the countryside; or
promotes development and diversification of agriculture and other appropriate land based rural businesses or is accommodation in connection with such uses; or is for affordable housing for local needs; or is for the replacement of a building; or is for local transport infrastructure; or is for residential infilling in villages. These are subject to compliance with policies DC33, DC32, DC11 and DC12. The extension or reuse of an existing building is acceptable subject to compliance with Policy DC47 or DC57. Engineering or other operations or changes of use of land are acceptable provided they would have no material effect on the appearance and character of the countryside.

DC4
Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.

DC7
Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.

DC13
Development Control Policy DC13 Site of Biodiversity and Geological Value - The City Council will seek to restore, maintain, and enhance biodiversity and geological conservation interests. Appropriate weight will be attached in respect of designated sites when determining planning applications.

DC14
Development Control Policy DC14 Protected Trees and Hedges - Planning permission will be refused for any development that would be liable to cause demonstrable harm to protected woodland, trees and hedgerows, unless conditions can be imposed requiring the developer to take steps to secure their protection.

DC21
Development Control Policy DC21 Archaeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings.

DC24
Development Control Policy DC24 Energy Efficient Design and Use of Materials - The City Council will require new dwellings and non-residential buildings to incorporate sustainable design features to reduce carbon emissions and the consumption of natural resources. Five or more dwellings, non-residential developments greater than 1000 sqm are required to achieve 10% reduction or more in carbon dioxide emissions above current building regulation requirements. A statement must be submitted specifying how this will be achieved. All new dwellings are required to achieve a minimum rating of level 3 of the Code for Sustainable Homes (or its successor). Non-residential buildings shall have a minimum BREEAM rating (or its successor) of Very Good. Where possible new buildings to utilise a minimum of 20% of sustainable building materials and/or reuse of recycled materials.

DC25
Development Control Policy DC25 Water Efficiency and Sustainable Drainage Systems - The City Council requires developments to incorporate measures that reduce the demand for water, and the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.
DC36
Development Control Policy DC36 Accessible and Adaptable Developments - All new developments, and particularly housing, shall be designed from the outset so as to promote inclusive design, and ensure that all measures needed to promote accessibility and adaptability are achieved in a visually acceptable manner.

DC40
Development Control Policy DC40 Public Open Space for New Residential Developments - Outlines requirements for provision and, where appropriate, commuted sum payments.

DC42
Development Control Policy DC42 Site Planning - Planning permission will be granted for development proposals where the site planning and design of building spaces arranges access points, routes within the site, public and private spaces, building forms and ancillary functions in an efficient, safe, workable, spatially coherent and attractive manner, incorporates existing site features of value and does not cause unacceptable effects on adjoining sites, property or their occupiers.

DC43
Development Control Policy DC43 Promoting Public Art in New Development - The City Council will seek the provision of public art in association with all developments of 10 or more dwellings or for more than 1,000 square metres of floorspace or that have significant impact upon the public realm or a high degree of public access.

DC44
Development Control Policy DC44 Private Amenity Space - All new dwellings will be required to have a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location.

DC45
Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.

SITE CONSIDERATIONS AND CONTEXT

- The site is an irregular shape located on the eastern side of Bicknacre village, between White Elm Road and Main Road.
- It is of approximately 5.26 hectares and lies outside of the Rural Area beyond the Metropolitan Green Belt.
- The site is enclosed by mature trees and hedges and a small run of built development on the east side of Main Road.
- The southern part of the site is bounded by a line of 23 Oak trees protected by a Tree Protection Order served in 2006.

CONSULTATION RESPONSE SUMMARIES

Woodham Ferrers & Bicknacre Parish Council

The Parish Council unanimously does not support this application. A Parish Council meeting was held and the following was noted:

1. Councillors requested the right to continue to make comments at all stages of any planning applications. Councillors acknowledged the need to have as much involvement
as possible in the unfortunate event that this outline planning application was eventually approved.

2. Councillors present at the Extraordinary Parish Council Meeting of 8th January 2015, stressed the overwhelming amount of parishioners against the proposal.

3. Councillors were concerned of overdevelopment of the village.

4. Councillors noted the historic development of Bicknacre and suggested opposition to any further development.

5. Councillors acknowledged there was a housing need, and that some parishioners may welcome the opportunity to downsize etc. but in the current form, the development was not suitable for Bicknacre and a precedent would be set for future developments.

6. Councillors noted that the quality of the houses were of the minimum standard required.

At an extraordinary Parish Council meeting held on 8 January 2015, the Parish Council undertook their own residents' questionnaire to understand local views of the scheme. The Parish Council tabulated the results and this is available on the Council’s website under the Parish Council’s consultation response.

