

PLANNING COMMITTEE AGENDA

Tuesday, 12 December 2017 at 07:15 PM

**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)
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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 Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

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
Acting 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

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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

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

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

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

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

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

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

1 Apologies for Absence**2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 5th December 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Application:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 15 01538 OUT - Brook Green, land North and South of Flitch Way, Pods Brook Road, BRAINTREE | 5 - 178 |
|-----------|---|----------------|

PART B

Minor Planning Applications:-

- | | | |
|-----------|---|------------------|
| 5b | Application No. 16 01022 FUL - The Onley Arms, The Street, STISTED | 179 - 187 |
| 5c | Application No. 17 01097 FUL - Coach House at Gosfield Cottage, The Street, GOSFIELD | 188 - 196 |
| 5d | Application No. 17 01366 FUL - 7 Congregation House, Parsonage Street, HALSTEAD | 197 - 202 |

- | | | |
|----|--|-----------|
| 5e | Application No. 17 01367 LBC - 7 Congregation House,
Parsonage Street, HALSTEAD | 203 - 208 |
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6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

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

PART A

APPLICATION NO: 15/01538/OUT DATE VALID: 19.01.16

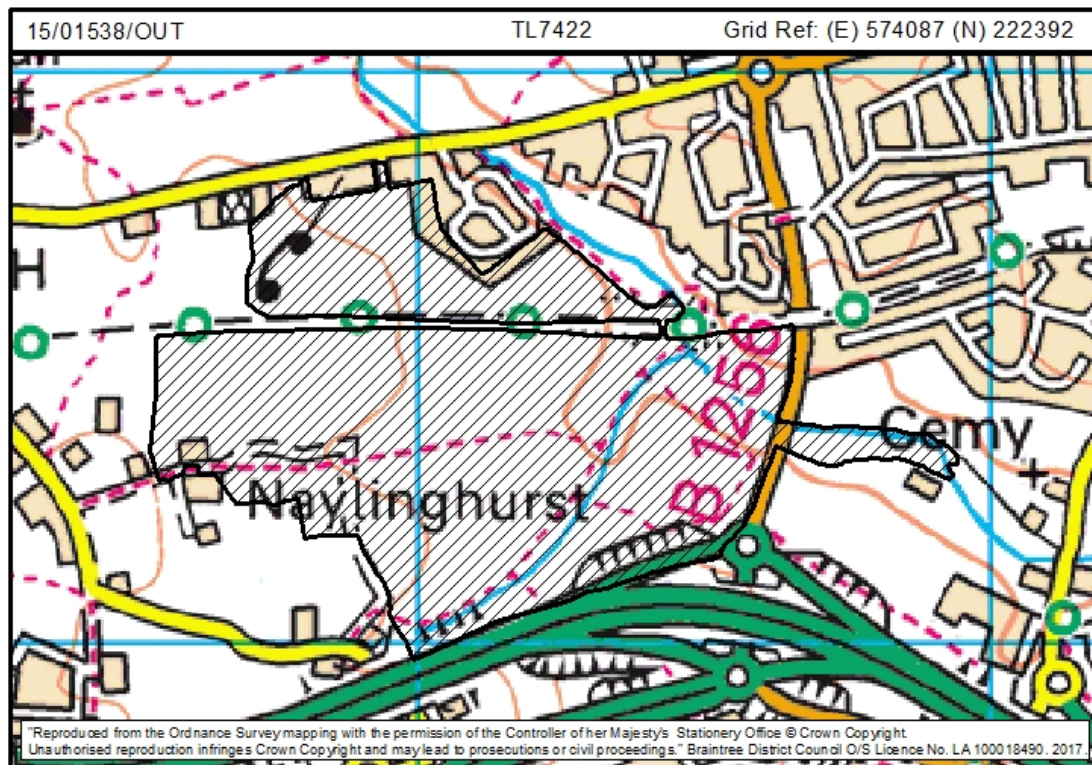
APPLICANT: Acorn Braintree Ltd
Mr Wayne Gold, C/o Agent

AGENT: PPML Consulting Ltd
Mr Pravin Patel, Kinetic Centre, Theobald Street, Elstree,
Herts, WD6 4PJ

DESCRIPTION: Outline planning application for development comprising up to 1600 residential dwellings (Class C3) on 32.75ha of land, a 800sqm local centre (Use Classes A1/A2/D1/D2 - no more than 200sqm A1) on 0.29ha of land, a 2.2ha primary school site (Class D1), 0.65ha employment land (Class B1), 12.3ha of public open space, associated highway works with new access via Pods Brook Road and Rayne Road and demolition of nos. 27 and 29 Gilda Terrace, Rayne Road. All matters reserved save access.

LOCATION: Brook Green, Land North And South Of Flitch Way, Pods Brook Road, Braintree, Essex

For more information about this Application please contact:
Mr Neil Jones on:- 01376 551414 Ext. 2523
or by e-mail to: neil.jones@braintree.gov.uk



SITE HISTORY

15/00006/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Residential-led mixed use development on land at Brook Green, Braintree	Screening/ Scoping Opinion Adopted	13.05.15
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POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of its publication (March 2012) 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 increased weight to the emerging Publication Draft Local Plan 2017. The Plan is now at an advanced stage of preparation having progressed through Issues and Options; Call for Sites; several rounds of Public Consultation and consideration and endorsement by Members. The Local Plan is still subject to Examination by the Planning Inspectorate and they will consider the outstanding objections to the Plan and

the 'soundness' of the Local Plan - whether it meets the legal and policy tests, and what the local views are.

The new Local Plan has been subject to several rounds of public consultation and the Council has received thousands of representations. There has been no local support for the allocation of the Brook Green site for development.

The NPPF states that the new Local Plan can be given greater weight as the Plan becomes more advanced. Members will be aware there are outstanding objections to the Local Plan, and this includes one from the applicant objecting to the fact that the Brook Green site has not been allocated for development, (Whilst there have been no representations from local residents supporting the allocation of the Brook Green site The Friends of the Flitchway have registered their objection to the allocation of the site). The fact that there are outstanding objections to the Plan and the omission of the Brook Green site limits the weight that the Council can attach to this emerging policy position. Notwithstanding the fact that there is an outstanding objection Officers consider that having reached this milestone of submitting the Local Plan for examination the policies contained within the Draft Local Plan can start being given greater weight.

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 216 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
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP27	Location of Employment Land
RLP30	Diversity of Industrial and Commercial Premises
RLP31	Design and Layout of Business Parks

RLP32	Workplace Nurseries
RLP34	Buffer Areas between Industry and Housing
RLP36	Industrial and Environmental Standards
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
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
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
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP112	Town Centre Uses
RLP113	Shopping Areas
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance
RLP135	Floodlighting of Sports Facilities
RLP138	Provision of Open Space in New Housing Developments
RLP140	River Walks/Linear Parks and Disused Railway Lines
RLP141	Informal Recreation Areas

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS3	Gypsies and Travellers and Travelling Showpersons
CS4	Provision of Employment
CS5	The Countryside

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
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
LPP2	Location of Employment Land
LPP6	Business Parks
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP10	Retailing and Regeneration
LPP16	Retail Site Allocations
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP36	Gypsy and Traveller and Travelling Showpersons' Accommodation
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
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP64	Educational Establishments
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
LPP72	Green Buffers
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
External Lighting Supplementary Document
Open Space Supplementary Planning Document
Open Spaces Action Plan
Parking Standards – Design and Good Practice (September 2009)

Other Guidance

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

PART 1: INTRODUCTION

REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the Development Plan. It is therefore an application which has significant policy implications.

Members will note that the application was validated on 19th January 2016. The initial consultation responses received by the Council identified a number of areas where the application contained insufficient information to allow a full assessment of the proposed development. The applicant requested the opportunity to submit further information on these issues and as the Government requires that the Council act positively and proactively in dealing with planning applications the applicant has been allowed to submit further information on these issues.

In September 2017 the applicant told Officers that he wanted the planning application to be determined and Officers proceeded to make their assessment of the application in light of the information that had been submitted, including the additional information supplied in September and October 2017. As will be apparent in the following report despite the 23 months since the application was validated and the applicant submitting revised / additional information on a number of occasions Officers consider that there remains insufficient information to fully assess all the impacts of the development. However at the applicants request Officers are reporting the application to the Planning Committee based on the details that have been submitted.

NOTATION

The application site lies beyond the Braintree Town Development Boundary and Rayne Village Envelope, as designated in the Braintree District Local Plan Review (2005). Parts of the site do have specific designations in the current Development Plan – the Flitch Way (a former railway line) is identified for Informal Recreation as well as a Local Wildlife Site and Suitable Accessible Natural Greenspace; and the area around the River Brain is identified as a River Corridor.

The application site is not allocated for development in the Council's Publication Draft Local Plan. The majority of the site is proposed to be designated as a 'Green Buffer' between Braintree and Rayne. The proposals map also shows part of the site has Flood Zone 2 designation; the Flitch Way is designated for Informal Recreation and there is a cycleway route shown connecting to the Flitch Way on the eastern side of the site.

The application was advertised as a Major Planning Application, (accompanied by an Environmental Statement), which is not in accordance with one or more provisions of the Development Plan, and as affecting a Public Right of Way and the setting of a listed building.

PART 2: SITE DESCRIPTION

The application states that the application site consists of 56.5ha of land, the majority of which is located to the west of the town of Braintree and to the east of the village of Rayne.

The site consists of three separate and distinct parcels of land. For clarity, within this Report, they have been referenced as Parcel A, Parcel B and Parcel C (NB: such references are not used in the planning application). Whilst the application site is separated into three distinct land parcels the applicant has made a single application for a development which relies on all three parcels and the Council have therefore considered this as a single planning application.

For ease of reference an Aerial Plan is appended to this report to show the extent of the site and the context in which the site sits.

The application site is bisected by the Flitch Way, a former railway line and now a long distance pedestrian and cycle route that extends westwards from Braintree to Great Dunmow. Parcels A and B are located immediately to the north and south of the Flitch Way respectively. Parcel C is located to the east of Parcel B and Pod's Brook Road. These parcels of land are identified in the Aerial Plan appended to this report.

The site has a varied topography being situated on the undulating side slopes of the Pod's Brook and River Brain valley. Descending from a high point of c.70m AOD on the western side of Parcel B, to c.48m AOD in the vicinity of

Pod's Brook. Parcel C, to the east of Pod's Brook Road, encompasses the valley floor of the River Brain at c.45m AOD. The application site also includes land within the plateau on either side of the valley.

Parcel A

Parcel A, immediately to the north of the Flitch Way, comprises two medium sized agricultural fields in arable cultivation, divided by a short section of mature native hedge. To the north it abuts the rear gardens of properties fronting Rayne Road and within Sun Lido Square Gardens and Springfields. To the east it abuts Pod's Brook and associated vegetation. The western boundary is formed by the grounds of a nursery and a further agricultural field. There is also evidence of well-used, if informal, public access from the Flitch Way around both the western and eastern fields within Parcel A.

Parcel A has a topography that slopes up from the Pod's Brook at a relatively even gradient to a top height of c.65m AOD in the south-western corner of the parcel, before rolling over further to the west to meet a north-south tributary of Pod's Brook on the edge of Rayne.

Parcel B

Parcel B is to the south of the Flitch Way and is bordered to the east by Pod's Brook Road, and to the south by the A120 corridor. To the west, Parcel B abuts the gardens of Naylinghurst, a Grade II listed house, and properties on Queenborough Lane; elsewhere, the western boundary is not defined by physical features and comprises lines across arable fields. The larger fields are currently in arable production and the smaller ones have a grass lay.

Field boundaries within Parcel B vary in form, with dense and tall hedges separating the smaller fields to the south-east. The two larger units are divided by a watercourse and a line of willows has been planted along its line, strengthening the pastoral character of the parcel. The southern-most field has been subject to scrub encroachment and a small wooded copse has developed.

The topography of Parcel B is more complex than that within Parcel A. Whilst there is a general slope up from the Pod's Brook valley, reaching c.65m AOD on the western boundary, this is not immediately obvious to the eye as a network of minor tributaries has created an undulating and varied landscape. In places, there are relatively steep slopes.

Parcel C

Parcel C is separated from Parcel B by Pod's Brook Road. It comprises a narrow, linear field. The northern boundary comprises Pod's Brook and associated dense riparian vegetation and there is further dense hedge and tree vegetation along the southern boundary. There is currently no public access to Parcel C.

Application Site Surroundings

Whilst much of the application site can be characterised as open countryside the landscape surrounding the application site is more varied. To the west of the application site there is a mix of land uses, with arable and grazed fields and then beyond that Rayne village playing fields, a nature reserve, and individual properties and farmsteads standing in their own grounds with further properties fronting Queenborough Lane, which follows a line south-eastwards out of Rayne. There are a number of residential properties on Queenborough Lane, on the western boundary of the Parcel B and to the north of the A120.

Naylinghurst, a Grade II Listed house, and an adjacent cottage, both accessed from Queenborough Lane are located immediately to the south-west of Parcel B.

Along the northern boundary of Parcel A there are a number of residential estates, or groups of properties. These include the properties in Gilda Terrace and Rayne Road. The properties on Gilda Terrace front onto Rayne Road, with vehicular access from the rear. There are further modern residential developments at Sun Lido Square Gardens, Springfields, Nayling Road and Brook Close. The vacant Broomhills Commercial Estate lies beyond Nayling Road to the north-east of the Parcel A. To the east of Parcel A there are further residential estates - Guernsey Way, Fresian Close and Jersey Way.

To the east of the site, and the Guernsey Way estate is Pod's Brook Road, which runs from the A120 Panners roundabout at its southern end to Rayne Road and the Springwood Drive roundabout at its northern end.

To the south, of the site is the A120 dual carriageway and associated slip roads, with the A131 beyond, separated by a modern business and commercial park which includes large scale commercial buildings. Further to the south of the A131 is the Great Notley development.

The western boundary of Parcel C is Pods Brook Road. The land to the south there is currently arable fields, but this site was proposed for allocation in the Pre Submission Site Allocation and Development Management Policy Plan (ADMP) for residential development and formal/informal recreation and a cycle path. This proposed allocation has also been carried forward to the new Draft Local Plan. The District Council's Planning Committee passed a resolution to grant planning permission for the erection of 215 dwellings (Land between London Road and East of Pods Brook Road – 15/01193/FUL). Following the resolution to grant planning permission at Planning Committee the issuing of this planning permission was delayed due to issues relating to highway arrangements and specifically the roundabout that will form the vehicular access to the site. Following revisions to the arrangement of the roundabout and completion of the S106 legal agreement the planning permission was issued on 10th October 2017. The applicant – Countryside Properties – have been in discussion with the Council about the submission of

details required by condition To the north of the parcel there is the cemetery and a further field, with residential houses further north. To the east there is a single residential dwelling standing within a substantial plot of land.

Parcels A & B contain a number of public rights of way (PROW) which allow public access, with further public footpaths passing near the site. The PROW network is more extensive within Parcel B with paths following field boundaries, or watercourses. There is also a public footpath closely aligned to the Pod's Brook, across the eastern side of Parcels A & B.

The Flitch Way

Whilst the Flitch Way does not form part of the application site it separates Parcels A & B. The Flitch Way is the former railway line that runs for approximately 15 miles between Braintree and Bishop's Stortford. The railway line was decommissioned in 1972 and the land is now owned by Essex County Council and managed as one of the County's Country Parks. It forms a traffic-free part of Sustrans National Cycle Route 16 but is well used by walkers as well as cyclists. The route of the Flitch Way in the vicinity of the site is partly at grade, partly in cutting, and partly on embankments, making use of overbridges to cross the Pod's Brook Road and Pod's Brook.

PART 3: PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of 56.5ha of land with;

- up to 1600 residential dwellinghouses on 32.75 hectares (ha) of land;
- 0.51ha of land for residential institutions, such as residential care homes, hospitals, nursing homes;
- 800sqm local centre on 0.29 hectares (which can include the following Use Classes – no more than 200sqm A1 (Shops); A2 (Financial and professional services); D1 (non-residential institutional); D2 (assembly and leisure)
- a new primary school on a 2.2 hectare site;
- 0.65 hectares of land to be used for B1 (Business) employment uses;
- 12.3 hectares of Public Open Space, to include landscaping and children's play area;
- Sustainable Drainage System

The application seeks approval for the means of access to the site. It is proposed that two points of vehicular access are formed – the parcel of land to the south of Flitch Way – Parcel B - would be accessed through a new roundabout / junction formed off Pods Brook Road. The parcel of land to the north of the Flitch Way – Parcel A - would be accessed by a new priority junction formed off Rayne Road, with a right hand turn lane formed within Rayne Road. The formation of the Rayne Road access would involve the demolition of two dwellings within Gilda Terrace - nos. 27 and 29.

No vehicular access is proposed to the third parcel of land to the east of Pods Brook Road. No built development is proposed for this parcel of land which is proposed to be used as Public Open Space.

All other matters are reserved for determination through subsequent Reserved Matters applications. The reserved matters are-

Appearance - aspects of a building or place which affect the way it looks, including the exterior of the development

Landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen

Layout - includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development

Scale - includes information on the size of the development, including the height, width and length of each proposed building.

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

- Concept Masterplan & Illustrative Framework Plan
- Parameter Plans (Land Use; Phasing; Building Heights; Density; Vehicular Movements; Leisure Access; Landscape and Drainage)
- Access arrangement plans
- Design & Access Statement
- Planning Statement
- Transport Assessment
- External Lighting Strategy
- Affordable Housing Statement
- Utilities Assessment
- Energy Strategy Report
- Statement of Community Involvement
- Arboricultural Impact Assessment
- Additional information concerning the Flood Risk Assessment & Outline Sustainable Drainage Strategy
- Environmental Statement

The Environmental Statement contained further technical reports and surveys covering a range of environmental issues and these are discussed within the 'Environmental Issues' section of this report

Chapter 1	Introduction
Chapter 2	Assessment Methodology
Chapter 3	Assessment Site and its Surroundings
Chapter 4	Statement of Key Environmental Issues
Chapter 5	Description of Proposed Development
Chapter 6	Need for the Proposed development and Alternatives
Chapter 7	Planning Policy Context
Chapter 8	Socio Economic Effects
Chapter 9	Landscape and Visual Impact
Chapter 10	Ecology and Nature Conservation
Chapter 11	Transport and Accessibility
Chapter 12	Minerals
Chapter 13	Archaeology and Cultural Heritage
Chapter 14	Air Quality

Chapter 15	Noise and Vibration
Chapter 16	Flood Risk and Hydrology
Chapter 17	Agricultural Land
Chapter 18	Ground Conditions
Chapter 19	Cumulative Effects
Chapter 20	Conclusions

PART 4: CONSULTATIONS

Anglian Water – No objection

Subject to a condition requiring agreement and implementation of a foul water strategy for the development.

There is adequate sewerage treatment capacity to serve the development. The sewerage network will need to be upgraded to provide sufficient capacity to convey flows from the development. The applicant has already discussed a mitigation strategy with Anglian Water.

Country Parks (ECC) – No response received

Education Authority (ECC) – Objection

There would be insufficient capacity for Early Years and Childcare; Primary School & Secondary School, to meet demands arising from the proposed development.

Recommend that a suitable 2.2ha site is secured within the site to provide for a new 2-form entry primary school (420 pupil places) and Early Years & Childcare facility (56 places).

The site identified in the Masterplan is considered unsuitable for use as a Primary School as a water course (the River Brain) runs through the site and would therefore cause problems in respect of safety, access and potential flooding; the topography of the land is unsuitable as it would not be possible to carry out works in order to achieve 1:70; excessive traffic noise; traffic impact/pedestrian safety due to the siting on the busiest part of the proposed spine road and lack of integration with community facilities. As a result an alternative suitable site would need to be provided within the development site. There have been discussions with the applicant and another location proposed for the school but the application remains as submitted and this is not acceptable to the Education Authority.

Financial contribution towards Early Years & Childcare and Primary Education to be calculated dependent on the number and size of dwellings constructed. Whilst there is some surplus capacity forecast within Braintree Secondary schools this is insufficient to meet the demand arising from this development. A financial contribution is therefore sought towards increased secondary school provision.

The Youth Service also recommends the provision of a 'Youth Shelter' and a skate park.

Environment Agency – No objection

Initially the Agency registered a holding objection. The applicant was required to submit further information to address deficiencies within their Flood Risk Assessment (FRA). The applicant provided further information which demonstrates that the proposed development has been sequentially sited in flood zone 1, within the site boundary and that the effects of climate change using the 35% and 65% allowances have been used to demonstrate that the site would be safe for its lifetime.

The EA removed their objection subject to planning conditions being applied to ensure the implementation of the recommendations contained within the FRA.

Detailed comments provided regarding Flood Risk issues; Water Framework Directive; and culverting and these are discussed within the main body of the report.

Environmental Services (BDC) – No objection

Satisfied that there is an engineering solution which will mitigate the impact of internal noise levels at affected properties. Details to be agreed prior to the commencement of development.

Essex Police – No response received

Essex Wildlife Trust – Objection.

Fragmentation of a linear designated local wildlife site, Flitch Way Local Wildlife Site (LoWS) (Bra33) as a result of cutting through the embankment to create a bus route; Lack of sufficient landscape buffer to the north of Flitch Way LoWS; Potential reduction in habitat quality of Flitch Way and biodiversity loss due to increased disturbance, recreational impacts and predation of wildlife by domestic cats.

The important ecological status and wildlife interest of the Flitch Way will be adversely impacted by the current proposals.

Recommendations made regarding green infrastructure / ecological management if the council is minded to grant permission for this development.

Great Notley Parish Council – Comment

The Parish Council wish to comment that it would expect Braintree District Council to make a decision consistent with the site's current zoning and to take into consideration the adverse impact of additional traffic upon the locality.

Second consultation response refers to concerns already raised in relation to the impact on transport infrastructure in the area and concerns in relation to the impact of the development on the Flitch Way.

Highway Authority (Essex County Council) – Objection

The developer has not demonstrated to the satisfaction of this Authority that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility with particular regard to the following:

a. Aetheric Road/Pierrefitte Way signal controlled junction

The traffic modelling that has taken place is not representative of traffic conditions using Rayne Road and the Aetheric Road/Pierrefitte Road signal controlled junction with the base model continuing to produce results that are quite unlike observed traffic conditions. During the evening peak hour traffic queues on Rayne Road regularly extend back to Springwood Drive and Pods Brook Road which is a Main Distributor road in Essex County Council's Development Management Route Hierarchy. This traffic demand has not been included in the modelling and therefore the predicted capacity of the junction is considered to have been exaggerated.

b. Panfield Lane spine road

The modelling that has taken place has included the Panfield Lane Growth Location identified in Braintree District Council's Core Strategy dated September 2011 as committed development. At the time the application was submitted there was an assumption that the Panfield Lane development would come forward in advance of proposed development at Brook Green however this has not occurred. The highway authority are therefore concerned that despite the Panfield Lane Core Strategy allocation being the subject of a current planning application the Panfield Lane spine road has not been secured and there is no definitive timeframe for its delivery. The above planning application does not model local traffic conditions without the benefit of the Panfield Lane spine road.

In conclusion, the Highway Authority is unable to determine whether the proposed development will have a severe impact on the operation of the local highway network.

Consequently the applicant has failed to demonstrate that the proposed development complies with the National Planning Policy Framework and Essex County Council Development Management Policies, adopted as supplementary guidance in February 2011.

Highways England – No Objection

There have been protracted discussions on the impact of the development upon the highway network including the A120 off slip. A number of options have been explored before a signal solution and carriageway widening has been accepted as suitable mitigation of the impact at this junction. The

suitability of mitigation proposed at other junctions is the responsibility of the Highway Authority and these works have not been assessed by Highways England.

Highways England would not object to the application, subject to a package of measures to promote sustainable transport modes; package of safety works at Galleys Corner; and no dwellings being occupied prior to the completion of the Millennium Slips project.

Historic Buildings Adviser – Objection.

The proposed development would result in harm to Naylinghurst – a Grade II listed building – as it is currently experienced in an open rural setting.

In addition the development would harm the setting of the Grade I listed Church of All Saints, Rayne by altering the setting of the building and reducing its significance and the lack of delineation between the settlements which border the development and this would adversely affect the setting of the Rayne Conservation Area.

Historic England – No objection**

Initially HE objected to the application as they considered that it had not been demonstrated that the development would not have an adverse impact on the setting of designated heritage assets (including the Grade I listed Church of All Saints, Rayne; and the Grade II* listed Rayne Hall; and the Church of St Michael, Braintree).

The Heritage Statement subsequently submitted by the applicant was assessed by the Historic England Inspector of Historic Buildings and Areas as meeting the requirements of the NPPF, in particular paragraph number 128. Historic England consider that the impact of the development on the setting of listed buildings in the vicinity, particularly All Saints Church, Rayne; Rayne Hall and the church of St Michael, Braintree would not cause harm to the significance of these listed buildings as a result of the impact on their setting.

*** Local Planning Authorities are required to consult Historic England regarding planning applications that affect specific designated heritage assets, including applications which affect a Grade I or II* building, or involve the demolition of a Grade II building; and Development which affects the character or appearance of a Conservation Area and which involves the erection of a new building or the extension of an existing building where the area of land in respect of which the application is made is more than 1,000 square metres.*

Historic Environment (Archaeology) – No objection

The site has the potential to be of archaeological interest. It is recommended that further archaeological evaluation of the site is undertaken prior to the determination of any detailed [Reserved Matters] applications to establish the

nature and complexity of surviving archaeological deposits in order to allow for consideration of the results of the evaluation within the detailed planning proposals.

Housing Enabling Officer (BDC) – No objection

In accordance with policy CS2 of the adopted Core Strategy to seek affordable housing on schemes of 15 or more units, the proposal for up to 1600 residential dwellings requires 30% (up to 480 homes) of the dwellings to be provided for affordable housing.

The Housing Officer has set out the mix of the affordable dwellings required, based on current housing need, however it is acknowledged that the actual mix will be subject to reserved matters applications and because of the scale of this site and likely timescales, it will be necessary to thoroughly review our requirements as each parcel of land is brought forward as reserved matters.

Lead Local Flood Authority (ECC) – No objection

Initially registered a holding objection – insufficient information to demonstrate that the Surface Water Drainage proposals would be adequate for each phase of the development; details of water quality discharged from the site; details of the provision of the Regional SUDs feature; and the adequacy of provision to replace the existing Anglian Water SUDs feature that is within the application site.

Additional supporting statements and layout maps were provided by the applicant that have demonstrated that a suitable surface water drainage scheme is achievable in principle, without causing flooding on site or elsewhere. No objection subject to the application of planning conditions.

Natural England – No objection.

The development would not affect any designated Sites of Special Scientific Interest (SSSI); if approved the development should seek to enhance biodiversity; Whilst offering no specific advice the Local Planning Authority are advised to consider the impact of development on Protected Species, local landscape character, priority habitats and biodiversity and the loss of best and most versatile agricultural land.

NHS England – No objection

Subject to a financial contribution to mitigate the impact of the development on local health care facilities.

Existing GP Surgeries that would serve this development have insufficient capacity to accommodate the demand arising from the proposed development so a financial contribution is sought towards a project to increase Primary Health facilities. It is intended to provide these facilities through a new Primary

Care Hub at the Braintree Hospital site. The contribution sought is approximately £526,620.

Rayne Parish Council – Objection

Coalescence – the development would close the gap between Rayne & Braintree, diminishing the identity of the village. This would be contrary to the Core Strategy which states that apart from identified growth locations the open countryside between main towns, Key Service Villages and other villages should be kept undeveloped.

Flitch Way – Irrevocable damage to the character, features, wildlife and flora of this linear country park. It would become a path through a housing estate and would damage its status as Sustainable Accessible Natural Greenspace and a designated cycle route.

Highways – insufficient capacity on Rayne Road and Pods Brook Road to accommodate this number of vehicles. Detrimental to businesses on the Springwood Drive Industrial Estate due to queues at the Springwood Drive roundabout.

Schools – insufficient spaces in secondary schools to meet increased need

Impacts on Rayne Village – ‘rat running’ through the village to / from A120; residents would use village facilities but would not be contributing to village facilities through the precept

Listed Buildings – share Historic Buildings Adviser’s concerns about the impact on the setting of listed buildings and Rayne Conservation Area; further concerns about the sand/gravel extraction that has been mooted by the applicant as a result of the concerns raised by the County Council Waste & Minerals Planning Team – specifically the impact on the foundations of Naylinghurst and the Oak Meadow Nature Reserve and Flitch Way Country Park

Height – buildings of up to 4 storeys would be overbearing and out of keeping in the landscape

Pollution – Increased traffic levels will increase air pollution. Noise from the passing A120 will be difficult and potentially unsightly to mitigate. Density of layout will amplify noise pollution. The topography of the site will exacerbate air and noise problems.

Flooding – The site lies within flood zone 2 and 3 so should not be developed. Increased flood risk for residential properties adjacent to the site, which are already liable to flooding.

Consultation – the engagement with the local community was not adequate and the results unrepresentative of local opinion. Details of the proposal are

difficult to comprehend because of the number and size of supporting documents.

Sport England – Objection

They consider that at this stage the applicant has not demonstrated that the development will make adequate provision for indoor and outdoor sport – either on-site or through financial contributions for off-site provision / improvements.

Waste & Mineral Planning Authority (ECC) – No objection

Noted that the application site is within a Mineral Safeguarding Area for sand and gravel, as identified in the Essex Minerals Local Plan and the development of the site could lead to the sterilisation of this resource.

The applicant has agreed in principle to the extraction of the mineral deposit prior to built development on that part of the site. The County Council have agreed that a planning application for mineral extraction does not need to be submitted until the outcome of this Outline planning permission is granted. It is suggested that this could be secured by Planning Condition or legal agreement.

It is further recommended that housing development be prevented within the mineral deposit area and within a 100 metre buffer to ensure that the deposit is not sterilised pending determination of a Mineral Planning Application and if granted extraction of the deposits.

Publicity

The application was publicised in accordance with both the statutory requirements and in accordance with the Council's standard practice.

A total of 14 site notices were put up around the site – the locations included public rights of way, including the Flitch Way; and on roads and residential estates adjacent to the site. Residents whose properties were immediately adjacent to the application site were also notified by letter – a total of 473 letters. The application was also advertised in the Braintree and Witham Times. When the applicant formally submitted a revised Environmental Statement this submission was also publicised and consultees and interested parties had a further opportunity to comment on the revised / additional information.

A number of representations refer to concerns that site notices were not displayed and that residents were not notified by letter.

In addition to the publicity undertaken by the Council the planning application was reported extensively in the local newspaper.

The Council has publicised the application in an appropriate manner and the number of representations and the petition would indicate that the public are well aware of the proposed development and have had the opportunity to review the proposals and make representations.

PART 5: REPRESENTATIONS

Over 350 letters of objection to the proposal have been received by the Council, including three petitions with a total of 1066 signatories. Some of the letters are duplicates and some residents have submitted a number of separate letters objecting to the application. The list below summarises the main concerns raised in the representations:

Principle

- It is considered that the proposal is premature in the light of the production of the Draft Local Plan and would therefore seriously undermine the Local Plan process;
- All Brownfield sites should be developed before Greenfield sites;
- The site falls outside the Braintree Town Development Boundary and would be on land which is not designated for building development at all;
- There is already a prime potential site for housing sited at the now redundant Broomhills Industrial Estate;
- Braintree has numerous boarded-up empty buildings and abandoned and half abandoned industrial estates. Urban regeneration should take priority over urban sprawl. In 2014 BDC called for sites for potential development and 344 potential development sites were submitted. Of these 89 were Brownfield site where a potential 12,383 homes could be built;
- The Council's objectives for developing Braintree have not been addressed by this proposal, it contravenes existing policy on developing the Braintree area and does not meet the long term Council strategy;
- The site has been turned down for development before and circumstances have not changed;
- The proposal is a very poor use of good agricultural land mostly classified as best and most versatile grades 1, 2 and 3a. The proposal is not in keeping with the National Planning Policy Framework, the National Planning Practice Guidance or the Development Plan, most notably Core Strategy Policies CS8 and CS9;
- Brook Green is far too large, in fact larger than Rayne Village itself which for hundreds of years has remained a separate and unique community;
- The proposal is contrary to the Rayne Village Design Statement 2008 which states that it is to be hoped that the present low-density ribbon development along the B1256 from the boundary with Braintree will remain, so as to keep Rayne as a separate entity from its much larger

neighbour; it is considered essential that the open aspect between the Parish of Rayne and Braintree is maintained;

- The lack of an Executive Summary makes it difficult for people to navigate their way through the proposals. The way in which the local fact finding and surveys have been conducted was 'fixed' – elements of the population were excluded from the surveys to skew the results in their favour;
- When this wasn't sufficient to skew the results enough they topped up their 'research' with feedback from visitors to Freeport and they excluded the 35-55 population from the results altogether;
- Concern is raised over the location where planning site notices were placed and specifically during a time of year when people typically spend less time outdoors, also not all residents were consulted by letter;
- The Topographical Survey Drawing Ref 1145450 on the schedule of documents the site boundary (red line) has been extended into the Flitch Way Country Park by up to 10m and generally by 1 – 2m on both sides. Concern is raised that this is an attempt at possession by stealth. Also noted that the boundary line has been extended into some gardens at Springfields though not in Gilda Terrace;
- Question why there is another proposal on this same site that Braintree Town Football Club had rejected because of infrastructure.

Highways and Accessibility

- The Transport Assessment (TA) undertook a survey of the road use and provided excellent details of number of vehicles using the road network and admits within the report that the area of the development is currently running over capacity. However, while the figures provide a statistical analysis of the use of the road, there is no qualitative data to explain the significance of the figures and do not provide context to the experience of driving on the highway;
- The assessment states that the road improvements to be made as part of the development will improve the use of the road network. However, without the journey time data there is no assessment made as to how the works proposed will improve the user experience;
- From experience at peak times, it can take up to 15 minutes to travel from Pods Brook Road, up to the Springfield Industrial Estate roundabout and then along Rayne Road to the crossroads. Adding an additional roundabout and widening the lane at the top of Pods Brook Road are roadwork measures, but to state they will improve the road without an analysis of journey times is misleading. The data used is volume based and does not take into account the quality experience of actually driving;
- It is therefore felt that the assessment made entirely on quantitative data analysis data is flawed and does not take into account how residents and road users will be affected by the development and does not reflect the current experience of using the road;

- Pods Brook Road is already prone to traffic overcrowding and hold ups due to being the only access from the A120 /Notley to Rayne Road and Springwood Industrial areas;
- Existing traffic problems are already to be compounded by the development of 200 new homes just on from the fishing lake at Rayne Road and the affordable housing being built opposite Lidl;
- A likely development on the land at Broomhills Industrial Area would make the traffic problems even worse without another source of traffic entering the road;
- Queues already back up to the A120 and longer queues would cause danger on the dual carriageway / slip-road. Traffic will try to find alternative routes and this will adversely impact on the narrow Queenborough Lane and local Rayne streets;
- Increased traffic will increase danger to the road users and pedestrians;
- 1600 homes would mean at least 2800 vehicles to exit onto Rayne Road and Pods Brook Road which would cause enormous extra congestion to an already overloaded local road system;
- It will not improve parking conditions at destinations, particularly for commuters and it does not seek to minimise congestion at key destinations/ areas that witness a large amount of vehicle movements at peak times;
- Although a proposed roundabout is shown to link the development to the A120 and bypass Rayne Road, this would ensure that traffic coming from Rayne may use the development as a cut through to get to the A120 which could potentially create an additional choke point for traffic getting onto or off the bypass, and could lead to congestion backing up onto the bypass slip roads;
- There is the possibility that more traffic will be pushed through Rayne as cars seek to avoid the bypass and access Rayne Road or the new development, this would cause increased strain on the main road through Rayne that already has significant use despite traffic calming measures in place;
- A layout of the projected improvements to the Rayne Road/Pods Brook Road roundabout has appeared as if it was being built to compensate for the traffic the development would put on the roads. It is believed that this work is already planned to cope with the traffic from the proposed Panfield Lane development which will use Springwood Drive, hence the extra lane to accommodate traffic going across the roundabout;
- At present only a very small proportion of evening rush-hour traffic turns left towards Rayne from Springwood Drive, so the extra lane would do very little to ease congestion at its current levels, let alone once other planned developments are built;
- Traffic already comes to a standstill long before the point the extra lane might start, this short length of extra lane would in no way balance the effect of an extra 2000+ cars from Brook Green;
- Rayne Road leading through Gilda Terrace to Rayne has a maximum vehicle weight of 7.5 tonnes, therefore it is questioned how the

developer would get around this using vehicles exceeding the maximum weight limit for the road;

- Roads are already congested and during the build programme there would be a massive influx of HGV construction traffic using these roads which would pose safety issues to both motorists and pedestrians;
- Concern is raised that ambulances on numerous occasions have been stuck in traffic along the local road network;
- Questions raised over a lack of emergency access / exit to the Southern side of the Flitch Way;
- 1 parking space per dwelling is insufficient, meaning the roads around the development would be congested in addition to the vehicles from the daily school run as no parking would be available for parents;
- The proposal would not increase and/or improve the availability and usability of sustainable transport modes;
- The TA report makes an assumption that the residents of the new development would have access to rail services from Braintree. This assumption, while accurate to the extent that a train service exists, does not take into account the capacity of the rail network. The rail service from Braintree is already heavily used by commuters, it cannot therefore be used as a benefit for the development, unless an assessment of rail capacity has been undertaken;
- The TA highlights that there is an hourly train service from Braintree, however this service at peak times is already running near or at capacity. There are 12 carriage trains and adding additional volume to these through the increased development will not enhance the user experience for this network;
- Therefore it is felt that a full assessment of rail capacity is included within the development proposal to demonstrate that the benefit of linking to this service, as stated within the report, can actually be realised;
- The Council needs to understand if the capacity of the rail service exists they need to ensure that the expansion of Braintree can be adequately met by existing transport infrastructure;
- The report also highlights that residents of the development would be able to use the train station car park and cycle racks as part of their commuting experience. While again accurate, this does not detail if there is the capacity for these amenities to take additional volume of users. These facilities are already heavily used by existing commuters and the assumption that they can be used by an expanding Braintree cannot be believed unless a full assessment is made of their use;
- Concern is raised over the distance between the site and the Railway Station. Many houses would be more than a mile and half from the station;
- The proposal does not seek to concentrate development and facilities in the town centre where access via sustainable travel is greatest;
- Concerns raised about the need for a bus route under the Flitch Way and believe that if it is built that would be used by vehicles other than just buses again impacting upon the Country Park;

- The proposed bus stops within the development assume bus companies will be willing to reroute or extend existing services. The local community are aware that in November 2015 First Group significantly reduced their services to similar estates as they were not financially viable;
- There is nothing in the proposal to indicate that cycling is considered to be a serious means of transport for school, work, shopping and other local journeys;
- Much has been made in the application about how the development links to National Cycle Route 16 running along the Flitch Way and potential exit points from the development, but no thought appears to be given to how a cyclist could complete their journey;
- The plans submitted do not demonstrate how the development will link to the cycle route and as such will not encourage cycle use within the estate itself.
- If the development is serious in promoting cycling as sustainable transport it is expected the estate would have a full network of cycle paths linking to the Flitch Way and school to attain safety of use and promote physical exercise and use;
- Although a Country Park the development will ensure that the Flitch Way would be enclosed for several miles from almost Rayne to Braintree Station. What are the plans for the Council to ensure that this path would remain safe to use?
- Would there be the requirement for illumination of this path as it would no longer be rural and several kilometres would be enclosed by residential development. To ensure safe cycle use the illumination of this path would need to be considered and this would then destroy the ambiance of the path;
- Residents of Braintree and Rayne currently use this area of the Flitch Way without illumination, as the country feel of the park offers security and safety for users. If the area becomes residential then it would change the nature of the environment and to ensure use the Council would have to evaluate how the path relates to the housing around it;
- To ensure promotion of cycling the surface of the Flitch Way would need to be reviewed. The area of the development currently encircles the Flitch as it is a mud trail. To ensure promotion of use, would this area have to be reviewed and possibly surfaced with a more durable material? If this is the case then the nature of the Flitch Way would be altered;
- There are currently no direct safe cycle routes from the development to the three Secondary Schools in Braintree which means that people would use their cars for school runs and school run journeys and this needs to be addressed;
- There are cycle routes leading out of the development onto Queenborough Lane although this is narrow and has lots of traffic which is only suitable for experienced cyclists;
- The Southern-most cycle route exit onto Queenborough Lane is quite close to a cycle path, however, no mention is made of extending the cycle path to this exit;

- This cycle path crosses the A131 dual carriageway towards Great Notley by the Branocs Tree Public House, which is a very dangerous crossing for pedestrians and cyclists due to the speed of the traffic and limited visibility of fast oncoming traffic due to the raised roundabout. There needs to be a traffic light controlled crossing;
- The Flitch Way would have to be upgraded with lighting, as well as providing long access ramps to deal with the considerable vertical heights involved. Accesses would also be required to Acorn Avenue and Maple Avenue. Elsewhere Nayling Road needs to cross the River Brain so as to minimise cycling on Rayne Road whilst accessing Springwood Industrial Estate;
- As well as the Official Public Rights of Way there are many informal paths that are used by the public across the site and have been used for a long time; When the Flitch Way was fenced, gaps were left for some of these. They would surely be adopted by the County Council if requested so the promised new footpaths aren't really new at all;
- BDC intends the development of a Brain Valley Walk which these plans would block, or at best make it detour away from the River;
- The applicant gives the impression that they are adding to the walk while the opposite is the case, making out that a piece of land to the East of Pods Brook Road is a generous donation to the residents of Braintree whereas it is actually flood plain they cannot build on. Stuck away where existing Braintree residents are hardly likely to bother going and due to have a large residential development built next to it, massively reducing its appeal and value;
- BDC's chosen cycle way route would appear to be on this development land and not on Brook Green so the best that would be secured would be a bridge to a muddy field while losing access to the River Brain where the school might go;
- Object to the proposal to upgrade the existing footpaths to bridleways and the dangers that could ensue through children and dog walkers using the Flitch Way and horses;
- Concern is raised that an increase in traffic will pose greater risks to pedestrians, including school children crossing roads.