The questionnaires indicate that the majority of residents are against the proposed scheme. Their main concerns relate to:

- Traffic
- Pedestrian access/footpaths
- Lack of infrastructure/overdevelopment of the site
- Flooding and drainage
- School capacity
- Health services capacity
- Loss of agricultural land/open fields
- Vehicle access into the site
- Contrary to adopted policies
- Affordable housing
- Environment/wildlife/pollution
- Cumulative impact of development and the planned growth in Maldon on traffic congestion.

75 of the questionnaires were submitted directly to the Council. The comments made have been considered by the Council.

Comments

See response to neighbour representations and the main body of the report.

Danbury Parish Council

Danbury Parish Council strongly objects to the application for the following reasons:

1. There is great concern about the implications of the additional traffic that will be generated by this development through Danbury, and particularly along the A414 and Woodhill Road.

2. The location of this development would encourage rat running through some of the narrow lanes and roads in the surrounding area.

3. There is already heavy vehicle usage of Woodhill Road as an alternative to the A414 and the proposed development will increase the risk of further road traffic collisions in the area.

4. Egress onto Woodhill Road is already hazardous and any additional traffic (including visitors and trade vehicles) will increase this problem. The Country Park, located along
Woodhill Road, already generates increased traffic, especially during the spring and summer.

5. The Parish Council is also concerned that this application would add to the traffic issues which will occur if the Maldon District LDF is approved.

Comments

All matters addressed in the report.

Public Health & Protection Services

I suggest a scheme for dealing with any plant noise etc from the proposed surgery are submitted to the LPA for approval. The scheme should show how plant noise levels will be satisfactorily controlled so that no disturbance is caused to nearby residents.

Parks & Open Spaces

Comments made on the design, layout and maintenance of the local open space and play space shown on the indicative plans. These would need further consideration were the application recommended for approval. The consultation response in full is available on the Council’s website.

Strategic Housing Manager

Notwithstanding the policy objections to this application, were planning permission to be granted, a 35% on-site affordable housing contribution consisting of 23.45% of the total number of dwellings as social or affordable rented housing and the balance as intermediate housing should be secured through a s106 obligation. A template Affordable Housing schedule is available on request. There are no demonstrable reasons why an affordable housing contribution could not comply with all the requirements set out in Policy DC31 and Part 5 and Appendix 1 Update of the Planning Obligations SPD.

Essex County Council Highways

Following the submission of amended accessibility drawings, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a number of conditions.

ECC Historic Environment Branch

The archaeological appraisal supplied with the application has assessed the archaeological potential of the site and concluded there is a possibility for archaeological deposits.

No objections subject to a condition securing a programme of archaeological works.

ECC Community Infrastructure Planning (Education)

Primary school

The development is located within the priority admissions area of Priory Primary School. The school has a capacity of 2010 places. The school is forecast to have a surplus of 73 places by the end of the school year 2018-19. No contribution for additional primary school places will be requested.

Secondary school
The development is located within the priority admissions area for The Sandon School. The school is forecast to have a deficiency of 18 places by the school year 2018-19. A financial contribution for the provision of an additional classbase at the school will be requested. ECC is obliged to provide free transport to the school resulting in a long term cost to ECC. S106 contributions, therefore, are requested for secondary school transport.

Comments

See report.

ECC Minerals & Waste Planning

The application does not lie within a Minerals Safeguarding or Minerals Consultation Area as defined in the Essex Minerals Local Plan 2014 and therefore the MPA has no comments to make.

Essex County Fire & Rescue Service

Access appears satisfactory, although additional fire hydrants will be required within the development site. Further observations will be made on the submission of Building Regulation plans.

Architectural Liaison Officer, Police HQ

Essex Police do not object to the development in principle but do raise the issue of crime and anti-social behaviour. Any development will have the potential of being subject of criminal activity. To prevent and reduce these issues we would seek a condition on planning of Secured by Design Certification.

Anglian Water Services Ltd

Wastewater Treatment

The foul drainage from this development is in the catchment of Chelmsford Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network

The sewerage system at present has capacity for these flows.

Essex and Suffolk Water

We would advise you that we have an existing 48 Strategic Trunk Raw Water Main that is vital to our network across the site. Following a meeting at our office with Gladman Developments Ltd on 3rd July 2014, it was agreed that the site layout would be designed to meet our requirements for an easement width of 13.2 metres wide (6 metres either side of the pipe) to allow future maintenance / repair work on the pipe.

We will have no objection to the development subject to compliance with our requirements.

Essex County Council (SUDS)
Further to the submission of additional information, it is now considered that a drainage scheme has been proposed which demonstrates surface water management is achievable in principle, without causing flooding on-site or elsewhere.

We consider that outline planning permission can be granted to the proposed development subject to conditions.

**Environment Agency**

The development site lies in Flood Zone 1 and is more than 1 hectare in size. As we advised in our letter to your Head of Planning dated 12 December 2014, we are no longer providing planning advice for developments over 1 hectare in size. We are however working with Essex County Council, as your Lead Local Flood Authority, to ensure you continue to receive advice on the adequacy of surface water management proposals. We understand Essex County Council have already responded to this consultation. We fully support the advice they have provided.

**NHS Property Services Primary Care Estates Advisor**

The proposal comprises a development of up to 110 dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and, if necessary, mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

**Doctor’s surgery**

It is noted that a Health Impact Assessment (HIA) has been prepared by the developer and included with the planning application for the proposed development. The HIA proposes the allocation of land for a doctor’s surgery and indicates that the Wyncroft Surgery would relocate to the site in a new purpose built surgery.

NHS England would not support the relocation of the Wyncroft Surgery to the proposed development site due to its close proximity to the development of a new GP practice within Danbury. Therefore the allocation of land for a new surgery on the proposed site is not a current requirement of NHS England.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

**Comments**

See report.

**Natural England**

The application site is within 6km of the Crouch and Roach Estuaries Special Protection Area (SAC), Special Area of Conservation (SAC) and the Blackwater Estuary SPA which are all European sites (and also designated as Ramsar sites). However, as agreed in our discretionary advice to the applicant dated 10 June 2014, we have no concerns to raise regarding any of these sites in relation to the proposed development.

This application site is also in close proximity (400m) to Thrift Wood Woodham Ferrers Site of Special Scientific Interest (SSSI) and approximately 1.3km from Danbury Common SSSI. These sites are both sensitive to changes in water levels and we note that the submitted documentation has not included an assessment of potential effects to the above sites in
their ecology or flood risk and surface water reports. Given the sensitivity of these sites it is important to include an accurate assessment of surface water drainage across the site (with a view to ensuring that drainage mimics pre-development surface run off) and an appropriate drainage strategy.

However, taking into account the information submitted within the current flood risk and surface water drainage strategy and from our knowledge of the SSSIs in question, Natural England is satisfied that there is not likely to be an adverse effect on these sites providing a condition is put in place to ensure that a comprehensive surface water strategy is submitted and agreed by your authority (and Essex County Council).

**Neighbour Representations**

82 letters received (this does not include Parish Council questionnaires)

**Principle**

1. Is a greenfield site and not allocated for development
2. The City Council has an adopted local plan and can demonstrate five years worth of housing supply – the development is not needed
3. Development is contrary to adopted local policies
4. Development is contrary to the National Planning Policy Framework
5. Site lies outside the Defined Settlement Boundary of Bicknacre
6. Development will set an unwanted precedent
7. Bicknacre is a small village and cannot sustain this type of development
8. Development should be confined to areas identified in the local plan – proposal is *ad hoc* development
9. Development should not be allowed on Green Belt land
10. Countryside should be protected for its ownsake and own right

**Proposal/design/appearance**

11. Development not in keeping with the village
12. Development will destroy the village character
13. Scale of development is unacceptable
14. Occupiers of development will commute to London – village will become a dormitory village to London
15. Concerns on the location of the development to the existing mobile phone mast

**Traffic/highways**

16. Increase in existing traffic congestion, queuing during peak times, volume of daily traffic
17. Concerns on emergency vehicle access
18. Concerns on cumulative impact of development and the planned growth in Maldon on traffic congestion.
19. There is a need for suitable footpaths and access for pedestrians
20. Traffic safety concerns
21. Pedestrian safety concerns
22. Questions on the Transport Assessment submitted by the applicant

**Infrastructure provision**
23. Concerns on flooding and drainage on and around the site – Bicknacre has a history of flooding
24. Impact upon local facilities; doctors and schools
25. Proposed attenuation pond is not an acceptable solution to flooding/surface water drainage
26. Doctor’s surgery is not supported by the NHS
27. Permanent loss in agricultural land
28. Question car parking provisions and width of estate roads
29. Concerns on power supply – there have been a number of power cuts in the village
30. Concerns on water supply capacity
31. Doctor’s surgery not required – works have commenced on Danbury Practice
32. No detail on affordable housing provision
33. Lack of infrastructure
34. Lack of local facilities
35. Limited public transport in the village