Character and Appearance

- The proposal would give rise to coalescence between the built up area of Braintree Town and the Village of Rayne, and between Braintree and Great Notley;
- With an encroaching development of this nature the Village of Rayne would be in danger of losing its own unique identity and would risk being enveloped into a greater Braintree;
- Taken as a whole the development is out of character both in scale and location;
- A large proportion of the housing will be three storey and a significant amount four storeys high which would not fit in with surrounding buildings which are mainly one or two storey and does not fit with a development in a rural area;

- The proposed housing density suggests that a continuation of the current trend for small gardens would be perpetuated;
- It is appreciated that the application is Outline, but the Concept Master Plan shows a misleading impression of the density of individual buildings. It is very difficult to form a realistic and accurate idea of the proposed development, but it is believed that the density will be far more oppressive than what is currently shown in order to provide 1600 residential plots;
- The Density Map indicates for the new properties rear of Springfields densities of up to 60 dwellings per hectare. This would indicate buildings to be extremely close to the boundary with existing properties and could give rise to an overbearing development giving rise to loss of privacy and loss of light;
- The availability of useful amenity space shown on the Parameter Plan – ‘Landscape’ appears to be insufficient. Taking into account the amount of individuals wishing to use the amenity space (and obviously not all individuals would like to use this for the same purposes) it points to the amount of useful green space being grossly deficient, without interference from hazards such as private property, highways and a huge number of water courses/attenuation pond features.

Landscape and Ecology

- There is a low – medium capacity for the landscape to accommodate new development, the site is split by the Flitch Way embankment making North – South travel difficult and is prominent from the A120;
- BDC’s “Evaluation of Landscape Analysis Study” scores the settlement fringes around the town for the effect development would have on the surrounding environment and the main field (17B) to the North of the Flitch Way is ranked 20th least appropriate for development out of 99 parcels of land around Braintree; and the one to the South (20A) is 25th. There are hundreds of sites deemed more suitable for development in this respect in Braintree District as a whole;
- Concern is raised in the Landscape and Visual Impact Assessment (LVIA) that the 25 viewpoint locations used in the report have been deliberately chosen to bring the development into a better light as far as the impact is concerned. Also concern is raised over the plotting of these points and whether they are accurate;
- The Flitch Way Country Park is the most important natural habitat on the whole development site and has received very little worthwhile attention. Out of the 1.25km length only a 400m is in a cutting and the view both within the park and along the footpath/cycleway and those from level and embankment areas have been totally ignored;
- Overall the long term impact on the visual aspect is minimised by the report and only parts of the construction phase are considered to have a major impact, even though it is converting a large piece of rural landscape, including a designated Country Park into an urban nightmare;

- Object to the findings of the LVIA due to their lack of recognition of the visual changes the proposal would bring about and ask that BDC carry out an independent assessment to show how inaccurate the document is;
- In terms of the 'Cumulative Effects' document, the Developer only recognises the Flitch Way Country Park as a footpath/cycle way. The proposal would become a barren urban sprawl with garden fences both sides ruining any worthwhile views and would become strewn with garden waste and rubbish which would attract vermin and harm the visual amenities of the area;
- The proposal would be contrary to the NPPFs requirement to protect, restore and enhance the natural habitats, biodiversity, landscape character, amenity and environmental quality of the countryside and the open spaces and green corridors within towns and villages and improve ecological connectivity across the district;
- Land to the East of Pods Brook Road has a number of trees protected by Tree Preservation Orders;
- The proposed development is adjacent to a linear country park and would render this section nothing more than a footpath through a housing estate;
- There needs to be a 50m landscape buffer zone on either side of the Flitch Way to maintain the special nature of the Country Park;
- The proposed development area comprises a valuable wildlife habitat and the green spaces are a benefit to the community;
- Loss of field views and the proposal will destroy wildlife in the Flitch Way area;
- Concerns raised that the proposal would give rise to loss of habitat for protected species and other birds;
- The Flitch Way is a unique habitat with a wide range of flora and fauna and must be safeguarded to protect this invaluable asset for future generations. It provides a safe environment and promotes exercise and interest in nature, conservation, wellbeing and relaxation and benefits all;
- The proposal would not conserve and enhance natural/semi-natural habitats which would completely enclose the Flitch Way, as a Country Park the access thereto would be irrevocably changed and would completely alter the habitat; and make natural access to the park impossible for wildlife and residents within the development;
- The proposal would not maintain and enhance the connectivity of habitats, the ability to deliver ecosystem services or increase resilience to climate change;
- Light pollution would cause harm to existing residents in the area and wildlife;
- The Flitch Way is a local wildlife site and is much loved and used by people of Braintree and Rayne and others from further afield. Concern that if its embankments become part of the 'open space' at the edge of the development, children will use them as a playground and vegetation habitat will be destroyed and wildlife driven away. Other

unsavoury activities could take place, as well as predation of wildlife by domestic pets;

- The deciduous hedge which forms the rear boundary to Springfields harbours a large variety of valuable wildlife with many species of flora and fauna which adds much value to the local environment. Concern is raised that the development would give rise to damage to this and this argument can be based on many other areas over the meadows in question where flora and fauna add value to the local area.

Flooding and Other Environmental Concerns

- Part of the site is in Flood Zone 2 and 3;
- The River Brain floods the surrounding areas at peak times, something that would not be improved by replacing green areas with hard surfaces;
- Building on this land would either make the problem worse or move it further down river;
- Rayne Road floods quickly in a downpour;
- There is often flooding in the Sun Lido area which will be made worse when the open and free-draining farmland has disappeared making way for concrete and tarmac;
- Water resources and sewerage capacity would not be able to accommodate growth and the proposal does not seek to avoid development in areas at risk of flooding;
- The development plans to build on the flood plain, which does not reduce the risk of flooding, but increases the risk as surface drainage and ground capacity to absorb water would be reduced;
- Concerns raised over the proposal for a temporary gravel pit 4.4 hectares in area where a sports field is shown to be proposed is hidden amongst the numerous submitted documents;
- The impacts of gravel processing and restoration would also be great and the visual implications would also be great.
- The hole would also have to be backfilled and concerns are raised about the quality of material that would go into it;
- This could give rise to a lowering of the water table as well as the resultant ecological damage including to the Oak Meadow Nature Reserve, the lowest part of which consists of ponds and areas of wet grassland, as well as the woodland nearest to the proposal. In addition this would have an impact upon Naylinghurst Brook which runs from Naylinghurst to the River Brain;
- Concern is raised over the adequacy of water supply in what amounts to a semi-arid region;
- Unless the development plans to build eco housing or plans renewable resource generation then it would increase greenhouse gas emissions and would not be built on a sustainable basis;
- The increased traffic in Rayne Road would add to the air pollution within Braintree;
- Green spaces are critical for towns to effectively manage air pollution, developing the proposed site would remove a large area of green

space around an already congested area, it is likely that air pollution would increase;

- The proposal would detrimentally affect air quality along the A120 and does not seek to improve or avoid increasing traffic flows generally, and in particular through potentially significant junctions;
- No mention about the use of renewable energy such as the installation of solar panels on roofs is included in the application.

Residential Amenities and Social Infrastructure

- The Flitch Way has given many hours of pleasure to young and old alike, with many parents and grandparents able to take their children or grandchildren respectively, to share in the immense pleasure of just a healthy pleasant walk or cycle while learning of the local natural wildlife;
- As one walks or cycles from Braintree Station it takes only a short while before leaving behind the built up area and it does not take long for the escapism to provide the feeling of tranquillity one gets in the surrounding countryside;
- To put 800 houses both sides of the Flitch Way would destroy the peaceful country way that the Flitch Way is now and would undo all the good work put in by volunteers over the last years;
- The proposal would give rise to loss of residential amenity through noise, disturbance and air pollution with vehicles coming in and out of the site;
- The proposal would give rise to loss of privacy to existing dwellings;
- Concern is raised over security as an increased volume of people in and around existing homes could potentially affect the safety and privacy of their homes;
- Furthermore, concern is raised as to how refuse/recycling vehicles would serve Gilda Terrace if the development goes ahead;
- New dwellings would give rise to a loss of outlook, light and overshadowing of existing dwellings adjacent to the site;
- During the proposed 10 year build local residents would be subjected to unacceptable levels of noise and pollution;
- No large scale developments should be given the go-ahead in Braintree until great improvements are made to the Town's infrastructure – roads need to be improved, medical and health facilities need extra provision, as well as schools, leisure and public transport provision;
- The proposal may include a primary school, but it does not consider the strain on secondary schools in the area;
- Local amenities will be overwhelmed with Morrison's supermarket closing and Sainsbury's being rejected for a new store on Broomhills Industrial Estate;
- GPs Surgeries will not have enough spaces available for the addition residents;
- Current local GP Surgery to Rayne is merely run on locums and no designated GP has been in attendance for years. With an increase in

demand from potentially 4,500 plus new residents, how will this and pharmacy requirements be addressed and by whom/when? Blandford House is shut to new patients;

- The Great Notley Country Park is enjoyed by thousands of people from around the County and enjoys unspoiled views across the countryside which forms much of the appeal. Building 1600 new homes would ruin a local attraction;
- The Flitch Way is designated as a Suitable Accessible Natural Green space (SANG), for it to remain a SANG it must have no unpleasant intrusions and should provide naturalistic space with areas of open countryside and areas of dense and scattered trees and shrubs. The development would offend that status' requirements;
- The Flitch Way is one of a few country walks still remaining in the area which is used by dog walkers, runners, families on country walks and horse riders. This would affect business to the Rayne Station Cafe which is enjoyed by many people;
- The proposal would not prevent further loss of retail and other services in rural areas, as the creation of a local centre with commercial space would act in competition to existing small shops in Rayne (Post Office and Nasda Stores);
- Residents in this development would not use these existing stores and competition may lead to village resources going out of business;
- The proposal does not promote and enhance the viability of existing centres with it being on the outskirts of Braintree;
- Access to the Town Centre would not be straight forward as it relies on access along the single carriageway of Rayne Road;
- At peak times this road is fully congested, both at weekdays and weekends and as such travel into the Town Centre would be inhibited;
- Residents of this development would chose to either use the existing out of town resources such as at Great Notley or chose to travel to places such as Great Dunmow where access thereto is easier;
- At peak times it is not unknown for a journey from the end of Rayne Road into Town to take up to 15 minutes, driving to Great Dunmow takes less time and is already used as an alternative for some residents to alleviate sitting in traffic, increase in traffic in this area will drive more people out of town;
- Concern is raised that the occupants of the potential new homes could use the facilities at the Rayne Village Hall such as the outdoor gym, BMX track, children's playground and other sporting amenities and facilities, but would not be contributing to the running or upkeep of them.

Tourism, Recreation & the Local Economy

- The small industrial estate within the development will provide limited employment opportunities as it seems to be set up for SME workshops;
- The proposal would be detrimental to the District's tourism with the Flitch Way being an important local resource that has the potential to be damaged beyond use by this development;

- Developing this area will drive away regular run, cycle and walking events from the area and be detrimental to the businesses that link to this resource such as the Booking Hall Cafe and the Discovery Centre;
- The current BDC Policy RLP140 prohibits development which would prejudice the use of disused railway lines for recreational purposes. Whilst the Flitch Way itself would not be built on, the development would undoubtedly prejudice this particular disused railway line's recreational use when its main attraction, and what makes it unique, specifically its setting would be lost;
- The proposal would lead to an adverse impact on employment through the loss of existing facilities;
- The increased traffic and congestion would make it harder for businesses within the Springwood Industrial Estate to operate;
- With Rayne Road being the main artery to use the parking at George Yard, increasing the traffic in the road would make it more difficult for residents from Rayne and the new development to go into town via car for shopping trips;
- The proposal is therefore likely to lead to a decreased use of George Yard as a result;
- Understand the need for housing, but the development would only benefit a small number of people, mainly the developer, and the tradesmen employed during the building phases, and the Council from increased Council Tax. It would not benefit existing residents.

Heritage

- Concern is raised over the impact of the proposal upon the setting of Naylinghurst which is a Grade II Listed Building;
- The applicants appraisal of the impact of development on Naylinghurst is incorrect;
- The setting of All Saints Church and views out of the Rayne Conservation Area would not be protected, conserved or enhanced;
- The gravel pit would be 80m from Naylinghurst;
- The proposed extraction of sand and gravel may damage Naylinghurst's foundation structure and may drain its pond and half moat, which would harm it and its setting;
- The Flitch Way deserves to be protected by Heritage Listing.

Revisions to the Scheme

- No material changes to the proposal as a result of the additional information submitted in respect of the Environmental Impact Assessment.
- Objectors note the applicant's pledge to provide £15 million funding for a new junction on the A120 near Freeport. The traffic problems at Galleys Corner are completely unrelated to the planning application for Brook Green as it is located across the other side of Braintree about 4miles at the nearest point from the proposed development site;

- Such a pledge would not fulfil the tests for planning obligations and would not overcome the very real and significant objections that there are to the application. The Environmental Statement is an incomplete and flawed piece of work without any verifiable scientific facts behind many assertions given within it;
- There is need for a full biological survey of the area referred to as Pods Brook Catchment Basin, to ascertain the number and diversity of species present, for those species to be given the status required of legal protection against habitat disturbance or destruction;
- The Developer now accepts that his development would have a detrimental impact on the local road network.

One letter of comment has been received from the Essex Bridleways Association which welcomes mention within the Planning Statement of the consideration of equestrian access. They state that further discussions on the access detail will continue between themselves and the applicant if outline permission is granted.

They do however state that there are some anomalies within the various parameter plans and the concept master plan contained within the Design and Access Statement: Firstly in paragraphs 4.2 and 4.3 mention is made of new footpath and cycleway routes being created, but no mention is made of equestrian access, similarly in paragraphs 6.19 and 6.20.

The concept master plan shows various red and purple dotted lines throughout the scheme as pedestrian/cycle routes new/proposed, however the parameter plan – ‘leisure access’ shows these same routes overlaid on the basic layout plan, but differentiated with new bridleway and upgraded bridleway routes. These two plans are therefore in conflict with each other and this should be rectified by the applicant.

They state that it should be noted that they have been in discussions with the applicant in the pre-application stage with regard to leisure access and fully support the leisure access parameter plan as this reflects their discussions, but the concept master plan should be amended accordingly.

Furthermore, in paragraph 9.7 onwards, including the diagrams of the Flitch Way, they note that access points to the Flitch Way are again pedestrian only. Again this is in conflict with the parameter plan for leisure access where bridleway access is being created from Rayne Road southwards through the development and crossing the Flitch Way, joining the upgraded footpath running East – West towards Queenborough Lane. They therefore request that this is amended to incorporate bridleway accesses as per the parameter plan.

In addition, the North East Essex Badger Group state that they have met with the developer and their Ecologist and are satisfied that they are aware of the presence of badgers on the Flitch Way. Whilst understanding that the presence of badgers would not stop the proposed development, they would

like to comment that the badger sett affected is a long established, well known and much loved clan of badgers.

It is understood that there is no intention to destroy the sett, however a large development surrounding is sure to cause complaints from new residents who would be certain to complain about damage to their gardens by the resident badgers. These complaints would undoubtedly be made to the Group (made up of volunteers) with a request to “get rid of them” or “move them away”. This is of course not an option and would be illegal.

PART 6: ENVIRONMENTAL ISSUES

As highlighted by the Planning Practice Guidance (Reference ID: 4-002-20140306), the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The Regulations set out a procedure for identifying those projects which should be subject to an EIA, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

The process of EIA in the context of Town and Country Planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the ‘2017 Regulations’). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

These regulations apply the amended EU directive ‘*on the assessment of the effects of certain public and private projects on the environment*’ (usually referred to as the ‘Environmental Impact Assessment Directive’) to the planning system in England. Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 Regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (referred to as ‘the 2011 Regulations’).

However, the 2017 Regulations include transitional provisions for procedures which were initiated before they came into force. Where, before 16 May 2017 an applicant has submitted an ES, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 continue to apply (regulation 76(2) of the 2017 Regulations).

In this case, the applicant accepted that the proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations), as an Urban Development Project (Column 1(10) of Schedule 2 of the EIA Regulations), and is on land with a site area of more than 10 hectares. The applicant requested that the Council produce a Scoping Report and the Council adopted a Scoping Report on 14 May 2015.

As a result the application includes an Environmental Statement (ES) and the Council has sought specialist advice from external consultants to assess the adequacy of the ES and to ensure compliance with the relevant regulations and guidance.

In respect of decision making the ES together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority and/or the Secretary of State in deciding whether or not to grant consent for the development.

In advising the Council, the Council's consultants undertook a criteria-based approach, developed by the Institute of Environmental Management and Assessment (IEMA) hereafter referred to as 'the IEMA criteria'. The IEMA criteria were used to undertake the review. The criteria include general criteria looking at the information contained in the ES, including the presentation of the results and the non-technical summary. Issue-specific criteria address:

- the baseline conditions;
- assessment of impacts; and
- mitigation measures and management.

The ES comprises a number of technical chapters and the report is structured under the relevant headings below:

Chapter 1	Introduction
Chapter 2	Assessment Methodology
Chapter 3	Assessment Site and its Surroundings
Chapter 4	Statement of Key Environmental Issues
Chapter 5	Description of Proposed Development
Chapter 6	Need for the Proposed development and Alternatives
Chapter 7	Planning Policy Context
Chapter 8	Socio Economic Effects
Chapter 9	Landscape and Visual Impact
Chapter 10	Ecology and Nature Conservation
Chapter 11	Transport and Accessibility
Chapter 12	Minerals
Chapter 13	Archaeology and Cultural Heritage
Chapter 14	Air Quality
Chapter 15	Noise and Vibration
Chapter 16	Flood Risk and Hydrology
Chapter 17	Agricultural Land
Chapter 18	Ground Conditions
Chapter 19	Cumulative Effects
Chapter 20	Conclusions

As well as the main text covering the chapters above the submitted Environmental Statement includes a Non-Technical Summary and Technical Appendices.

Addendum to the Environmental Statement

Following their assessment of the original ES the Council's consultants identified a significant number of areas where either clarification was required, or where the applicant needed to provide further information. The Council issued a request under Regulation 22 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to provide additional information.

The Environmental Statement has been updated following the request by Braintree District Council under Regulation 22 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to provide further information.

This revised Environmental Statement was submitted to the Council on 23rd February 2017. The applicant submitted two versions of the revised Environmental Statement – one which showed 'tracked changes' to clearly identify new or revised sections, and the second version was a 'clean' version. Both versions were reproduced on the Council's website and the submission of this revised information was publicised to allow consultees and other interested parties the opportunity to review and comment. The following chapters have been updated:

- Chapter 5: Description of Proposed Development
- Chapter 8: Socio-Economics;
- Chapter 9: Landscape and Visual Impact Assessment;
- Chapter 10: Ecology & Nature Conservation;
- Chapter 11: Transport and Accessibility;
- Chapter 13: Archaeology and Cultural Heritage;
- Chapter 14: Air Quality;
- Chapter 15: Noise & Vibration
- Chapter 16: Flood Risk and Hydrology;
- Chapter 19: Cumulative Effects

The request also sought clarification in respect of issues in Chapter 17 – Agricultural Land and Chapter 20 - Conclusion.

On 16th October 2017 the applicant submitted further clarification around their response to the Regulation 22 letter; new Chapters for the Non-Technical Summary & Chapter 9-Landscape and Visual Impact; revised Landscape and Visual Impact Assessment; and new information concerning an Illustrative Accommodation Schedule, location of nearby sites allocated for development, information from Essex Wildlife Trust and a 'Gap Analysis'. In addition the applicant submitted a further revised version of the Transport Assessment in an attempt to address concerns raised by Highways England and the Highway Authority. This information was again posted on the Council's website and the

submission of this revised information was publicised to allow consultees and other interested parties the opportunity to review and comment.

The Council's specialist advisers reviewed both the revised versions of the ES (Feb 2017 and Oct 2017) but have concluded that the ES remains deficient in a number of areas. This has been raised with the applicant who has had the opportunity to submit further information; however whilst some additional information has been supplied not all the information that is required has been forthcoming. Given that there is insufficient information upon which to assess the environmental impacts the Council can not comply with its duty under the regulations to fully assess the impacts of the development and to determine whether the impacts would be significant and or whether or not there can be adequate mitigation. Accordingly in the absence of the relevant information the authority has no option but to refuse the application on the basis of inadequate information. It is however appropriate to give full consideration to the information which is available in order to assess all known parts of the application and provide a robust overall decision by the authority.

Listed below are the areas where the Council's ES Consultants consider that the ES is inadequate and is not compliant.

Chapter 8

- *The applicant was requested to provide a cumulative assessment of the impact of the development upon open space and the coalescence of settlements.* The applicant has provided a 'Gap Assessment'; however this only considers impacts of the proposed scheme on open space and coalescence of settlements rather than cumulative impacts of the proposed development and other schemes so this request remains.

Chapter 9

- *The applicant was requested to provide a clearly reasoned assessment of the magnitude of potential effects on landscape and visual receptors in terms the size, scale of change, geographic extent, duration and reversibility in accordance with GLVIA3 (page 90).* The applicant has stated this issue was addressed within the revised Appendix 9.1B. The Council's ES consultants consider that this amended appendix does not provide the required 'clearly reasoned assessment of magnitude'. This is considered to remain a Regulation 22 request.
- *Provide viewpoint visualisations for viewpoints where there is likely to be clear visibility of the development which includes block modelling based on the parameter plans contained within Figure 5.1 of the ES.* The applicant states that at this outline stage photomontages would not be able to convey the full potential effects of the proposed development. However this request is asking for visualisations based on the parameter plans, not photomontages. It is acknowledged that this wouldn't show the proposed development in its true form. It would include block modelling to illustrate the worst case view of the development. This Regulation 22 request remains.

- *Potential cumulative visual effects may need to be illustrated through use of visualisations and whether this is necessary should be considered and reasoned by the applicant.* The applicant states that at this outline stage photomontages would not be able to convey the full potential effects of the proposed development. However this request is asking for visualisations showing block modelling based on the parameter plans, not photomontages. The applicant must consider the need for cumulative visualisations and provide reasoning if they are not considered necessary. This Regulation 22 request remains.

Chapter 10

- *Provide clarification or survey result information to demonstrate adherence to best practice survey requirements for protected species and justifications for lack of survey where relevant.* The applicant makes reference to advice contained within ODPM Government Circular 06/2005 (Planning for biodiversity and geological conservation: a guide to good practice). This circular was withdrawn in March 2014 and replaced with the National Planning Practice Guidance (NPPG). The NPPG contains the similar advice which states that *“local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is reasonable likelihood of a protected species being present and affected by the development?”*.

The applicant argues that bat surveys will be undertaken once the layout and design of the development has been formulated. This suggests that the applicant is of the view that there is a reasonable likelihood of the presence of bats. As such, and according to the advice in the NPPG and the expectations of Natural England (see comment on March 2017 submission opposite) it is still considered necessary to undertake full surveys of BRP. In addition, it is important to have sufficient baseline information in order to inform the layout and design of the development in order to avoid adverse impacts. This cannot be done if surveys are carried out once the design has been developed.

The applicant also states that *direct and indirect impacts to trees will be negligible?* It is not clear that this impact on bat foraging and commuting, and impacts from lighting of the development has been considered. Given that there remain concerns that there is insufficient baseline data it is not clear that such robust conclusions can be made.

- *Clarify whether detailed badger surveys, looking for field signs rather than just relying on a single camera trap survey and consultation with the local badger group, was undertaken and what the results of the survey were.* The applicant has provided a map of badger setts, however no supporting survey data have been provided to identify how badgers use the site. The figure provided is considered inappropriate in scale and lacks sufficient information to be considered a proper confidential annex of badger survey records.
- *Provide definitions for key terminology of the assessment and clarify how the CIEEM guidance on EcIA was applied. Additionally, clarify what assumptions about the development were made to support the*

impact assessment. The applicant provides comment on the 7 point scale in the CIEEM guidance and states that it does not have to be used for each receptor. The applicant also sets out a number of assumptions/scenarios where the 7 point scale would not be necessary. The concern remains around how such assumptions and then conclusions can be robustly made with inadequate assessment of baseline. The applicant has failed to refer to the other points raised in this request and as such the Regulation 22 remains.

- *Provide reasoned arguments to support the values assigned to each ecological receptor and how these valuations were made.* The applicant has clarified what they mean by 'supporting value' and has clarified the use of local value for habitat descriptions. This needs to be reflected in the assessment within the chapter. However, this again raises concerns about the robustness of the assessment with inadequate baseline, assumptions that are then based on that baseline, and then the assessment conclusions made.
- *Provide further information on valuation and assessment of impacts for groups of species such as bats and birds.* Whilst information has been provided which addresses this issue in respect of birds the information provided in respect of bats remains not acceptable. The applicant provides further information on the UK's populations of whiskered bats. However as before, bat surveys have not been detailed enough to provide an adequate baseline and a generic value has been applied to for bats as whole rather than tailoring the values depending on the status of the species.

It is considered that the assessment hasn't applied the precautionary principle, gearing the assessment towards the rarest species rather than the most common.

Concerns over the different stages of the assessment leads to concerns about the robustness of the overall assessment.

- *Provide a clear assessment of all identified possible cumulative impacts against each ecological receptor.* The applicant refers to the cumulative assessment provided in Chapter 19 of the ES. This was reviewed by LUC and comments made in the FRR. This Regulation 22 request stemmed from these comments. Chapter 19 has not been updated to provide a more clear assessment for each ecological receptor so the issue remains.
- *Provide confirmation that mitigation proposed is confirmed as a commitment by the developer rather than a recommendation for planning conditions.* The applicant confirms why a buffer of 8m has been applied.

The applicant also states that other EPS have not been disregarded but evidence of further information on mitigation for other EPS such as badgers and birds has not been provided.

Again, the robustness of the overall assessment is questioned and as such the robustness of proposed mitigation, how it would be implemented and whether it would be effective enough is also questioned.

- *Provide a clear delineation of mitigation, using the mitigation hierarchy, teasing out those approaches which constitute enhancement.* The

information gaps referred to in the previous comments on this point remain.

The applicant refers to this being an outline application which limits the level of detail of mitigation that can be established. There remains concern about the robustness of the mitigation proposed and its effectiveness, if it is based on inadequate baseline data.

Chapter 11

- *Provide additional information on the predicted demand for all transport modes.* The applicant has provided an assessment of the links which exceed the IEMA thresholds. Mitigation is identified and residual effects concluded. However the Highways Authority has reviewed and concluded that it ~~was~~ is unable to determine whether the proposed development will have a severe impact on the operation of the local highway network?. The explanatory text from the Highways Authority explains that this is because the baseline conditions in the modelling are not correct. A revised assessment of the junctions is required.

Chapter 13

- *The applicant was requested to include an assessment of impacts on the setting of Rayne Church as viewed from the church tower.* The applicant states that effects on views is a landscape issue and is “not pertinent to an assessment of the proposals on heritage significance”. However the National Planning Policy Framework (NPPF) specifically states at paragraph 128 that “local planning authorities should require an applicant to describe the significance of any heritage assets affected, including contribution made by their setting.” At paragraph 132 the NPPF states that “significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. This confirms that setting is an important part of a heritage feature setting this can include views of and from the heritage feature. The applicant states that Historic England has not requested any further work but this does not cover the requests of the Historic Buildings Advisor to BDC.

A full copy of the Final Review Report prepared by the Council’s consultants is available to view with the Agenda on the Council’s website. An addendum report on the ES prepared by Officers is published at the end of this report.

Officers have taken environmental information into consideration in the assessment of this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended). The Environmental Statement (ES) has been prepared to comply with the requirements of Schedule 4, Part 1 of the Regulations.

Environmental Statement Conclusion

The Addendum Report on the ES identifies a number of areas where Officers do not agree with the assessment of the significant impacts – most notably

within the Heritage and Landscape and Visual Impact Chapters where it could be argued that the significance of the impacts of development are more subjective. In these areas, in addition to the desk top assessment undertaken by the Council's ES consultants, the Council has obtained specialist advice from the Council's Historic Buildings Adviser and Landscape Consultant. The applicant's assessment has downplayed the significance of these impacts compared to that assessed by the Council's advisers.

As is evident from the list of Regulation 22 requests that have not been suitably addressed the Council, supported by our ES consultants, take the view that the ES that has been submitted does not provide a thorough and robust assessment of the baseline conditions and enable a rigorous assessment of the likely significant environmental effects of the development.

The Council's ES consultants have identified cases where the applicant has based the assessment on assumptions about the baseline. Those assumptions then inform the selection of assessment criteria which in turn informs the assessment and mitigation of effects. Assumptions are being made upon assumptions which affect confidence in the robustness of the whole assessment. The applicant in their response to Reg.22 requests has argued that their initial assumptions are correct but for an EIA to be robust the ES must document and justify how they arrive at these assumptions. Assessments within ES are usually expected to be based on solid survey data, or if this is not possible, then it should be based on 'worst case' assumptions.

There are too many areas within the ES where there are concerns about the assessment and as a result it is not possible be confident in the approach and in the robustness of the submitted assessment. As there is a statutory requirement to provide a robust assessment of the environmental impacts of the development the failure of the applicant to achieve this is a reason for the application to be refused.

PART 7: Assessment and Conclusions

Assessment

The applicant in their planning statement identifies the main issues that in their opinion need to be considered. These are: *The Need for Development and Housing Land Supply; Impact on Character and Appearance of the Surrounding Area; Landscape and Visual Impact; Transport and Access; Flood Risk; Ecology; Agricultural Land; and Minerals.*

The Council consider that there is a wider range of key issues that are relevant to the determination of this application and these are set out below:

- Principle of Development (including the Need for Development and Housing Land Supply);
- Agricultural Land;
- Ecology;
- Employment Land;

- Flood Risk;
- Heritage;
- Impact on Neighbour Amenity
- Landscape and Visual Impact;
- Minerals;
- Noise and Air Quality;
- Planning Obligations;
- Retail Issues;
- Transport and Access;
- Urban Design (Design, Appearance and Layout)
- Benefits of the Scheme

Each of these headings is considered in further detail below.

- **Principle of Development (including the Need for Development and Housing Land Supply)**

Site History

The Planning Statement accompanying the application refers to the fact that part of the site was first promoted for allocation in 2009 when the Council was working on developing the Core Strategy that was adopted in 2011.

The Flitch Way Settlement, as it was known then, was considered in some detail but was ultimately discounted as the Council took the view that there were other preferred sites to allocate to meet housing demand at that time.

The application site is located outside any defined settlement boundary in the current Development Plan. The Council undertook a 'Call for Sites' running from August until October 2014. The application site was put forward to be allocated for development and this was recorded as - *Land south west of Braintree, R/O Gilda Terrace, BRAW154, GNB265 and GNB266.*

At their meeting on 15th December 2016 the Local Plan Sub Committee considered the allocation of sites around the town of Braintree.

The Officer's report to the Sub Committee recognised that *'The site has a number of positive benefits in terms of its location, proximity to employment and services, and the A120'*. The report however went on to say that the site should not be allocated, stating *'In conclusion the site is in close proximity to Braintree, which as a Main Town has good access to shops, services and community facilities. However the site is considered to have a significant landscape impact, development around the Flitchway could have a detrimental impact on its character and appearance, especially if it needs to be crossed by one or more vehicular access and there are concerns that this site would close the gap between Braintree and Rayne causing coalescence. Other sites around the edge of the town have less landscape impact and as such it is not proposed to allocate this site'*.

The Local Plan Sub Committee agreed with the Officer recommendation and the site was not included for allocation for development in the Draft Local Plan. The Council has consulted widely on the new Local Plan, including sites that have been put forward for allocation. In respect of the 'Brook Green' site there have been no representations from members of the public in support of the site being allocated through the new Local Plan. Members are however advised that the applicant has objected to the Council not allocating their site for development in the new Local Plan. As a result there is an unresolved objection to the Council's proposed policy position and this is a factor which limits the weight that the Council can attach to this emerging policy position. For Members information the Friends of the Flitchway has registered their objection to this site being allocated in the new Local Plan. Whilst the unresolved objection limits the weight that the Council could otherwise attached to the Draft Local Plan policies Officers still consider that having submitted the Publication Draft Local Plan for examination the process has reached a further significant milestone towards the new Local Plan being adopted and the amount of weight that the policies can be given has increased, although it remains limited.

Although the site is not allocated in either the adopted Development Plan or the Publication Draft Local Plan this application has been submitted by the applicant and the Local Planning Authority are required to determine the application in accordance with planning law and s.38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 in particular.

Planning Policy Context – Housing

S.38(6) PCPA 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Currently the Council's Development Plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). The application site lies outside defined development boundaries and was not allocated development in either of these documents.

The Council has been working on a new Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on 5th June 2017 for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017 and the Plan was submitted to the Planning Inspectorate in October 2017, for examination in public in early 2018.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging 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, whilst the Local Plan is subject to an outstanding objection from the applicant and still to be subject to Examination in Public by a Planning Inspector, Officers consider that the Council can currently afford some increased weight to the Publication Draft Local Plan 2017 and the fact that the Council has chosen not to allocate the Brook Green site for development in the forthcoming plan period, following consideration of all the sites across the District put forward for development and extensive public consultation

5 Year Housing Land Supply

Since the publication of the National Planning Policy Framework (NPPF), in 2012, Local Planning Authorities have been directed ‘*To boost significantly the supply of housing*’.

Specifically the NPPF (Para 47) states that Local Planning Authorities should:

- *‘use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land’*

The Publication Draft Local Plan was submitted to the Planning Inspectorate on 9 October 2017. The Draft Local Plan includes a housing trajectory which demonstrates how the draft Local Plan housing target will be met, taking into account draft Local Plan allocations.

The OAN target is 716 dwellings per annum. Since 2013 the supply of new homes has far fallen short of the proposed annual average target of 716, and this means that there is a shortfall in supply from 2013 which must be made up in future years.

There are two principal approaches to how this shortfall should be made up; the ‘*Liverpool approach*’ by which making up the shortfall is spread over the remainder of the Plan Period, and the ‘*Sedgefield approach*’ by which the shortfall has to be made up within the first 5 years (i.e. the 5 year supply period being examined).

Although Government guidance generally encourages the use of the Sedgefield approach on the basis that it is important to increase housing

supply, the guidance does not preclude the use of the Liverpool approach and there are examples of Local Plans where Liverpool approach has been accepted as justified and sound.

The Council believes that the Liverpool approach is appropriate in the case of Braintree District and accordingly the Draft Local Plan is based on this approach; in itself this represents a large increase in the housing supply target compared to the previous adopted Plan target. The Council believes that this is a realistic and deliverable approach for the Local Plan, which reflects the ambitious growth agenda which the Council is committed to including as part of the North Essex New Garden Communities Project. The New Garden Communities will together deliver up to 40,000 homes in North Essex and will come on-stream in the later part of the Plan Period, supported by infrastructure provision. Evidence to support this position will be discussed at the Local Plan Examination in 2018.

A planning appeal decision in October 2017 (APP/Z1510/W/17/3172575, Land off Wethersfield Road, Finchingfield, decision dated 19 October 2017) concluded that this issue was a matter more properly to be considered by the Inspector who will examine the emerging Local Plan, who will be able to assess which method is best based on all the relevant information. Previous to that appeal decision, two Inspectors had indicated the view that in the absence of an up to date adopted Plan based on this approach, the Sedgefield approach should instead apply by default until such time as it was considered at the Local Plan Examination. These appeal decisions are a material consideration in the determination of residential development proposals

Taking these decisions into account Officers have calculated the 5 year supply position in the context of considering current planning applications according to both the Liverpool approach and the Sedgefield approach; and allowing for a buffer of 5%. In summary the latest updated, published 30th September 2017, shows that whilst the supply of housing land has improved over the preceding 3-months the Council still cannot demonstrate a deliverable 5 year supply of land for housing. The forecast supply for the period 2017-2022 was 4.97 years by the Liverpool approach and 3.90 years by the Sedgefield approach.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means (second bullet point) *'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and*

demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted’.

The lack of a 5 year housing land supply is therefore a material consideration which engages the tilted balance under paragraph 14 of the NPPF. However the tilted balance is disengaged where there are specific policies in the NPPF which indicate development should be restricted (commonly referred to as the “footnote 9 grounds” with reference to the relevant footnote which lists examples of such policies thus “For example policies relating sites protected under Birds and Habitats Directive and/or designated as Sites of Scientific Interest; land designated as Green Belt; an Area of Outstanding Natural Beauty; Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion”). In this application there are specific policies which are engaged and indicate that development should be restricted and these must also be carefully considered in drawing the planning balance under paragraph 14.

Neither paragraph 14 or 49 of the NPPF fix the weight to be afforded to a conflict with policies of the development plan in circumstances where they are out of date – this is a matter for the decision taker. Moreover, the extent to which an individual policy can be considered out of date is also a matter of judgement for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 14 (second bullet point) is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Nevertheless, the fact there is a shortfall in housing supply does not, on its own, render a Plan out-of-date or determine the weight that can be attached to individual policies within an adopted Plan. As a consequence the weight that can be afforded to policies which restrict housing supply will depend upon: the extent of the shortfall; the efforts made to meet it; and the particular function that the policy serves.