Landscape/biodiversity

36. Local wildlife will suffer
37. Loss of views of farmland

Other matters

38. Impact on the amenities of the properties adjoining the site
39. Increase in noise and pollution

Comments

1-8. See report
9. The site is not designated as Green Belt land. The site lies within the Rural Area beyond the Green Belt.
10. The countryside can no longer be protected for its own sake. Government policy requires the intrinsic character and beauty of the countryside to be protected.
11-13. See report
14. Noted however will not necessarily be the case
15. The layout is currently indicative. See report.
16-27. See report
28. The layout is currently indicative. See report.
29. Whilst the concerns are noted, power supply and capacity is a matter for the relevant provider. The developer would need to apply to the utilities company for connection for the new homes.
30. See response from Anglian Water
31. See report.
32. The application is outline only however the applicant has indicated that up to 35% of the development would be affordable
33-34. See report
35. Public transport is considered sufficient.
36-38. See report.
39. It is considered that 110 dwelling would not significantly increase existing everyday noise and pollution within the village.

ASSESSMENT

The proposal is for outline planning permission for up to 110 new residential properties on a piece of open farmland between White Elm Road and Main Road, Bicknacre. The site is
located on the eastern side of Bicknacre village outside the Defined Settlement Boundary. All matters are reserved for subsequent approval with the exception of access which would be via White Elm Road.

The applicant has indicated that the development is based on a delivery density of 27-28 dwellings per hectare for a mix of tenure and types of homes. The proposal includes approximately 0.2 hectares of land reserved for the potential relocation of the local doctor's surgery.

**Principle**

**Housing supply**

The application site lies outside of any area considered appropriate for development as set out in the Council’s development plan. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 establishes the principle that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reinforced by the National Planning Policy Framework (NPPF) which states that the development plan is the starting point for decision making.

The Core Strategy and Development Control Policies DPD (CSDCP) adopted in 2008 contains a housing target for Chelmsford. Policy CP2 of the CSDCP sets out that a minimum of 14,000 net new dwellings should be built in the period 2001-2021 which equates to an average annual delivery rate of 700 dwellings per annum.

The CSDCP housing target was derived directly from the then Draft East of England Plan. When the East England Plan was finally approved in May 2008, the target increased from 14,000 net new dwellings to 16,000 net new dwellings (equating to average annual delivery rate of 800 dwellings per annum). The Council included sites within its housing trajectory which provided in excess of 16,000 new dwellings, although the target remained a minimum of 14,000 new dwellings.

In 2010, the Government made a commitment to revoke all Regional Plans outside London. The proposed early Review of the adopted CSDCP was subsequently put on hold. The East of England Plan, including the Chelmsford housing target, was finally formally revoked on 3 January 2013.

The National Planning Policy Framework (NPPF) published by the Government in March 2012 states that local planning authorities, using their evidence base, should ensure their Local Plan meets in full the objectively assessed need for market and affordable housing in the housing market area. The NPPF goes on to state that five years’ worth of deliverable housing sites against this requirement should be identified with an additional buffer of 5% or 20% where there has been a record of persistent under-delivery of housing.

It has become increasingly clear through recent court cases, planning application appeal decisions and Local Plan Examinations across the Country, an approach relying solely on a housing target sourced from the now revoked Regional Plans cannot be sustained. Therefore, in response to the NPPF and the National Planning Practice Guidance (PPG), the Council have commissioned appropriately qualified consultants to undertake a full assessment of ‘Objectively Assessed’ housing needs (OAHN) following approval by Development Policy Committee on 2 October 2014. This work will inform the Council’s future housing target and production of the new Local Plan. The OAHN report is due to be complete in the Summer of 2015.

In the intervening period, prior to the completion of the OAHN assessment, the Council’s
Development Policy Committee at its meeting on 2 October 2014 has resolved to use an interim annual housing target based on the most up-to-date evidence and data available. This approach is in line with the PPG which states that the latest household projections published by the Department of Communities and Local Government (CLG) should be the starting point to estimate overall housing need.

Based upon the average of the 2008 and 2011-based CLG demographic forecasts (contained within the EPOA Greater Essex Demographic Forecasts Phase 6 Report) and the new draft Strategic Housing Market Assessment 2014 (SHMA) completed in 2014 this provides a range of 680-925 dwelling per year. Ahead of the work currently being undertaken by consultants on the Council’s ‘Objectively Assessed’ housing need, a mid-point in this range of **800 dwellings per annum** was approved by the Council as the Interim Housing Target to be used as the basis to calculate the five-year housing requirement.

On 27 February 2015, the 2012-2037 Household Projections were published. The PPG advises that these are the most up-to-date estimate of future household growth. The 2012 projections contained within the Greater Essex Demographic Forecasts Phase 7 Report show a small reduction in dwellings per annum from both the 2011-based and 2008-based projections. In respect to calculating the Council’s interim target, it would, if using the 2012-based projections, mean a small reduction to the housing target figure. However, overall the publication of the most recent projections does not meaningfully change the assumptions used in the calculation of the interim housing target. The Council has, therefore, considered the implications of the 2012-based CLG Household Projections but no change has been made to the interim housing target of 800 dwellings per annum as agreed in October 2014.

The Council’s Five Year Land Supply Position Statement – April 2015 sets out how the Council’s five year housing requirement is calculated using an interim housing target of 800. The NPPF states that local planning authorities should apply a 20% additional buffer where there has been a record of persistent under delivery of housing to provide a realistic prospect of achieving the planning supply. An Inspector recently determined that there has been persistent under delivery in housing in Chelmsford such that the 20% additional buffer to the interim target should be applied. In addition to this and accordance with the PPG, any quantifiable historic under-supply should be included in the five-year requirement. In 2013/14 (the draft SHMA data baseline) there was an undersupply of 304 dwellings. The SHMA range takes into account concealed households which would be the component of any historic undersupply. Therefore, the total housing requirement over the next 5 years is 5,165 (or 1,033 dwellings per annum).

The Council’s Housing Site Schedule and Housing trajectory identify deliverable sites forecasted to be completed in the next 5 years. Both these documents demonstrate that there is a supply of 6,095 dwellings. On the basis of the five year housing requirement and the forecasted housing supply, the City Council can demonstrate a suitable supply of housing for the next 5.90 years.

Therefore, in accordance with paragraph 47 of the NPPF, the Council, with the use of the agreed interim target, has an identified and deliverable supply of sites to provide five years worth of housing. On this basis, it is considered that the Council’s approach to delivering housing over the next five years is sound and the applicant’s argument that the promotion of the application site is justified on the basis that the Council does not have a five year supply of housing is refuted. The Council disagrees with the supporting information submitted by the applicant on their consideration of the Council’s five year housing requirement.

Consequently and in reference to the proposed development, it is the Council’s position that there is no requirement for the release of an unallocated, greenfield site that has not been strategically assessed, taking account of all other potential sites, supporting infrastructure
and housing need across the Borough. The additional housing is not required and instead the site is located within the countryside where local policies seek to contain urban growth for the purposes of securing meaningful sustainable development in accordance Policy CP1. This means directing developments to the right locations which are supported by effective infrastructure and community provisions, whilst minimising damage to the environment and delivering the development needs of all communities across the Borough.

The site lies outside the Defined Settlement of Bicknarce and is located in an area not allocated for future housing development. The Council can demonstrate five years’ worth of deliverable sites in accordance with Government guidance and therefore full weight should be given to the Council’s adopted planning policies that are relevant to housing supply. The development is contrary to the Council’s spatial strategy and policies on the containment of urban growth such that it recommended for refusal on these grounds.

**Intrinsic character and beauty of the countryside**

Paragraph 17 of the NPPF states that planning should take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside.

Both policies CP5 and DC2 of the CSDCP seek to protect the intrinsic character and beauty of the countryside. Bicknacre village and its urban form is very much contained to the western and northern fringes of White Elm Road and Main Road. To the east of the village, including the application site, the area is characterised by undeveloped open agricultural land interspersed with important wildlife sites such as Thrift Wood and Folks Wood. A network of public routes runs through this area and prevailing views are of the natural landscape.

To the north of the application site is the distinctive landform of Danbury, visible on the horizon. The wooded landscape and distance views of Danbury church are afforded from this aspect. Views of the elevated tree-lined landscape of Danbury continue along the east of the site with dense hedgerow and trees punctuating the foreground.

The open fields, the wooded landscape and the undulating countryside are the key attributes of this area of countryside. The proposed scale of the development and its presence along the eastern borders of the village is uncharacteristic of the locality and would have a harmful urbanising impact on the area’s principal landscape features. It would represent unwanted urban sprawl detrimental to the environmental quality of the area. The development would, therefore, adversely impact upon the intrinsic character and beauty of the countryside contrary to Policies CP5 and DC2.

**Infrastructure Provision**

Introduced on 2 June 2014, the Community Infrastructure Levy (CIL) allows the Council to raise funds from developers who are undertaking building projects in their area. The funds raised will be used to provide infrastructure, such as health and education provision, which is needed in order to support the growth of an area.