The Council is working to boost the supply of housing land – in the longer term through a spatial strategy outlined above and in the short term by approving applications, both on sites that are proposed for allocation through the Publication Draft Local Plan, or in some instances ‘unallocated’ sites. Whilst the Council cannot demonstrate a 5 year housing land supply the Council is monitoring the situation and publishing a quarterly report. The latest quarterly report shows that the extent of the shortfall has reduced and the Council is approaching a position where a 5 year housing supply could be evidenced. The Council consider that these factors reduce the extent to which policies restricting housing land supply must be restricted.

The following report sets out how Officers have assessed the site and the proposed development against specific policies in the Framework and the Development Plan, such as designated heritage assets and flood risk, and whether any adverse impact of granting consent would demonstrably

outweigh the benefits. When assessing the planning balance the Council must consider the economic, social and environmental impacts of the proposed development.

Whilst Core Strategy (CS) Policy CS5 does, in some respects, relate to the supply of housing and seeks to apply strict control on all development including housing in the areas beyond the development boundaries of the District's towns and the village envelopes, Officers consider that the main thrust of the Policy CS5 is to protect the countryside rather than to restrict housing and as such, it is relevant to the current application. The policy is consistent with the fifth bullet point of Paragraph 17 of the Framework which states that one of the 12 core planning principles of the NPPF is '*... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*'. The aim of this policy and the NPPF are clear and are considered relevant to this application and need to be balanced against other objectives of the Framework, including the need to boost the supply of housing. The Council therefore attach more than moderate weight to Policy CS5 albeit not full weight.

CS Policy CS8 sets out 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 Council consider that this is not a policy which is intended to restrict housing, rather that it seeks to distinguish between different landscapes and that development needs to respond appropriately to the sensitivity of different landscapes. The Council attach significant weight to CS Policy CS8 given that it is consistent with policy within the NPPF. The policy requires the Council to make objective assessments attaching weight to evidence, such as that in the Landscape Analysis Study work, and protect what is important.

A number of representations objecting to the application have said that the application should be refused simply because it is beyond the defined development boundaries and is therefore contrary to Policy RLP2 of the Local Plan Review (LPR). Policy RLP2 is clearly a policy which is concerned with the supply of housing. Because the Council cannot demonstrate the required 5-year housing land supply the weight this policy can be given is limited, however the policy should not be completely disregarded when considering planning applications as the policy also seeks to define areas of the District that are designated as Countryside and as set out above Officers consider that weight can still be attributed to policies whose aims are consistent with the NPPF – in this case *recognising the intrinsic character and beauty of the countryside* and the need to consider protecting it..

Given the level of the Objectively Assessed Need (OAN) for housing in the District it is inevitable that much of the required development will be on land that currently is 'countryside', so this application cannot be refused by strict application of the settlement boundary policies contained in the development plan.

The development of the new Local Plan has however been an opportunity to develop a spatial strategy that seeks to direct development to the most suitable locations and the Council considers that the allocated sites represent the most suitable sites for development.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: *“That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”*.

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the north west of Braintree - off Panfield Lane;
- Land to the west of the A131 at Great Notley (entirely employment);
- Land to the south west of Witham - off Hatfield Road;
- Land to the north east of Witham (Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in line with government policy as set out in the NPPF.

Whilst the Publication Draft Local Plan seeks to concentrate development around the District's main towns, including Braintree, this does not mean that every site that is proposed around the town is suitable for development. In developing the Local Plan the Council have considered a host of issues including amongst others sustainability assessment; landscape capacity of the site; highway capacity and safety; and impact on heritage assets. As previously noted the Council did not consider that development of this site was necessary, or desirable, and that the OAN could be met by allocating other more suitable available sites.

This planning application contains far more information than the Council were presented in the submission in the Call for Sites process and Members must make a decision based on the information contained within this application when assessed against current local and national planning policies and material planning considerations.

Demolition of dwellings in Gilda Terrace

Part of the proposal would see the demolition of two dwellings within Gilda Terrace, to form the vehicular access to Parcel B from Rayne Road. The buildings are not considered to be of any architectural or historic interest and there is no objection to the principle of demolition of these buildings.

Although the proposal to demolish these properties would reduce the housing supply, and therefore be a negative from that perspective the loss enables a significant increase and therefore should not be accorded any material weight from the perspective of housing supply, provided that the phasing and delivery can be controlled through conditions or a legal agreement such that the delivery of a materially larger number of properties can be achieved within a reasonable timescale.

Brownfield / Greenfield

One of the 12 core planning principles of the NPPF is that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value.

A number of letters of objection have referred to some people's preference to see brownfield sites being developed before greenfield sites are considered for allocation, or be granted planning permission. Some of the representations refer to brownfield sites within the District being able to accommodate 12,000 dwellings.

The Council's records identify 89 brownfield sites within the District but even if all these sites were redeveloped for housing (which in itself is unlikely) then the capacity of all these sites combined are assessed to accommodate 2383 new homes. It is clear, given the objectively assessed housing need within the District, that it will be necessary to develop greenfield sites. What the Council will need to do is ensure that the most suitable greenfield sites are bought forward for development, through allocation in the new Local Plan and through the grant of planning permission.

Gypsy and Traveller provision

There is a requirement for the Council to make suitable provision not only for 'conventional' housing but also for Gypsy and Traveller sites. The Council's evidence base indicates that 24 pitches should be provided to meet demand up to 2023.

The approach that the Council intend to take to meet this demand is set out within the Publication Draft Local Plan in Policy LPP 36 *Gypsy and Traveller and Travelling Showpersons' Accommodation*. This states that the Council will allocate for up to 31 pitches Gypsy and Traveller pitches [this figure is to be corrected from the 30 pitches referred to in the policy following the production of an updated survey] and an additional 5 plots for Travelling Showpeople. Provision is proposed at '*the Strategic Growth Locations and the garden communities, or through the planning application process*'.

The application does not refer to any provision for Gypsy and Traveller provision yet as the site is a large scale strategic site, located on the edge of a main urban area. Officers consider that it would be reasonable to expect the development to provide a range of housing types, including for Gypsy and Traveller provision.

The site provides a location which broadly accords with policy CS3 – ‘*Gypsies and Travellers and Travelling Showpersons*’, and should be able to provide an area which meets the locational requirements of this policy.

In the event that the Outline planning permission were to be granted for a development of this size the Council would expect that the planning permission would identify an area for gypsy and traveller pitches in order to ensure that this site makes a suitable contribution towards the required provision of pitches. Failure to do so would undermine the Council’s proposed policy for ensuring adequate provision is made during the plan period.

- **Agricultural Land**

The NPPF states that Councils should take into account the ‘*economic and other benefits of the best and most versatile agricultural land*’. Best and Most Versatile Agricultural Land is defined as being land classified as Grade 1, 2 & 3a in the Agricultural Land Classification (ALC) system. It concludes that ‘*Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*’. Policy CS8 of the Core Strategy is consistent with national policy stating that ‘*Development should protect the best and most versatile agricultural land*’.

Regional ALC Maps indicate that the application site lies within an area of Grade 3 agricultural land (this includes land that is either Grade 3a or Grade 3b).

As part of their assessment of the site the applicant has engaged consultants to undertake fieldwork to assess the actual ALC that would apply to this site. The analysis indicates;

- 20% of the agricultural land is ALC Grade 2
- 61% of the agricultural land is ALC Grade 3a
- 19% of the agricultural land is ALC Grade 3b

The results show that 81% of the agricultural land is classified as being ‘*Best and Most Versatile Agricultural Land*’ – a total of 43.1ha.

Whilst the Council are directed to use areas of poorer quality land in preference to that of a higher quality, national planning policy does not prohibit the use of Best and Most Versatile Agricultural Land for development. It is the case that the majority of the District is identified on regional ALC maps as being ALC Grade 2 or 3. As a result Officers do not believe it will be possible to meet the District’s OAN Housing Target without using agricultural land that is classified as being ‘*Best and Most Versatile Land*’, particularly if development is to be directed to more sites identified as being more sustainable locations.

The Council are required to consult Natural England where the development of more than 20 hectares of ‘*Best and Most Versatile Agricultural Land*’ is

proposed for non-agricultural purposes and is not in accordance with the statutory Development Plan. Natural England does not object to the application, or make a recommendation regarding the determination of the application. They only make a recommendation about the need for careful soil management during the construction process.

Whilst it is acknowledged that the proposals would result in the loss of high quality agricultural land Officers do not consider that this can be substantiated as a grounds for refusal due to the level of development required by the NPPF to meet the District's Objectively Assessed Housing Need when so much of the undeveloped land in the District is likely to be classified as '*Best and Most Versatile*' based on the Regional ALC maps.

- **Ecology:**

One of the 12 core planning principles of the NPPF is that the planning system should '*contribute to conserving and enhancing the natural environment and reducing pollution...*'

Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 of the Core Strategy states that '*the restoration and enhancement of the natural environment will be encouraged through a variety measures*'. These aims are supported by LPR Policies RLP80 and RLP84 of the Local Plan Review.

Policy RLP80 states that '*proposals or new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted.*' Policy RLP84 states that '*planning permission will not be granted for development, which would have an adverse impact on protected species*' and '*where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats*'.

The application is supported by an Extended Phase One Habitat Survey and subsequent (Phase II) protected species surveys for: Great Crested Newt pond assessment; Badger survey; Breeding bird surveys; Bat surveys; Reptile surveys; Hazel dormice nest tube surveys; and Otter and water vole survey. Surveys found evidence of Badgers; Bats (commuting and foraging); Birds; Reptiles (common Lizard and Slow Worm); and Otters. As well as containing a wide variety of habitats (hedgerows, woodland, scrub, rough grassland, pond, and watercourses) suitable for protected species there are five Local Wildlife Sites (LWS) within 2km of the site. One of these is the disused railway line that forms part of the Flitch Way Local Wildlife Site (LWS).

The applicant states in the Design and Access Statement (DAS) that the proposed development can be designed to *'more than compensate for losses of habitats of site and local value through the creation of priority habitats of much higher value, albeit smaller in area, within informal public open spaces... The creation of new habitats of at least local value within the proposed green infrastructure would result in overall biodiversity gain'*.

A significant number of objectors have referred to the ecological value of the Flitch Way and the land surrounding and the harm that they consider would arise from the proposed development. The Council has considered the adequacy of the ecological surveys and the proposed mitigation.

As highlighted in the addendum report on the ES, the consultants who assessed the ES for the Council has confirmed that the lists of species and habitats considered for assessment are appropriate for this site, however they advise that it is not clear that best practice methods were applied in collecting the data. Some of the species surveys do not reference good practice guidelines and are variable in specificity in approach. For example the methods for surveying otter, water vole and badgers have no clear reference to best practice. Where best practice methodology has not been employed no clear justification has been provided to justify why this was the case. There are also concerns that inadequate consideration has been given to potential bat roosts and badger setts and the potential for Otters and White Claw Crayfish within the application site and whether the pond identified within the site as having good potential for Great Crested Newts was adequately surveyed. It is also not clear whether an assessment of hedgerows was made, in line with the Hedgerow Regulations to determine if the specimens present on site are considered "important" as defined in the regulations.

The assessment of impacts is also questioned. It is often not clear why certain receptors were classified as they were. For example, the River Brain was assessed as having local value, however, it is hydrologically connected to the River Blackwater and its estuary. Additionally, there are two groups of animals assessed generically in this report: birds and bats. Seven species of bats were recorded using the site in some way (roosting was not assessed) and a general value of 'local' was applied. It would be more appropriate for the value of these receptors to be assessed individually as there are some species which are more rare in the UK and/or specifically, for example, in East Anglia. Equally, 38 species of birds were recorded, 21 breeding and of these four red-listed species. It is unclear how a generic value of 'local' was given to birds without any assessment for individual species, especially for those species considered to be under threat.

A robust assessment and effective mitigation measures for all impacts (not just significant ones) are needed to enable the Council to demonstrate its compliance with its statutory biodiversity duty under s40, Natural Environment and Rural Communities Act 2006. The Council need to be provided a robust ecological survey to be able to assess the potential impacts arising from the proposed development and agree mitigation where required. This is likely to include off-site mitigation as well as on-site mitigation.

It is also noted that it is now two years since the planning application was submitted. The ecological surveys were completed before the application was submitted. Surveys of this sort will only remain valid for a finite period of time. The validity of surveys will vary according to habitat and species but if planning permission were to be granted the submitted surveys would all need to have been undertaken in accordance with best practice guidelines. Furthermore whilst the applicant did not propose works to The Flitch Way the Highway Authority's position is that if planning permission were to be granted then The Flitch Way would need to have a new hard surface and be lit to allow its use safe use throughout the day and throughout the year. These works would be a direct consequence of the proposed development and as a result Officers consider that the ecological assessment should include an assessment of these works.

- **Employment Land**

The Land Use Parameter plan indicates 0.65 hectares of land is to be made available for B1 (Business) employment uses. In addition the development would include employment generating uses at the new school; the Local Centre; and on land for a Care Home or similar residential institution.

A core principle of the NPPF is to *'promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)'* It goes on to state that *'Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities'*.

The Council have acknowledged this through the Publication Draft Local Plan as in addition to the allocation of land solely for 'employment' uses planning policies governing the new Garden Communities and Strategic Growth Locations all specify that *'Appropriate employment uses to support the new community' are included*.

As the scale of this development is equal to that of the Strategic Growth Locations it is right that this site include land allocated for employment purposes and that this be secured in the event that planning permission were to be granted. Whilst the inclusion of land for employment uses is welcomed the amount of land available is relatively small given the scale of the site and the residential development. Within their application the applicant states that the proposed development is projected to provide capacity for the accommodation of 192 direct gross Full Time Equivalent (FTE) jobs, once the development is completed and occupied. These jobs would be through the new school; employment land and local centre.

The Publication Draft Local Plan does not specify what *'appropriate employment uses to support the new community'* might consist of any given location, but Policy LPP 2 of Publication Draft Local Plan 'Location of

Employment Land' sets out how the Council propose to allocate sufficient employment land to support the required level of economic growth. The policy specifies that the Council anticipate up to 3ha of land for an Employment Policy Area on Land East of Great Notley and Land East of Broad Road and 4ha at Land at Feering. The size of these Strategic Growth Locations is 118ha; 65.8ha; and 74.8ha. In comparison the applicant proposes the allocation of 0.65ha of land for B1 uses within an application site of 56.5ha.

Given that it is proposed that the development would have up to 1600 dwellings with a population of circa 3800 the level of employment provision with the site appears modest and inadequate when measured against the Council's aspirations for the Strategic Growth Locations.

- **Flood Risk**

Fluvial (Rivers)

Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that the planning system plays a key role in, amongst other things, providing resilience to the impacts of climate change. Para.100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

NPPF Para.103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding (NPPF para101).

The EA's flood map shows that the application site lies within Flood Zones 1, 2 and 3. Flood Zone 1 relates to land that has an annual probability of flooding of less than 0.1%. Flood Zone 2 is defined as having a medium flood risk (for non-tidal rivers - an annual probability of between 0.1% and 1.0% for rivers); and Flood Zone 3 is defined as high risk (for non-tidal rivers - an annual

probability of flooding greater than 1.0%). The vast majority of the site is classified as being in Flood Zone 1. The areas of the application site that are located in Flood Zones 2 and 3 are along the river corridor of the River Brain at the eastern end of the site.

The applicants Flood Risk Assessment refers to local newspaper reports of flooding in February 2009 which led to inundation of Rayne Road to the north of the site. The FRA states that the applicant has found no specific records of flooding on the application site, however the Council has received a number of objection letters including photographic evidence of flooding on low lying land near the watercourse on the eastern side of the site.

The Environment Agency (EA) consultation response dated 20th March 2017 identified a number of deficiencies in the FRA, including the assumptions included within the modelling to allow for climate change; apply the Sequential Approach in the siting of the development; and provide Finished Floor Levels above the design level with climate change.

Following discussion the EA withdrew their objection as they accepted that only a very small area of the site was within Flood Zone 2 & 3 and that development has been sequentially located within the site, so that all the built development will be restricted to areas assessed as being within Flood Zone 1. As a result, there is no objection to the principle of development based on fluvial flood risk.

Surface Water

NPPF Para.103 sets out the need for priority to be given to the use of Sustainable Drainage Systems (SuDS) wherever possible. New developments are now expected to manage surface water from within their sites through SuDs, rather than connecting to the public drainage system

SuDs are designed to reduce the potential impact of surface water drainage discharges from both new and existing developments. SuDS aim to replicate natural systems of surface water runoff through collection, storage and cleaning before releasing water slowly and reducing the possible risk of flooding.

Although this is an outline planning application the developer is required to demonstrate that the SuDS can control the rate of discharge of surface water from the site in an appropriate manner and not increase the risk of flooding either within the application site or elsewhere.

Site investigation by the applicant has shown that soakaways will not be feasible as a means of surface water drainage as infiltration rates were found to be insufficient. The conceptual drainage strategy includes the use of a number of features including detention basins, permeable paving, bio-retention areas and swales to provide the necessary volume of storage for each catchment based on its size and impermeable area.

The lead local flood authority (LLFA) - Essex County Council (ECC) - has been consulted on the application. The ECC SuDS team initially registered a holding objection to the application as they considered that there was insufficient information contained within the Outline Surface Water Drainage Strategy. They requested additional information in respect of the phasing of the development and the drainage strategy; further details concerning the quality of water to be discharged to the River Brian and how an existing SuDS feature on the site will be incorporated into the proposals.

Having reviewed the additional supporting statements and layout maps supplied by the applicant they were satisfied that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. This is subject to the imposition of a number of recommended planning conditions.

It is noted that within the application site there is already an Anglian Water SuDS attenuation pond which was designed and constructed to provide surface water storage capacity for the Great Notley development (on the other side of the A120). This is a substantial basin that is currently enclosed by chain link fencing and it is understood that Anglian Water lease this land.

The applicant has confirmed that the attenuation pond is proposed to be relocated within the application site boundary, but the new attenuation pond will not be used to handle surface runoff from any part of the proposed new development. This new SuDS feature will be used solely as an attenuation feature for part of the Great Notley development. Anglian Water has been consulted on this planning application and they have raised no objection.

In the event that planning permission were granted the detailed SuDS scheme would need to demonstrate that the overall storage volume, connectivity, flow control arrangements and the ultimate point of discharge to the downstream watercourse will be maintained, is suitably designed to replace the existing SuDS feature, as well as handle the run-off from this new development.

Foul Sewerage

The Council consulted Anglian Water on the proposed development and they responded to confirm that they did not object to the application. They report that there is currently adequate capacity at the Braintree Water Recycling Centre (WRC) to accommodate the flows from the development. To ensure that the development will not create a risk of flooding downstream works will be required to increase conveyance capacity. A feasible mitigation solution has been developed by Anglian Water. They recommend that if planning permission is granted this is subject to a planning condition to deal with this issue.

The EA raised no objection in respect of foul water provision, however they note that the proposed development would use up about 50% of the current spare capacity at the Braintree WRC and this will need to be monitored given

the large amount of other development that is planned for Braintree. The EA note that the Rayne WRC does not have sufficient capacity for even an appreciable part of the development.

- **Heritage**

Members will know that the Council also has a statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) that requires special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development, and this emphasised by the fact that one of the twelve 'Core Planning Principles' is that the planning system should '*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*'.

Para.127 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. NPPF Para.129 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

As part of the statutory consultation process Historic England and the ECC Historic Environment and Historic Buildings and Conservation teams were consulted and have commented on the application. As Members will be aware Local Planning Authorities are required to consult Historic England regarding planning applications that affect specific designated heritage assets, including applications which affect a Grade I or II* building, or involve the demolition of a Grade II building; and Development which affects the character or appearance of a Conservation Area and which involves the erection of a new building or the extension of an existing building where the area of land in respect of which the application is made is more than 1,000 square metres. The Council's own Historic Buildings Adviser provides specialist advice in respect of development which affects designated heritage assets, including all the District's Listed Buildings and Conservation Areas.

Historic Environment / Archaeology

Para.128 of the NPPF states that '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected... The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential*

impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

In its glossary, the NPPF highlights that *“there will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.”*

Policies RLP106 and LPP63 also apply, these state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

The proposed development site is large, being over 56ha in size. The Council's Historic Environment Officer considers that the site has the potential to preserve both archaeological as well as palaeoenvironmental remains.

The applicant has submitted a report on the site's archaeological potential based on a desk based assessment of the site along with geophysical surveys of parts of the site. This work has identified the survival of potential prehistoric features within the development area which may have local or regional significance.

The County Council's Historic Environment Officer has highlighted a number of areas where the submitted report provides insufficient information to make a full and rigorous assessment of the potential impact of the development across the whole site.

Some of these concerns could be covered by planning condition, if the Outline Planning Permission were to be granted – for example the potential for industrial archaeology associated with the former railway.

The Council's specialist adviser has raised more fundamental concerns about the scope of the investigative works undertaken so far. For example the effectiveness of the geophysical surveys undertaken; the absence of an evaluation of the potential for the preservation of palaeoenvironmental remains along the river corridor, and the potential for Palaeolithic archaeological remains or Pleistocene faunal remains; and the fact that part of the development site has so far not been subject to field assessment.

The County Council's Historic Environment Officer considers that the work undertaken to date provides part of the evidence that is required to enable a reasonable assessment of the archaeological potential of the site, but to

enable a basic evaluation of the whole site it would be necessary to undertake geophysical and trial trenching across the whole development area.

The Revised Cultural Heritage Chapter states that the applicant agrees that further archaeological evaluation will be undertaken and used to inform the consideration of subsequent determination of Reserved Matters planning applications. In the event that the Council were to grant Outline Planning Permission this requirement could be covered by planning condition.

Further evaluation of the site is required prior to Reserved Matters applications to allow for a thorough evaluation of the archaeological interest of the site and to demonstrate that the development would not damage archaeological remains.

The NPPF and NPPG state that where an initial assessment indicates that a development site has potential to include heritage assets with archaeological interest '*applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation*'.

Officers have discussed whether it is '*necessary*' to undertake the further archaeological investigation prior to the determination of the Outline planning application with the Council's Historic Environment Adviser.

Officers have also considered what is reasonable and proportionate when considering whether further investigative works are necessary at this stage. Providing that the investigative work is undertaken prior to the determination of any Reserved Matters applications archaeological remains would be safeguarded. In the event that significant archaeological deposits were found then this may necessitate that they are left in situ and this could restrict development within parts of the site. The Outline Permission establishes a maximum number of dwellings and would include the provision of on-site Public Open Space. It is not considered that it is necessary for field evaluation of the whole site prior to the determination of this Outline planning permission.

In the event that Outline planning permission is granted then this should be conditional on an agreed programme of archaeological works (approved by the Council and our Historic Environment Adviser) being undertaken across the whole of the site prior to the submission of the first reserved matters application, although each phase of the development may then require further investigation as it proceeds given the results of the overall investigation.

Built Heritage

One of the 12 Core Planning principles set out in the NPPF is that the planning system should seek to '*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*'.

Para.128 of the NPPF also requires applicants to provide sufficient detail to describe the significance of any heritage assets affected, including any

contribution made by their setting, in order to understand the potential impact of the proposal on their significance. Para.132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater that weight should be. Significance can be harmed through development within the setting of a heritage asset and clear and convincing justification is required for any harm that is identified as heritage assets are irreplaceable. Para134 states that where a development will lead to '*less than substantial harm*' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Core Strategy Policy CS9 seeks to protect and enhance the historic environment in order to '*Respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity*'.

Saved LPR Policy RLP100 relates to listed buildings and their settings, which is relevant given that the application involves the change of use of the existing agricultural land to commercial uses, residential development and associated facilities such as open space. The policy seeks, amongst other things, to restrict development which would harm the setting of listed buildings, stating '*The Council will seek to preserve and enhance the setting of listed buildings by appropriate control over the development, design and use of adjoining land.*' Policy RLP100 and CS9 reinforce the Council's statutory duties in respect of listed buildings and Officers accord them considerable weight but acknowledge that the weight given to those policies needs to be reduced because those policies do not formalise a balancing exercise with public benefits specified in the NPPF.

This is supported by Policies RLP 90 and LPP 55 & 60, which, amongst other things require proposals to be sensitive to the need to conserve local features of architectural, historic and landscape importance, as well as protecting the setting of listed buildings.

As previously stated the Council have considered the weight that can be attached to these policies. It is accepted that the policies do not contain within them the balancing requirements of the NPPF so giving rise to a degree of inconsistency with paragraphs 132 and 134 of the NPPF. However, their requirements reflect the statutory position in respect of these designated heritage assets and the responsibilities that Local Planning Authorities have in exercising their planning duties. As such, and subject to the balance requirement being undertaken in a formalised way, the Council consider that these policies should be accorded considerable weight. These are specific policies within the scope of Footnote 9 of the NPPF. Their application to this development disengages the tilted balance in the fourth bullet of paragraph 14 NPPF, and therefore should lead to the application being considered on the standard planning balance.

When initially consulted both the Council's Historic Buildings Adviser (HBA) and Historic England (HE) objected to the proposals. The initial HE objection was that the application had not included an adequate assessment of the impact on heritage assets. The applicant subsequently submitted a revised Heritage Statement and Historic England withdrew their objection.

Naylinghurst – Grade II listed building

Naylinghurst is Grade II listed timber framed and plastered farmhouse, which the list entry dates to a seventeenth century construction date. Its current appearance is also strongly influenced by eighteenth and twentieth century alterations, and it is considered to be an architecturally handsome building, and a good example of vernacular form and construction. The original construction date, although partially masked by later alterations and additions to the building, still makes a contribution to the historic significance of the listed building, and offers evidential value in allowing an understanding of the historic use of the surrounding land. The later alterations alter the architectural and visual character of the building, but make a contribution to the architectural significance of the building in allowing an understanding of the evolution of farmhouse and evidential value as to the changing contemporary architectural forms. The building has now passed into a purely residential use, which can be seen to partially reduce the significance of the building when related to the neighbouring farmed land. However the building has also fulfilled a residential use, and so can't be considered to be fundamentally incompatible with the historic character of the building. The landscape in which the building was seen and experienced was previously presumably in agricultural use, and the extent and character of this surrounding land can still be understood and experienced, even if the specific use has altered. As a farmhouse is fundamentally a functional building, constructed to allow the farming of the surrounding land, there is therefore a strong interrelationship between the two, and the surrounding land is considered to make an important contribution to both the architectural and the historic significance of the building.

The proposed development would not result in direct damage to the structure of the listed building, however there would be harm to the setting of the building. Historic England; the NPPF and the NPPG provide guidance on how the concept of 'setting' should be understood and defined. Further clarification has been handed down through case law. It has been determined that the lack or indeed existence, of a visual and/or physical connection of a development site to a heritage asset should not be the determining factor when considering the 'setting' in terms of the NPPF definition. Instead the 'setting' should be identified as the *'surroundings in which a heritage asset is experienced'*. The word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual.

Naylinghurst continues to enjoy an open setting, and it is the agricultural surroundings that are considered to be a substantial factor in how this heritage asset is experienced. Although the area around Naylinghurst is not unchanged the building does retain a largely open setting, with a scattering of

other, often historic, buildings. The area retains a relatively isolated, tranquil rural character with a relatively flat topography which increases the area over which the relationship can be seen.

It is clear from the Illustrative Layout and from the Heritage Statement accompanying the application that the sports facilities, public open space and landscape planting proposed at the western end of the application site are intended to provide a buffer to protect the immediate setting of the listed building. The Heritage Statement indicates that the closest new buildings would be '*at least 200m away*'. They conclude that any harm would be negligible, referring to the fact that the principal elevation of the property faces south; that the landscape around the property has changed with historic field boundaries already having been removed and existing structures and vegetation separating the actual listed building from the site.

The Council's HBA does not accept that the Open Space buffer, or the other factors listed above, demonstrates that the setting of the listed building would not be harmed. The open rural landscape which forms an integral part of the setting of the listed building and which contributes to its significance would be radically altered by such a large new housing development. This is particularly pertinent, as the only housing currently experienced from Naylinghurst is both small scale and low intensity, and is only visible at a distance. Even the open space that is proposed to mitigate the harm will be fundamentally different in character to the open countryside that it would replace. Playing fields will have associated paraphernalia and the grounds maintained in a different manner, resulting in this area reading as part of the urban area.

The Council's HBA also highlights that the development would not only alter how the building is experienced visually but also in relation to other factors such as noise.

The Council's HBA concludes that the development would significantly impinge on the setting of Naylinghurst, and that the extent and scale of this development would lead to a cumulative change [to the significance of this heritage asset] which they consider is unacceptable, from a conservation perspective. The level of harm identified with reference to the terminology of the NPPF would be less than substantial, however within that spectrum they would characterise the level of harm as at the high end of less than substantial.

The NPPF sets out how the Council must consider the less than substantial harm identified by the Council's HBA in the decision making process. Because less than substantial harm would arise the Council must weigh that harm against the benefits of the proposal and this is considered later in this report. It does not, however, alter the position with respect of the legislative requirement that the Council must pay special regard to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possess. The harm that Officers have identified here is considered to be a matter to which considerable importance and weight must be attached.

Church of All Saints, Rayne (Grade I Listed); Rayne Hall (Grade II* Listed); and the Church of St Michael, Braintree (Grade II* Listed)

Although separated from the site by some distance both the Council's HBA and HE raised initial concerns about the impact of the development on the Grade I listed Church of All Saints at Rayne, which originates from the 16th Century, (over 400m north-west of the site, separated from the site by Rayne Road) and the Grade II* Rayne Hall, a timber framed building of early to mid-14th century origin, (over 500m north-west of the site) and the Grade II* and Church of St Michaels in Braintree, which dates from the 13th Century (approximately 1000m north east of the site).

Although these heritage assets are separated from the site by a not insignificant distance this concern was well founded as HE's guidance on setting states that it can be partially understood by reference to a series of key views to and from the heritage asset. These views do not necessarily need to be visible from publically accessible locations for them to be considered to have an impact on the setting of the Listed Building.

Having considered the additional information contained within the revised Heritage Chapter of the ES the HE Inspector withdrew their objection stating that they were satisfied that the scheme would not cause harm to the significance of these listed buildings as a result of the impact on the setting of these specific heritage assets.

The Council's HBA has reassessed their concerns regarding the potential impact on these heritage assets and whilst he agrees with HE's conclusion regarding Rayne Hall and the Church of St Michaels, they maintain that there would be harm to the setting of Church of All Saints caused by the proposed development.

They consider that the suburbanisation of what is currently open land of agricultural character would alter the wider landscape in which the Church is understood and experienced.

The church (and indeed the hall complex in general) is located on the edge of the village. This is how the building has historically been understood and experienced, and there are social and functional reasons for this. Functionally the building is intended to be visible in the wider landscape- it is a visual landmark, which served a wide parish. It is also an architectural striking, intricate and expensive building, and there is also a definite intention from the village and the benefactors who paid for its construction that once it was constructed it would remain visible and prominent and make a statement about the village. Because the buildings were deliberately sited on the edge of the settlement and in a prominent location these are factors which make a contribution to its significance. It is considered that it would be harmful to the significance of the building to allow such extensive built development which would reduce the prominence of the building and detract from its open setting and separation from the town of Braintree. It is also considered that the visual

appearance of the building as a village church would be diminished as a result of the separation the Braintree and the village of Rayne being significantly eroded.

The Council's Historic Buildings Adviser maintains that there would be harm to the Grade I listed Church of All Saints, Rayne, however they accept that the harm to the significance of the heritage asset would be at the low end of the spectrum of less than substantial harm.

Rayne Conservation Area

Members will know that the Council also has a statutory duty under S72 (1) of the LBA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. LPR Policy RLP95 seeks, amongst other things, to preserve and enhance the setting of conservation areas. As previously stated CS Policy CS9 seeks to protect and enhance the historic environment and specifically refers to the need for new development to '*Respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity*'. Policy RLP95 and CS9 again reinforce the Council's statutory duties and Officers accord them considerable weight whilst acknowledging that the weight given to those policies needs to be reduced because those policies do not formalise a balancing exercise with public benefits specified in the NPPF.

The boundary of the Rayne Conservation Area (CA) is approximately 370m from the western side of the application site. The land between the CA and the application site includes the village playing fields, a small number of dwellings, predominantly in a ribbon on Rayne Road, a poultry shed and paddock and agricultural land.

The Rayne Conservation Area contains a number of listed buildings – predominantly Grade II, but including a Grade I and Grade II* building. As with many Conservation Areas the age and architecture of the buildings varies, as does the density of the built form with a cluster of buildings on Gore Lane but a looser form of development to the north of The Street with the Church of All Saints and Rayne Hall.

The applicant's Heritage Chapter within the ES highlights that the Rayne Conservation Area lays slightly upslope of the application site's north western boundary. There is some intervening vegetation between the eastern edge of Rayne and the application site and there is some modern development alongside and south of Rayne Road. The applicant considers that distance and vegetation mean the proposals would not harm the character and appearance of the Conservation Area.

The Council's HBA considers that the largely open rural landscape defines and characterises the setting of many of the heritage assets in close proximity to the development, and provides clear delineation between the settlements

that border the development. Whilst currently there is a clear separation between Rayne and Braintree, this proposed new development will to a large extent eradicate this, and brings a very real danger that the division between the two settlements will become virtually lost. The Council's HBA considers that the character and appearance of the Rayne Conservation Area would be adversely altered if the boundaries of Rayne as a settlement were blurred, or lost. The largely undeveloped land between Braintree and Rayne provide a visual buffer and also means that the high quality of the Conservation Area is almost immediately apparent when approaching the village from Braintree. It is acknowledged that the open countryside and a clear separation between the town of Braintree and the village of Rayne is only one of a number of elements which contribute to the character and appearance of the Conservation Area. The harm identified by the HBA does adversely affect the character and appearance of the CA, although they consider this harm as being less than substantial, and as being at the low end of this spectrum. As with the harm identified to listed buildings this must be considered as part of the Planning Balance.

Other Heritage Assets – Stanford Farm & Clapbridge Farmhouse

The Council's HBA notes in his consultation that there are a number of other Listed Buildings in close proximity to the site, however they do not consider that this development will impact on their setting. Namely these are the group of three grade II listed buildings associated with Stanford Farm on Queenborough Lane, and Clapbridge Farmhouse, a Grade II Listed Building located to the north of the application site, but amongst an existing estate of modern housing.

Heritage Conclusion

Although the harm to designated heritage assets has been identified by the Council's HBA as being less than substantial harm, considerable importance and weight should be attributed to the desirability of preserving the setting of listed buildings pursuant to the statutory duty under s.66 of the LBA 1990.

Historic England have assessed the proposed development and have raised no objection, based on their assessment of the impact on Grade I and Grade II* listed buildings and the Rayne Conservation Area. Whilst they have concluded that there would be no unacceptable harm to the Grade I listed Church of All Saints at Rayne and Rayne Conservation Area the Council's Historic Buildings Adviser takes a different view. As set out above they have identified less than substantial harm to both these designated heritage assets. It is for the Local Planning Authority to make a decision on whether there would be less than substantial harm to the setting of Conservation Area and the Church of All Saints, Rayne. In this instance and having carefully considered the HBA's advice on the setting of these designated heritage assets the Council consider that there would be less than substantial harm to these three designated heritage assets.

The less than substantial harm that the Council's HBA has identified means that the Council must weigh this harm in the Planning Balance that the NPPF requires. As the harm identified is less than substantial, as referred to in NPPF Para.132, Para.134 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. The Council's assessment of the public benefits arising from the development is set out later in this report followed by an assessment of whether the public benefits outweigh the less than substantial harm identified by the Council.

Notwithstanding the assessment required by the NPPF of the harm against public benefits, it does not alter the position with respect of the legislative requirement that the Council must pay special regard to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest. The less than substantial harm to the setting of the Grade II listed building means that there would be a failure to preserve its setting. Therefore, the development would be contrary to the requirement of section 66 (1) of the LBA and S72 (1) of the LBA in respect of Conservation Areas. The harm to heritage assets is a matter which should be given considerable weight in the planning balance.

In accordance with the NPPF because the Council consider that there would be less than substantial harm to designated heritage assets (at the higher end of the spectrum for the harm at Naylinghurst and towards the lower end of the spectrum for the Church and the Conservation Area) as a result of the proposed development it is necessary to weigh that harm against the benefits of the proposal and this assessment is set out towards the end of this report.

- Impact on Neighbour Amenities

One of the 12 core planning principles of the NPPF is that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. LPR Policy RLP 90 'Layout and Design of Development' states Planning permission will only be granted where [amongst other things] *'There shall be no undue or unacceptable impact on the amenity of any nearby residential properties'*

A number of objection letters refer to the adverse effect a development of this scale would have on the amenity of neighbouring properties. The scale of the development site and the fact that a development of this scale could be likely to be built out over 10 years magnifies these concerns. Construction activity can be controlled to some degree through the use of planning conditions. Whilst it would be inevitable that the construction activity would generate disturbance and dust this would not be a reason to withhold planning permission. In the event that planning permission were granted the phasing of construction could be controlled through a phasing plan which could require areas adjoining existing residential properties be developed in the early phases to provide some protection to existing residents.

It is proposed that access to Parcel A is formed off Rayne Road, through Gilda Terrace. There is an existing priority junction on Rayne Road where a concrete drive is formed which provides access to the rear of Gilda Terrace where residents have off-street car parking. Although the applicant proposes the demolition of two dwellings to form a 6.75m wide carriageway with footways to form a new vehicular access into the site the new road would be passing within relatively close proximity to existing residential dwellings. This would result in a change in the living conditions of the occupants of these properties as Parcel A would contain a large number of residential dwellings. Whilst there would be an impact on those immediately neighbouring the Rayne Road vehicular access Officers the properties stand adjacent to Rayne Road, which itself can be a busy road, and it is not considered that this would warrant refusal.

Concerns have also been registered about the proximity of new dwellings to existing dwellings however the application is for Outline consent, with layout being one of the Reserved Matters. There is no reason that new dwellings cannot be set back or orientated appropriately within the site, sufficiently for the privacy and amenity of neighbours to not be compromised.

The owner of no.71 Gilda Terrace objected to the inclusion of land that they own within the proposed emergency access at the western end of Gilda Terrace, however following discussions with the Highway Authority the applicant has withdrawn this secondary bus / emergency access from the proposals. The proposal is now for just the one vehicular access into the site across the plots of the two demolished dwellings.

Representations from the occupants of Gilda Terrace have raised concerns about how the development will affect the existing arrangements to access the rear of their properties. Residents have also stated that there are restrictions within the property deeds that prevent the access being used in this manner. These concerns have been raised with the applicant. With regards the access arrangements the applicant has advised that this is an issue that they will consider as part of the reserved matters applications, but that they 'will not reduce what the Gilda Terrace residents currently enjoy, in terms of access' and that any improvements to access arrangements will be carried out in consultation with the Gilda Terrace residents. Whilst the concerns of residents are noted as Members will be aware where there are restrictions within title deeds concerning how land can be used this is a civil matter and not a material planning matter.

- **Landscape and Visual Impact**

One of the 12 core planning principles of the NPPF is to '*take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*'.

The NPPF directs that when considering new development local planning authority's consideration of landscape matters should amongst other matters take account of the following:

- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
- contribute to conserving and enhancing the natural environment;
- address the connections between people and places and be well integrated into the natural, built and historic environment;
- protect and enhance valued landscape

The Council's Development Plan also contains a number of policies which seek to protect the countryside from inappropriate development and specifically development that would result in harm to the landscape. This report has already touched on the extent to which policies in the current Development Plan can be relied upon to protect the countryside. Policy RLP2 of the Braintree Local Plan Review (2005) establishes town and village development boundaries and envelopes. Outside these defined development areas the Council's Development Plan says that countryside policies will apply. Core Strategy Policy CS5 seeks to strictly control development in the countryside in order to, amongst other matters, protect and enhance the landscape character and amenity of the countryside.

It has been argued that the policy is not up-to-date because the aim of the policy - countryside protection - is based on a locational housing strategy, which cannot be deemed to be up-to-date because the Council cannot currently demonstrate a 5-year housing land supply.

The policy pre-dates the publication of the NPPF and its wording does not fully reflect the content of the Framework. Given the time that elapsed since the publication of the NPPF Para.215 of the Framework states that '*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'.

With reference to Para.215 the Council considers that weight can be given to Policy CS5 as it is a policy that seeks to protect the environment, landscape character and biodiversity of the countryside. These aims are consistent with the NPPF which recognises '*the intrinsic character and beauty of the countryside and supporting thriving communities within it*' (Para.17 – Core Planning Principles). The Council therefore consider that it should be given significant weight applying paragraph 215 of the NPPF.

Policy CS8 of the Core Strategy is concerned with the natural environment. The policy states that new development must have regard to the character of the landscape and its sensitivity to change. Where change is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment.

Similarly LPR Policy RLP 80 remains of relevance, stating amongst other things that development should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. The policy concludes by stating that development that would not successfully integrate into the local landscape will not be permitted.

Officers consider that local and national policy is consistent with the objectives of the NPPF and that the sensitivity (the effects of development on the fabric and character of the landscape) and value of the landscape (including the visual effects on people's amenity) are key issues to be considered when assessing proposals to develop the application site.

The sensitivity of the site to development and its assessed low landscape capacity were one of the key issues that led to Members taking the decision that the site not be allocated for development in the Publication Draft Local Plan.

The site is not subject to any specific local or national landscape designation, however there are several different landscape character assessments that Officers consider identify the site as being particularly sensitive to development of this type and scale and which are relevant to the determination of this application.

At the county level the Essex Landscape Character Assessments was produced in 2003 and aimed to assist in managing change by *"guiding necessary development to landscapes where the type and degree of change can best be accommodated without significant effects on the intrinsic character"*.

The application site falls within two Landscape Character Areas (LCA) - B1: *Central Essex Farmlands* and C6: *Blackwater / Brain / Lower Chelmer Valleys*. LCA C6 is characterised as having an arable landscape of medium to large well hedged fields, characterised by shallow valleys with undulating sides and small settlements dispersed along valley sides or clustered around a few bridging points.

The assessment concludes that the landscape has a high sensitivity to *'major urban extensions (>5ha)'* due to a range of factors including distinctive physical and cultural components or key characteristics; Strength of character/condition of the landscape; Landscape of high inter-visibility/visual exposure; and the tranquillity of the area. As a result it is considered development of this scale and type is *"unlikely to be capable of being absorbed"*, and that there should be a *"presumption against development unless over-riding need"*. The Study also noted that there are often very limited opportunities for mitigation to offset or negate such impacts.

The higher, plateau land to either side of the Pod's Brook valley (LCA B1) has different characteristics but is assessed to have a Medium-High value for

Landscape Sensitivity: Susceptibility to Change and Overall Landscape Sensitivity.

At the district level the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (2006) identifies the site as falling partially within *LCA A12: Pods Brook River Valley* is described as a narrow and shallow valley that extends north-westwards from Braintree, cutting through adjacent plateau farmland. The valley sides accommodate irregular shaped fields, whilst the valley floor is dominated by “*small pastoral fields and deciduous woodland plantations*”. The visual characteristics of the LCA are described as: “*generally open views into the gently meandering valley, which are framed in places by small patches of woodland or hedgerow trees*”. It is also noted that: “*Upstream from Braintree there is an overall sense of tranquillity throughout the river valley with several quiet, rural lanes and footpaths winding through the landscape*”.

In terms of evidence of historic land uses, it is noted that the “*the Character Area is dominated by areas of enclosed meadow along the valley floor and numerous small areas of woodland. The fields are predominately pre 18th century irregular fields probably of medieval origin and some may be even older. Historically the settlement comprised a very dispersed settlement of church/hall complexes, manors, farms, moated sites and small villages strung out along extensive network of linear and triangular greens, the latter located at road junctions.*” These characteristics mean that the overall landscape sensitivity is classified as being High and results in a landscape that it is sensitive to new large-scale development.

The Landscape Character Assessment contains Landscape Planning Guidelines which are provided to help inform the emerging design of new development within the character area and these include: considering the visual impact of new residential development and farm buildings upon the sparsely populated valley; maintain cross-valley views and characteristic views across and along the valley; and ensure any new development on valley sides is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

The higher lands to either side of LCA A12 and the Pod's Brook valley fall within *LCA B13: Rayne Farmland Plateau*. Key characteristics include Irregular field pattern of mainly medium and large arable fields, marked by sinuous fragmented hedgerows and ditches; Many small woods and copses provide structure and edges in the landscape; Scattered settlement pattern comprising a few small villages; A concentration of isolated farmsteads, some with moats; and a comprehensive network of rural lanes and Public Rights of Way. The area retains a sense of historic integrity and is classified as having an overall landscape sensitivity of Medium High.

Suggested Landscape Planning Guidelines for this area again refer to the need to maintain cross-valley views and characteristic views across the farmland and for new development to be small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.

In November 2014 the Council commissioned external consultants to investigate the capacity of the landscape around nine of the District's main settlements to accommodate new development, specifically looking in finer detail at smaller Landscape Parcels than the areas previously assessed. The work was commissioned to help identify sites which could best accommodate new development. The results of the *Braintree District Settlement Fringes: Landscape Capacity Analysis* forms part of the evidence base to support the new Local Plan.

The application site encompasses all or part of five different Landscape Setting Areas. Three were classified as having Low capacity to accommodate residential development; One had Medium-Low Capacity; and just one parcel was assessed to have Medium Capacity and that area was a relatively small triangular area of land at the eastern end of Parcel A.

In summary, the application site has been consistently identified in Council commissioned studies as having a high sensitivity to change and as a result a low landscape capacity to absorb new development and this is one of the reasons why the site has not previously been allocated for development, despite being located on the western edge of one of the District's main settlements.

The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) and a number of residents objecting to the application have disputed the value of that assessment. The Council's own Landscape Consultant has assessed the applicant's LVIA and undertaken their own assessment of the effects of the proposed development on landscape and visual receptors in the surrounding landscape. Having completed their own assessment the Council's landscape consultant considers that the magnitudes of change values applied within the applicant's assessment have in certain places been underestimated. The Council's consultant was concerned that the selected representative viewpoints do not adequately consider the full scope of receptors that are likely to experience a visual change. These factors indicate that the applicant's LVIA does not provide a fully robust assessment of the likely effects of the proposed development on the range of visual receptors in the vicinity of the application site.

Although the application site is a large area it is considered that there is a relatively limited zone of visibility beyond the application site, in part due to the topography. Most views are short or middle distance in nature; however, longer distance views into the site are available from points within the landscape to the north.

Whilst the zone of visibility is relatively limited, the number of residential or publically-accessible points potentially affording a view of the site is extensive, including from the Flitch Way and the network of public rights of way through and around the site, residential properties on the fringes of Braintree and Rayne, and in particular fronting Rayne Road, isolated properties within the

landscape between Braintree and Rayne; in particular along Queenborough Lane, and elevated bridges over the A120 and Pod's Brook Road corridors.

Where views in the direction of the site can be experienced, their compositions are frequently rural in character and afford little, or only limited, connections to the built edges of Braintree or Rayne despite the relative proximity of the A120; commercial units on the Skyline 120 estates; and the town of Braintree, including Springwood Drive.

The Council's landscape consultant identified 25 representative viewpoints and assessed the likely visual changes from residential properties and publically accessible viewpoints within the site and in its vicinity. It is important to note that many of the viewpoints selected by the Council's consultant are on public footpaths, and that the view described is frequently representative of that experienced from many other points on the route.

The Council's landscape consultant concludes that there would be a change in landscape quality in the immediately vicinity of the site of High magnitude, and thus Major adverse significance. This conclusion is reached with reference to the following characteristics of the landscape.

- The undulating and often complex valley-side topography, which would be likely to be subject to some wide-ranging earthworks and concealed from view beneath extensive built form.
- The pastoral character (particularly in Parcel B) and the agricultural land uses that would be lost to residential development.
- The characteristic pattern of existing settlement within the Pod's Brook valley, which is of entirely different form and scale to that proposed at the application site.
- The cross-valley views that currently encompass a rural tract of land.
- The character and individual identity of the landscape settings of Braintree and Rayne, which would be significantly undermined by the introduction of extensive built form between Braintree and Rayne, leaving a relatively narrow tract of land in non-agricultural use.
- The amenity value of the Flitch Way and the extensive network of public rights of way that provide a popular resource for residents and visitors.
- The lack of opportunity to successfully mitigate or offset many of the adverse effects.

The proposed development would include a scheme of landscaping, intended to mitigate the landscape impact. The Council's landscape consultant accepts that as the proposed new planting becomes established, some of the effects of the proposed development would, at least in part, be mitigated. Whilst the effects would be reduced seven of the representative viewpoints would still experience residual visual effects of Major significance (and therefore Significant) and a further eight would experience residual visual effects of

Major-Moderate significance (and therefore Significant). Although the applicant proposes extensive landscaping, by year 15, overall this is only considered to reduce the magnitude of change to Medium, and thus Major-Moderate significance. This is consistent with previous landscape assessments which have identified that there is limited scope to mitigate the impact of large development within this sensitive landscape setting.

Although not subject to specific local or national landscape designation this tract of countryside is considered to have particular value and perform particular functions. As stated above the NPPF directs local planning authorities to *'take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside'*.

Flitch Way

Para.75 of the NPPF states that the planning system should protect and enhance public rights of way and access and that local planning authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. The NPPF promotes 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.

The River Brain runs through the eastern end of the application site and the River Brain is one of the valleys identified in the LPR which is important for informal recreation and contains in parts cycle and footpath routes. LPR Policy RLP 141 *'Informal Countryside Recreation Areas'* states that facilities for informal countryside recreation including, where appropriate, further provision and extension of country parks and the provision of water recreation facilities will be encouraged in this area.

The Flitch Way runs east/west through the centre of the site bisecting Parcel A & Parcel B. It does not form part of the formal Public Rights of Network, however it is owned by Essex County Council and forms one part of the National Cycle Route 16. This section of National Cycle Route 16 runs from near Stansted via Great Dunmow, Braintree and Witham and continues to Great Totham. The site boundaries adjoin the Flitch Way for over 1km from Pods Brook Road.

Disused railway lines, which are open to the public such as the Flitch Way, are also recognised as being important for informal recreation, nature conservation and contain in parts cycle, and footpath routes. The Flitch Way is designated in the LPR for Informal Recreation and Policy RLP 140 *'River Walks/Linear Parks and Disused Railway Lines'* states that *'Any development that would prejudice the... use of disused railway lines for recreational purposes, will not be permitted'*. The policy goes on to state that *'In considering proposals for the development of adjacent land, the District Council will seek opportunities to extend and improve river walks/linear parks and links to them. Cycleways and improved footpaths and bridleways will be provided where appropriate at river walks and disused railway lines'*.

The Flitch Way is outside the application site and would not be obstructed or diverted as a result of the development, however by developing the land on either side of the Flitch Way the experience for users of the Flitch Way would certainly change. A number of objectors have expressed concerns that this length of the Flitch Way would become like the Flitch Way on the eastern side of Pods Brook Road where the route runs between houses that back onto the former railway line. Whilst this new development could be designed more sympathetically, with properties fronting on, the fact remains that open undeveloped countryside would be replaced by built development. As well as changes to the visual experience there would also be the usual noise and activity that comes with residential and commercial development and the fact that the path would be subject to considerably heavier footfall.

Officers note that the Flitch Way provides a direct pedestrian and cycle route from the centre of Braintree Town into attractive open countryside. Once on the Flitch Way there are no motorised vehicles and whilst not hard surfaced the route is considered a relatively safe and accessible leisure route. This is an important route not only for residents on the western side of the town, but for the whole town as there are more limited opportunities for Braintree residents to access the countryside around the north, east and south because of the strategic road network restricting access to the countryside and the limitations of the Public Right of Way network.

The proposed development is served by two new 'community facilities' - the local centre and the primary school. Whichever side of the Flitch Way these are located on, the dwellings on the other side of the Flitch Way will need to access them. The only vehicular access proposed crossing the Flitch Way is for a bus route running under the Flitch Way. This may also provide pedestrian and cycle connectivity, but otherwise the only means of residents accessing facilities on the opposite side of the Flitch Way will be by crossing the Flitch Way. The Parameter Plans indicates that it is proposed that there will be four pedestrian crossing points. There is a concern that the number of crossing points indicated may not be adequate or reflect "desire lines" and this could result in residents forming additional informal crossing points that would adversely impact on the character and appearance of the Flitch Way. The character of the Flitch Way is currently as a long linear feature, with access limited on to and off the path. The creation of pedestrian and / or cycle connectivity across the Flitch Way would erode one of its key characteristics and diminish its appeal as a means of accessing nature and the countryside.

Any works involving access onto the Flitch Way, or works to 'improve' the Flitch Way itself will only be possible with the agreement of the landowner, Essex County Council, who currently manage the route as a linear Country Park.

A number of objectors have highlighted the designation of the Flitch Way as a SANG (Sustainable Accessible Natural Greenspace). The Council has a duty to ensure that development in the District should not have unacceptable

impacts upon sites of European or international importance for wildlife, including Colne and Blackwater Estuaries in adjoining local authorities.

One of the mitigation and prevention measures that the Council employed to mitigate the impact of development as part of the Core Strategy was to ensure that housing has an appropriate allocation of Sustainable Accessible Natural Greenspace. The aim is to provide accessible natural green space close to where people live to reduce the likelihood of residents traveling to the Special Protection Areas for recreational purposes. The Council will need to agree a suitable package of avoidance and mitigation measures with Natural England as part of the new Local Plan.

Whilst the Flitch Way would remain an accessible route, this part of the route would no longer be set within open countryside and the built development would intrude on the experience of users. In the event that this development were to be granted planning permission it is questionable whether this length of the Flitch Way could still be regarded as a SANG and if this were the case the Council may need to find alternative avoidance and mitigation measures for the existing population as well as the inhabitants of this proposed development.

Green Buffer / Coalescence

One of the founding principles of the planning system has been to prevent urban sprawl and avoid unplanned coalescence between settlements and this is one of the principles which underpin Policy CS5 of the Core Strategy.

The Essex Guide to Environmental Impact Assessment (Ref 8.8) includes a number of criteria that should be considered when assessing the socio-economic effects of major development proposals. Under the physical effects the Guide states that the assessment needs to consider whether the development would have physical implications in terms of community severance, coalescence of settlements, or loss of community identity. It is clear from representations that residents of Rayne are very concerned at the prospect of coalescence between Braintree and their village.

The sense of separation between the settlements is also considered to be a feature that contributes to the distinctiveness of the local area.

The Council's Landscape Consultants identifies this to be an important function of the land between the western edge of Braintree and the eastern edge of Rayne in their assessment of the site. The Council considers that it is important to ensure that gaps are maintained between urban areas and the surrounding villages. As planning policies which rely on development boundaries remain open to challenge it is considered necessary for green buffers to be used to prevent the main towns and villages in the District coalescing with neighbouring villages.

The Publication Draft Local Plan states that when assessing proposals for development which are not allocated within a Local or Neighbourhood Plan, it

will be necessary to assess the contribution a site makes to the physical separation between settlements.

Officers consider that the site performs an important role in the preserving the separation between the settlements of Braintree and Rayne and Great Notley. The site also does not relate strongly to the existing urban fabric and is sensitive to change as it provides a rural setting to the settlement.

Policy LPP 72 '*Green Buffers*' of the Publication Draft Local Plan identifies four areas on the proposals map which are to act as Green Buffers. This includes land between Braintree, Panfield, Bocking and High Garrett. The policy goes on to state that development that is acceptable in these areas should be restricted to rural and land based uses, including agriculture and forestry; and formal and informal recreation. '*Where development is necessary it will have regard to the local landscape character and be of a design, density and layout which minimises the coalescence and consolidation between built areas and preserves the setting of those areas*'.

Whilst the weight that can attributed to the Green Buffer policy is limited it does show the value that the Council and the local community place on sites such as this one which perform a function separating separate settlements. However, Officers note that the prevention of coalescence is consistent with one of the Core Principles of the NPPF which states that planning decisions should '*take account of the different roles and character of different areas*'.

The proposed development would fill much of the gap between Braintree and Rayne and Rayne and Great Notley. The application site encompasses most of the agricultural land between the two settlements, and on completion would reduce the gap between Rayne (Gore Road) and the new edge of Braintree to approximately 600m (to development on Parcel A) and approximately 440m (to development on Parcel B). The remaining land would constitute that which already has a more settled character, the majority of which would be in non-agricultural uses. Officers consider that the development would result in there being no appreciable sense of leaving one settlement before entering the other, particularly for users of the Flitch Way.

Officers also note that part of the application site was put forward for use for a 'quasi-commercial development' and public open space, when the Council were preparing the Braintree District Local Plan Review in 2004 (the site was referred to as '*Site 1.9 – West of Pods Brook Lane, between Flitch Way and A120*'). The Council did not include the site for allocation in the Local Plan that was submitted for Examination in Public by the Planning Inspector.

At the Examination in Public the Planning Inspector agreed that there should be no change to the plan and the site should not be allocated and the Inspectors reasoning and conclusion is set out below.

Inspector's Reasoning and Conclusions – '3.7.1 The part of the site suggested for a 'quasi-commercial development' such as a hotel or nursery school, is bounded by the B1256 and extends up to the slip-road off the A120.

Together with land on the opposite side of the B1256 the site separates the built up area of Braintree from the dual-carriageway by-pass and provides an attractive entrance into the west part of the town.

Irrespective of its 'green wedge' designation, this part of the site makes a valuable contribution to the setting of Braintree and to the separation of this urban area from Great Notley, and should be protected from development. Given also that no evidence has been brought forward to indicate any need for a hotel or other form of commercial development there is no justification for the allocation of the site or for its inclusion within the development boundary of Braintree. The north part of the site is designated as an informal recreation area in the Plan'.

Valued Landscape

As listed at the start of the report the Council has received a substantial number of representations objecting to the proposal as well as a petition. It is clear from these letters that local residents, and others who live further afield, hold the landscape around the Flitch Way in very high regard.

Para.109 of the NPPF states that the planning system should contribute to and enhance natural and local environments by, amongst other matters, protecting and enhancing valued landscapes. There is no definition within the NPPF for the term 'valued'.

The applicant's Planning Statement states that '*The application site lies outside the protected sites listed in footnote 9 of the Framework and as such NPPF paragraph 14's presumption in favour of sustainable development applies*' (Para.4.2.26) The Council disagree with this assertion.

The Council believe the correct approach is to follow relevant case law and this involves assessing the site and its role or value in the wider area. For an area to be considered 'valued' there must be demonstrable physical attributes that take it beyond mere countryside.

The Council have considered the landscape value of the site by reference to Guidelines for Landscape and Visual Impact Assessment, third edition 2013 (GLVIA3) which lists in Box 5.1 (pg.84) factors that can be useful in indicating landscape value and this list of factors has been considered useful by several Inspectors in their appeal decisions. The factors are Landscape Quality; Scenic Quality; Rarity and Representativeness; Conservation Interests; Recreation value; Perceptual aspects; Associations.

The Council's assessment of the site recognises amongst other things the high sensitivity of the site in respect of scenic quality of the site, its representativeness and of course recreation value, given the PROW network and the presence of the very well-used Flitch Way running through the heart of the site. Overall, Officers conclude that the site has a high landscape value and, having considered the characteristics of the site itself and its role and

value within the wider area determine that it should be considered a valued landscape in the terms of Paragraph 109 of the Framework.

Summary

As set out above whilst the landscape is not one that has a special designation relating to its quality, landscape assessments at County and District level have consistently identified the site as being sensitive and having a low capacity to accommodate built development of this nature. This has been most recently confirmed in the Braintree Settlement Landscape Capacity Analysis which demonstrates that the application site has a Low capacity/High sensitivity to accommodate a development of the type proposed.

The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, not least due to the scale and nature of the development.

The application site accommodates an extensive and well connected public footpath network, as well as being dissected by the Flitch Way long distance path and cycle way. This provides an accessible and well used resource enabling residents and visitors to appreciate the character of the landscape.

As expected with development such as this, if approved the site itself would experience wholesale changes in land use. The site would change from agricultural farmland to a major urban extension that would extend into a rural landscape that currently affords limited visual connections to existing settlements and which has little influence from built form, despite the close proximity of both Braintree and Rayne, and the presence of the busy A120 corridor immediately to the south. The development would be located within a valley-side agricultural landscape that provides an important section of undeveloped countryside which performs a role in providing a rural edge to Braintree, a rural setting to Rayne and distinct separation between the two settlements, maintaining their separate identity.

The view of the Council's consultant is that despite proposals for landscaping within the development, even when this is well established by year 15, significant residual effects would be experienced from a number of publically-accessible viewpoints, in particular points on the footpath network within the application site (that currently afford views across a pastoral landscape), points on the Flitch Way, and points on the valley side to the north of the site.

Even though there would be open space and a landscaping scheme the fact would remain that the proposal would result in a dense development of dwellings in some form of estate layout. The layout would significantly harm the landscape of the area and would harm the character and appearance of the area. Overall, it is considered that the residual landscape and visual effects, as arising from the proposed development, would be Significant and that they should be a material consideration in the planning balance.

Whilst the Council needs to identify sites, and approve applications, for housing development to meet the District's housing need both local and national planning policies specify that landscape impact remains an important consideration is assessing whether land is suitable for development. The Council's Publication Draft Local Plan sets out how the Council are planning to meet the District's Objectively Assessed Housing Need and Officers consider that this development is not acceptable, or necessary to meet its strategic housing targets, in that context.

- **Minerals**

The NPPF recognises the importance of Mineral Resources and their role in supporting sustainable economic growth and our quality of life (Para.142). It goes on to state that since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

Local Planning Authorities are instructed to '*not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes*' (Para.144).

The application site lies within a mineral safeguarding area, as designated by the Mineral Planning Authority – Essex County Council – through the Minerals Local Plan (2014). The Council consulted the Mineral Planning Authority (MPA) on the proposed application.

In their Planning Statement the applicant states that '*The mineral resource contains 293,000 tonnes of good quality sand and gravel within an area of 3.4 hectares. The sand and gravel is an average of 5.65 metres thick and lies beneath a cover of soil and clay overburden of 1.85 metres*'.

The MPA consultation response confirmed that land at the western end of Parcel A was located within a Mineral Safeguarding Area for sand and gravel and as a result the proposal to develop that part of the site could lead to the sterilisation of this mineral resource.

Following discussions between the MPA and the applicant it was agreed in principle that the mineral deposit could be extracted prior to built development of the safeguarded area. The MPA agreed that a planning application for mineral extraction need not be submitted until the outcome of this Outline planning application is determined and in the event that Outline planning permission were granted then this could be secured by Planning Condition or legal agreement. The MPA also recommended that housing development be prevented within the mineral deposit area and within a 100 metre buffer to ensure that the deposit is not sterilised pending determination of a Mineral Planning Application and if granted extraction of the deposits.

The applicant has indicated that access to the western half of the site, where the mineral deposits is located, would be off Pods Brook Road at the eastern end of the site.

A number of objections to the application have referred to concerns about the impact of mineral extraction, including but not limited to noise and dust; traffic; visual impact; ecological harm; diminishing the value of the Flitch Way as a means of accessing the countryside; potential damage to nearby listed buildings as a result of changes to ground conditions. These are not matters to consider as part of this application. The applicant would need to make a separate planning application to MPA for permission to extract the mineral deposits. Interested parties would have the opportunity to raise concerns over such a proposal and it would be for the MPA to decide whether planning permission should be granted for the Mineral extraction. If the MPA decided that permission should not be granted that would not prevent the development that is proposed by this Outline planning application.

Officers conclude that the reported presence of mineral deposits under the application site should not form a reason for refusal of this application although were it to be approved appropriate conditions and or legal agreements would be required to secure the consideration of minerals extraction.

- **Noise and Air Quality**

One of the 12 core planning principles of the NPPF is that the planning system should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Noise is recognised in the NPPF as having the potential to give rise to significant impacts on health and quality of life.

It states that '*The planning system should contribute to and enhance the natural and local environment by:*

Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.'

There are a number of residential properties adjoining the site that could be affected by construction activity at the site. Given the likely extended build out time noise from construction activity could also affect residents who occupy dwellings within the development. A range of measures would need to be employed to manage the construction process to reduce the disturbance to residents. This could be controlled by conditions if planning permission were granted.

The parameter plans and illustrative masterplan show that SuDS features and POS is being used along some boundaries (noticeably the lower lying land along the southern boundary by the A120) but there are residential areas that are being proposed that are relatively close to the roads and where dwellings would be affected by noise pollution.

The application site is bound on three sides by roads which carry relatively high volumes of traffic and it is these roads that have been assessed to be the main source of noise that would affect the occupants of any development on this site. The applicant has undertaken noise surveys to assess noise levels by the A120 off-slip; Rayne Road and Pods Brook Road. The survey information shows noise levels significantly in excess of the upper guideline levels that national guidance specifies if residents are to enjoy reasonable living conditions.

Modelling and calculations by the applicant have shown that the internal living conditions for future residents could be provided that would be within the permissible noise levels. This could be achieved through the use of thermal double glazing on residential properties. The Council's Environmental Services Team has raised no objection to the proposals. In the event that planning permission were granted conditions would need to be applied specifying maximum permissible noise levels within dwellings and private amenity areas and requiring that details of how these levels will be achieved be included within all Reserved Matters applications.

Whilst ensuring the fabric of buildings provides suitable internal living conditions future residents should also be able to enjoy a reasonable standard of amenity within their private amenity space (typically rear gardens, or communal gardens for flats). The applicant has produced a Daytime Noise Contour map which shows noise levels overlaid the illustrative development layout. The relevant standard for external noise levels - BS8233 - suggests: *"For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments".*

As the noise chapter within the ES acknowledges that only the majority of dwellings are modelled to have external noise levels below the upper guideline value of 55 dB LAeq,T. BS8233 goes on to state that *'... it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted'.*

Although the site is adjacent to the A120 (part of the strategic transport network) this is not a city centre location, or a location where the Council would accept that a compromise on living conditions would be justified on the grounds that residents would accept higher noise levels in return for the convenience of living in this location.

The Noise chapter of the ES states that *'the majority of the private gardens are within 55 dB with only gardens closest to the local road network to be within 55 and 65 dB'*. This assessment was based on the primary school site being located adjacent to Pods Brook Road where external noise levels are

modelled to include areas in the range of 55-65dB. As covered elsewhere in this report the Education Authority have rejected the land initially offered adjacent to Pods Brook Road for the school site. The relocation of the primary school away from Pods Brook Road is highly likely to result in an area originally intended for housing being used to accommodate the school. As set out elsewhere within this report Officers do not consider that the number of dwellings proposed can be accommodated within the site in an acceptable manner. The fact that there are dwellings which will also not enjoy their private amenity space without noise levels that exceed upper guideline limits for noise is not acceptable. This further demonstrates that the quantum of development proposed is unacceptable.

- **Planning Obligations**

Earlier this year the applicant submitted very broad Heads of Terms for inclusion in a S106 legal agreement in the event that planning permission was to be granted. The following is a list of items that the applicant proposed would be included:

- **Affordable Housing** - Up to 30% Affordable Housing to be provided on a phased basis.
- **Highway Improvements** - Provision of new access roundabout; Provision of new pedestrian footbridge; Contribution covering the whole cost of widening works to Pods Brook Road; Provision of new access road from Rayne Road via Gilda Terrace; Provision of controlled bus only link under Flitch Way; Provision of controlled bus/emergency only link between the site and Rayne Road.
- **Education** - Primary Education; EITHER:
Provision of up to 2 hectares of serviced land – timing of services provision, location and precise boundaries to be agreed prior to Commencement of Development and financial contribution commensurate with the pupil demand anticipated from the development towards construction of a new 420 place Primary School with a commensurate early years and nursery education facility for up to 52 (full time equivalent) children (based on the County Council's per dwelling formula, not applicable to one bed and any specialist elderly units);
OR (at the Landowner's discretion): Direct delivery of a 420 place Primary School with a commensurate early years and nursery education facility for up to 52 (full time equivalent) children through a Direct Delivery Arrangement the terms of which are to be approved by the District Council in consultation with County Council prior to the Commencement of the Development.
- **Secondary Education** (which includes Post-16) Education. Financial contributions commensurate with the pupil demand anticipated from the development towards [project to be defined in detail – awaiting review of secondary needs from the County Council] (again, based on a per dwelling formula, not applicable to one bed and any specialist elderly units).

- **Local Centre including Doctors' Surgery/Pharmacy/Dentist** - 800 sq. m Local Centre to include Doctors' Surgery/Pharmacy/Dentist constructed to "shell and core" and subject to marketing to secure end user.
- **Public Open Space** - On-site Public Open Space (12.3ha) and Strategic Open Space (7ha) to be provided on a phased basis. On-site Playing Pitches/Play Areas and Youth Shelter or Skateboard Park to be provided. Management company to take POS/Play Areas/Playing Pitches or payment of commuted sum to District Council for maintenance; Provision of Allotments.
- **Flitch Way Improvements** – unspecified financial contribution towards the upkeep and maintenance of the Flitch Way.
- **Bus/Public Transport** – Unspecified financial contribution towards bus/public transport.
- **Residential/Workplace Travel Plan**
- **Community Services** - Libraries contribution of [£281.48] per dwelling; Adult learning contribution of [£97.42] per dwelling; Unspecified financial contributions towards Youth Services and Adult social care and County archives

The following section of this report provides commentary on each of the Heads of Terms, and any other obligations that were not covered in the applicant's submission.

Affordable Housing

Policy CS2 of the adopted Core Strategy states that the Council will seek affordable housing on schemes of 15 or more units and for that for developments in the District's main towns the requirement will be for 30% of the dwellings to be Affordable Housing. The application seeks permission for up to 1600 residential dwellings. If the maximum number of dwellings are constructed this would equate to 480 Affordable Homes. The applicant's Head of Terms state it is their intention to provide 'up to 30%' Affordable Housing on a phased basis. No viability assessment has been produced to support an argument that a policy compliant scheme cannot be delivered. The applicant has advised Officers that it is their intention to produce a policy compliant scheme and in the event that outline planning permission is granted the Council would expect this to be secured through a S106 legal agreement.

The Council's Housing Enabling Officer has produced a list setting out the Council's expectations for the Affordable Housing mix, based on current housing need. The preferred mix is for 90 x 1 Bed 2 person flats; 120 x 2 bed 4 person flats; 136 x 2 bed 4 person houses; 50 x 3 bed 5 person houses; 50 x 3 bed 6 person houses; 24 x 4 bed / 7 person houses; 5 x 2 bed 4 person wheelchair bungalows; and 5 x 3 bed 5 person wheelchair bungalows.

It is however acknowledged that in the event that outline planning permission is granted the mix of affordable dwellings will be subject to reserved matters applications and that because of the scale of this site and the likely timescales over which it would be delivered, it will be necessary to thoroughly review the

Affordable Housing mix as each parcel of land is brought forward as reserved matters.

Other standard requirement for Affordable Housing would apply – namely that it should be delivered proportionately in each phase; delivered without reliance on public subsidy; 70 /30 ratio of affordable rented tenure over shared ownership tenure; and that 25% of ground floor flats and all 3 bedroom houses to meet Lifetimes Homes equivalent Part M Category 2 of the Building Regulations.

Highway Improvements

The Heads of Terms included the provision of new access roundabout on Pods Brook Road, provision of a dedicated segregated left turn lane from the eastbound A120 off slip at the A120 north Roundabout into Pod's Brook Road accompanied by dualling Pods Brook Road between the A120 northbound roundabout and the site access and part time signalisation of the roundabout; Provision of new pedestrian footbridge over Pods Brook Road; provision of an additional entry lane into the Springwood Drive roundabout on Pods Brook Road; Provision of new access road from Rayne Road a right hand turn lane into Gilda Terrace; Provision of controlled bus only link under Flitch Way.

The Heads of Terms originally submitted with the application included the provision of a controlled bus/emergency only link between the site and Rayne Road. This element of the proposal has now been withdrawn and no longer forms part of the development.

A proposal was received from the Developer that they would provide funding for the creation of slip roads from the A120 to Millennium Way (the Millennium Slips) as part of their package. This proposal was included within additional information submitted during the course of the application. The offer was referred to in a leaflet that the applicant has produced and is understood to have mailed to all households within Braintree. It was proposed that the scheme would have a total cost of circa £15 million and that the developers would provide the full sum for this to the Council / Highways Authority initially by way of loan and there would then be repayment of that loan through sums received from other developments which required the provision of the slip roads around Braintree. The loan was to be non-interest bearing and there were no proposals for the Council to have to repay the loan itself other than through contributions from other developments.

The developer asserted that this would be compliant with regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) which sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The requirements set out in Regulation 122 of the CIL Regulations are reinforced by guidance in the same terms which is contained in paragraph 204 of the NPPF which appears in the section on planning conditions and obligations.

In principle it is accepted that this type of arrangement can be lawful, and is something that the Council could enter into, it would still need to demonstrate compliance with regulation 122 of the CIL Regulations. Whilst the scale of the development is sufficient to mean that a loan of this size is related in scale, the question remains over the proportionality of the non-returned element, and the likelihood of repayment.

The Council has no planning policy basis for seeking contributions to this proposal from other developments, and once constructed it is unlikely that there can be any justification from a planning perspective to impose an obligation on future developments to make contributions as to make their scheme acceptable there is no need to alter what is then the established road network. There are also very few (if indeed any) large scale developments which would need to adjust traffic flows in line with this proposal, again limiting the scope for repayment.

It is also worth noting that there is no evidence that this scheme is required to make the scheme acceptable in planning terms, or that it directly relates to the development. Accordingly it is considered that there can be no weight attached to this proposition in the consideration of the planning merits of this application.

As this report was being prepared the Transport Secretary, Chris Grayling, announced £4.95 million of funding towards new slip roads linking the A120 to Millennium Way (often referred to as the Millennium Slips). Given the scheme's importance to accommodating planned growth within the District this scheme is being part funded by Braintree District Council, Highways England and Essex County Council and the scheme is now fully funded without the applicant contributing to the cost.

The County Council will now lead on the next stage of the project which is to design and construct the slip roads, in consultation with Highways England and the District Council.

Education - Primary Education

The applicant has offered in their Heads of Terms to provide serviced land to the County Council for the provision of a new 420 place Primary School along with an early years and nursery education facility for up to 52 (full time equivalent) children.

It is noted that the Heads of Terms refers to 2ha of land but the Education Authority requirement is for 2.2ha of land and this is the quantum of land specified within the description of development. The applicant is aware that the requirement is for 2.2ha and it is assumed that the figure in the Heads of

Terms is a typographical error). As previously discussed the applicant has agreed that the location of the school site originally proposed is not acceptable but an alternative site has been offered that the Education Authority have considered is suitable.

In addition to the offer of the land a financial contribution is offered, commensurate with the pupil demand anticipated from the development towards the cost of construction of a new school, based on the County Council's standard formula.

The Heads of Terms indicate that with the agreement of the Council the developer would construct the school in a 'Direct Delivery Arrangement'. This is not a process that on other sites the County Council has previously indicated would be acceptable and it is assumed that if planning permission were to be granted then a financial contribution would be required towards the cost of design and construction of the school by the Education Authority.

Secondary Education

The Heads of Terms include a financial contribution commensurate with the pupil demand anticipated from the development.

The Education Authority - Essex County Council – has identified that whilst they project there to be a surplus of spaces at Secondary schools within the town in a couple of years' time. ECC estimate 320 secondary age pupils requiring places from the completed development and they recommend a financial contribution to mitigate the impact of the number of pupils from this development who could not be accommodated by the projected surplus places.

Early Years & Childcare

The Education Authority has also recommended that a financial contribution be secured from the developer towards the provision of additional Early Years & Childcare facilities within this part of the town. This contribution was not specified within the applicants Heads of Terms but it is necessary to mitigate the impact of the development as there is insufficient capacity within the town to meet the demand that is projected to arise from a development of this size.

Local Centre & Health Care

The applicant's Heads of Terms refer to the provision of an 800sqm Local Centre to include Doctors' Surgery/Pharmacy/Dentist. It is acknowledged that the applicant proposes to construct this 'health' facility as a "shell and core", subject to marketing to secure end user.

The provision of a Doctors' Surgery/Pharmacy/Dentist is questionable. The applicant states this will be subject to securing an end user. The provision of new Pharmacies is subject to NHS approval and so far as Officers are aware no application has been made for a Pharmacy to serve this development. If an

application were made the NHS may consider that existing facilities elsewhere in the town could adequately serve the development.

NHS England in their consultation response stated that it was their intention to expand Primary healthcare services at Braintree Community Hospital site, to create a Primary Care hub, which would serve the residents of this development. Whilst a new facility within the development could be provided with a limited capital cost there is still the on-going revenue cost of maintaining a new facility. In light of their plans for the Community Hospital site the NHS have sought a financial contribution rather than a new facility on-site.

In the event that planning permission were to be granted the provision of the remainder of the Local Centre (the non-health related units) should be secured through a S106 agreement to ensure that these facilities are provided and at a relatively early stage in the development so that future residents are not left for years without having a reasonable range of day to day facilities provided on-site.

Public Open Space

The applicant proposes 12.3 ha of on-site Public Open Space (POS) and a further 7ha of 'Strategic Open Space' (defined as spaces including verges, swales, tree belts and natural habitat areas (close to the Flitch Way))

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*'. The Council seeks to ensure that there is a good provision of high quality and accessible green space, including allotments, equipped play and publicly accessible natural green space, to meet a wide range of recreation, indoor and outdoor sport and amenity needs in District. New housing development will generate additional demand for all the different types of Public Open Space and Indoor and Outdoor Sports Facilities. Policy CS10 of the Core Strategy states that new development will be required '*... 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 following standards*

Hectares per thousand people

<i>Parks and gardens</i>	<i>1.2 ha in the main towns and key service villages</i>
<i>Outdoor sports provision</i>	<i>2.0 ha</i>
<i>Amenity greenspaces</i>	<i>0.8ha</i>
<i>Provision for children and young people</i>	<i>0.2ha</i>
<i>Total</i>	<i>4.2ha'</i>

Given the size of the proposed development adequate provision should be made within the site for each of the Public Open Space typologies listed above.

The applicant has calculated that based 'According to the open space provision standard of 0.8 ha per 1,000 people for 'amenity green space' set out in the 2008 Green Spaces Strategy (Ref 8.36), the 12.3 ha of public open space provided as part of the proposed development will serve a total of 15,375 people. This compares to 3,813 people estimated to live on the Assessment Site' (Para.8.296-8.297) however 12.3ha is advised to be is the total area of Public Open Space, excluding the 7.3ha of Strategic Landscaping. The 12.3ha Open Space proposed includes the different typologies of Public Open Space that would be required on the site, including Outdoor Sports, Allotments and Parks & Gardens. A development of 1600 dwellings is estimated to have a resident population of approximately 3,815, based on average occupancy rates in the District. Given the overall level of Open Space provision under the current Council standards is 4.43ha per thousand population an area of 17.15ha would be required to comply with the Council's adopted standards. If the 12.3ha and the 7.3ha of Strategic Open Space are added together the quantum of Open Space proposed totals 19.5ha which exceeds the amount required under the Council's standards, but by 12% - a much more modest amount than the Planning Statement portrays.