As CIL Charging Authority, the Council is expected to publish a list, known as the Regulation 123 List, of infrastructure that it intends could be funded, wholly or partly by CIL. Included on this list are the following:

- Additional Primary and Pre-School provision to serve Chelmsford City Council area
- Improvements to Primary Healthcare provision to increase capacity.
Health

NHS England has advised that the development is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within the development’s area and its healthcare catchment. NHS England would therefore expect these impacts to be fully assessed and, if necessary, mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

The Community Infrastructure Levy is now the adopted approach by the Council to secure funding for the relevant infrastructure needs to support the growth of an area. Were the development acceptable, it would be subject to CIL and NHS England could seek a proportion of the monies collected by the Council to help mitigate the impact of the development on healthcare services in the Bicknacre catchment area. The NHS do not object to the proposed development. The Council is satisfied that the development would not have a detrimental impact upon healthcare facilities within the area.

Doctor’s surgery

Approximately 0.2ha of the development site has been reserved for the potential relocation of Wyncroft Surgery which is currently located in Priory Road, Bicknacre. It would be a new purpose built surgery.

The NHS do not support the relocation of the surgery to the development site due to its close proximity to the new GP Practice in Danbury which is currently being built (ref. 13/01017/FUL). The allocation of land for a new surgery is not a requirement of the NHS. In response to this the doctor of Wyncroft Surgery has advised that he is still interested in the site and would look to self-finance the project if necessary.

The Council acknowledges the benefit of a new purpose built healthcare facility for the locality. However, given the proposed building is not deemed necessary and indeed is not supported by the NHS, little weight is given to this issue.

Education

Primary school

The development would fall within the priority admissions area for Priory Primary School. The school has a capacity of 210 and is forecast to have a surplus of 73 places by the end of the school year 2018-2019.

Despite comments made by representors, there is sufficient primary school capacity to accommodate the proposed development.

Secondary school

The development would fall within the priority admissions area for Sandon School. The school has a capacity of 1,253 places but is forecasted to have a deficiency of 18 places by the school year 2018-19. A financial contribution, therefore, has been requested for the provision of an additional classbase.

Following the adoption of CIL, the Council can only request S106 contributions if they are specifically related to the development to mitigate the impacts of that development. The link between the required infrastructure and the development must be demonstrated. An additional classbase to accommodate forecasted deficiency is not specifically related to the proposal. S106 contributions, therefore, for possible future infrastructure requirements for the school cannot be sought. Instead, any future infrastructure needs could be secured by CIL, similar to healthcare, in accordance with the Council’s Regulation 123 List.
ECC Education has also requested contributions for transporting students to the high school as it is in excess of the statutory walking distance from the proposed development. ECC Education is statutorily obliged to provide free transport for children to their nearest school.

There have been recent changes to ECC Education's transport policy that may mean S106 contributions could be reasonably sought for the transporting of high school children to and from the development. The applicant is advised that the Council will further engage with ECC Education on their transport policies should an appeal be lodged. The development, therefore, may be subject to a S106 Agreement however this is not being pursued at this time owing to objections to the principle of development.

**Flooding/drainage**

Essex County Council is the Lead Local Flood Authority (LLFA) and since April 2015 is a statutory consultee on planning applications. The LLFA has confirmed that the information submitted demonstrates that surface water management is achievable in principle without causing flooding on-site or elsewhere. This addresses the concerns raised by some representors.

The Environment Agency (EA) support the advice given by the LLFA.

The applicant has also been in discussions with the LLFA on allowing additional storage on site for surface water run-off to help contribute to mitigating existing flooding problems in the village unconnected to the proposed development. This, in the applicant’s view, weighs in favour of the development.

Paragraph 94 of the NPPF advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk coastal change and water supply and demand considerations.

Potential means to reduce historic flooding in the village is welcomed. However, this element of the development, or any other aspects of the proposal, cannot be viewed in isolation when assessing the merits of the application and its compliance with both national and local policy.

The impacts of the development are set out above and it is not considered the benefits of potentially accommodating additional storage for surface water run-off outweighs the harm caused.

**Highway matters including access**

Main access to the development site is proposed off White Elm Road, to the east of the Bicknacre Road/Main Road roundabout and roughly adjacent to nos. 19-25 White Elm Road.

Following objections raised by the Highway Authority, the access has been moved further east from the original proposal and two central refuge islands are provided either side of the access. The following changes were also made:
- The provision of a 2m wide footway to Horseshoe Nurseries and also to the pedestrian refuge island to the west of the access
- A pedestrian refuge island on Main Road to the south of the mini roundabout junction.

The changes made overcome the Highway Authority’s previous accessibility concerns - the development is now acceptable from a highway and transport perspective subject to a number of conditions.