It is noted that a significant proportion of the Public Open Space indicated within the Masterplan is in areas of the site which are at risk of flooding. Furthermore it must be noted that significant areas of the open space proposed appear as attenuation areas, functioning as part of the SUDs system. These factors need to be borne in mind when assessing the quality of the POS and the ability to use all the spaces year round.

The Heads of Terms include the provision of on-site POS with Playing Pitches/Play Areas, Allotments and Youth Shelter or Skateboard Park to be provided.

The Strategic Development team at the County Council have also highlighted the need for a development of this size to provide suitable youth facilities – in this case a 'Youth Shelter' and a skateboard facility. The application indicated that either, not both would be provided, but if planning permission were to be granted both facilities should be secured through a S106 agreement. The applicant has stated that a Management Company will be established to own and manage the POS/Play Areas/Playing Pitches.

Whilst the comments of Rayne Parish Council are noted it would not be reasonable to require the developer make a financial contribution towards the maintenance of play facilities within Rayne given that the applicant is making suitable provision to meet demand for such facilities within this development.

Flitch Way Improvements

The Heads of Terms propose an unspecified financial contribution towards the upkeep and maintenance of the Flitch Way.

The Flitch Way running through the application site is unlit and is surfaced with a bound gravel type path. The Illustrative Masterplan shows a number of pedestrian routes crossing the Flitch Way and these crossings will be the main link for occupants of the developments to access the services and facilities within the neighbouring parcel of development. It is also likely that the introduction of up to 1600 dwellings would significantly increase the number of people crossing or using the Flitch Way daily. It remains unclear what the applicant proposes as 'improvements' to the Flitch Way. As noted elsewhere in the report proposals to 'improve' the Flitch Way could be detrimental to the character and appearance of the route running between Parcel A & B. If it is proposed that the route will be used by pedestrians and cyclists as the principal connection to the town centre then for this to be useable year round and throughout the day it would probably need to be lit and hard surfaced. If alternative pedestrian and cycle routes to the town centre are proposed then there will still be a need to contribute towards the maintenance of this stretch of the Flitch Way and lengths of the route beyond the application site where use will increase as a direct result of the proposed development.

Bus/Public Transport

The Heads of Terms include an unspecified financial contribution towards bus/public transport improvements.

It remains unclear what the public transport strategy for this development will be and therefore no conclusions can be reached on whether the strategy is appropriate. Provision of dedicated bus infrastructure is proposed but it is less clear how bus travel would be promoted beyond the site to ensure that it is an attractive and viable service that residents will use. It is unclear whether there has been any engagement with a bus company to understand the level of service that could be provided to serve the development. For a development of this size the Council's expectation would be that a financial contribution is provided which will guarantee service provision throughout the development and occupation of the development. It is also important to understand whether the proposed bus service(s) has the potential to remain commercial after an initial period of financial support from the developer. The application has stated that they have discussed the site and potential bus services with local bus operators. The Transport Assessment has indicated the level of service that they consider could be provided with a service running between the site and the town centre and train station, via London Road. The applicant has stated a willingness to fund the service initially but has not been able to confirm that this is likely to be commercially viable in the long term.

Residential/Workplace Travel Plan

Travel Plans are long term management strategies providing a framework for managing transport issues and promoting travel choice. Developing a Travel Plan can help to reduce the use of the private car, which in turn helps to tackle localised congestion. Travel Plans are considered to be an important component of planning applications which seek to provide new places of employment; schools; and new homes.

Each plan contains targets, such as 'modal share' and identifies measurable outcomes, along with arrangements for monitoring the Plan's progress and actions to be agreed in the event that targets are not met.

The applicant has included Residential and Workplace Travel Plans within the Heads of Terms and some information has been submitted on how the development intends to make provision for bus services and to promote walking and cycling. These measures would need to be both within the development site as well beyond the application site to ensure that viable and attractive sustainable travel options exist for future residents. Applications should provide information on how this would be achieved and to provide a commitment to an appropriate level of funding to provide / support sustainable travel initiatives. Both Highway Authorities have sought this information from the applicant. ECC Highways have assessed the information provided and remain concerned that there is insufficient detail and commitment on the delivery of long term sustainable transport measures.

Community Facilities

The Heads of Terms submitted make no direct provision on-site, or financial contributions towards off-site provision of Community Buildings or Halls. A development of this size would increase demand for this type of facility within the town.

Sport England have been consulted on the application and they have registered an objection to the proposal as there is insufficient information provided to demonstrate that there is sufficient capacity at existing indoor sports facilities within the town. They calculate that if there is insufficient capacity then financial contributions should be secured for off-site provision / improvements. As a guide they calculate that to mitigate a development of this size, financial contributions could be sought for new Swimming Pool facilities (£692,426); Sports Halls ("895,295 for 1.22 courts); and Artificial Grass Pitches (£114,208 for 0.11 of a pitch).

Community Services

The Essex County Council Developers Guide to Infrastructure Contributions sets out the County Council's expectations on how developers should mitigate the impact of their development on the infrastructure and services that the County Council provide. In respect of the community services that the County Council provides the Heads of Terms set out financial contributions towards libraries and Adult learning in accordance with standard contributions specified in the Guide and unspecified financial contributions towards Youth Services; Adult social care; and County archives.

The applicant has pressed for this application to be determined by the Council's Planning Committee on the basis of the information submitted. Officers would usually negotiate the terms of a S106 legal agreement when there is a reasonable degree of certainty around a proposed development and

what it would entail. Although the application was submitted over 2 years ago the applicant has still been trying to overcome the concerns of the Highway Authorities and until these issues were resolved it was not considered appropriate to consider in detail the Heads of Terms.

In the event that planning permission was to be granted suitable obligations would need to be secured through a legal agreement.

- **Retail Issues**

The application proposes that the development could include the provision of a 800sqm local centre, which can include the following Use Classes –A1 (Shops) of no more than 200sqm; A2 (Financial and professional services); D1 (non-residential institutional); D2 (assembly and leisure).

Local and national planning policies seek to manage the long-term vitality and viability of town centres. Policy CS6 of the Core Strategy and LPP 10 of the Publication Draft Local Plan identify the District's Town, District and Local Centres, the Town Centres of Braintree, Halstead and Witham will be the primary location for main town centre uses such as retail, office, leisure and entertainment in the District.

The provision of town centre uses, such as retail, within the proposed Local Centre would be contrary to this policy and the Development Plan (adopted and emerging) does not make any allocation for a 'Local Centre' in this location.

The NPPF states that *'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m)'* (Para.26) Policy LPP 10 in the Publication Draft Local Plan states that Impact Assessments will be required for main town centre use proposals for sites that are not within a Town, District, or Local Centre, which are in excess of 2,500 sq. m (Gross) for Braintree Town Centre.

The Local Centre is defined within the description of development as being 800sqm – significantly below the threshold where an Impact assessment would be required.

Policy CS 6 states that *'local centres are those which provide a range of small shops of a local nature, serving a small catchment, which typically might include a small supermarket, a newsagent, a sub-post office and a pharmacy. (Small parades of shops of purely neighbourhood significance are not regarded as local centres for the purposes of this policy.)'* It is envisaged that the proposed local centre would provide small scale shops, services and community facilities for local residents of this development and is not considered to be to the detriment of Braintree Town Centre. It is acknowledged that in the event that planning permission were granted then

the provision of a local centre would provide local day to day services that would be within reasonable walking, or cycling distances of many of the proposed dwellings. This would reduce the reliance on the private car as residents would not be so inclined to drive to alternative shops and services which might be further away. As a result there is no objection to the principle of a modest local centre, in the event that the site is developed in the manner proposed.

It is noted that some residents of Rayne are concerned that a Local Centre provided within this site could adversely affect the viability of existing shops / services in the village of Rayne. Officers consider that use of the proposed Local Centre would overwhelmingly be by residents and employees within this new development and that it is unlikely to be particularly attractive to Rayne residents and that the possibility of some competition for retail custom would not be a grounds to refuse the application, or even to object to this element of the proposed development.

- **Transport and Access**

One of the 12 core planning principles of the NPPF is that the planning system should 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'.

Policy CS7 of the Core Strategy states that 'future development will be provided in accessible location to reduce the need to travel'.

Policy RLP53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

Direct public transport services exist, or there is potential for the development to be well served by public transport
The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

NPPF Para.34 states that the planning system should ensure that development which will generate significant traffic movements should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The NPPF accepts that new development can adversely affect traffic conditions but states that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*' (Para.32).

The application includes a Transport Assessment (TA) and this includes the applicant's assessment of existing conditions, including traffic surveys and an assessment of public transport, cycling and walking from the site. It proceeds to consider levels of traffic generation from the proposed development; how

these flows will be distributed across the strategic and local road networks; and the impact of traffic from the development and where necessary highway mitigation. The TA has been revised to address issues raised during the consultation process by Essex County Council and Highway England.

Due to the size of the development and its location the Council has consulted both Highways England and Essex County Council. Highways England (formerly the Highways Agency) is a government-owned company with responsibility for the operation, maintenance and improvement of the motorways and trunk roads in England. Highways England's interest in this application will be the potential impact on the A120. Essex County Council is the Highway Authority in this District and they are responsible for the public highway network within the District (with the exception of the A120 and A12).

Access to Services

The site is located on the periphery of one of the District's main towns and parts of the site can be considered to be within reasonable walking or cycling distance of local shops and services in the town, however the most obvious route that future residents would use is The Flitch Way. Although the applicant has suggested that residents would be encouraged to use alternative pedestrian / cycle routes to the town Officers consider that the Flitch Way would be used extensively by residents of the development, as discussed below.

Public transport serving the site is limited – Braintree railway station is approximately 2km east of the site and provides an hourly service to Witham and the main line to London, and there is an hourly bus service which passes along Rayne Road, north of the site, with services to Braintree, Rayne and Stansted Airport. The applicant proposes to fund a bus service between the site, Braintree Town Centre and the Rail Station via Pod's Brook Road and London Road.

The description of development includes a mix of uses which it is assumed attempts to provide a mixed use development which provides employment opportunities and access to services close to the new homes, so as to encourage more sustainable patterns of travel, and so providing housing without adding to congestion already experienced on the local and strategic road network around the town. The uses include a local centre; primary school and land for employment uses.

Impact on the Strategic Road Network

In assessing the impact of the proposed development the Council has received advice from Highways England (HE). HE's primary concern is the safe and efficient operation of the Strategic Road Network (SRN). The site is located immediately to the north-west of the A120/ A131 Pannors junction, which would form the first point of access to the SRN. Two accesses are proposed from the Local Road Network (LRN). One at Rayne Road, to the north of the site, via an existing priority junction and the other from Pods

Brook Road, via a newly proposed three arm roundabout, approximately 150m north of the A120/ A131 Panners junction.

As set out within the HE Technical Notes (produced by their consultants AECOM) the HE position is that the September 2017 Transport Assessment (TA) covers a sufficient breadth of technical issues to assess the potential impact of the proposed development on the SRN.

It is evident that the impact of this development has the potential to be 'severe' at a number of locations, a number of which have been assessed as requiring mitigation in the form of additional highway capacity. Mitigation measures at the following locations have been proposed:

- A120/ A131 Panners (north) roundabout;
- B1256 Rayne Road/ Springwood Drive roundabout; and
- Rayne Road/ Aetheric Road junction.

Sustainable Transport Modes

The applicant's TA makes reference to Department for Transport (DfT) Circular 02/2013; however the TA does not comply fully with the Circular. The Circular states at Para.33 that '*Only after travel plan and demand management measures have been fully explored and applied will capacity enhancement measures be considered*'. The applicant has not adhered to the Circular as highway capacity based mitigation is proposed at the A120 / A131 Panners (north) roundabout before a suitable package of sustainable mode measures have been agreed.

A120/ A131 Panners (north) roundabout

The modelling of traffic flows at the junction has revealed that the junction would require modification to operate in an acceptable manner. There have been extensive discussions over a number of potential solutions, including entry widening, left slip options and the eventual preferred option, a combination of 'lane gain' with three lanes created on the A120 off-slip, dualling of part of Pods Brook Road between the proposed site access and the A120 North Roundabout and the part time signalisation of the junction (as shown in Appendix 13 of the September 2017 Transport Assessment).

HE assesses the mitigation scheme at the A120/ A131 Panners (north) roundabout to be acceptable in principle. Whilst there are some design issues identified within the Stage One Road Safety Audit these are not considered 'show stoppers' and HE consider these can be resolved during the detailed design process. It is recommended that the scheme shall be secured by planning condition / S106 legal agreement.

Other Local Road Network Junctions

HE acknowledges that the development has the potential to have a 'severe' impact on the Springwood Drive roundabout (junction with the B1256 Rayne

Road) and the Rayne Road/ Aetheric Road junction. Mitigation measures have been proposed by the applicant but responsibility for assessing whether this mitigation is acceptable falls to ECC as the Local Highway Authority (LHA). HE do however note that without effective mitigation measures at these junctions traffic conditions would have the potential to give rise to queues of traffic that could, potentially, tail back to, and affect the operation of, the A120/ A131 Panners (north) roundabout and adversely affect the operation of the Strategic Road Network.

The Pods Brook Road/ Site Access roundabout is also located on the Local Road Network, some 150m north of the A120/ A131 Panners (north) roundabout. Although it falls within the responsibility of ECC as LHA to determine whether the proposed layout is acceptable, HE have reviewed the modelling for this roundabout with a view to establishing whether there is a risk of a queue of traffic tailing back to the Strategic Road Network. Modelling indicates that the roundabout would remain within capacity in 2033 with the development in place. Based on these results, HE concluded that the Pod's Brook Road site access roundabout would not adversely affect the operation of the Strategic Road Network.

A120/ B1018 Galleys Corner roundabout

As Members and local residents will be well aware Galleys Corner is subject to extensive traffic congestion both in the peak hour, during the working day and at weekends and irrespective of this development / application this will get worse over time without intervention. A mitigation scheme, comprising slip roads between the A120 and Millennium Way has been identified and during the course of this application the applicant offered to provide funding to allow this project to be delivered. However as previously stated this scheme is now fully funded and being developed by Essex County Council.

The applicant's TA accepts that the Brook Green development would result in significant increases in flows at Galleys Corner - additional flows at Galleys Corner attributable to the proposed development would increase traffic flows on the A120 (west) arm of the junction by up to 10% and on the junction as a whole by around 4.5%. HE accept that in this instance there are no practicable modifications to be made to the Galleys Corner roundabout that would be significant enough to achieve a meaningful improvement to its operation whilst being commensurate in scale with the likely relative impact of this development. Given that the Millennium Slips project is fully funded and already being designed it is not considered appropriate to require the developer to contribute towards the cost of this project.

HE notes that at one stage of the application process scenarios (either 200 or 400 dwellings) were tested to establish a 'threshold' for the delivery of mitigation. Having assessed those proposals HE determined that the mitigation works required at the A120/ A131 Panners (north) and B1256 Rayne Road/Springwood Drive roundabouts should be completed in advance of first occupation of the site. No threshold testing scenarios appear in the last

version of the TA so it is assumed that the applicant accepts that all necessary mitigation be provided prior to first occupation of the development.

Highways England Recommended Conditions

In the event that the Council were to grant planning permission Highways England have set out the mitigation that they would expect to be secured through planning conditions / S106 legal agreement. As previously stated HE require the developer to provide a meaningful sustainable mode offer in order to maximise the uptake of sustainable modes and consequently minimise the generation of motor vehicle traffic from the site, in accordance with Circular 02/2013 (Para.33)

- Provision of infrastructure to promote existing and proposed bus services serving the site, to include the provision of a bus service to be funded by the applicant to serve the site.
- Delivery of the proposed pedestrian and cycle enhancements should be embodied in either planning conditions or S106 Agreement, including a new pedestrian / cycle footbridge over Pods Brook Road.
- Travel Plans for the residential, employment and educational land-uses proposed are required by Planning Condition / S106 agreement, including details of plan targets; how these measures will be funded and the fall-back if targets are not met.

In addition the following direct highway capacity mitigation:

- The mitigation scheme at the A120/ A131 Panners (north) roundabout is assessed to be acceptable in principle and shall be secured by planning / S106 legal agreement, following completion of further detailed design work to identify issues identified in the Stage One Road Safety Audit.
- A scheme of road safety enhancement in the form of a package of signs and road markings, at Galleys Corner secured by Planning Condition / S106 agreement to reflect the increase in movements at the junction as a result of the development and accident data at the existing junction.
- No part of the development is to be occupied unless and until the proposed Millennium Way Slip Roads scheme, currently being developed by Essex County, has been completed and opened to traffic.
- HE recommend that all necessary mitigation, both physical infrastructure and 'soft' measures (such as the Travel Plan), be completed / in place prior to occupation of the first dwelling.

Highways England has thoroughly assessed the information originally submitted by the applicant and in subsequent Transport Assessments as part

of their assessment of the potential impact of the development on the Strategic Road Network. Their consultants have produced eleven Technical Notes during the course of the application, copies of which can be viewed on the Council's website.

A number of letters objecting to the application have highlighted concerns about how representative some of the additional survey information is with claims that additional queue length survey information was collected during a school half term.

The applicant's transport consultants has confirmed that the queue length surveys were not undertaken on 27th, 28th and 29th October as their submission indicated but was actually collected on 27th, 28th and 29th September 2016 – during term time.

The overall conclusion reached by Highways England is that they would not object to the planning application, subject to conditions / obligations and the Highway Authority confirming that they are satisfied that the development would not have an unacceptable impact on the Local Road Network in terms of Highway Safety and Capacity, and would not as a consequence have a severe impact on the Strategic Road Network.

Representations from local residents have referred to queues which already back up to the A120 and longer queues would cause danger on the dual carriageway / slip-road.

Impact on the Local Road Network

In assessing the impact of the proposed development on the Local Road Network (LRN) the Council has received advice from Essex County Council - the Highway Authority (HA).

A single point of vehicular access is proposed to the two residential parcels – Parcel A (accessed off Rayne Road, through Gilda Terrace) and B (accessed off Pods Brook Road). Questions have been raised over the lack of an emergency access / exit from each parcel of land. The Highway Authority has raised no objection to the principle of each residential parcel being served by a single point of vehicular access / egress.

Officers are aware of local road conditions and particularly the problems during the evening peak. Representations have been submitted which refer to it taking 15 minutes to travel from Pods Brook Road, up to the Springfield Industrial Estate roundabout and then along to the junction of Aetheric Road and Pierrefitte Way. During the evening peak traffic queues back along Rayne Road and down Pods Brook Road. On occasions traffic can queue back onto the A120 roundabout at the southern end of Pods Brook Road. The queueing traffic is a particular problem at the Springwood Drive Roundabout as traffic queues on and around the roundabout, preventing traffic flow and in particular causing lengthy delays for traffic trying to leave Springwood Drive.

Local residents and road users are concerned that existing traffic problems are set to deteriorate as a result of the proposed development of 200 new homes north of Rayne Road and the likely redevelopment of the Broomhills Industrial Area.

The ability of the local road network to provide sufficient capacity to meet the forecast traffic flows is vitally important to the application. Local residents have raised concerns about increased traffic flows traveling to / from the site and the possibility that more traffic will be pushed through Rayne or along Queenborough Lane as it seeks to avoid congestion on the strategic Road network.

As stated above both Highways England and the Highway Authority identified deficiencies in the TA that was originally submitted with the application. Subsequently the applicant focussed on issues raised by Highways England in respect of the strategic network (the A120) and the Highway Authority understandably took the view that it would not be practical to try and assess the impact on the local road network until the impact on the Strategic Network was understood and what highway improvements would be required to mitigate the impact on the Strategic Network. It was only when Highways England indicated that they were in principle satisfied with measures to mitigate the impact on the Strategic Network that the Highway Authority were able to understand the potential impacts on the local network.

The applicant has requested that the application be determined on the basis of the information that has been submitted. The Highway Authority have confirmed that having assessed the September 2017 TA there remains insufficient information to demonstrate to their satisfaction that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility. They identify three particular areas where insufficient information has been provided.

Aetheric Road/Pierrefitte Way signal controlled junction

The Highway Authority have advised that the traffic modelling that has taken place is not representative of traffic conditions using Rayne Road and the Aetheric Road / Pierrefitte Road signal controlled junction with the base model continuing to produce results that are quite unlike observed traffic conditions. During the evening peak hour traffic queues on Rayne Road regularly extend back to Springwood Drive and Pods Brook Road which is a Main Distributor road in Essex County Council's Development Management Route Hierarchy. This traffic demand has not been included in the modelling and therefore the predicted capacity of the junction is considered to have been exaggerated.

Panfield Lane spine road

The modelling that the applicant has undertaken has correctly included the Panfield Lane Growth Location identified in Braintree District Council's Core Strategy (2011) as committed development. The Core Strategy '*identified the need for a new link road between Springwood Drive and Panfield Lane, in*

Braintree to provide for the traffic movements associated with the proposed Panfield Lane growth location.

The principal aim of the link road is to provide a local connection to enable residential traffic from the potential development to travel to and from the south and west via the B1256 Pods Brook Road and A120, without having to travel through Braintree Town Centre.

The highways assessment states that this link road will need to be designed to ensure that any heavy goods vehicle trips are discouraged from travelling to and from the north of Braintree via the new link road, Panfield Lane and Deanery Hill. It should also prevent other traffic from diverting from the strategic road network to use this link. It should therefore be provided as a local road, incorporating traffic management measures, to prohibit HGV movements to the north'.

Whilst the road is intended to primarily carry local traffic given local traffic conditions it is likely that the route will be used by other traffic heading north across the town.

The Highway Authority are concerned that despite the Growth Location being the subject of a current planning application the Panfield Lane spine road has not been secured and there is no definitive timeframe for its delivery. Given there is no certainty around the timing of the Link Road delivery the Highway Authority consider that a robust assessment of the impact on traffic conditions would consider local traffic conditions without the benefit of the Panfield Lane spine road. Without this information the Highway Authority do not feel they can assess whether the impact of the development would be 'severe' – the test specified in the NPPF.

In response to the Highway Authority's position on this matter the applicant has written to the Council to state that they would accept a Grampian style condition related to the Panfield Link being constructed and available for use. A "Grampian condition" is a planning condition attached to a decision notice that prevents the start of a development until off-site works have been completed on land not controlled by the applicant. This would be an unusual use of a Grampian condition and would mean that the Brook Green development would only be able to proceed if highway infrastructure being provided by another developer is provided.

Paragraph 206 of the NPPF states *"Planning conditions should only be imposed where they are:*

- 1. necessary;*
- 2. relevant to planning and;*
- 3. to the development to be permitted;*
- 4. enforceable;*
- 5. precise and;*
- 6. reasonable in all other respects."*

The Council is not persuaded that a Grampian style condition linked to the Panfield Spine Road would meet these tests. The Council therefore still agrees with the Highway Authority that as there is no certainty about the provision and timing of the Spine Road the modelling to assess the Brook Green application should include an assessment of the highway impact without the Spine Road being provided.

Millennium Way slip roads

The Brook Green development committed to funding the works associated with the delivery of the Millennium Way slip road scheme. Although funding by the applicant is not being pursued, as the scheme is now funded, delivery of the scheme can reasonably be assumed.

Whilst it is recognised that this will benefit the operation of the Galleys Corner Roundabout and the A120 the application provides no evidence to support the view contained in the TA that this scheme would provide a relief to Braintree town centre and create capacity within the network that could be utilised by traffic generated by this development.

The Highway Authority concludes that they are unable to determine whether the proposed development will have a severe impact on the operation of the local highway network and consequently the applicant has failed to demonstrate that the proposed development complies with the National Planning Policy Framework and Essex County Council Development Management Policies, adopted as supplementary guidance in February 2011. In the event that planning permission was to be granted then the Highway Authority has set out a list containing broad Heads of Terms in respect of highways and transportation improvements.

Prior to development

- The provision of a comprehensive site Construction Traffic Management Plan.

Prior to occupation

- Site access roundabout on Pods Brook Road.
- Site access on Rayne Road including a right turn lane provision.

Mitigation schemes at the following locations:

- A120/A131 Panners (north) junction and A120 slip road.
- Rayne Road/Springwood Drive Roundabout.
- Pods Brook Road dualling.
- Rayne Road/Pierrefitte Way/Aetheric Road signalised junction.

Sustainable Travel

- Travel Plan and monitoring fee (until one year after final occupation)
- Provision of a bus service
- Improvements to the Flitch Way to include surface construction/lighting scheme/signage.

- New/improved cycle/pedestrian connections between the development and the Flitch Way
- Cycle Parking at the railway station and town centre
- Foot/cycle bridge over Pods Brook Way
- Public Rights of Way improvements
- Restoration of underpass beneath Flitch Way

Pedestrian and Cycle

The site contains several footpaths which are part of the Public Rights of Way network. The application form states that no Public Rights of Way will be extinguished or diverted as a result of the proposed development. The Flitch Way Country Park, which runs east/west through the centre of the site, is not part of the Public Rights of Network; however it is owned and managed by Essex County Council, and forms one part of the National Cycle Route 16. This section of National Cycle Route 16 runs from near Stansted via Great Dunmow, Braintree and Witham and continues to Great Totham.

The application site is separated from the main body of the town by Pods Brook Road to the east of Parcels A & B. This is a busy road carrying traffic between the A120 and the western side of Braintree. There are two footbridges over Pods Brook Road – the southern one forms part of the Flitch Way whilst the second bridge, to the north of the Flitch Way bridge, connects between the Broomhills Industrial Estate and Clare Road. The TA proposes that the primary link between the site and the town centre will be the northern footbridge across Pods Brook Road and then on along Clare Road. The footbridge is available to cyclists as well as to pedestrians, but the TA neglects to mention that the bridge is only 1.8m wide and has barriers in place to discourage cyclists from using it.

Even allowing for the narrow width of the bridge residents would be able to walk / cycle towards Braintree town centre along Clare Road, avoiding the heavily trafficked Rayne Road or London Road. However, Clare Road is characterised by speed humps and parked cars, even during the daytime, and has a *reputation for being a rat-run for motor vehicles seeking to avoid congestion on the main radial routes in Braintree*. As such this route is a much less attractive route for cyclists and pedestrians than a more direct fully traffic-free route (such as the Flitch Way).

The more direct route and the desire line between the application site and the town centre is the Flitch Way, however this route is not lit and through the application site consists of a bound gravel path, of variable width. The applicant's TA notes the sensitivity of the Flitch Way and local opposition to 'improvements' to the Flitch Way, such as provision of a hard surface and street lighting. The TA suggests that the bridge to Clare Road would provide a direct traffic calmed route to the town centre for pedestrians and cyclists. The problem is that the northern bridge does not sit on a desire line and is not as readily accessible as the Flitch Way from the application site.

Planning Officers and the Highway Authority believe that the reality would be that if the development were to proceed a significant number of pedestrians and cyclists travelling to / from the site would use the Flitch Way even if it is not designed for heavy, year round footfall. With 1600 dwellings sitting on either side of the Flitch Way and with multiple paths crossing the Flitch Way it would be inevitable that the Flitch Way would be heavily used by residents and there would be an expectation from these residents that the Highway Authority carry out works to light and surface the path so that it is safe and accessible all year round, day and night.

The Highway Authority has recommended that the applicant be required to carry out these works, in the event that planning permission was to be granted. Although this would improve pedestrian and cycle links to / from the site such works would adversely affect the character and appearance of this stretch of the Flitch Way, which would also be likely to adversely affect its ecological value and the recreational value of the Flitch Way. These consequential impacts would need to be considered within the Planning Balance.

Public Transport

The applicant is keen to highlight the relative proximity of Braintree railway station. The station has an hourly train service, however a number of representations received from members of the public state that peak times services are already running near or at capacity. The Council have long held aspirations to improve the frequency of rail services and have explored the potential to construct a passing loop on the existing single track line and have been lobbying Network Rail and the rail operating company.

Whilst the applicant has proposed a bus service that will serve the development, there is insufficient information to allow a detailed assessment of proposals for Public Transport improvements. The TA acknowledges that no bus services currently serve the site and that the single hourly service that passes along Rayne Road are too far removed from large parts of the site to be an attractive or convenient option. The TA refers to the provision of a new bus service between the site, Braintree town centre and rail station, via London Road, on a half-hourly frequency (15-minute frequency during peak hours); provision of bus friendly infrastructure and high quality bus stops with real-time passenger information within the site; and a bus-only link between the Rayne Road and Pods Brook Road parts of the site. The TA does not however contain information regarding the discussions that have been held with bus operators; the financial viability of such a service, or the level of funding proposed or the timescale over which it will be available before bus service improvements are accepted and secured. In the event that planning permission is granted details of the service can be specified and secured through a S106 legal agreement.

Concerns have also been raised over the distance between the site and the Railway Station with objectors stating that many dwellings in the proposed development would be more than a mile and half from the station. It is noted

that dwellings on the western side of the development would be significantly further from the station (and the town and its facilities). The applicant has agreed within the Heads of Terms that additional cycle racks will need to be provided at the station to encourage cycling to / from the site.

Reinstatement of the railway line

The Flitch Way forms part of the former Bishop's Stortford to Braintree branch line. The line was a single-track railway. A number of representations have referred to the need to ensure that a railway could be reinstated in the future, potentially providing a connection to Stansted. At the end of November the Government published '*Connecting people: a strategic vision for rail*'. This document describes the Governments vision for the railways, and the actions they will be taking to make that vision a reality. The Strategy sets out projects across the country that the Government are committed to supporting and talks of restoring lost capacity as part of the next generation of schemes to improve the railway system. There are currently no plans in place to reinstate the branch line and in any event the proposed development would not prohibit the reinstatement of the line at a later date. As such Officers do not consider that this would be a reason to refuse the current planning application.

- **Urban Design (Design, Appearance and Layout)**

Para.56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning, and should contribute positively to making places better for people. Para.58 states that developments should aim to '*establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials*'. Policy CS9 of the Core Strategy states that '*the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment*'. This is supported by Policy RLP90 of the Local Plan Review.

The NPPF states '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness*'.

LPR Policy RLP 9 '*Design And Layout of Housing and Mixed Use Areas*' states that 'New residential and mixed-use buildings shall create a visually satisfactory environment and be in character with the site and relate to its surroundings'. LPR Policy RLP 10 '*Residential Density*' also states that '*The density and massing of residential development will be related to:*

- The location of the site in relation to public transport accessibility and shops and services*
- The characteristics of the site*

iii) *The layout and density of surrounding development'*

This application is submitted in outline with the approval sought for the proposed use and access arrangements only. All other matters including layout, scale, appearance and landscape are reserved for subsequent approval. Officers have some other concerns around the Illustrative Layout even though this is an Outline application with all matters reserved except access.

The applicant suggested that the '*Impact on Character and Appearance of the Surrounding Area*' was a distinct issue that needed to be considered as part of the application but Officers consider this falls within a wider consideration of Urban Design.

Density

The application seeks Outline Planning Permission for up to 1600 dwellings. The application includes a number of Parameter Plans which set out amongst other things the areas of different land use; storey heights and residential densities. The 1600 dwellings are proposed to be built over 32.75ha; the parameter plan shows the maximum building heights will range across the site from 2 storey (predominantly along either side of the Flitch Way; the northern, and western site boundaries and parts of the east and southern boundary) to 4 storey (clustered towards the centre of Parcel B); and residential densities will be up to 110 dwellings per hectare.

The density parameters stated on the Parameter Plan and the Design and Access Statement (DAS) specify how the maximum density would vary across the site – low density (up to 35 dwellings per hectare); medium density (up to 60 dwellings per hectare) and high density (up to 110 dwellings). The applicant advises that '*the average overall density of the site is about 50 dwellings per hectare*'. The DAS contains small character area studies which give an indication of how distinct character areas could be developed, including sketch scheme layouts of small development parcels, although these have not been reproduced at an identifiable scale.

The application states that '*Whilst the application is submitted in outline, the indicative masterplan illustrates how the land uses could be accommodated on the application site. The indicative masterplan also illustrates how existing trees would be incorporated into proposal along with the Flitch Way route through the centre of the site. An assessment of density which is broadly in keeping with the surrounding housing would also ensure that the proposals make effective and efficient use the land in accordance with the NPPF and so to minimise the release of more sensitive constrained sites in the District. The application proposal can be shown to be consistent with Paragraph 56 of the NPPF and Policies CS9 and CS 10 of the Core Strategy*' (Para.4.3.5)

The density of a new development will depend on a number of factors, including the location of the site, access points, local road network and characteristics of the surrounding area. The Council require that proposed

developments comply with adopted standards for providing private amenity space and car parking.

The DAS contains a small number of character area studies from around the town – Braintree Town Centre; Bocking; Great Notley; Rayne; Guernsey Way; and Sun Lido. These attempt to identify key characteristics of developments / areas; however Officers note that none of the studies contain an analysis of the densities within the study areas. There is certainly no evidence provided to demonstrate that a density of up to 110 dwellings per hectare would be reflective of elsewhere in Braintree or Rayne. The densities of the closest developments that have been assessed are calculated to be 42 dwellings per hectare (net – excluding Public Open Space) on the Sun Lido development (110 two storey dwellings) and 33.5 dwellings per hectare (net) on the Guernsey Way development (containing 16 flats and 71 houses). It should also be noted that both these developments were built at a time where the Council had different standards to control new development – for example parking standards were lower in terms of bay sizes and the required level of provision.

Officers do not consider that there are areas of high density residential development that is similar in size or scale to the amounts proposed by this application. The implications on character and local distinctiveness are likely to be significantly detrimental because the proposed density and amount of apartments required are in no way characteristic of the town and this approach is considered contrary to the NPPF and local planning policies, including CS9 of the Core Strategy; RLP 9, 10 and 90 of the Local Plan Review and LPP37 of the Publication Draft Local Plan.

This is particularly significant for an edge of settlement development where a proposal for high density and compact form is uncharacteristic of the settlement to which it is attached and unjustified with regard to sense of place and the normal hierarchical density pattern of the highest densities being in the centre of settlements. With regard to the town character and typical settlement patterns of density hierarchy the application represents a very alien and urban form on the edge of a relatively low density suburban town.

The emerging Local Plan recognises the need to make efficient use of land allocated for development and states that as a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare. The 'low density' areas within the proposed development has a maximum density of 35 dwellings per hectare, although this also recognises that higher densities could be appropriate in neighbourhood centres, town centres or sites well served by public transport and walking and cycling facilities such as local centres and public transport hubs.

The DAS contains studies on three different character areas to give an indication of how parts of the site could be developed and to demonstrate how the proposed densities could be achieved.

‘High Density’

The highest density area is illustrated within the DAS on pages 56 and 57. Whilst it is intended to be illustrative the purpose of its inclusion is to demonstrate to the Council that the proposal is acceptable in principle.

Whilst the nature of the plan makes it difficult to accurately assess the proposal it would appear there is significant under provision of car parking. The number and size of residential units would require 195 parking spaces to comply with the Council’s adopted standards of the Council. This total is without any provision for the commercial uses in the local centre which is below the flats. The illustration only indicates 120 or so parking spaces. Although it is acknowledged that there could be undercroft or integral parking the illustration does not demonstrate compliance with adopted standards.

Similarly the illustration does not appear to show that the twelve 3-bedroom houses and the apartments within the local centre would be provided with private amenity space that would comply with the Council’s adopted standards.

The perimeter blocks as shown in the whole site illustrations also do not appear to have the required back to back distances that protect residential amenity as prescribed in the Essex Design Guide (EDG) which has been adopted by the council. For flats the EDG requires 35 metres of setback to secure adequate privacy.

There are a limited number of different study areas to demonstrate density so it is not entirely clear what is happening in different parts of the sites. For example the Density Plan and Storey Height Plan illustrate that up to four storey development at up to a density of 110 Dwellings per hectare will be built over a substantially larger area than the DAS indicates where the study area is focused on the relatively small area around the Local Centre. Further studies might have assisted understanding but on the basis of the information submitted it has not been demonstrated that the high density areas could be developed in an acceptable fashion which would allow the development of the maximum number of dwellings specified in the application.

‘Medium Density’

The DAS describes buildings as being up to three storeys in height and up to 60 Dwellings per Hectare in the Density Parameter Plan. This density of development covers at least one third of the residential built area of the parameter plan.

The illustrative area described in detail again contains a table of dwelling sizes and to comply with standards this would require a minimum of 126 car parking spaces, including visitor spaces. The illustration shows approximately 80 spaces but even the spaces shown are clearly remote from dwellings they are intended to serve. As noted above within the High Density area the majority of

the apartments and three bedroom houses would not be provided with private amenity space that would comply with the Council's adopted standards.

'Low Density'

The lowest density area is illustrated on pages 60 and 61 of the DAS, showing 28 dwellings of 3, 4 and 5 bedrooms. Parking appears to be under provided again with no visitor parking provided (7 spaces would be required to comply with standards) and only 3 of the 10 three bedroom houses have a rear garden that would accord with the adopted standards (minimum 100 square metres required). The detail also suggests that the required back to back distances, from the Essex Design Guide, to protect residential amenity have not been achieved.

As the illustrative drawings in the DAS were not provided at an identifiable scale Officers have based their assessment on the parking spaces shown being drawn accurately and compliant with the Council's adopted standard length of 5.5 metres. If the illustrations were based on shorter car parking spaces then the inadequacies listed above would be even greater.

The applicant has submitted an Illustrative Housing Mix to provide clarity about the assessments undertaken within the ES. In 2015 the government introduced technical housing standards which set out nationally described internal space standards. These standards were intended to apply for all tenures. Local planning authorities have the option to apply these space standards and the Council has included such a provision within the Publication Draft Local Plan (Policy LPP37). Whilst this is an emerging policy which can only be given limited weight and the information on mix is illustrative it is noted that the size of some of the dwellings is below the minimum sizes – for example 2-bed flats are described as having 60m² when the standards specify 61m² for a 2-bed 3-person unit and 70m² for a 2-bed 4-person unit and 3-bed market houses have 80m² when the standards specify 84m² for a 3-bed 4-person dwelling and 102m² for 3-bed 6-person dwelling. A number of dwelling sizes are at the bottom end of the standards. Officers consider this to be a further indication that the scale of development proposed is excessive and that many of the future residents would be afforded a poor standard of amenity.

As a general guide recent large residential developments in this District that have been approved have been designed at net development densities in the range of 30-35 dwellings per hectare. If the area identified in the Parameter Plans for residential development was built out at this more typical residential density, with car parking, garden areas and back to back distances complying with the adopted standards of the Council Officers consider that the sites capacity would be significantly less than the 1600 dwellings for which permission is applied.

School Site

The application proposes the provision of a primary school to meet the demand for new primary school places that would be created by a development of this size. The Masterplan initially proposed that the 2.2ha school site would be located in the north-eastern corner of Parcel B with the Flitch Way immediately to the north and Pods Brook Road immediately to the east.

The Education Authority identified a number of issues with the proposed site, including noise pollution from Pods Brook Road; changes in site levels / gradients; and the fact that the river ran through the site. It should also be noted that part of the site is identified to be within the flood zone.

The applicant subsequently presented a number of alternative parcels of land within the application site and following initial assessment of these proposals ECC Education Officers were satisfied that a suitable site could be provided within Parcel A to meet their requirements.

A revised location for the school site would mean that the Parameter Plans would need to be amended, along with the illustrative layout. The relocation of the school should also be considered alongside the other land uses. Locating the school next to, or near to, the Local Centre would provide opportunities for social interaction and linked journeys and would usually help generate vitality for the commercial units. This would be required before planning permission could be granted as it could affect the capacity of the site, as a significant part of the original school site was within flood zones 2 and 3. The land within the floodzone would not be suitable for residential development. Whilst the space could be reallocated on the Masterplan to Open Space this could affect the amount of developable land within the site.

Site Permeability – pedestrian, vehicular, public transport

A single point of vehicular access is proposed for Parcel A and Part B. There will be no vehicular access between the two parcels, save for a controlled bus link under the Flitch Way, using the existing bridge. As previously stated the Parameter Plans show four points where pedestrian routes would cross the Flitch Way, connecting Parcel A & B. Even if the primary school and local centre are located centrally within the site a significant number of residents would need to cross the Flitch Way to access one or other of these facilities

Although no details are provided within the application the DAS states that the applicant would provide a foot bridge over Pods Brook Road to connect Parcel B & C (forming a significant part of the POS provision) and potentially providing connections to the River Walk to the east. In the event that planning permission was to be granted this pedestrian footbridge would need to be secured by condition or legal agreement.

Flitch Way

The report has previously considered the impact of the development on the Flitch Way itself but the Urban Design response to the Flitch Way is not considered to be acceptable. In places the Flitch Way is significantly higher than the adjoining development areas. The Masterplan shows Public Open Space either side of the Flitch Way through the site but this margin is very thin in places. It is also noted that in places it has steeply sloping embankments that are not functional open space.

The proximity of built development to the Flitch Way will inevitably change the character of the route with a level of urbanisation close to the corridor. In addition to the proximity of built development there would be light pollution from the properties, and street lights if installed. There will also be the potential for poor amenity for some future residents arising from properties and / or their gardens being overlooked by pedestrians and cyclist on the Flitch Way in locations where the route is elevated.

The applicants Planning Statement states that *'The application site offers an opportunity for residential development to include a range of house types and tenures to suit local needs. The development will provide a new south western edge to Braintree and the opportunity to enhance and complement the existing context of the site, as well as providing leisure and employment uses. On-site open space provision will include formal and informal play areas; kick about space, allotments, ecological and wildlife habitats'*. (Para.4.3.4) It is assumed that the applicant is referring to the wider context in which the site sits as at present it consists of undeveloped agricultural land and open countryside and Officers cannot see how the applicant can conclude that the existing context of the site would be enhanced by such a large mixed use urban development on previously undeveloped land.

For an outline application there is a substantial amount of accompanying detail to demonstrate that the density is achievable and that the resulting character would be suitable. Having considered the information Officers are of the view that the proposed densities would not be appropriate to the site, or to the town in general, or indeed that the illustrative material demonstrates that the proposed densities can be realised in accordance with the adopted standards and guidance of the Council, specifically in respect of private amenity space, car parking and satisfactory back to back distances as required by the Essex Design Guide to protect privacy and amenity. In the absence of evidence to the contrary Officers consider that adherence to these standards across the whole development site is likely to reduce the site capacity. In the event that planning permission were to be granted this could result in a form of development which did not secure a good standard of amenity for all future residents. These are particular concerns within the higher and middle density areas of development.

The proposed number of units in the net developable area is in excess of typical suburban densities found in Braintree and is even in excess of the

typical density of residential development within the centre of the town. Whilst the planning system seeks to encourage higher density development around transport hubs this is an urban extension to a market town. It is considered that the proposed overall density would not be in keeping with the character of the settlement, or represent a sympathetic addition to the town on what is a sensitive edge of settlement location. In the absence of any policy justification for such an approach this is considered to be an inappropriate form of development. The proposals would also suggest that the standard of amenity for future residents will be poor and below the minimum standards acceptable to the Council.

Other Matters

Planning Applications Approved on Sites which were not allocated in the Development Plan

The application is on a site that is not allocated for development within the adopted Development Plan; however the Council have, over the last couple of years, approved a number of developments on sites that are not allocated for development within the adopted Development Plan. This includes permission that has recently been granted for two smaller planning applications near the site.

The Council have granted planning permission for the erection of 215 dwellings (Land between London Road and East of Pods Brook Road – 15/01193/FUL). Whilst the site is not allocated for development within the adopted Development Plan it was proposed to be allocated within the Pre Submission Site Allocations and Development Management Plan as amended by Further Changes (SADMP). The site was selected for allocation for development after the Council considered the relative merits of the site compared to other sites where development was proposed. The SADMP was subject to extensive public consultation prior to the plan being set aside to develop the new Local Plan.

The second site is Land North of Rayne Road, Braintree (Application ref. 15/01458/OUT). This was an unallocated site but the Council received an outline planning application in 2015 for up to 136 dwellings. Planning permission was granted in February 2017, upon completion of the S106 agreement. The site has been purchased by a national volume housebuilder and a Reserved Matters application is anticipated soon. Although an unallocated site the Council considered that there were no site constraints that would prohibit development, or which could not be mitigated. There was no objection from the Highway Authority and the scale of development could be accommodated on the road network. The landscape was considered to have the capacity to accommodate the development and was not a Valued Landscape. The Council concluded that the public benefits of the development outweighed any harm that was identified.

The fact that these applications have been approved is a material consideration for this application but the Council do not consider it to carry

significant weight. The correct procedure is for the Council to assess each application on its own merits with reference to Paragraph 14 of the NPPF.

Prematurity

A number of representations have highlighted the fact that the application is outside of the process for developing the new Local Plan. Whilst the Planning system in this country is supposed to be 'plan-led' as has previously been explained in this report the Council are unable to rely on the adopted Development Plan and can currently only give limited weight to the emerging Local Plan.

The applicant's Planning Statement argues that the Council should not refuse the application simply for being premature. They state '*As a consequence of the housing policy CS1 being out of date and the new Local Plan at such an early stage with no early prospect of submission for Examination (February 2017), then refusal on prematurity grounds would not be justified because of the delay which this would impose in determining the future use of the land subject of the application*' (Planning Statement Para 5.1.5).

Since that statement was made the Local Plan has moved on considerably and following the final round of public consultation the Publication Draft Local Plan has been submitted for Examination by the Planning Inspectorate on 9th October 2017. At the time of writing this report an Inspector has been appointed for the examination of Part One of the Local Plan.

It is however accepted that the Council are required to determine the planning application on the basis of the information provided against relevant national and local planning policies and at the time of writing this report it is not considered justifiable to refuse the application on grounds of prematurity.

Summary of factors:

The following is a summary of the planning balance set out above in respect of the key areas highlighted earlier in the report:

Principle of Development (including the Need for Development and Housing Land Supply);

The application site is outside the development boundaries in the adopted Development Plan and the Publication Draft Local Plan. The Council has considered allocating the site through the Core Strategy and the new Local Plan but has taken the view that there are preferable sites for development.

Although not allocated for development the Council are required to assess the current planning application in accordance with planning law and in accordance with the development plan unless material consideration indicates otherwise.

It is accepted that the Council cannot demonstrate a 5 year supply of housing land based on the OAN of 716 dwellings per annum therefore Para.14 of the

NPPF is brought into effect and the presumption in favour of development that is sustainable is applicable within the district. Ordinarily there would be a tilted balance in favour of the development.

However the tilted balance is disengaged where there are specific policies in the NPPF which indicate development should be restricted (commonly referred to as the “footnote 9 grounds”. In this application there are specific policies which are engaged and indicate that development should be restricted and these must also be carefully considered in drawing the planning balance under para.14.

The application makes no provision for Gypsy and Traveller sites and this failure would undermine the Council’s proposed policy for ensuring adequate provision during the plan period.

- **Agricultural Land;**

81% of the agricultural land is classified as being ‘*Best and Most Versatile Agricultural Land*’ – a total of 43.1ha. Whilst it is acknowledged that the proposals would result in the loss of high quality agricultural land Officers do not consider that this can be substantiated as a grounds for refusal due to the level of development required by the NPPF to meet the District’s Objectively Assessed Housing Need when so much of the undeveloped land in the District is likely to be classified as ‘*Best and Most Versatile*’ based on the Regional ALC maps.

- **Ecology;**

The consultants who assessed the ES for the Council are satisfied that the lists of species and habitats considered for assessment are appropriate for this site, however they advise that some of the species surveys do not reference good practice guidelines and are variable in specificity in approach. Where best practice methodology has not been employed no clear justification has been provided to justify why this was the case. There are also concerns that inadequate consideration of hedgerows and of some protected species that may be present within the site. It is considered that the assessment of the baseline is inadequate and without this the Council cannot be fully assess the impact of the development, or what forms of mitigation will be required and these factors weigh against the development in the planning balance.

- **Employment Land;**

The applicant states that they anticipate the completed development will accommodate 192 direct gross Full Time Equivalent (FTE) jobs through the new school; employment land and local centre.

The application proposes development of an equivalent scale to the Strategic Growth Locations contained within the Publication Draft Local Plan where the Council will require ‘*appropriate employment uses to support the new community*’.

The land and uses proposed as part of the development is considered to be inadequate to provide an appropriate level of employment uses to serve the 1600 dwellings and the anticipated population of circa 3800.

- **Flood Risk;**

The parameter plans show that development has been sequentially located within the site, so that all the built development will be restricted to areas assessed as being within Flood Zone 1. As a result, there is no objection to the principle of development based on fluvial flood risk.

The Lead Local Flood Authority (ECC) are satisfied that the principles of the surface water drainage scheme proposed demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere.

- **Heritage;**

The closest listed building to the site is Naylinghurst, a Grade II listed building. The Council's Historic Buildings Adviser (HBA) has identified harm to the setting of the listed building arising from the proposed development. The building continues to enjoy an open setting, and it is the agricultural surroundings that are considered to be a substantial factor in how this heritage asset is experienced. The applicant has sought to reduce the impact on the setting of the building by placing Public Open Space at the western end of their site, closest to the listed building, as a buffer. Despite this attempt to provide a buffer the Council's HBA identifies less than substantial harm, with the harm being at the higher end of the spectrum.

The Council's HBA considers that the development would erode the sense of separation between Rayne and Braintree and that this would have an adverse impact on the character and appearance of the Rayne Conservation Area and erode the rural setting and prominence of the Grade I listed Church of All Saints, Rayne. The harm identified by the HBA is classified as being less than substantial harm, but at the lower end of this spectrum. This harm weighs heavily against the development in the planning balance.

- **Impact on Neighbour Amenities;**

The development could be built out over 10 years and construction activity has the potential to cause disturbance to residents adjoining the site. Construction activity can be controlled to some degree through the use of planning conditions and would not be a reason to withhold planning permission.

It is proposed that access to Parcel A off Rayne Road, through Gilda Terrace. The applicant proposes the demolition of two dwellings to form a 6.75m wide carriageway with footways to form a new vehicular access into the site within relatively close proximity to existing residential dwellings. Whilst there would

be an impact on those immediately neighbouring the new access Officers do not considered that this would warrant refusal.

- **Landscape and Visual Impact;**

The site is not subject to any specific local or national landscape designation; however several different landscape character assessments have identified the site as being particularly sensitive to development of this type and scale. The development fails to respond to suggested Landscape Planning Guidelines contained within these character assessments.

The Council's Landscape Consultant has undertaken their own LVIA which concludes that the change in landscape quality in the immediately vicinity of the site would be of a High magnitude, and thus Major adverse significance. The development would adversely alter the character of the Flitch Way as it crosses the site and reduce the ease of access to open countryside that Braintree residents currently enjoy. These factors are given significant weight in determining this application.

- **Minerals;**

The application site lies within a mineral safeguarding area, as designated by the Mineral Planning Authority. Site investigation has revealed that land at the western end of Parcel B contains workable deposits for sand and gravel. To avoid the sterilisation of this mineral resource the applicant and the Mineral Planning Authority (Essex County Council) have agreed that in the event that planning permission is granted the applicant will be required to submit a planning application to extract the sand and gravel. The obligation to submit a planning application could be included within a S106 legal agreement. The potential extraction of the mineral resource neutralises a potential adverse impact from the development.

- **Noise and Air Quality;**

Survey information shows noise levels significantly in excess of the upper guideline levels that national guidance specifies if residents are to enjoy reasonable living conditions.

The applicant has demonstrated that the internal living conditions for future residents could be provided that would be within the permissible noise levels and this could be covered by planning condition.

There is also a need for developers to provide future residents with a reasonable standard of amenity within their private amenity space (typically rear gardens, or communal gardens for flats).

The applicant modelling indicates that some dwellings around the periphery of the site would be exposed to external noise levels in excess of the maximum levels that are considered acceptable.

It has not been demonstrated that the number of dwellings proposed can be accommodated within the site in an acceptable manner, providing all future residents with acceptable amenity standards and this weighs against the application.

- **Planning Obligations;**

The applicant has submitted Head of Terms and these largely accord with the obligations that the Council would expect for a development of this size, although provision for community facilities and indoor sports are not included. The obligations are generally just matters that are required to mitigate the impact of the development. A legal agreement containing the precise terms of the obligations has not been drafted and without these details limited weight can be attributed to any wider benefits that may arise from them.

- **Retail Issues;**

The application proposes that the development could include the provision of a 800sqm local centre, which can include the following Use Classes –A1 (Shops) of no more than 200sqm; A2 (Financial and professional services); D1 (non-residential institutional); D2 (assembly and leisure).

It is envisaged that the proposed local centre would provide small scale shops, services and community facilities for local residents of this development and is not considered to be to the detriment of Braintree Town Centre. Due to the scale of the proposed local centre there is no policy requirement for a Retail Impact Assessment to be provided and no objection to the principle of a modest local centre, in the event that the site is developed in the manner proposed. The provision of these facilities would have a limited benefit, serving some of the day to day living needs of residents of the proposed development, in the event that planning permission were granted.

- **Transport and Access;**

The applicant has been in protracted discussions with Highways England regarding the access arrangements to the site and the potential impact on the Strategic Road network. Highways England has agreed in principle mitigation works to the A120 / A131 Pannors (north) roundabout.

Having assessed the potential impact on the local road network the Highway Authority (ECC) consider that the applicant has not demonstrated that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility. The modelling undertaken by the applicant relies on the Panfield Lane Spine Road being constructed and available for use when there is certainty over when this will be delivered. The traffic modelling that has taken place is not representative of traffic conditions using Rayne Road and the Aetheric Road/Pierrefitte Road signal controlled junction with the base model continuing to produce results that are quite unlike observed traffic conditions. As a result the Highway Authority is

unable to determine whether the proposed development will have a severe impact on the operation of the local highway network.

In the event that planning permission was granted the applicant would need to implement a package of sustainable transport measures.

- **Urban Design (Design, Appearance and Layout)**

The application seeks permission for up to 1600 dwellings, built over 32.75ha. Building heights will range from two storey to four storey. Residential densities will vary across the site in the range with low density areas containing up to 35 dwellings per hectare and high density areas of up to 110 dwellings per hectare. The applicant states that the average overall density of the site is about 50 dwellings per hectare.

It has not been demonstrated that housing can be built within these parameters and compliance with the Council's adopted design standards. The Council seek compliance with design standards to ensure a good standard of amenity for future residents.

The proposed number of units in the net developable area is in excess of typical suburban densities found in Braintree and is even in excess of the typical density of residential development within the centre of the town. It is considered that the proposed overall density would not be in keeping with the character of the settlement, or represent a sympathetic addition to the town on what is a sensitive edge of settlement location.

The Council attach significant weight to these factors in the planning balance.

Planning Balance

Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework is a notable material consideration carrying significant weight. Although the Council cannot currently demonstrate a 5 year supply of housing land, as required by the NPPF, it is taking active steps to boost its supply of housing land in accordance with Paragraph 47 of the NPPF. As Members will be aware Paragraph 49 of the NPPF states that the lack of a five year supply of deliverable housing sites means that bullet point 4 of Paragraph 14 is engaged.

NPPF Para.14 explains how the presumption in favour of sustainable development works. For decision-taking this means approving development that accords with the development plan. Officers consider that some of the relevant policies in the adopted Development Plan are not in full accordance with the NPPF and therefore whilst some weight can be attached to Policies RLP2 and CS5 and CS8 this cannot be full weight.

Paragraph 14 goes on to state that where the Development Plan is absent, silent or relevant policies are out-of-date permission should be granted unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (the first limb of bullet point 4); or specific policies in it indicate development should be restricted (the second limb). This second limb of bullet point 4 recognises the special importance of some issues that arise in land-use planning and assigns them particular importance in decision making.

The list of policies within Footnote 9 is not exhaustive and officers consider that the protection and enhancement of valued landscapes, as indicated in paragraph 109, is also a specific 'Footnote 9' policy which may indicate that development should be restricted. Where such circumstances apply the Council should determine the application in accordance with the relevant specific policy.

The Council are required to take a sequential approach with the 'specific policy' issues being considered first. Where a proposal fails the specific policy test the presumption in favour of sustainable development within Para.14 does not apply. If the development proposal passes the specific policy test the proposal should then be considered against the 'tilted' balance set out in Para.14.

The NPPF Paragraph 134 Balance

Following the policies contained within the NPPF the first balancing exercise which needs to be undertaken is that relating to the heritage assets. This is because the outcome of this balance affects the applicability of Para.14 of the NPPF.

As previously stated within the Heritage section of this report the tests for assessing harm to heritage assets are set out in Paragraphs 133 and 134 of the NPPF. The Council's Historic Buildings Adviser has identified 'less than substantial harm' to the significance of designated heritage assets – Naylinghurst (Grade II listed building); Church of All Saints, Rayne (Grade I listed building) and the Rayne Conservation Area.

The term 'less than substantial' covers a very wide range of harm from almost harmless to the brink of substantial harm but the Council's Historic Buildings Adviser considers that the harm to Naylinghurst would be at the high end of '*less than substantial*' spectrum of harm.

The proposal would also result in 'less than substantial harm' at the lower end of the spectrum to the significance of the Church of All Saints, Rayne and the Rayne Conservation Area. It is important to recognise that in the context of Part 12 of the Framework 'less than substantial' does not mean trivial or immaterial. It is officers' view that the harm caused to the significance of the Conservation Area and the Grade I listed building would be both real and material.

Paragraph 134 of the NPPF indicates that where harm to the significance of a heritage asset is 'less than substantial' this harm should be weighed against

the public benefits of the proposal. The main public benefits arising from the scheme are set out below.

Housing Supply: The most obvious benefit arising from the development would be the provision of housing – the scheme would provide up to 1600 dwellings and there is no question that this represents a significant number of additional dwellings which could help meet the District's objectively assessed housing need.

It is also acknowledged that at the present time the Council cannot currently evidence a 5-year housing land supply and it can currently demonstrate a supply of 4.97 years (under the Liverpool method). However this fact must be tempered against the fact that a very large development, such as this one, will inevitably be built over an extended time period. The application is in Outline, with all matters reserved except access so in the event that planning permission were granted detailed schemes for each phase would need to be developed by the applicant, or more likely volume housebuilders. The applicant has suggested the development could be built out over 10 years, but given the size of the proposal and the need for Reserved Matters applications to be discharged before any development can commence, this could mean that the construction programme take significantly longer. The development would assist in terms of housing supply and availability across different tenures and would improve access to housing. The provision of new housing offers social and economic benefits.

However, against this benefit it should be recognised that the Council is currently actively engaged in addressing the Objectively Assessed Need for housing in the District and the shortfall that has accumulated and it has submitted its new Local Plan for Examination by the Planning Inspectorate. This plan contains a number of significant strategic housing allocations around Braintree town as well as over the remainder of the District, notably within the town environs there are the allocations at Panfield Lane, Towerlands, Broad Road as well as Land East of Great Notley (which is close to but not within the town) which will provide significant housing delivery in a similar delivery period to this proposal. The Council is working with a range of partners, including neighbouring authorities, to address the District's housing need in the area. This includes the promotion of new garden communities which will make provision for housing towards the latter parts and beyond the Plan period. The new Local Plan has got to submission stage, and the Council consider that its production demonstrates that steps are being taken to put in place a Plan which will meet both the short and long term housing needs of the district on sites which comply with the plan-led settlement strategy for the District.

Affordable Housing: The applicant has indicated that the housing provision would be compliant with the Council's Affordable Housing policy and provide 30% Affordable Housing – up to 480 affordable dwellings – subject to viability. The provision of new Affordable Housing offers social and economic benefits. Officers note that the applicant has not provided any evidence to demonstrate that the scheme would be either viable, or unviable, with this level of

Affordable Housing provision in light of other commitments including the offer to fund highway improvements as well as a host of other planning obligations. Reserved Matters applications will determine the mix of housing that is bought forward on the site but it is reasonable to assume that this level of Affordable Housing provision would significantly expand the type, range and affordability of housing available in this part of the District and help meet the heavy demand that exists for Affordable Housing. Officers acknowledge that these factors weigh in favour of the scheme in the balance, particularly given that the Council cannot currently demonstrate a five year housing land supply and the Affordable Housing would offer significant social benefits.

However, whilst it is accepted that the provision of this number of affordable housing units would be a significant benefit, the level of provision is in compliance with the standard requirements of the Development Plan. It is not an application where the applicant is proposing additional provision over and above the policy requirement. Affordable housing could be delivered on sites which comply with the plan-led settlement strategy for the District.

Public Open Space: The Land Use Parameter Plan within the application indicates that there will be 13.2ha of public open space. The Planning Statement lists 12.3ha of Public Open Space and 7ha of Strategic Open Space which if combined represents 19.3ha, or 34% of the red line application site.

Although the precise location, purpose and function of the Public Open Space (POS) would be dealt with at Reserved Matters stage the POS provision would include provision for formal recreation such as equipped play areas and outdoor sports pitches, as well as areas intended for more informal use.

It is normally reasonable to consider that the provision of new Public Open Space and Sports facilities will increase residents' engagement with outdoor activities and exercise and this can help improve health and well-being. As such, this element of the scheme would be a benefit which weighs positively in the planning balance, albeit some of the benefit derived from the informal areas of POS would be limited by virtue of the fact that the Flitch Way and the good Public Rights of Way network within the site already provide opportunities for informal recreation for existing residents. The provision of equipped play areas and sports pitches given some deficiencies in the town would mean that new provision within this site would be a social benefit.

Whilst there would be some benefits the weight that can be attributed is for the decision taker to determine and the following are evident shortcomings. Firstly, the development would see the loss of greenfield land in the countryside. The site is currently open and as previously stated this characteristic is part of its value, providing easy access to open countryside for recreational purposes. It is not considered that the loss of the majority of the site for housing and commercial development would be compensated for or outweighed by the provision of new formal public open space. Secondly, the provision of on-site open space/play space will primarily be for the benefit

of future residents of the development and in any event is required by policy, to ensure that residential development meets the needs of its future residents.

Ecology and Biodiversity: The applicant states within their Planning Statement that the proposal seeks to '*maximise the biodiversity potential of retained and newly created habitats. The creation of new habitats of at least local value within the proposed green infrastructure would result in overall biodiversity gain. The application proposal would therefore accord with Paragraph 118 of the NPPF*' (Para.4.73)

Within the areas currently in agricultural production there would also be a potential environmental benefit because of opportunities for greater biodiversity, although this would need to be balanced against any ecological harm that could result from future changes to the nature and character of the Flitch Way.

Whilst there are opportunities to enhance the biodiversity value of the site this benefit should not be over-stated. The site is currently open and the loss of the majority of the site for housing and commercial development is not compensated for or outweighed by the provision of open space and improved bio-diversity on part. The protection of landscape features are normal requirements of development and should be provided with all development whether for housing or other forms of development. Given the concerns raised by the Council's consultants over the assessment of the ecological baseline conditions and the extent of the proposed mitigation, it is difficult to attach any significant weight to this claimed benefit.

Economic benefits: The applicant's Planning Statement states '*In terms of economic role the proposals would create jobs, particularly through the construction industry and the proposals would qualify for the New Homes bonus which can be invested in local services and infrastructure*' (Para.4.2.33).

The development would also provide direct and indirect economic benefits. During the construction phase it will provide construction jobs and, once occupied, residents would be likely to support the local economy. This could be through spending in local shops and services, or creating demand that will support the provision of new shops and services.

The ES produced by the applicant suggests that whilst the number of construction workers will vary from year to year, during the construction period the number of employees generated directly by the construction programme would be equivalent of 151 gross full-time equivalent (FTE) jobs.

The proposed development is projected to provide capacity for the accommodation of 192 direct gross FTE jobs, once the development is completed and occupied. These jobs would be created through the modest provision of land for employment purposes and would allow for the provision of offices or business units. Along with the new primary school, a possible care home (or similar) and local centre containing shops and services, these

elements of the scheme would all be likely to benefit the local economy and employment opportunities, providing economic and social benefits.

It should be noted that within the Planning Statement accompanying the application it is stated that the employment land will be safeguarded for that purpose, so there is no guarantee that employment facilities would be delivered – the Planning Statement stating simply that land *‘has been reserved in the planning application for potential B1 uses subject to commercial interest’* (Para.4.2.32). The form of the local centre would be *‘subject to market demand’*. The lack of certainty over the delivery of these uses reduces the weight that can be applied to these elements of the development.

Whilst the mix of uses proposed includes elements which offer a wider socio-economic benefit to the town, some are also required simply to comply with normal development management considerations. Any weight that can be given to these elements of the proposal should only be considered if the provision and timing of delivery of these non-residential elements were secured through a binding legal agreement.

In the event that delivery of these elements can be secured some weight can be attributed to the public benefits they would provide, however it should be noted that any housing / mixed use development within the District will provide the benefits that can be attributed to construction jobs and indirect jobs that would arise from an increased population that is consuming local goods and services. Whilst these factors do weigh in favour of the proposal again officers consider that the benefit is tempered by the fact that the Council is planning for housing and employment growth elsewhere to meet housing / employment need so that these potential benefits would not be lost if this application were not approved.

Currently the Council would receive a New Homes Bonus (NHB) from Central Government as a result of the development. This is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is paid annually over the course of five years and is based on the amount of additional council tax revenue raised for new-build homes. The applicant suggests that this development *‘could generate circa £2.1 million per annum in NHB payments for the District Council, and a further £520,000 per annum to the County Council’* which would be payable over the 5 year period. The ES does however, acknowledge that the expected NHB payments will fluctuate over the construction of the proposed development depending upon when houses are constructed and occupied.

NHB policy is subject to variation by central government, and has recently been the subject of consultation about potential changes, therefore any estimates of levels of receipt over a period such as this must be considered in light of the fact that there is no certainty that the policy parameters will not change significantly altering the potential receipt.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of '*local financial consideration*'.

The NPPF states that '*Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body*'.

Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. The addition of this number of new dwellings would result in increased demand for the Council's services and the NHB could help fund some of the costs associated with this increased demand. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

In addition to the NHB the creation of commercial floorspace (the local centre and buildings for employment use) would also generate Business Rates.

Access to Services: The description of development includes a mix of uses which seeks to provide a mixed use development. It seeks to provide employment opportunities and access to services close to the new homes, so as to encourage more sustainable patterns of travel, and so providing housing without adding to congestion already experienced on the local and strategic road network around the town.

The description includes 0.51ha of land for residential institutions, such as residential care homes, hospitals, nursing homes. If a developer or operator were to take up this allocation of land within the site then the development could make a contribution towards meeting the needs of the county's ageing population.

The scheme includes a mix of uses, some of which would primarily be for the benefit of future residents of the proposed development - the Primary School, and associated Early Years facility, being a case in point. The Education Authority project that up to 480 primary school age children would be likely to live within a development of this size. The proposed 2 form entry Primary School would have 420 places.

It is also noted that the site is located on the periphery of one of the District's main towns and that parts of the site can certainly be considered to be within reasonable walking or cycling distance of local shops and services in the town. However when considering the extent to which the development would provide access to services it is noted that public transport serving the site is limited – Braintree railway station is approximately 2km east of the site and provides an hourly service to Witham, Chelmsford and London and an hourly

bus service which passes along Rayne Road, north of the site, with services to Braintree, Rayne, Stansted Airport, Great Dunmow and Felsted. The applicant proposes to fund, for the duration of the development, a bus service between the site, Braintree Town Centre and the Rail Station via Pod's Brook Road and London Road. The location of the proposed development means that in part it has the opportunity to be made a relatively sustainable location to which moderate weight can be attached.

The proximity of the site to the Flitch Way means that future residents would be likely to use this as a pedestrian and cycle link to the centre of the Braintree, including the railway station. Whilst the proximity to the Flitch Way and the potential pedestrian and cycle link that this provides to the town's facilities is a positive attribute of the site this would need to be tempered by the impact this would have on this stretch of the Flitch Way as the Highway Authority have stated that if the development were to proceed the route would need to be hard surfaced and street lighting installed as the current unlit bound gravel path would not be suitable for the level of use it would get. This would detract from the character and appearance of this part of the Flitch Way.

Highways: The applicant has claimed that the package of off-site highway works will not only mitigate the highway impact of their development but also provide wider public benefits for the town and to a lesser extent the wider area. As stated previously no benefit can be attached to the offer to fund the Millennium Way slips project. Of the other work proposed the works on Pods Brook Road and the A120 northbound roundabout (a combination of lane gain, dualling and part time signalisation of the roundabout) are necessary to mitigate the impact of this development by providing adequate highway capacity and for highway safety. Similarly the new access off Rayne Road to the north of the site.

Improvements to the Springwood Drive roundabout and Aetheric Road/Pierrefitte Way/Rayne Road Signals could provide a wider public benefit, however given the existing capacity issues at both junctions the Highway Authority are already investigating options and developing plans to improve the capacity of these junctions. A design solution for the Springwood Drive roundabout providing greater junction capacity is understood to be being considered. These junctions have existing capacity limitations that the Highway Authority are working to address and it would be reasonable to expect that the wider public benefit from junction improvements would be secured irrespective of this application.

Officers have assessed the public benefits arising from the proposed development of this particular site in order that the balancing exercise required by NPPF Para.134 can be undertaken, balancing the harm to Listed Buildings and Conservation Areas against the public benefits of the proposal.

Less than substantial harm does not necessarily equate to a less than substantial planning objection. When weighing the public benefits against the harm identified to heritage assets the Council must consider the statutory duty

which requires that “special” regard must be paid to the desirability of preserving a listed building or its setting. Considerable importance and weight is to be given to any harm to designated heritage assets. The Council consider that the ‘less than substantial’ harm caused to the Naylinghurst, and to a lesser extent to the Church of All Saints Rayne and the Rayne Conservation Area, identified by the Council’s Historic Buildings Adviser would not be outweighed by the planning benefits arising from the proposal.

The NPPF Paragraph 109 Balance

The application site is not a ‘designated’ landscape however a landscape does not have to be ‘designated’ to be valued as indicated in Paragraph 109 of the Framework. The Council’s Landscape consultant has applied established tests and in their experience the landscape within which the application site is located is a ‘valued landscape’.

As explained above, officers consider that the first bullet point of Para.109 of the NPPF is a specific Framework policy that indicates that development should be restricted.

Para.109 gives no indication of the matters to be weighed in the balance against harm arising to valued landscapes, in the way that Para.134 sets out what should be weighed against harm to heritage assets. Officers consider that it is reasonable to weigh harm to valued landscapes against the public benefits arising from the proposed development, in the same manner as harm to heritage assets was assessed.

Officers consider that the proposed development would give rise to considerable harm to the valued landscape and therefore the proposal would conflict with Para.109. Officers have weighed the harm to a valued landscape against the public benefits of the development (as identified the previous section of the report when assessing the heritage issue) and have concluded that since this harm outweighs the public benefit the application should be refused.

The Tilted Balance?

Officers consider that the proposals fail the specific policy tests referred to above meaning that development should be restricted and the application should be refused. However Officers have also considered how the proposal would be assessed if there were no Footnote 9 issues indicating that development should be restricted. If this were the case then the Council would need to consider the application in light of the tilted balance whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The assessment would need to balance the cumulative harms identified in respect of Heritage and Landscape, and any other harm, against the benefits

arising from the proposal to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

As set out within this report Officers have identified other harm arising from the proposals, including failure to respect the character of this area and the roles that it performs; the consequential adverse impact on this stretch of the Flitch Way as a recreational resource for the town and the District; the failure to demonstrate that the proposed number of dwellings can be provided within the site constraints, including noise and flood risk, in a manner that would comply with the Council's design standards and secure a good standard of design and amenity for all occupants; and failure to make adequate provision within the site for a sustainable form of development with insufficient land allocated for employment use and Gypsy and Travellers sites.

Officers consider that even applying the 'tilted' balance in favour of sustainable development the harm identified within this report would significantly and demonstrably outweigh the public benefits and this conclusion would mean that the application should be refused in any event.

Summary and Conclusion

The application site lies outside the defined town development boundary of Braintree within the rural area. The proposal would conflict with Policies of the Braintree Core Strategy 2011 and the Braintree District Plan Review 2005. The proposed development is contrary to the development plan as a whole and should be refused unless material considerations indicate otherwise. Officers consider that the development plan policies identified are broadly consistent with those of the Framework as regards landscape/countryside and heritage issues and so can still be given some weight in determining this application. Where the Development Plan policies do not contain the more nuanced approach of the NPPF policies greater weight should be attached to the Framework approach – most notably in respect of heritage assets and landscape.

As the Council cannot demonstrate a five year housing supply (currently demonstrated to be 4.97 years under the 'Liverpool' method) the policies for the supply of housing are not up-to-date and this limits the weight that can be given to the settlement boundaries in the development plan in isolation and bullet point four of Para.14 of the framework is triggered.

The second limb of bullet point 4 recognises the special importance of specific policies which restrict development and assigns them particular importance in decision making. As set out above these specific policies which indicate development should be restricted are commonly referred to as the 'Footnote 9 grounds'. These are the subject of specific policies within the Framework and the decision taker should judge the development against those specific policies. Designated heritage assets and valued landscapes are the subject of specific policies that indicate that development should be restricted. As set out above Officers consider that the proposed development would adversely affect a valued landscape, contrary to para.109 of the NPPF and result in 'less

than substantial harm' to the significance of the Grade II listed Naylinghurst and to a lesser extent to the Grade I listed Parish church and the Rayne Conservation Area. The planning balance for this application therefore represents a straightforward balancing exercise of weighing the benefits of the proposed development against the harm without applying the tilted balance in favour of the grant of planning permission.

In applying both the valued landscape and heritage policies Officers consider that the public benefit arising from the development would not outweigh the harm to the setting of these designated heritage assets, or a valued landscape, resulting from the proposal, and as a result the application should be refused. In reaching this conclusion Officers are also mindful that the emerging Local Plan sets out how the Council intend to make the required provision of housing and employment land without harming heritage assets or valued landscape. Officers are also of the view that even if the tilted balance were to apply and there were no Footnote 9 grounds to apply, the harms arising from this proposal would significantly and demonstrably outweigh the benefits.

The proposal conflicts with the development plan and with national policy as set out in the NPPF. Having carefully considered the proposals Officers conclude that there are no other material considerations that would have sufficient weight to indicate that the proposal should be determined other than in accordance with the development plan. Notwithstanding the outstanding deficiencies in the adequacy of the Environmental Statement Officers consider that the application should be refused for this reason.

In addition to these reasons for refusal Officers recommend that the lack of an agreed S106 forms a further reason for refusal. The applicant has submitted a document setting out Draft Heads of Terms for a S106 legal agreement. Whilst it is acknowledged that the applicant indicated through their submission that they accepted a need for a legal agreement to cover planning obligations in this instance Officers have not sought to negotiate a S106 legal agreement with the applicant as the proposed development is recommended for refusal. The applicants Heads of Terms cover many, but not all of the obligations that the Council would require. In addition many of the applicant's Heads of Terms lack the details that the Council would need to be sure that the obligation would adequately mitigate the impact of the development and comply with the Council's adopted policies. It is recommended that the lack of a legal agreement / planning obligations forms a further reason for refusal.

RECOMMENDATION

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

- 1 The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations), as an Urban Development Project (Column 1(10) of

Schedule 2 of the EIA Regulations), and is on land with a site area of more than 10 hectares and the Council issued a Scoping Opinion.

An Environmental Statement has been submitted as part of the application and the Local Planning Authority has assessed the information contained within this as part of the determination of this application.

As a result the Environmental Statement cannot be considered compliant with the EIA Regulations. There are Regulation 22 requests in respect of socio-economics, Landscape and Visual Impact, Ecology and Nature Conservation, Transport and Accessibility, and Archaeology and Cultural Heritage, which have not been adequately addressed. Without this information the Local Planning Authority does not have sufficient information upon which to assess the environmental impacts. Without this information, the Council cannot comply with its duty under the Regulations to fully assess the impacts of the development and to determine whether the impacts would be significant and or whether or not there can be adequate mitigation. Accordingly in the absence of the relevant information the Council refuses the application on the basis of inadequate information and consequent failure when assessed against the EIA Regulations.

- 2 The site the subject of this application is located on land which currently forms a green buffer between the town of Braintree and the village of Rayne. The application site is immediately adjacent to Naylinghurst - a Grade II listed farmhouse and approximately 370m to the east of the boundary of the Rayne Conservation Area, which itself contains numerous listed buildings. The Grade I listed Church of All Saints at Rayne is located just over 400m north-west of the site, separated from the site by Rayne Road.

Given the location of the site and its relationship with designated heritage assets, the Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting or any features of special architectural or historical interest which the Listed buildings possess. The Local Planning Authority also has a duty under Section 72(1) of the same Act to pay special attention to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a Conservation Area. Core Strategy Policy CS9 and Local Plan policies RLP 90, RLP95 and RLP100 and the National Planning Policy Framework support these statutory duties and regimes.

The proposed development site would radically alter the setting of the Grade II Listed Building at Naylinghurst, diminishing the building's surviving agricultural setting.

Because of the scale of the proposed development it would occupy much of the largely open rural landscape which provides both the

agricultural setting for the building and a clear separation between the town of Braintree and the village of Rayne, both of which are factors which contribute towards the character and significance of the Conservation Area.

The harm to the significance of the setting of the listed building at Naylinghurst is considered to be less than substantial, albeit it is at the higher end of that spectrum. The harm to the significance of the Rayne Conservation Area and Grade I listed Church of All Saints at Rayne is considered to be less than substantial, and at the lower end of the spectrum of less than substantial harm.

Having regard to the guidance in paragraphs 131 - 134 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance of designated heritage assets and would conflict with the statutory duties, national guidance and Local Plan policies outlined above.

- 3 One of the core principles set out in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The majority of the site has been identified by the Council in the Braintree District Settlement Fringes: Landscape Capacity Analysis as having a low capacity to accommodate residential development. The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, not least due to the scale and nature of the development.

The Council's assessment of the site recognises amongst other things the scenic quality of the site, its representativeness, its recreation value, given the PRoW network and the presence of the very well-used Flitch Way running through the heart of the site. Overall, it is considered that the site has a high landscape value and, having considered the characteristics of the site itself and its role and value within the wider area, it is considered that the site is and forms part of a valued landscape under Paragraph 109 of the Framework.

The proposed development would change the site from agricultural farmland to a major urban extension. The development would be located within a valley-side agricultural landscape, an important section of undeveloped countryside which performs a role in providing a rural edge to Braintree, a rural setting to Rayne and distinct separation and green buffer between the two settlements, maintaining their separate identity and preventing coalescence.

The southern end of Pods Brook Road currently provides an attractive and gentle introduction to the edge of the town with established hedge

and banks providing a clear and established defensible development boundary. The dualling of the southern end of Pods Brook Road and the construction of the access roundabout to serve Parcel B would necessitate significant engineering operations which would remove the hedge and banks and have a significant urbanising effect to this area, immediately adjacent to one of the town's principal gateways.

The application site accommodates an extensive and well connected public footpath network, as well as being dissected by the Flitch Way long distance path and cycle way. This provides an accessible and well used resource enabling residents and visitors to appreciate the character of the landscape and contributing to health and well-being.