Representors have raised a number of highway concerns (as summarised in the relevant sections) and the Highway Authority has responded accordingly:

1. The Maldon Local Development Plan, Pre Submission Plan has been subject to hearing sessions with regards its soundness and legal compliance regarding its housing and infrastructure policies. In light of all evidence presented to and during these hearing sessions both Essex County Council and Chelmsford City Council consider that the LDP is unlikely to be in conflict with paragraph 32 of the NPPF in relation to the A414. The wider transport impact of this application therefore is not considered to be significant.

2. The localised transport impact of approximately 110 dwellings off White Elm Road could be readily accommodated within the traffic calmed village setting.

3. Existing transport infrastructure in the wider village, footways/pedestrian crossing points/footpath links, are all considered to be in a condition that is capable of absorbing the additional usage arising from this proposed development.

On the basis of the revisions made and the Highway Authority’s acceptance of the proposal, no objections are raised on highway safety grounds or network capacity.

It is should be noted that the Highway Authority’s recommendation relates only to the White Elm Road access where main access would be taken from. The Authority has not considered the merits of the proposed emergency access/pedestrian/cycle access in Main Road as shown on the submitted Masterplan. The transport data submitted with the application relates primarily to the main access. Accordingly, the acceptance of the proposed access arrangements is limited to the White Elm Road access only and does not include the additional access point off Main Road.

Notwithstanding the above, the Highway Authority has indicated that an emergency access is unlikely to be necessary for a development of up to 110 houses.

Local facilities

Notwithstanding concerns raised by some representors, Bicknacre village does have a small range of local facilities, including a small shopping parade and two public houses. These sufficiently accommodate the existing needs of local residents and would appropriately serve the needs of a development of 110 new dwellings.

Agricultural Land Quality

As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council is only required to consult the Secretary of State for Environment, Food and Rural Affairs for non-agricultural development on Grade 3a
agricultural land of 20 hectares or more. The application site is below this threshold – it is 5.26 hectares.

Paragraph 112 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used over that of higher quality. An agricultural land assessment submitted indicates that sub-grade 3a land dominates the use of the field with a small element of sub-grade 3b quality.

Land Grades 1, 2 and 3a land are defined as best and most versatile and the NPPF states that local authorities should take account the economic and other benefits of such land. The principle of development has not been demonstrated and refusal is recommended. The first test of paragraph 112 of the NPPF is not met.

It is acknowledged that the land was most recently used to grow lucerne silage which is used for animal feed. The land, therefore, is in arable use. However notwithstanding this, the Borough as a whole has large areas of countryside (a mix of Rural Area and Green Belt with over 37% of the Borough designated as Green Belt) and this is predominantly a mix of Grade 2 and Grade 3 land. In this context, the loss of approximately 5.26 would not be so significant to justify the refusal of the application on these grounds.

**Neighbour amenity**

The application is for outline planning permission – the applicant is seeking agreement “in principle” to the development of 110 new dwellings without being committed to a specific scheme. The relationship with existing neighbours adjoining the site in White Elm Road can be addressed through a Reserved Matters application if the development was acceptable in principle.

**Design and layout**

The indicative layout drawing gives rise to some concerns on site planning, the use of spaces; Sustainable Urban Drainage features; the location of the doctor’s surgery and circulation and movement in the site.

The drawings submitted are indicative only - for this application layout, appearance, landscaping and scale are reserved. Design principles could be addressed through a Reserved Matters application if the development was acceptable. This includes the location of dwellings in relation to the existing phone mast. This, however, is ultimately at the discretion of the developer – it is not a reason to refuse planning permission.

**Biodiversity**

*Internationally and nationally designated sites*

The site is within 6km of the Crouch and Roach Estuaries Special Protection Area (SPA), Special Area of Conservation and the Blackwater Estuary SPA. Natural England has been consulted and they do not raise any concerns regarding these sites in relation to the development.

The site is also in close proximity (400m) to Thrift Wood Woodham Ferrers Site of Special Scientific Interest (SSSI) and approximately 1.3km from Danbury Common SSSI. Natural England has noted that an assessment has not been undertaken specifically looking at the
potential effects of the development on the above sites.

However, taking into account the information submitted within the applicant’s flood risk and surface water drainage strategy and from their knowledge of the SSSIs, Natural England is satisfied that there is not likely to be an adverse effect on these sites providing a condition is put in place to ensure that a comprehensive surface water strategy is submitted and agreed. Were the development acceptable, such a condition would be imposed.

It is considered that the development is suitably remote from the local wildlife sites in the locality.

**Protected species and trees**

The Council’s ecological consultants consider that there would be no adverse impacts to any protected species. A mitigation/compensation habitat for Great Crested Newts may be required within the development site. This would be possible given the site’s size and therefore could be reasonably secured at Reserved Matters stage.

The majority of the trees on the site are shown to be retained. The protection of the protected oaks along the site boundary could be secured at Reserved Matters stage where the detailed design of the proposal would be shown.

**Conclusion**

Paragraph 7 of the National Planning Policy Framework (NPPF) sets out the nature of sustainable development; economic, social and environmental. Paragraph 14 of the NPPF sets out the approach to the presumption in favour of sustainable development. Policy CP1 of the adopted Core Strategy and Development Control Policies DPD reflects the sustainability objectives of the NPPF. The Council will seek to secure development that improves the economic, social and environmental conditions in the area.

The principles of sustainable development are not fulfilled. As set out in the Officer report, the impacts of the proposal weigh heavily against the delivery of housing such that the development does not amount to sustainable development of the purposes of paragraphs 7 and 14 of the Framework and Policy CP1 of the adopted Core Strategy and Development Control Policies DPD.

**COMMUNITY INFRASTRUCTURE LEVY (CIL)**

The development is CIL liable however the application is recommended for refusal.

**RECOMMENDATION**

The Application be REFUSED for the following reasons:-

**Reason 1**

The City Council's Borough's-wide Spatial Strategy for the period to 2021 is set out within Policy CP2 of the adopted Core Strategy and Development Control Policies DPD. Sites have been allocated for residential development within the Council's adopted development plans in accordance with this Spatial Strategy.

An Interim Housing Target of 800 dwellings per annum has been approved by the Council
to calculate the five-year housing land requirement for the remainder of the Plan period. On this basis, and in accordance with Paragraph 47 of the National Planning Policy Framework, a five-year rolling supply of deliverable housing sites can be demonstrated.

In accordance with Paragraph 49 of the National Planning Policy Framework, the City Council's Borough-wide Spatial Strategy, set out within Policy CP2 of the adopted Core Strategy and Development Control Policies DPD, is considered up-to-date. This is based on the City Council being able to demonstrate a five-year supply of deliverable housing sites to meet the requirements of the approved interim annual housing target.

The site is located within the Rural Area beyond the Metropolitan Green Belt. As such, the site is not allocated for development within the adopted Site Allocations DPD and lies outside of the Defined Settlement of Bicknacre.

Therefore, the proposed development conflicts with the Borough's-wide Spatial Strategy set out in Policy CP2 of the adopted Core Strategy and Development Control Policies DPD and is not necessary to maintain the Council's five-year housing land requirement based on the Interim Housing Target of 800 dwellings per annum.

**Reason 2**

Policy CP5 of the adopted Core Strategy and Development Control Policies DPD seeks to contain urban growth by defining the physical limit of the Urban Areas of Chelmsford and South Woodham Ferrers and the Defined Settlements to prevent the erosion of the intrinsic character and beauty of the countryside from inappropriate forms of development.

Policy DC2 of the adopted Core Strategy and Development Control Policies DPD sets out the specific forms of development that will be granted in the Rural Area, provided that the intrinsic character and beauty of the countryside is not adversely impacted upon.

The development does not fall within the specific forms of development allowed in the countryside. Furthermore, the proposed scale of the development and its presence along eastern borders of Bicknacre village is uncharacteristic of the locality and would have a harmful urbanising impact on the area's principal landscape features. It would represent unwanted urban sprawl detrimental to the environmental quality of the area. The proposal represents an unwarranted erosion of the countryside contrary to Policies CP5 and DC2 of the adopted Core Strategy and Development Control Policies DPD.

**Reason 3**

Paragraph 7 of the National Planning Policy Framework (NPPF) sets out the dimensions of sustainable development; economic, social and environmental. Paragraph 14 of the NPPF sets out the approach to the presumption in favour of sustainable development. Policy CP1 of the adopted Core Strategy and Development Control Policies DPD reflects the sustainability objectives of the NPPF. The Council will seek to secure development that improves the economic, social and environmental conditions in the area.

The development is contrary to the Council's development plan. It would lie outside the Defined Settlement of Bicknacre and would conflict with the Council's Borough-wide spatial strategy and policies on containing urban growth and protecting the intrinsic character and beauty of the countryside. The development is not in the right location and does not contribute to protecting and enhancing the natural environment.

The principles of sustainable development are not fulfilled. The impacts of the proposal weigh heavily against the delivery of housing such that the development does not amount to sustainable development of the purposes of paragraphs 7 and 14 of the Framework and Policy CP1 of the adopted Core Strategy and Development Control Policies DPD.
Positive and Proactive Statement

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

Background Papers

Case File