The proposal would result in a dense form of development, significantly harming the distinctive rural character and landscape setting and there would be significant residual landscape and visual effects from a number of publically-accessible viewpoints, even after allowing for the proposed landscaping maturing.

It is therefore considered that the proposal fails to take account of the function the site serves in landscape terms and would be harmful to a valued landscape, the intrinsic character and beauty of the countryside and the specific landscape character of the area, failing to perform the environmental role of sustainability, contrary to the principles and guidance set out in the NPPF, to para. 109 of the NPPF, policies RLP80, RLP90, RLP95 and RLP100 of the Local Plan Review (2005) policies CS5, CS8 and CS9 of the Core Strategy (2011) and guidelines set out within the Braintree District Landscape Character Assessment (2006).

- 4 In this case it is considered that the applicant has been unable to demonstrate that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility, specifically in respect of the modelling of capacity at the Aetheric Road/Pierrefitte Way junction and the assumption that the Panfield Lane spine road will be constructed and available for use.

The applicant has proposed a package of highway works to mitigate the impact at a number of key junctions around the town but it has not been proven that these works would provide sufficient capacity improvements to prevent the development having a severe impact of the highway network. As a result the Highway Authority is unable to determine whether the proposed development will have a severe impact on the operation of the local highway network.

Until such time as it can be demonstrated that the impact of the development on the local road network can be suitably mitigated it is not possible to confirm that the development would not also have an unacceptable impact on the Strategic Road Network in terms of capacity and highway safety.

The applicant is also required in accordance with both local and national planning policy to demonstrate that the development will encourage sustainable transport modes to reduce the need for major transport infrastructure and to reduce reliance on the private car. Whilst the applicant has also proposed a number of measures to promote sustainable transport modes the application contains insufficient information about the nature, timing and delivery of these measures to demonstrate that the applicant will implement a suitable package of demand management measures.

For all the reasons specified above the proposal would be contrary to paragraph 32 of the National Planning Policy Framework (2012), and Policies RLP3, 9, 10 and 90 of the Braintree District Local Plan Review (2005) and Policies DM9, DM10, DM15 and DM17 of the Essex County Council Development Management Policies (2011).

- 5 The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. Policies RLP80, RLP81 and RLP84 of the Braintree District Local Plan Review states that proposals for new developments will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Furthermore, all new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. In addition, where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

In addition Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

In this case, whilst the application contained an ecological assessment of the site the applicant has provided insufficient information to accurately establish the baseline ecological conditions and without this information it is not possible to assess what ecological mitigation is required to adequately mitigate the impact of the proposed development, or for the Local Planning Authority to satisfy itself the development will not give rise to unacceptable impacts on habitats or the sites ecology value.

Moreover given the passage of time since the ecological assessment was undertaken, and the potential for modifications required to the Flitch Way as a consequence of its likely increased use (the provision of a new hard surface treatment, lighting, etc.) the Local Planning Authority has

concluded that the proposals do not satisfactorily demonstrate that the extent of impact on the ecology of the area can be adequately mitigated contrary to the policies and legislation listed above.

- 6 The Council consider that the application of restrictive policies involving heritage and valued landscapes indicate that development should be refused here, in accordance with footnote 9 to Paragraph 14 of the National Planning Policy Framework (NPPF), as set out in the reasons for referral above.

Further or alternatively, even if the tilted balance were to apply under paragraph 14 of the NPPF, whilst the Council acknowledges that it cannot currently demonstrate a 5 year supply of housing land, the Council considers that the adverse impacts of granting permission here would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this particular case, the Council recognises the benefits of allowing development but concludes that the adverse impacts of the development, as set out below, significantly and demonstrably outweigh the benefits:

- the excessive scale and character of the development taking into the character and appearance of the surrounding development;
- the scale and character of the development fails to (i) take account of the roles and character of the area by compromising the significance of the separation between Braintree and Rayne and (ii) recognise the intrinsic character and beauty of the countryside.
- the failure to demonstrate that all residents of the proposed development would be provided with a high standard of amenity in respect of external noise levels
- the location, scale and character of the development would have a less than substantial impact on designated heritage assets - specifically the Grade II listed farmhouse Naylinghurst and the Rayne Conservation Area and Grade I listed Church of All Saints at Rayne -and that the public benefits do not outweigh the harm.
- it has not been demonstrated that the site can accommodate up to 1600 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the sensitivity and location of the site, whilst also ensuring a good standard of amenity and a high quality living environment for all residents of the development by compliance with the Council's adopted designs standard
- that the development would have a detrimental impact on the character of appearance of the Flitch Way and this would significantly reduce its attractiveness and reduce the ease with which local residents can access the countryside and the loss of a valued recreational facility.

- that it has not been demonstrated that the direct effects of the development, or the consequential changes arising from the development, would not have an unacceptable impact on the natural environment by adequately mitigating the impact on protected species and biodiversity.
- would change the character of Pods Brook Road by having a significant urbanising effect on what is currently an attractive and gentle introduction to the edge of the town.
- that it has not been demonstrated that the additional traffic generated by the development would not result in a severe impact on the town's highway network, even allowing for the package of highway mitigation works proposed .
- in addition to the highway mitigation works proposed by the applicant it has not been demonstrated that the additional traffic would not have a severe impact on the highway network without new highway infrastructure that is planned, but for which the timing of delivery is uncertain. The delivery of the Millennium Slips and Panfield Lane Spine Road could be several years away and if this proposed development is dependent on completion of these projects then this will severely restrict the number of dwellings that could be delivered on this site within the next 5-years. This delay and uncertainty in delivery reduces the weight that the Council can attribute to housing delivery in the planning balance.
- failure to make suitable provision to create and sustain an appropriate mix of uses that are appropriate to an urban extension of this size in this location, including the lack of any provision for Gypsies and Travellers and Travelling Showpersons and inadequate provision of land for employment uses.

- 7 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 the type and scale of development proposed. 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.

Policy S8 of the Essex Minerals Local Plan ('Safeguarding mineral resources and mineral reserves') seeks to safeguard significant mineral resources from surface development that would sterilise a significant economic resource or prejudice the effective working of an important mineral reserve. This policy is consistent with the provisions of the NPPF paragraph 142 - 149.

These requirements would need to be secured through a S106 Agreement. Whilst the applicant has indicated a willingness to make a planning obligation to ensure that community and infrastructure facilities are provided at the time of issuing this decision a S106 Agreement had not been prepared or completed. In the absence of an obligation the proposal would conflict with the development plan as regards:-

- the provision of affordable housing
- the provision of 2.2ha of suitable, serviced land to Local Education Authority for the provision of a new primary school / early years centre and a financial contribution for the construction of the school
- a financial contribution towards the provision of secondary school and Further Education provision
- a financial contribution towards the provision of primary health care
- the provision, delivery and maintenance of Public Open Space, including equipped play areas, outdoor sports, allotments and youth facilities and other areas of public open space
- a financial contribution towards the provision of community and sports facilities
- the provision of sites for Gypsies and Travellers and Travelling Showpersons
- the provision and delivery of the Local Centre
- the provision and delivery of Employment facilities
- the provision of the site access on Pods Brook Road and Rayne Road; Highway mitigation schemes at the following locations: A120/A131 Panners (north) junction and A120 slip road; Rayne Road/Springwood Drive Roundabout; Pods Brook Road dualling; Rayne Road/Pierrefitte Way/Aetheric Road signalised junction.
- a scheme of road safety enhancement in the form of a package of signs and road markings, at Galleys Corner.
- a package of measures which will achieve an acceptable modal split for trips to / from the development as outlined in the consultation responses from Essex County Council Highways (dated 23rd November 2017) and Highways England.
- secure the submission of a planning application for mineral extraction to be submitted to Essex County Council and determined prior to the submission of the first Reserved Matters application for the application site.

As such the proposal is contrary to the above policies and adopted SPD.

SUBMITTED PLANS

Location Plan	Plan Ref: 1001
Location Plan	Plan Ref: 1002
Topographical Survey	Plan Ref: 1601
Site Masterplan	Plan Ref: 3202
Parameter Drawing	Plan Ref: 3501

Parameter Drawing	Plan Ref: 3502
Parameter Drawing	Plan Ref: 3503
Parameter Drawing	Plan Ref: 3504
Parameter Drawing	Plan Ref: 3505
Parameter Drawing	Plan Ref: 3506
Parameter Drawing	Plan Ref: 3507
Parameter Drawing	Plan Ref: 3508
Development Framework Plan	Plan Ref: 4001
Access Details	Plan Ref: DR1
Access Details	Plan Ref: DR2
Access Details	Plan Ref: DR3

TESSA LAMBERT
DEVELOPMENT MANAGER

AERIAL PLAN

PARCEL A

PARCEL B

PARCEL C

Legend



Application Site



Town / Village Development Boundaries

HIGHWAYS PLAN

Legend

- Application Site
- Fitch Way

Map Labels:

- Application Site:** A red cross-hatched area located between Fitch Way and the A120/A131 Pannors North Roundabout.
- Major Roads:** A120, A131, B1256, B1018, B1016, B1017, B1019, B1020, B1021, B1022, B1023, B1024, B1025, B1026, B1027, B1028, B1029, B1030, B1031, B1032, B1033, B1034, B1035, B1036, B1037, B1038, B1039, B1040, B1041, B1042, B1043, B1044, B1045, B1046, B1047, B1048, B1049, B1050, B1051, B1052, B1053, B1054, B1055, B1056, B1057, B1058, B1059, B1060, B1061, B1062, B1063, B1064, B1065, B1066, B1067, B1068, B1069, B1070, B1071, B1072, B1073, B1074, B1075, B1076, B1077, B1078, B1079, B1080, B1081, B1082, B1083, B1084, B1085, B1086, B1087, B1088, B1089, B1090, B1091, B1092, B1093, B1094, B1095, B1096, B1097, B1098, B1099, B1100, B1101, B1102, B1103, B1104, B1105, B1106, B1107, B1108, B1109, B1110, B1111, B1112, B1113, B1114, B1115, B1116, B1117, B1118, B1119, B1120, B1121, B1122, B1123, B1124, B1125, B1126, B1127, B1128, B1129, B1130, B1131, B1132, B1133, B1134, B1135, B1136, B1137, B1138, B1139, B1140, B1141, B1142, B1143, B1144, B1145, B1146, B1147, B1148, B1149, B1150, B1151, B1152, B1153, B1154, B1155, B1156, B1157, B1158, B1159, B1160, B1161, B1162, B1163, B1164, B1165, B1166, B1167, B1168, B1169, B1170, B1171, B1172, B1173, B1174, B1175, B1176, B1177, B1178, B1179, B1180, B1181, B1182, B1183, B1184, B1185, B1186, B1187, B1188, B1189, B1190, B1191, B1192, B1193, B1194, B1195, B1196, B1197, B1198, B1199, B1200, B1201, B1202, B1203, B1204, B1205, B1206, B1207, B1208, B1209, B1210, B1211, B1212, B1213, B1214, B1215, B1216, B1217, B1218, B1219, B1220, B1221, B1222, B1223, B1224, B1225, B1226, B1227, B1228, B1229, B1230, B1231, B1232, B1233, B1234, B1235, B1236, B1237, B1238, B1239, B1240, B1241, B1242, B1243, B1244, B1245, B1246, B1247, B1248, B1249, B1250, B1251, B1252, B1253, B1254, B1255, B1256, B1257, B1258, B1259, B1260, B1261, B1262, B1263, B1264, B1265, B1266, B1267, B1268, B1269, B1270, B1271, B1272, B1273, B1274, B1275, B1276, B1277, B1278, B1279, B1280, B1281, B1282, B1283, B1284, B1285, B1286, B1287, B1288, B1289, B1290, B1291, B1292, B1293, B1294, B1295, B1296, B1297, B1298, B1299, B1300, B1301, B1302, B1303, B1304, B1305, B1306, B1307, B1308, B1309, B1310, B1311, B1312, B1313, B1314, B1315, B1316, B1317, B1318, B1319, B1320, B1321, B1322, B1323, B1324, B1325, B1326, B1327, B1328, B1329, B1330, B1331, B1332, B1333, B1334, B1335, B1336, B1337, B1338, B1339, B1340, B1341, B1342, B1343, B1344, B1345, B1346, B1347, B1348, B1349, B1350, B1351, B1352, B1353, B1354, B1355, B1356, B1357, B1358, B1359, B1360, B1361, B1362, B1363, B1364, B1365, B1366, B1367, B1368, B1369, B1370, B1371, B1372, B1373, B1374, B1375, B1376, B1377, B1378, B1379, B1380, B1381, B1382, B1383, B1384, B1385, B1386, B1387, B1388, B1389, B1390, B1391, B1392, B1393, B1394, B1395, B1396, B1397, B1398, B1399, B1400, B1401, B1402, B1403, B1404, B1405, B1406, B1407, B1408, B1409, B1410, B1411, B1412, B1413, B1414, B1415, B1416, B1417, B1418, B1419, B1420, B1421, B1422, B1423, B1424, B1425, B1426, B1427, B1428, B1429, B1430, B1431, B1432, B1433, B1434, B1435, B1436, B1437, B1438, B1439, B1440, B1441, B1442, B1443, B1444, B1445, B1446, B1447, B1448, B1449, B1450, B1451, B1452, B1453, B1454, B1455, B1456, B1457, B1458, B1459, B1460, B1461, B1462, B1463, B1464, B1465, B1466, B1467, B1468, B1469, B1470, B1471, B1472, B1473, B1474, B1475, B1476, B1477, B1478, B1479, B1480, B1481, B1482, B1483, B1484, B1485, B1486, B1487, B1488, B1489, B1490, B1491, B1492, B1493, B1494, B1495, B1496, B1497, B1498, B1499, B1500, B1501, B1502, B1503, B1504, B1505, B1506, B1507, B1508, B1509, B1510, B1511, B1512, B1513, B1514, B1515, B1516, B1517, B1518, B1519, B1520, B1521, B1522, B1523, B1524, B1525, B1526, B1527, B1528, B1529, B1530, B1531, B1532, B1533, B1534, B1535, B1536, B1537, B1538, B1539, B1540, B1541, B1542, B1543, B1544, B1545, B1546, B1547, B1548, B1549, B1550, B1551, B1552, B1553, B1554, B1555, B1556, B1557, B1558, B1559, B1560, B1561, B1562, B1563, B1564, B1565, B1566, B1567, B1568, B1569, B1570, B1571, B1572, B1573, B1574, B1575, B1576, B1577, B1578, B1579, B1580, B1581, B1582, B1583, B1584, B1585, B1586, B1587, B1588, B1589, B1590, B1591, B1592, B1593, B1594, B1595, B1596, B1597, B1598, B1599, B1600, B1601, B1602, B1603, B1604, B1605, B1606, B1607, B1608, B1609, B1610, B1611, B1612, B1613, B1614, B1615, B1616, B1617, B1618, B1619, B1620, B1621, B1622, B1623, B1624, B1625, B1626, B1627, B1628, B1629, B1630, B1631, B1632, B1633, B1634, B1635, B1636, B1637, B1638, B1639, B1640, B1641, B1642, B1643, B1644, B1645, B1646, B1647, B1648, B1649, B1650, B1651, B165

 Application Site
 Flitch Way

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HERITAGE PLAN



Rayne Hall

Church of All Saints

Church of St Michael

Naylinghurst

Legend

-  Application Site
-  Conservation Areas

Addendum Report – Assessment of the Environment Statement accompanying Application 15/01538/OUT

This addendum is produced to accompany the main Committee Report on the Brook Green application. It assesses the ES with a particular focus on each of the respective topic areas included within the ES.

The Council has requested additional information under Regulation 22 of the EIA Regulations. Details of these requested are contained on the Council's website.

The Council have obtained specialist advice from external consultants who have undertaken a desk based assessment of the ES against criteria established by the Institute of Environmental Management and Assessment (IEMA), with a view to determining whether or not the ES was compliant with EIA Regulations.

The Council's ES consultants were not commissioned to under a qualitative assessment of the ES and the significance of impacts identified. This is a matter of judgement that Officers have exercised and the report highlights those areas where there is disagreement over the assessment of impacts.

The consultant's initial assessment of the ES concluded that the ES was deficient in a number of areas and could not be considered compliant with EIA Regulations. In July 2016 the Council identified a number of points requiring clarification alongside requests for information that could become formal requests for additional information under Regulation 22 of the EIA Regulations.

The applicant submitted further information and in March 2017 this additional information was reviewed. The Council's consultants concluded that although a number of clarifications and potential Regulation 22 requests had been addressed, there were still a number of outstanding issues that had not been satisfactorily addressed by the revised ES. Issues were identified in the following topic areas:

- Socio-economics
- Landscape and visual impact assessment (LVIA)
- Ecology and nature conservation
- Transport and accessibility
- Archaeology and Cultural Heritage

In August 2017 the applicant provided additional information to address the remaining clarifications and Regulation 22 requests and a table setting out how they considered that they had addressed each of the Council's requests. This information has also been reviewed and the Final Report produced by the Council's consultants on the adequacy of the ES can be viewed on the Council's website. A number of Regulation 22 requests remain for the following topics, socio-economics, LVIA, Ecology and Nature Conservation, and Archaeology and Cultural Heritage.

This addendum provides a summary for each topic / chapter within the report, summarising the significant impacts resulting from the proposal and, where applicable, and the mitigation. Where there are outstanding Regulation 22 requests these are also noted.

The Council are required to assess the adequacy of the ES with regards to the requirements of the EIA regulations. This includes assessing the methodology that has been employed to assess the impacts, ensuring that relevant guidelines or best practice have been applied, or where this is not the case that the methodology that has been applied is justified. The purpose of the ES is to identify significant environmental impacts that could arise from the proposed development and for opportunities to mitigate these potential impacts to be incorporated into the proposals. Where there are residual impacts these will need to be considered by the Council as part of the consideration of the application.

It should be noted that the fact that an ES identifies some residual harm would not be a reason in itself for refusal of the planning application. Equally if the ES asserts that there are limited environmental impacts this does not mean that the planning application should be approved. The purpose of the EIA process is to inform decision-makers and the public of the environmental consequences of implementing a proposed project.

Non-Technical Summary

Introduction

The EIA Regulations sets out information that needs to be included in environmental statements and this includes the need for a non-technical summary of the information provided.

The National Planning Practice Guidance (PPG) provides guidance in relation to Environmental Statements and states *“The Environmental Statement may, of necessity, contain complex scientific data and analysis in a form which is not readily understandable by the lay person. The main findings must be set out in accessible plain English in a non-technical summary to ensure that the findings can more readily be disseminated to the general public and that the conclusions can be easily understood by non-experts as well as decision makers”*.

Non-Technical Summary: Conclusion

The NTS has been provided as a stand-alone document. The presentation of the document is considered to be clear and the language used is non-technical. Presentation of the NTS is acceptable, subject to any points in the reviews of individual topic chapters.

EIA Context and Influence (Chapters 1, 2, 3, 4, 5 & 6)

Chapter 1 establishes the context for the ES; identifies the topics being assessed, and sets out the format of the ES. The ES is divided into three volumes - Volume 1 provides a 'Technical Assessment' while Volume 2 provides the 'Technical Figures', and Volume 3 provides the 'Technical Appendices'.

Chapter 2 sets out the general assessment methodology applied throughout the ES in determining the size and significance of impact of the proposed development and the application of mitigating and monitoring measures as appropriate.

Chapter 3 of the ES provides a description of the site and Chapter 4 discusses the key environmental issues.

Chapter 5 of the ES sets out the description of the proposed development, including parameter plans (which comprise: land use, phasing, building heights, density, vehicular movement, leisure access, landscape and drainage); elements of the proposed development (including residential, local centre, commercial development, primary school site, public open space and infrastructure) and phasing of the proposed development and the anticipated timescale of construction.

Chapter 6 also provides a description of the design alternatives including a description of the design constraints and considerations and the design process including alterations to layout.

Regulation 22 Matters – Further Information & Clarifications

The Council's consultants considered that the assessment needed to include an indicative phasing plan to allow consideration of the potential for significant effects during construction to affect receptors that occupy the phases already built.

Following a further review of the information supplied by the applicant the assessment for most topics is considered reasonable, however concerns remain around the ecology mitigation. The assessment relies upon mitigation in the form of movement corridors but these are not included in the ecology chapter. Whilst this is not a Reg.22 request clarification is sought as to how this can be relied upon to mitigate effects.

EIA Context and Influence: Conclusion

Overall the ES is well laid out and presented and fulfils the statutory requirements contained within the EIA Regulations. It is considered that this section of the report is acceptable subject to any points noted in the reviews of individual topic chapters.

Chapter 8 Socio Economic Effects

Introduction

The chapter assesses the likely socio-economic effects of the proposed development and sets out the socio-economic policy context; the methods and assumptions used to assess the potential effects; the relevant baseline conditions and context around the site; and presents a qualitative and (where possible) a quantitative assessment of the potential effects of the proposed development both during construction and operational phases, appropriate mitigation measures and the residual effects that could remain after mitigation.

Methodology

Baseline socio-economic conditions have been established through the interrogation and analysis of a wide range of recognised data sets and reports, including Census data; Annual Population Survey, Claimant Count, Mid Year Population Estimates (Office of National Statistics – ONS); Housing Market Statistics & Indices of Multiple Deprivation (DCLG); Experian Local Market Forecast Quarterly; Sport Facilities Calculator (Sport England) and ASB Incidents, Crime and Outcomes (Home Office). In addition the ES states that the applicant undertook consultation with a number of statutory bodies including the County Council Education Department, the County Council Health and Social Care Department, DCLG, NHS Property Services Limited, NHS England and the Mid Essex Clinical Commissioning Group (CCG).

Unlike other chapter subjects there is no widely accepted methodology for assessing the likely socio-economic effects of development proposals. Instead the applicant has identified numerous methodological guides that have been published and which cover key elements of assessment.

Baseline

The 'Baseline Conditions' section covers an extensive range of topics including population, household structure and the housing market, the labour market, health, education-including early year provision, leisure and community facilities, open space and crime and disorder.

Regulation 22 Matters – Further Information & Clarifications

There were a number of Regulation 22 requests and further requests for clarification. Whilst the majority of these requests have been answered the Council's ES consultants still consider that the ES is deficient as it did not provide a cumulative assessment of the impact of the development upon open space and the coalescence of settlements.

Evaluation

The Council's ES consultants have questioned whether some aspects of the information presented on issues like productivity; social services, emergency services and Council Tax are relevant to an EIA assessment. Furthermore, the assessment of these topics was limited and some of the conclusions considered improbable

It is also noted that in some areas the ES makes statements about the provision of services which are not borne out by consultation responses from statutory consultees. Para .8.150 states *'As Table 8.20 shows, there is sufficient funded capacity for additional nursery and early year's children in the local area'*. In 2015 the ES also referred to surplus places at primary and secondary schools within a 3-mile radius of the site. The applicant's analysis of data for primary and secondary schools *'allows an indicative estimate of surplus capacity in local primary and secondary schools to be established'*.

However the Education Authority in their consultation response to the planning application states there is insufficient capacity at existing Early Years and Childcare providers. There is also insufficient capacity at existing Primary Schools and whilst there is surplus capacity within Secondary schools much of this is being utilised by other developments that the Council has already consented in the town. It is also noted that some other circumstances have changed since the ES was produced. For example the nearest supermarket - Morrison's – that is referred to has closed.

The applicant estimates that on average for each of the 10-year construction programme the development would create 151 full-time equivalent (FTE) jobs directly and 215 net additional FTE temporary positions could be created per annum across the wider impact area. The ES asserts that this will result in a short-term effect of major beneficial significance on the population arising from the construction phase of the proposed development within the local and wider impact areas. This has the potential indirect, permanent, long term effect of major beneficial significance

at the local level and minor beneficial significance at the wider level in terms of unemployment.

The total net additional employment generated by the operational phase of the proposed development is projected by the applicant to equate to 260 FTE positions, inclusive of the 156 positions generated within the local impact area. Of the total, 173 net FTE positions would be direct, with a further 87 generated via indirect and induced effects, including contracts with the supply chain, salaries and onward expenditure within the local impact area.

The proposed development has the potential to generate over £20.9 million in convenience and comparison retail expenditure per annum, potentially providing trade for local businesses and helping to sustain employment in the local retail industry. A further £12m could also be spent per year on leisure goods and services. The impact of changes in household expenditure is likely to be an indirect, permanent, long-term effect of minor beneficial significance on local businesses.

The applicant assesses the impact on health services and education as minor adverse significance.

Although the applicant accepts it is difficult to assess they conclude the development would be of minor beneficial significance on the quality of life of residents in the local area.

The estimated scale of change attributable to the proposed development represents only a comparatively small proportion of the planned growth in the District so it is considered that there would be likely to be a direct, permanent, long-term effect of minor beneficial significance on the local impact area.

The ES includes consideration of the Loss of Community Identity but this focuses on the sense of community that new residents feel after moving into new developments but this does not consider how adjoining communities assess their sense of community following the completion of new housing developments. In terms of coalescence the impact of the proposed development is assessed as adverse but the magnitude of the impact is assessed by the applicant as minor in light of the fact that western extent of the scheme will be open space rather than built form. The significance of this particular impact is discussed in the main Committee report.

Impacts

The applicant identifies beneficial socio-economic effects for the District if the development were to proceed – principal major benefits include local and wider employment (and resulting decreases in unemployment) during the construction phase, and potentially during the operational phases. The proposed development will also generate additional revenue through New Homes Bonus and Tax receipts, and increase the town's population which will help support new and existing local businesses and services.

'Minor adverse' impacts arising from the increase in population are identified to have an indirect and long-term effect on local secondary education and health facilities, which will require mitigation.

Mitigation Measures

The 'Scope of Mitigation' part of the chapter sets out the mitigation that the applicant proposes during the construction and operational phase of the development.

The applicant states that there are no significant adverse socio-economic effects identified, and hence no mitigation is required during the construction phase and a minor effect in terms of the Operational phase of the development.

The impact on local education and health facilities needs mitigation. This could take the form of physical provision as part of the proposed development or financial contributions towards new or extended facilities off-site contained in a Section 106 Agreement.

The Applicant's assessment of 'Coalescence of Settlements' has identified a 'minor adverse effect'. Table 8.41 summarises the residual effects –i.e. post mitigation effects, where the effects are assessed as negligible. As with other issues – most notably Heritage and Landscape - Officers have had to make their own assessment of the potential for coalescence between the settlements of Rayne, Great Notley and Braintree and this is discussed within the consideration of planning issues below.

Socio Economic: Conclusion

Table 8.41 summarises the applicants assessment of the impact that the development will have across 25 different socio-economic issues / considerations. The table sets out that the applicant considers that in nine areas there would be a negligible impact and in the remaining 16 the impact would be beneficial (with significance ranging from negligible through to major). Not all of the conclusions reached in this assessment are accepted by Officers.

Chapter 9 - Landscape and Visual Impact

Introduction

This chapter assesses the impact of the development in terms landscape and visual impact. A Landscape and Visual Impact Assessment (LVIA) was undertaken in June 2015 and is included within the appendices.

Methodology

The assessment considers the direct effects on the physical landscape within and adjacent to the site; the effect on any national, regional or local designation; the visual impact of the development; the effect it has on landscape character and its impact on visual amenity – it considers the nature and extent of the landscape changes likely to occur and options for mitigating adverse effects if necessary.

The applicant states that the LVIA, and ES, has been undertaken in accordance with the methods outlined with relevant best practice guidance.

The LVIA seeks to identify and classify the existing landscape likely to be affected by the construction and operation of the proposed development; to identify the 'visual receptors' with views of the proposed development; and to assess the significance of effects on the prevailing landscape character and visual amenity, taking into account the measures proposed to mitigate any impacts identified.

The assessment includes baseline studies that describe, classify and evaluate the existing landscape and visual resources, focusing on their sensitivity and ability to accommodate change. The initial study area was set to a radius of approximately 5km from the centre of the Assessment Site. Following an initial desk based assessment of aerial photography; Ordnance Survey mapping a Zone of Theoretical Visibility (ZTV) was prepared. This computer-generated ZTV is modelled using topographic information to indicate the potential extent of the zone within which development may have an influence or effect on landscape character and visual amenity. The modelling is then used to inform selection of a number of representative viewpoints for use in the LVIA.

Baseline

Areas of landscape character were identified for the purpose of assessment, based on fieldwork and desktop study. The zone of visual influence (ZVI) for the application site is identified within the ES.

Evaluation

The assessment of landscape impacts has shown there to be an overall weighted medium sensitivity to change. The magnitude of landscape impacts was found to be of a medium magnitude. The significance of landscape effects is assessed to be moderate and therefore not significant.

The LVIA undertaken by the applicant assessed 25 viewpoints to assess views that local residents and users of adjacent roads and public rights of way have. A further six viewpoints were subsequently added to the assessment.

The visual impact assessment identified 15 viewpoints with significant visual effects where topography and vegetation do not create a visual barrier to views into the Assessment Site. Following the provision of appropriate mitigation measures, vegetation growth and weathering, the applicant assesses that the identified visual impacts would remain from five nine viewpoints.

Regulation 22 Matters – Further Information & Clarifications

The Council's consultants identified a number of areas where more information was required and this led to Regulation 22 requests, as well a number of further points where clarification was sought.

The applicant revised the LVIA and the ES Chapter twice as a result of these requests and discussions. These revisions have been assessed to have dealt with a number of those requests, however there remain Regulation 22 Requests (and points where clarification was sought) which have not been addressed satisfactorily. These are listed below.

Regulation 22 Requests

- Provide a clearly reasoned assessment of the magnitude of potential effects on landscape and visual receptors in terms the size, scale of change, geographic extent, duration and reversibility in accordance with GLVIA3 (page 90).

The applicant has stated this issue was addressed within the revised Appendix 9.1B. The Council's ES consultants consider that this amended appendix does not provide the required 'clearly reasoned assessment of magnitude'. This is considered to remain a Regulation 22 request.

- Provide viewpoint visualisations for viewpoints where there is likely to be clear visibility of the development which includes block modelling based on the parameter plans contained within Figure 5.1 of the ES.

The applicant states that at this outline stage photomontages would not be able to convey the full potential effects of the proposed development. However this request is asking for visualisations based on the parameter plans, not photomontages. It is acknowledged that this wouldn't show the proposed development in its true form. It would include block modelling to illustrate the worst case view of the development. This Regulation 22 request remains.

- Potential cumulative visual effects may need to be illustrated through use of visualisations and whether this is necessary should be considered and reasoned by the applicant.

The applicant states that at this outline stage photomontages would not be able to convey the full potential effects of the proposed development. However this request is asking for visualisations showing block modelling based on the parameter plans, not photomontages. The applicant must consider the need for cumulative visualisations and provide reasoning if they are not considered necessary. This Regulation 22 request remains.

Clarifications –

- Additional information about the predicted landscape effects should be provided covering:
 - All aspects of the proposals (including the primary school, employment use and landscape proposals), not just residential buildings. This should include a consideration of how the proposals 'fit' with the local landscape character and surrounding settlement patterns and characteristics.
 - How losses of particular elements, features, aesthetic qualities within the site and the addition of new features will combine and effect the overall character of the site and its surroundings; and
 - How effects will vary across different parts of the site and its immediate surroundings, reflecting the different types of development, heights and densities proposed within the development parameters.

The applicant has provided a revised ES chapter and confirmed that all aspects of the proposal were assessed. The applicant has confirmed that reference to the residential development in the previous version of the chapter was a 'typo'. It is not clear whether the additional bullet points in this request have been thoroughly addressed in the revised chapter, however the Council's ES consultants advise that this can be downgraded to a request for 'clarification'.

- Provided reasoned judgements for each landscape and visual effect identified as to whether they will be positive, negative or neutral, based on a clear set of criteria.

The applicant has provided additional text within the updated LVIA chapter and appendix which discusses beneficial, neutral and negative effects, based on GLVIA 3. In the updated Appendix 9.1B additional text has been included for the assessment of effects on viewpoints to identify whether effects will be beneficial, neutral or negative. There is no additional text to identify whether landscape effects will be beneficial, neutral or negative.

This is considered to meet the requirements of the regulation 22; however is not clear why this has not been addressed for landscape impacts, which requires this to be downgraded to a 'Clarification'.

- Clarify whether the ZTV represents the potential visibility of the proposed development as defined by the parameter plans together and provide a fuller description of the methodology used to generate the ZTV, including the topographic data used, so that the accuracy of the map can be determined.

The applicant states that the ZTV methodology has been provided but this has not been included within the revised documents that have been submitted.

- Clarify what additional planting will be included in the scheme and whether this has been assessed within the LVIA.

The applicant refers to the Landscape Masterplan which outlines areas to be planted. The applicant has been asked to confirm whether the planting was assessed within the LVIA.

Impacts

Even allowing for the mitigation measures that the applicant proposes as part of the proposals seven of the thirty one viewpoints selected by the applicant are assessed to have residual visual effects.

Mitigation Measures

The ES chapter concludes that the proposed development should stay clear of existing landscape features on site, such as the riverine landscape associated with the River Brain. It is noted that no plan has been provided which shows how far the Illustrative Masterplan adheres to this intention.

The scale of the proposed development should be limited to retain the same skyline in locations where topography dictates. Again the plans submitted do not set out the extent to which this measure is captured through the submitted plans/ strategy.

The proposed development will accommodate the proposed ecological mitigation that is informed by the Ecological Impact Assessment.

Existing vegetation is to be retained will be supplemented and reinforced as part of the overall mitigation proposals and the Open Space Strategy should enhance the existing landscape features in the landscape.

Development should be kept back from the site boundaries should allow for boundary planting and visual barrier elements and minimise impact of built form.

Materials that form the external envelope and roof of the buildings should match the surrounding existing palette.

A 2-3m high boundary hedge should be planted along the site boundaries to supplement the existing boundary hedging. This will reduce the impact of vehicular lighting and ground floor lighting. A buffer area of planting should be planted along the western and southern boundaries of the Assessment Site.

Where access to the proposed development is proposed, impacts to existing trees is considered to be limited.

A landscape masterplan will be implemented to create a green infrastructure within which the proposed development will sit.

The mitigation measures identified would need to be secured through appropriate conditions in the event that planning permission was to be granted.

Landscape and Visual Impact: Conclusion

Overall, the LVIA and ES chapter concludes that the site has no landscape constraints that would result in the site being unsuitable for development of this type and that there would be no significant adverse impacts as a result of the development that cannot be mitigated or ameliorated.

The Council does not consider that this chapter of the ES provides a robust assessment of the landscape and visual impact of the proposed development. Deficiencies have been identified within the Chapter regarding the completion and documentation of the landscape and visual impact assessment and the conclusion that the Council reaches on this matter is discussed later in the report within the main Committee report.

Chapter 10 - Ecology and Nature Conservation

Introduction

This chapter of the ES provides an assessment of the impact of the proposed development on ecology and nature conservation and is based on results from the Ecological Impact Assessment (EclA) which is appended to the ES. The ES chapter consideration includes the potential effects of the scheme on statutory and non-statutory sites, habitats and protected and notable species.

Methodology

As required by CIEEM guidelines a 'zone of influence' is identified. The 'zone of influence' is defined as the total environment that may be affected by the proposed development.

The applicants methodology for assessing the site included a desk top survey (interrogating the Government's Multi-Agency Geographic Information (MAGIC) website and consulting the Essex Wildlife Trust); a Phase One Habitat survey was undertaken (to identify the basic habitat types present and identify areas which require further survey); and protected species survey (including assessments for Great Crested Newts; and surveys for Badgers; Breeding bird surveys; Bat surveys; Reptile surveys; Hazel dormice nest tube surveys; and Otter and water vole).

Baseline

The ES sets out the baseline conditions of the application site that the applicant assessed at the time of the survey with regards the physical features present on the site. In addition to arable farmland the Assessment Site contains a wooded embankment (the Flitch Way), hedgerows, woodland, scrub, rough grassland, a drainage basin, a pond, and a watercourse. The Assessment Site supports the following habitats: Buildings and built structures; Arable; Dense scrub; Hedgerows and Trees; Grassland; Tall ruderal vegetation; Water (pond, stream and ditches); and Woodland (broad-leaved and mixed).

There are no statutorily designated sites within 5km of the Assessment Site. There are five Local Wildlife Sites (LWS) within 2km of the Assessment Site, one of which (the Flitch Way) runs through the Assessment Site.

The protected species surveys and reports should then provide further information which establishes the baseline; however as set out below the Council's ES consultants consider that there are a number of areas where the assessment has failed to provide a robust assessment of the baseline conditions.

Regulation 22 Matters – Further Information & Clarifications

Eleven Regulation 22 requests were requested following an initial assessment of the ES Chapter, with clarification sought on one further issue. The applicant has responded to this request and whilst this has appropriately addressed some of the issues a number of Regulation 22 Requests remain outstanding. These are listed below.

Regulation 22 Requests

- Provide clarification or survey result information to demonstrate adherence to best practice survey requirements for protected species and justifications for lack of survey where relevant. (Paragraph 7.5 and 7.9)

The applicant makes reference to advice contained within ODPM Government Circular 06/2005 (Planning for biodiversity and geological conservation: a guide to good practice). This circular was withdrawn in March 2014 and replaced with the National Planning Practice Guidance (NPPG).

The NPPG contains the similar advice which states that *“local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is reasonable likelihood of a protected species being present and affected by the development”*.

The applicant argues that bat surveys will be undertaken once the layout and design of the development has been formulated. This suggests that the applicant is of the view that there is a reasonable likelihood of the presence of bats. As such, and according to the advice in the NPPG and the expectations of Natural England (see comment on March 2017 submission opposite) it is still considered necessary to undertake full surveys of BRP. In addition, it is important to have sufficient baseline information in order to inform the layout and design of the development in order to avoid adverse impacts. This cannot be done if surveys are carried out once the design has been developed.

The applicant also states that *“direct and indirect impacts to trees will be negligible”*. It is not clear that this impact on bat foraging and commuting, and impacts from

lighting of the development has been considered. Given that there remain concerns that there is insufficient baseline data it is not clear that such robust conclusions can be made.

- Clarify whether detailed badger surveys, looking for field signs rather than just relying on a single camera trap survey and consultation with the local badger group, was undertaken and what the results of the survey were. (Paragraph 7.7)

The applicant has provided a map of badger setts, however no supporting survey data have been provided to identify how badgers use the site. The figure provided is considered inappropriate in scale and lacks sufficient information to be considered a proper confidential annex of badger survey records.

- Provide definitions for key terminology of the assessment and clarify how the CIEEM guidance on EcIA was applied. Additionally, clarify what assumptions about the development were made to support the impact assessment (Paragraph 7.10, 7.11, 7.12, 7.15)

The applicant provides comment on the 7 point scale in the CIEEM guidance and states that it does not have to be used for each receptor. The applicant also sets out a number of assumptions/scenarios where the 7 point scale would not be necessary. The concern remains around how such assumptions and then conclusions can be robustly made with inadequate assessment of baseline.

The applicant has failed to refer to the other points raised in this request and as such the Regulation 22 remains.

- Provide reasoned arguments to support the values assigned to each ecological receptor and how these valuations were made. (Paragraph 7.13) - The applicant has clarified what they mean by 'supporting value' and has clarified the use of local value for habitat descriptions. This needs to be reflected in the assessment within the chapter.

However, this again raises concerns about the robustness of the assessment with inadequate baseline, assumptions that are then based on that baseline, and then the assessment conclusions made.

- Also provide further information on valuation and assessment of impacts for groups of species such as bats and birds. (Paragraph 7.13, 7.14)

Whilst information has been provided which addresses this issue in respect of birds the information provided in respect of bats remains not acceptable. The applicant provides further information on the UK's populations of whiskered bats. However as before, bat surveys have not been detailed enough to provide an adequate baseline and a generic value has been applied to for bats as whole rather than tailoring the values depending on the status of the species.

It is considered that the assessment hasn't applied the precautionary principle, gearing the assessment towards the rarest species rather than the most common.

Concerns over the different stages of the assessment leads to concerns about the robustness of the overall assessment.

- Provide a clear assessment of all identified possible cumulative impacts against each ecological receptor. (Paragraph 7.16, 7.17)

The applicant refers to the cumulative assessment provided in Chapter 19 of the ES. This was reviewed by LUC and comments made in the FRR. This Regulation 22 request stemmed from these comments. Chapter 19 has not been updated to provide a more clear assessment for each ecological receptor so the issue remains.

- Provide confirmation that mitigation proposed is confirmed as a commitment by the developer rather than a recommendation for planning conditions. (Paragraphs 7.18 to 7.21)

The applicant confirms why a buffer of 8m has been applied.

The applicant also states that other EPS have not been disregarded but evidence of further information on mitigation for other EPS such as badgers and birds has not been provided.

Again, the robustness of the overall assessment is questioned and as such the robustness of proposed mitigation, how it would be implemented and whether it would be effective enough is also questioned.

- Provide a clear delineation of mitigation, using the mitigation hierarchy, teasing out those approaches which constitute enhancement. (7.19)

The information gaps referred to in the previous comments on this point remain.

The applicant refers to this being an outline application which limits the level of detail of mitigation that can be established. There remains concern about the robustness of the mitigation proposed and its effectiveness, if it is based on inadequate baseline data.

Clarification

- Confirm the assessment assumptions which should be informed by the parameter plans

The applicant's response states that *"findings of the report are based on observations made and data available at the time of the survey"* however it is questionable how this has been achieved in the absence of detailed baseline surveys. The assessment states that a precautionary approach has been taken but there is little evidence for this having been robustly implemented.

- Originally a Regulation 22 request was made requiring that the applicant Provide a reasoned argument to support the assumption made about the use of the site by otters and white-claw crayfish. (Paragraph 7.8)

The applicant has provided correspondence from a contact at Essex Wildlife Trust. This correspondence is adequate but it refers to a map which has not been provided to LUC. This Regulation 22 has been downgraded to a clarification as it would be useful to see the map referred to in the correspondence.

Evaluation

The ES chapter identifies potential adverse impacts on ecology during the construction period but intends to mitigate against this by employing a Constriction Environmental Management Plan, including specific measures to be employed in the

immediate area around the badger sett that is on / near the site. To protect reptiles, precautionary methods of working, in addition to a trapping and translocation programme, would be required.

Whilst the arable farmland has a low ecological value the development would result in the loss of approximately 1.4 hectares of scrub habitat which supports reptiles and nesting birds. It is proposed that this loss of this habitat will be compensated by creating new attenuation features. The River Brain corridor, another valued habitat, would be 'protected and enhanced' with buffer planting and fencing, to minimise disturbance to otters.

The chapter concludes that provided that the recommended mitigation measures are employed to prevent, reduce or offset identified adverse effects, the construction and operation of the proposed development will comply with the requirements of current national, regional and local planning policies relating to ecology and nature conservation. The ES assesses the Residual Effects of the development, allowing for the proposed mitigation measures. It concludes that the residual effects will either be negligible (to Habitats; Birds & Otters) or Moderate Beneficial (to the Badger Sett; Bats & Reptiles). The only Minor Adverse residual harm identified is in respect of Badgers foraging.

Impacts

The ES Chapter contains an alphabetical list of the Protected Species that could be affected, followed by an assessment of the potential impacts on the species where they were found to be present and how that impact can be mitigated.

Impacts: Amphibians

A pond within the Assessment Site was initially assessed as providing a suitable habitat for Great Crested Newts (GCN). A subsequent survey during the summer months revealed that the pond had dried out and this was considered to significantly diminish the likelihood that the pond would provide a suitable habitat for GCN.

Three further ponds, outside the red line of the application site but within 250m, were considered for their suitability as GCN habitats but each was assessed as being unlikely to contain GCN that would be impacted by the proposed development.

However during the 2016 reptile survey a single resting Great Crested Newt was found during the survey, to the south of the site.

The value of the Assessment Site to GCN is considered to be negligible. The value of the Assessment Site to common amphibians is considered to be of low value within the zone of influence.

Impacts: Badgers

Fieldwork and local records identified the presence of a badger sett in one of the embankments of the Flitch Way. The sett is advised to have expanded into the field adjacent to the Flitch Way (within the Assessment Site), although badger holes were damaged when the land was assessed in October 2015. Monitoring of the badger sett suggests that the badger sett is an active breeding sett. The Flitch Way is used by badgers both as a sett location, and as a corridor to access offsite foraging areas.

Badgers also use the arable field boundaries as commuting corridors, which are less disturbed than the Flitch Way.

Records from the North East Essex Badger Group state that there are three other large badger setts and one outlier sett, all of which are located within approximately 500m to the south, south west, and east of the Assessment Site. The Assessment Site forms an important part of the territory of the local badger population and is classified by the ES Chapter as being of Local value to badgers.

Impacts: Bats

The Assessment Site is classified within the ES as being of medium habitat quality overall as the site contains networks of well-established hedgerows, the River Brain, dense scrub, and woodland, all of which are good quality habitats for bats.

The brick archway bridge in the Assessment Site, located on the Flitch Way, has medium bat roosting potential. No obvious potential roosting features were found, but abundant overgrown vegetation was reported which could obscure hidden crevices suitable for bat roosting. No specific surveys were carried out on this structure.

Seven species of bats were recorded during transect and automated bat surveys, comprising the following species: Common pipistrelle; Soprano pipistrelle; Daubenton's; Brown long-eared; Whiskered; Noctule; and Serotine. Common and soprano pipistrelles accounted for over 95% of the bat calls, with very low numbers of other species. The Assessment Site is classified by the ES to be of Local value to bats.

Impacts: Birds

38 species of birds were recorded during the surveys undertaken by the applicant's ecologist. Of these, 21 were identified as confirmed breeders, 7 as possible breeders and 10 as non-breeders. There were 4 Red List Species (skylark, starling, song thrush and house sparrow) and 10 Amber List Species (kestrel, black headed gull, common tern, swift, green woodpecker, swallow, house martin, whitethroat, dunnock, bullfinch). All 4 Red List species were identified as confirmed breeders. Of the Amber List species, 4 were identified as confirmed breeders (green woodpecker, whitethroat, dunnock and bullfinch), 1 as possible breeder (kestrel), and 5 as non-breeders. There were 2 Essex Red List species (song thrush and Bullfinch) recorded within the Assessment Site and these were identified as confirmed breeders.

The Assessment Site is considered to be of Local Value for Starlings; House Sparrows; Song Thrushes; Skylarks; Common Birds. The ES classifies it as being of County level value for Bullfinches.

Impacts: Hazel Dormice

Nest tube surveys were undertaken at the site as the Phase One Habitat Survey identified suitable habitats for hazel dormice. No evidence was found during the surveys. The site is assessed to have negligible value for hazel dormice.

Impacts: Otters

The background data search returned two records for otter, the closest of which was 500m to the west of the Assessment Site. Otters are known to the present in the Rivers' Brain and Blackwater.

One otter spraint was found on the banks of the River Brain within the Assessment Site, during the walkover survey.

The River Brain corridor is likely to form a component of a larger territory for the local otter population as on smaller rivers such as the Brain, fish stocks are relatively low, meaning that otters are likely to be dependent on other food resources. As the river can only support limited otter foraging activity. The ES Chapter concludes that the Assessment Site is considered to be of Local value to otters.

Impacts: Reptiles

Reptile surveys were undertaken at the site as the Phase One Habitat Survey identified suitable habitats for reptiles and there were records of slow worm within 2km of the Assessment Site.

Evidence of Common Lizard and Slow Worms were found during the surveys but the site is assessed to have only local value for reptiles.

Impacts: Water Voles

There are records of water voles within the Assessment Site, although the most recent record is from 2001. Water voles are known to be present in the River Brain upstream of the Assessment Site, due to recent conservation work.

The River Brain and ditches within the Assessment Site are heavily shaded by trees, lacking in-stream vegetation and without steep, vegetated banks. These characteristics are considered to be sub-optimal for water voles and no evidence of water voles was found during the walkover survey. The ES concludes that the Assessment Site is considered to be of value within the zone of influence to water voles.

Impacts: White Clawed Crayfish

The applicant's background data search did not return any records for white-clawed crayfish and commentary is provided which explains why nationally the species have been in decline in Essex and other parts of the country since the 1970's.

White-clawed crayfish were formerly present in the River Blackwater but the ES considers that the possibility of their occurrence in the River Brain is unlikely. The ES acknowledges that the Brain is 'superficially suitable' for white-clawed crayfish, but the possibility of their occurrence in the Assessment Site is unlikely, because according to the Essex Biodiversity Project Biologue Winter 2008 issue reported survey work for crayfish in 2007 found no white-clawed crayfish in Pods Brook (the River Brain north of Braintree). The Assessment Site is considered to be of value within the zone of influence for white-clawed crayfish.

Mitigation Measures

The ES concludes that the proposals may directly affect Badgers; Bats Reptiles, Otters and birds and moreover a breach of the legislation afforded to some of them may occur without appropriate mitigation measures in place.

The ES also identifies a number of recommendations for the site to enhance the biodiversity and habitat value of the site.

Mitigation Measures: Habitats

The ES states that the concept masterplan that formed part of the planning application has been designed in accordance with the mitigation hierarchy - avoid, minimise, restore, offset. The ES gives the examples of roads being routed outside of valuable habitats or key species' breeding grounds, such as the badger sett located on the Flitch way and the River Brain corridor.

To avoid impacts and reduce the risk of trampling, littering and damage/disturbance to flora and fauna, resulting from increased use of the Flitch Way LWS, buffer zones are proposed either side of the Flitch Way corridor, containing landscaped wildlife corridors with native planting and post and rail fencing. Nature interpretation boards are proposed as additional mitigation to educate the public about the wildlife interest of the Flitch Way LWS. Dog litter bins will be provided. A green bridge will be constructed over the proposed bus route to maintain continuity of habitat long the Flitch Way.

The proposed development would result in the loss of approximately 1.5 hectares of scrub habitat, so additional landscape planting is proposed within the site, including new attenuation areas, permanent wildlife ponds, and open space areas with native tree planting.

During Construction Phase

A Construction Environmental Management Plan (CEMP) is proposed to reduce the risk of pollution or damage to habitats as part of the construction process. This would include an appropriate buffer zone between the retained habitats (8m buffer either side of the River Brain, 20m buffer either side of the Flitch Way, trees and hedgerows, scrub) and the proposed development.

Mitigation Measures: Badgers

During the construction phase of the proposed development a range of mitigation measures are proposed including protecting existing vegetation and planting of thorny plants within 20m of the badger sett; educating construction workers about the presence of the sett and covering excavations at night, or provided with a means of escape.

Mitigation Measures: Bats

It is proposed that any trees scheduled for felling or pruning will be visually inspected by an ecologist for evidence of bats, or potential for bat roosting.

Mitigation Measures: Birds

All work to remove scrub and arable vegetation should be avoided during the bird breeding season. If any clearance works need to be carried out during this period they will only proceed after the trees/shrubs to be removed has been checked and deemed free of active nests by a suitably qualified ecologist. The grassland in the fields should be kept short to discourage nesting skylarks. Retained areas of habitat should be fenced off and kept undisturbed to provide alternative nesting areas.

Mitigation Measures: Reptiles

A detailed Reptile Mitigation Strategy is proposed to include a programme of work for trapping and translocating reptiles from the drainage area to retained reptile habitat (during the active reptile season); the protection of retained reptile habitat areas, including the use of reptile exclusion fencing; controls over vegetation clearance and management during the construction phase to prevent harm to reptiles / to discourage reptiles from returning; controls over the storage of materials; protection of reptile habitat areas; and landscaping work to enhance and create reptile habitat.

Mitigation Measures: Otters

Storage of any chemicals and waste water on site should be well away from boundary vegetation adjacent to the River Brain, and contained in such a way that they cannot spill into the river. Sediment pollution should also be controlled according to best practice.

Ecology & Nature Conservation: Conclusion

Having reviewed the ES Chapter on Ecology the Council's ES consultants have considered that the level of information provided, and the interpretation of the information and possible impacts does not provide the robust assessment of the baseline conditions and the potential impacts that is required. It has not been clear that the assessment has been carried out in accordance with CIEEM guidance. Although the Chapter has been revised following the Council's Regulation 22 request there remain a number of deficiencies within the Chapter. Officers are not satisfied that the ecology chapter of the ES presents a sound and robust assessment of the baseline conditions and the likely impacts of the development. Without this it is not possible to assess whether the proposed mitigation would satisfactorily address these impacts.

In addition Officers also note that the timing of the survey data and fieldwork assessments is also becoming an issue. The Phase One habitat assessment was undertaken in March 2015 and the Protected Species surveys were undertaken in first half of 2015. Survey data and field assessments will only remain valid for a finite period of time – typically 2-3 years - after which updated surveys / fieldwork is required.

Chapter 11 - Transport and Accessibility

Introduction

This chapter assesses the impact of the development in terms of highways as well as wider accessibility and transportation. As well as providing an assessment of the potential impact of the traffic and transport effects of the proposed development, during both its construction and operation, on the local highway and transport infrastructure the assessment also considers the consequential impacts on the users, individuals and groups that may be affected by the impacts.

In addition to the assessment contained within the submitted Environmental Statement, the application is accompanied by a full Transport Assessment.

Methodology

The ES analyses the potential transport effects having regard to the following considerations:

- The location of the site in relation to its environs and the extent to which it is capable of being well served by rail, bus, cycle and pedestrian routes as well as the existing highway infrastructure;
- The potential for the scheme to result in changes to traffic flows on the local highway network and the effect that any such changes may have in relation to highway capacity and road safety;
- The identification of, where necessary, mitigation measures; and
- Assessing the effect of the proposed mitigation measures.

Baseline

The ES details accident data obtained from Essex County Council in close proximity to the above junctions to allow an assessment of whether the safety of the existing highway network would be sensitive to changes in traffic conditions which would have a significant detrimental impact on safety.

The assessment has been informed by traffic surveys at all of the above junctions to establish weekday AM, PM peak hour flows. Queue length surveys have also been undertaken. The assessment considers opening year traffic levels in 2015 and projected levels in 2033 which include an allowance for background traffic growth.

The Transport Assessment includes traffic data from a number of sources, including;

- Manual traffic counts during the AM and PM peak periods (undertaken Weds 22 April 2015) at the following junctions: Nayling Road/Rayne Road Priority Junction; Springwood Drive/Rayne Road Roundabout; Aetheric Road/Pierrefitte Way/Rayne Road Signal Junction (Town Centre); George Yard/Pierrefitte Way Signals (Town Centre); High Street/Pierrefitte Way/London Road Signals (Town Centre); A120/A131 North Roundabout; A120/A131 South Roundabout; and Skyline Roundabout.
- A full week speed and volume survey was also undertaken on Rayne Road and Pod's Brook Road between 22 April 2015 and 30 April 2015.
- Traffic data available from the Department for Transport (DFT) for the A120 Trunk Road adjacent to the Assessment Site.
- Queue length surveys were conducted at the following junctions: Springwood Drive Roundabout; A120 North Roundabout; A120 South Roundabout on 9th and 10th March 2016 and updated for the B1256 arm of the south roundabout 27th 28th and 29th of October 2016.

The supporting documentation to the application, includes Stage One Road Safety Audits for the new / modified junctions, including the A120 North Roundabout Part Signalisation; Pods Brook Road Access Roundabout; Rayne Road Site Access; Springwood Drive Roundabout; Pierrefitte Way / Aetheric Road / Rayne Road Signals.

The ES identifies that the site can be accessed by footway/cycleway links and illustrates distances from the centre of the site and the extent of the town that this encompasses. Pods Brook Road separates the application site from Braintree. There

are two pedestrian bridges across the road, including the bridge to Clare Road which leads on to the town centre. The Flitch Way runs east to west through the centre of the Assessment Site. There are a number of Public Rights of Way which cross the site and the Flitch Way forms part of a National Cycle Route. There is an existing bus service that runs along Rayne Road, to the north of the site and the town's railway station is approximately 2 kilometres to the east.

With respect to alternative mode surveys, discussions with the Highway Authority led to agreement that the use of alternative modes is so low as to make surveys inconsequential in the context of providing a detailed level of base line information. Bus services passing the site were observed to have significant capacity and traffic survey data across the town showed very low levels of cycle use, even during the peak periods.

Regulation 22 Matters – Further Information & Clarifications

The Council's Regulation 22 letter requested further information on multiple points, as well as clarification on a number of other points. It was only possible to assess whether this Regulation 22 Request had been dealt with when the Highway Authority completed their assessment of the proposed development. The final report on the adequacy of the ES was unable to conclude on this point as it was produced before the Highway Authority published their recommendation.

- Provide additional information on the predicted demand for all transport modes.

The applicant has provided an assessment of the links which exceed the IEMA thresholds and mitigation is identified and residual effects concluded. However the Highways Authority has reviewed and concluded that it "is unable to determine whether the proposed development will have a severe impact on the operation of the local highway network".

The explanatory text from the Highways Authority explains that this is because the baseline conditions in the modelling are not correct. A revised assessment of the junctions is required. This Regulation 22 Request remains.

Evaluation

The Chapter focuses heavily on vehicular traffic and the impacts arising from the proposed development. This includes an assessment of the impact of vehicular traffic at key junctions near the site and within the town centre.

Whilst it is reasonable to assume that some of the residents who would reside within the development would use Public Transport, or non-motorised forms of transport the Transport Assessment has not sought to discount vehicular trip rates from the development.

The Evaluation of Residual/Cumulative Impacts together with the Summary of Impacts Table at the end of Chapter 11 summarises the effects of the scheme taking into account significant mitigation measures. The evaluation and summary table conclude that there are a number of substantial benefits will be derived as a result of the proposed development.

Impacts

The ES assesses the impact of the development during both the construction period and during the operation of the development.

In terms of the construction phase, the assessment concludes that the overall impact of the forecast 17 additional movements per day are not material for the purposes of traffic or environmental impact. The ES concludes that given the hierarchy of access routes available, the construction traffic levels forecast, controls over the time construction traffic activity is permissible and the range of mitigation measures proposed, the construction of the proposed development will give rise to a minor adverse impact on the local highway network and on the physical and social environment in the vicinity of the Assessment Site.

With regard to the operational phase of the development, junction and highway capacity has been assessed in the Transport Assessment using residential, employment and education trip rates have been obtained from the TRICS database.

With reference to the projected increase in traffic flows and in accordance with the IEMA Guidance Rayne Road East; Rayne Road West; and Pod's Brook Road have been assessed in respect to the significance and impact of environmental effects as a result of the proposed development.

The results of the analysis demonstrate that there will be a requirement to provide physical mitigation at a number of junctions as they would be operating over capacity.

This assessment does also consider, where applicable, other environmental effects applicable to the proposed development such as Disruption due to Construction; Dust and Dirt; Visual Effects; Severance; Journey Ambience; Driver Delay; and Pedestrian Delay; Pedestrian Amenity; Physical Fitness; Accidents and Road Safety; Personal Safety / Security and Economic Efficiency.

Improvements to cycle parking provision at key locations in the town centre in order to offset any increased demand from the proposed development and encourage access to the town centre via bike, but no improvements to cycling and pedestrian links across the town centre are proposed as the ES concludes existing arrangements are suitable for the additional level of movements forecast from this development.

Mitigation Measures

The ES identified a number of mitigation measures.

A Residential Travel Plan is proposed to promote and monitor the range of initiatives and schemes identified as part of the non-car package and to encourage a modal shift and reduction in single occupancy car use. The ES states that a new / improved bus service will be provided, operating high quality branded buses serving the proposed development on a 20 minute frequency, Monday to Saturday and 60 minute frequency on Sundays, easily accessible via high quality bus stops located within 400 metres of any part of the proposed development providing a link to the

town centre and train station. (it is noted that there are discrepancies between the bus service enhancements proposed in the TA and the ES).

Mitigation measures are also proposed to a number of junctions as a result of the allocation of traffic generated by the proposed development Springwood Drive Roundabout; Pod's Brook North Roundabout; Pierrefitte Way/Aetheric Road Signals; and Pod's Brook Road A120 North Roundabout. (These proposals are discussed in further detail within the Planning Consideration section of the Officers Report).

The ES assesses the residual/cumulative impact of the proposed development in respect of each of the environmental effects identified for the development after mitigation. The chapter concludes there would be Substantial Beneficial impacts in terms of Severance, Option Values, Accessibility, Passenger Interchange; Moderate Beneficial impacts in respect of Journey Ambience, Driver Delay, Pedestrian Delay, Pedestrian Amenity, Personal Safety/Security; and Minor Beneficial impacts in respect of Physical Fitness, Accidents and Road Safety; Negligible / None: Disruption due to Construction, Dust and Dirt.

Transport and Accessibility: Conclusion

Transport-related aspects and conditions in and around the site are detailed in the baseline transport conditions and details are provided to explain the assessment methodology used to forecast the trip generation and changes to highway traffic volumes, flows and capacity.

The chapter has also considered the effects on public transport accessibility together with consideration of the temporary effects arising from demolition and construction activities. Mitigation measures are proposed to prevent or reduce any adverse effects arising from the proposed development, as are the likely resultant residual effects.

The Transport Impacts arising from the development and proposed mitigation are discussed in further detail within the main body of the report.

Chapter 12 - Minerals

Introduction

Due to the potential for the site to contain mineral reserves this chapter considers the potential implications for this finite resource. The application has provided a Minerals Assessment in the ES, along with an 'Assessment of Potential Mineral Resources' at Appendix 12.1.

Methodology

The assessment considers the baseline geological conditions on site, the policy situation (the site is within a minerals safeguarding area) and identifies an area of potential commercially exploitable mineral (a Potentially Workable Resource). Relevant geological information sources have been consulted including BGS data and information from Essex County Council.

The desk top study indicated that site investigation was required and the applicant undertook the drilling of window sample holes and test pits.

Baseline

The results of the investigation work were used to determine the presence of sand and gravel mineral resources and to establish the lateral and vertical extent of the

mineral. Samples of sand and gravel were collected for laboratory analysis to understand the quality of mineral present. The site investigation results are all contained within the Mineral Resource Assessment.

The applicant's assessment has identified a commercially exploitable mineral deposit within an area of approximately 4.4 hectares. The soil depth in this area is between 0.2m and 0.35m and overlies up to 2.6m of clay. The average depth of overburden (soil and clay) within the Potentially Workable Resource area is 1.7m. The sand and gravel in this area is up to 7.5m thick with an average depth of 4.9m. The Potentially Workable Resource contains sand and gravel mineral that is considered to be of sufficient quantity and quality to be commercially exploitable.

Figure 12.7 identifies the area of Potentially Workable Resource at the western end of the site. The theoretical mineral extraction design has been limited to the Assessment Site although the mineral resource is considered likely to extend to the west of the Assessment Site into third party land. The mineral resource assessment confirms that there is no equivalent sand and gravel deposits present within the majority of the Assessment Site, and that where other deposits were found these were not commercially viable.

Impacts

Undertaking any permanent built development over the Potentially Workable Resource would result in mineral sterilisation. Built development would also prevent mineral extraction within the 100m buffer between extraction and residential properties as advised in the Essex Mineral Local Plan and this could effectively extend the area of mineral sterilisation beyond the footprint of the built development.

Evaluation

The proposed development would sterilise sand and gravel in the western part of the Assessment Site, approximately 330,000 saleable tonnes of mineral. Whilst this is a sizeable tonnage of sand and gravel, it is relatively small in terms of quarrying operations and would not warrant the development of a quarry operation on the Assessment Site. The annual sand and gravel provision within Essex is 4.31 million tonnes. There is no shortfall in the provision and no need to identify additional mineral resources for extraction. The 330,000 tonnes of sand and gravel within the Potentially Workable Resource area equates to less than 7% of the sand and gravel provision for Essex for one year which the applicant classifies as a moderate sized resource. The applicant asserts that sterilisation of a moderate economic mineral resource would constitute a moderate adverse impact.

Mitigation Measures

The assessment outlines two options for mitigating the impact – amending the masterplan or recovering the mineral prior to development, with the Applicant expressing a preference for the latter.

Which option is most suitable is a matter is not an issue that should be concluded through the ES and this issue is covered within the consideration of the main Committee Report.

Minerals: Conclusion

Officers are satisfied that the Minerals chapter of the ES presents a sound assessment of the likely impacts of the development.

Chapter 13 - Archaeology and Cultural Heritage

Introduction

This chapter assesses the effects of the proposed development in respect of both below ground archaeological remains and above ground built heritage, including the wider setting issues with regard to historic buildings. The chapter describes the methods used to confirm baseline conditions and complete the assessment, identified heritage assets and archaeology and archaeological potential, and the potential direct and indirect effects of the proposed development. The chapter also considers the mitigation measures required to prevent, reduce or offset any adverse effects, together with any residual effects remaining after their implementation

Methodology

An initial desk based assessment was undertaken covering a kilometre radius centred on the Assessment Site. This included consulting the Essex Historic Environment Record (HER); Historic England's online National Heritage List for England and Historic England's Archive in Swindon. Site visits were then undertaken to assess the impact on heritage assets and Geophysical surveys have been undertaken across parts of the site.

Regulation 22 Matters – Further Information & Clarifications

Following consultation responses received from both the Essex County Council Historic Buildings Advisor and Historic England and comments from the Council's ES consultants a more detailed Heritage Statement was submitted.

This has addressed a number of the Regulation 22 requests and requests for clarification, however three issues have not been addressed adequately in the revised submission.

Regulation 22

- *The applicant was requested to include an assessment of impacts on the setting of Rayne Church as viewed from the church tower.*

The applicant states that effects on views is a landscape issue and is *"not pertinent to an assessment of the proposals on heritage significance"*. However the National Planning Policy Framework (NPPF) specifically states at paragraph 128 that *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including contribution made by their setting."* At paragraph 132 the NPPF states that *"significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting"*.

This confirms that setting is an important part of a heritage feature setting this can include views of and from the heritage feature.

The applicant states that Historic England has not requested any further work but this does not cover the requests of the Historic Buildings Advisor to BDC.

This Regulation 22 request remains.

Clarification

- *Why are Grade II listed buildings have been separated from Grade I and II* in terms of importance.*

The criteria are still unchanged in the ES chapter (Table 13.1) and the applicant does not appear to have addressed this request for clarification.

- What impacts are considered to be significant for the purposes of this EIA.

The applicant still does not appear to have added any text to the ES Chapter to clarify what effects are considered significant.

Baseline

There are no designated heritage assets within the application site. The Grade II listed Naylinghurst Farm farmhouse dates from the 17th Century and lies immediately south-west of the Site.

Further listed buildings are identified in the surrounding area – predominantly Grade II – and including a large number of listed buildings within the historic core of Rayne to the west of the Assessment Site. This area is also designated as a conservation area. The ES identifies the most prominent listed buildings in Rayne as being the parish church (All Saints) and hall (Rayne Hall) which lie north east of the main part of the village and more than 400m north-west of the Assessment Site.

Undesignated Heritage Assets have also been considered as part of the baseline. Historical maps confirm that surviving hedgerows to the north of the Flitch Way and in the east of the Assessment Site follow field boundaries in place in the early 19th century and these would rate as significant under relevant heritage criteria of the Hedgerows Regulations. The former railway line and associated structures which is now the Flitch Way dates back to 1869 and is considered to be of local heritage significance.

There are no Archaeological records from within the site. Desk top analysis has however identified factors and features which could indicate that the site has archaeological potential. This includes Rayne Road to the north of the site which marks the approximate course of a Roman road.

Evaluation

The applicant asserts that the significance of Naylinghurst is its surviving fabric and potential archaeological remains close to it, including the possible moat and that its immediate setting is well defined and the most important factors in enhancing the farmhouse's significance. Whilst the applicant does refer to the wider expanse of agricultural land as being important in reinforcing the rural nature of the asset they temper this by highlighting the presence of the Flitch Way to the north; A120 to the south; and the removal of the historic pattern of hedgerows south of the Flitch Way as factors that have all already altered the setting of the listed building.

A similar assessment is made of the setting of All Saints Church in Rayne. This Grade I listed 16th Century building is visible from western parts of the application site but it is assessed in the ES as having its key setting as its churchyard and buildings to the north west and west. So far as the buildings wider setting is considered the ES considers that the surrounding arable fields north of Rayne Road

are the important element of this and the nearby Rayne Hall's setting, reinforcing their historical position on the periphery of the settlement.

The listed buildings located within the centre of the village are considered to have more limited settings facing onto other properties and intervening streets. Reference is also made to the distance and vegetation between these assets and the development and the presence of modern development south of Rayne Road which the ES concludes means that the proposals would not harm the significance of these listed buildings, or the character and appearance of the conservation area.

With regards Archaeology the ES states that any significant remains within the Assessment Site will be restricted to sub-surface deposits and these will have been affected by later cultivation and construction of the Flitch Way. A number of cropmarks have been identified north of Rayne Road which may reflect ploughed out later prehistoric burial mounds. Geophysical survey work has been undertaken across most of the Assessment Site. In the north of the Assessment Site, possibly truncated by the Flitch Way, the geophysics suggests there could be the remains of an enclosure. Such enclosures are often prehistoric, although may be Roman or later. Assuming that the remains are plough-damaged these would be likely to rate as of Local to County significance.

Impacts

During the construction phase some of the earlier hedgerows within the Assessment Site which are of local significance will need to be punctured to allow access between parcels of land within the site. The ES states this will have a negligible impact.

The brick bridge carrying the Flitch Way – the former railway bridge - will be retained and the applicant proposes brickwork repairs, removal of intrusive vegetation and graffiti removal which the ES considers will be a minor beneficial effect of the proposed development.

The ES accepts that the setting of nearby designated heritage assets, including the listed buildings and Rayne Conservation Area, may be subject to temporary change as a result of construction activity on site and that there remains potential for a minor adverse impact on the setting of these assets during construction due to noise, vibration and dust generation.

Development will include the construction of roads, foundations and laying of services which all have the potential to damage or destroy and remaining sub-surface archaeological remains. The ES considers that any remains that do exist will rate as of between Local and Regional significance. The potential adverse impact would be between minor and substantial adverse.

The applicant's assessment of the potential for long term impact, during the operational phase is that the development would not have a significant impact on the setting of any designated heritage assets, by virtue of the distance between the assets and the development site; limited or non-existent inter-visibility and existing context. Where the assessment concludes there is an impact (the Grade I listed Church of All Saints, Grade II* Rayne Hall and Grade II listed Tudor Cottage, wall between the hall and churchyard and Swan Inn and separately listed outbuilding;

Stanford Farm's listed buildings, Turners Cottage, Clapbridge Farm and Braintree's parish church) the ES classifies this as a negligible impact.

The assessed impact has taken account of potential adverse effects from traffic generated by the proposed development and lighting but neither are considered to give rise to significant adverse impacts.

In respect of the listed building at Naylinghurst the ES acknowledges that the building stands close to the site and at a higher elevation but concludes the impact of the development would be negligible, arguing that the sports facilities/public open space and landscape planting would reduce the impact and that the closest buildings will lie at least 200m away. Whilst it is acknowledged that the building currently stands in a rural setting it is argued that this is much altered with large arable fields without hedgerows.

In relation to undesignated heritage assets, the impact on the course of Stane Street has been classified as having a negligible effect on its setting. A negligible effect is also assessed for the setting of the Flitch Way, despite its immediate context changing from open fields to residential development and its bridge being used as a bus route and potentially as a vehicular route in emergencies. The ES concludes with the statement that *'the magnitude of this impact is less than direct change to or loss of the asset'*.

Mitigation Measures

A Construction Management Plan is proposed to ensure that levels of construction noise, vibration and dust are kept within acceptable levels.

It is accepted that a further detailed scheme of archaeological evaluation will need to be completed ahead of Reserved Matters applications to clarify the extent and quality of any remaining sub-surface archaeological remains so as to determine matters such as layout. Further archaeological investigation is also proposed ahead of construction activity to sample and record sub-surface archaeological remains including the enclosure in the north. The results from all fieldwork would be archived and deposited with HER.

The ES states that outline masterplan and design parameters have been designed so as to mitigate potential operational effects of the proposed development on the significance of designated heritage assets, for example the siting of uses, including open space elements and landscape planting to filter views of development.

Measures to ensure protection of retained hedgerows; the course of the Flitch Way; and the brick bridge, will be required to protect them from accidental harm during the construction.

Cultural Heritage: Conclusion

Officers have considered the information contained within this chapter, along with the additional information that has been submitted during the course of the application.

Whilst much of this work is considered to be sound Officers do not agree with the ES's assessment of all the likely impacts of the development.

Officers have considered the applicants assessment and have obtained specialist advice from the Council's Historic Buildings Adviser as well as making their own assessment of the potential impacts. The ES has identified heritage assets that might be affected by the development and assessed its potential impact on heritage assets as it is required to. Although the applicant is aware of the Council's assessment of the impact on designated heritage assets they have made their own assessment of the impacts and the Council cannot force the applicant to reach a different conclusion on the magnitude of the impact. The Council's assessment of the significance of the impact of the development on designated and non-designated heritage assets is set out within the planning consideration section of the report.

Chapter 14 - Air Quality

Introduction

This chapter assesses the likely significant effects of the proposed development in terms of air quality. It describes the existing air quality conditions at the vicinity of the site and outlines the nature of the development and the air quality issues associated with both the construction and operational phases.

Methodology

In respect of construction vehicles and plant the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) air quality guidance sets out where detailed air quality assessment will be required. The criteria indicate that significant impacts on air quality are likely to occur where a development results in greater than 100 HGV movements per day in locations outside of an Air Quality Management Area (which this site is not) It is anticipated that construction traffic would be below that threshold and would result in a negligible impact on local NO₂ and PM₁₀ concentrations.

To assess the potential impacts associated with dust and PM₁₀ releases during the construction phase and to determine whether any mitigation measures are required, an assessment based on the latest guidance from the IAQM was undertaken.

The main air quality issue during the operational phase will arise from vehicle emissions. The potential impact has been assessed using the ADMS Roads dispersion model. The model uses detailed information regarding traffic flows on the local road network and local meteorological conditions to predict pollution concentrations at specific locations selected by the user. Traffic data has factored in not only movements attributable to this proposed development but also traffic generated by other committed developments in the vicinity of the site to provide the future 'with development' scenario in 2025.

Regulation 22 Matters – Further Information & Clarifications

The applicant's response to the Council's Regulation 22 Requests are considered to be satisfactory.

Baseline

The baseline air quality data has been assessed by reference to the Defra background air quality database and local air quality monitoring data. This particular site is not one that has previously been identified by the Council as requiring monitoring due to air quality issues. The assessment has considered the number and location of sensitive receptors in the area around the site and at receptors in close proximity to the road links considered

Evaluation

The methodology adopted follows current relevant guidance.

Impacts

The assessment of construction activities has focused on demolition, earthworks, construction and track out activities at the site. A development is allocated to a risk category based on two factors: the scale and nature of the works (which determine the potential dust emission magnitude) and the sensitivity of the area to dust impacts.

The ES identifies the dust emission magnitude for each activity as follows:
Demolition – Small; Earthworks – Large; Construction – Large; Track out – Large

Whilst only very localised impacts will arise from the demolition of one building the sensitivity of the surrounding area is identified as being ‘high’ for dust soiling given the number and proximity of residential properties.

The dust emission magnitudes and sensitivity of the surrounding area are combined to determine the risk of dust impacts with no mitigation applied. Dust soiling is identified as ‘high risk’ during construction works and will require mitigation.

In respect of vehicle emissions the modelling assessment shows that the predicted annual mean concentrations of pollutants would not exceed recommended levels and that any modelled increases would be considered to be negligible.

Mitigation Measures

The proposed development is predicted to have a negligible impact on local NO₂, PM₁₀ and PM_{2.5} concentrations; therefore, no mitigation is considered necessary.

Demolition, excavation and construction phase mitigation measures are set out in Appendix 14.4 and it is considered that both the “highly recommended” and “desirable” measures should be incorporated into a CEMP, secured through a planning condition.

Neither this chapter nor the description of the development chapter indicates whether there is to be any energy centre provision or any centralised heat or power generation (e.g. for the school) that could have localised air quality impacts. This is not unusual for an Outline application with all matters reserved except access. This matter would need to be considered at Reserved Matters stage, if planning permission were granted, under a planning condition.

Air Quality: Conclusion

Officers are satisfied that the noise chapter of the ES presents a sound assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address the significant impacts identified.

Chapter 15 - Noise and Vibration

Introduction

This chapter of the ES considers the noise and vibration issues that may be associated with the proposed development, both on existing noise sensitive receptors (local residential) and new residential elements of the proposed development for both the construction and operational phases.

Methodology

Environmental noise measurements were carried out to determine the prevailing noise levels during daytime and night-time periods. These were carried out at appropriate locations and over relevant time periods.

The baseline conditions across the Assessment Site have been determined by a combination of environmental noise and vibration measurements and computerised noise modelling techniques. This combined approach has been employed due to the size of the Assessment Site, the topography and the number of differing noise sources.

Baseline

The most significant sources of noise at the Assessment Site and in the surrounding area were noted to be from road traffic – particularly the A120 which in part is elevated above the site and Pods Brook Road – and to a lesser extent other ambient sources associated with existing residential settlements.

Impacts

The ES highlights that the results of the noise assessment mean that unless adequately mitigated the proposed development would have an adverse and potentially unacceptable impact upon the nearest residential premises and could result in future residents of the development being exposed to excessive noise levels, in excess of those considered reasonable in World Health Organisation guidelines.

Vibrations impacts during construction were also assessed and it was concluded that construction activity would be taking place that vibration could be perceptible, most particularly from any driven piling should such a technique be employed. For the majority of the phases of construction some of the impacts from vibration sensitive receptors would be classified as negligible to moderate adverse. Accordingly, mitigation measures to control the impact of construction vibration are required.

Regulation 22 Matters – Further Information & Clarifications

The applicant's response to the Regulation 22 Requests and requests for clarification are considered to be satisfactory

Evaluation

In assessing the proposed development it is necessary to assess the noise and vibration levels that the site is currently subject to, and which would affect future residents of the development, and the noise and vibration that would arise from the development, affecting existing residents and future residents of the development.

In terms of sensitive receptors the assessment has identified residential properties on Rayne Road; Queenborough Lane; Sun Lido; Guernsey Way and at Naylinghurst to be the closest noise sensitive receptors.

Based on the proposed development the following potential noise and vibration changes have been identified:

- construction of the proposed development and infrastructure;
- road traffic noise from internal roads within the proposed development and any changes in traffic flow or composition on existing roads;
- plant machinery noise associated with buildings;
- loading/unloading associated with delivery vehicles to commercial/public buildings;
- noise from car park areas

The noise assessment has taken account of a worst case regarding the parameter plans on layout, landscaping, building heights and vehicle movements but has not taken account of phasing.

Mitigation Measures

In the event that planning permission was to be granted construction noise and vibration to be controlled by the CEMP; noise in living and amenity areas to meet the requirements of BS8233:2014 (require an appropriate glazing and ventilation specification in order to achieve the required internal noise levels); and noise from mechanical plant as perceived at sensitive receptors, to result in a low adverse impact according to BS4142:2014

Mitigation measures have been recommended which, when implemented, are capable of ensuring that the impact of noise and vibration during the construction of the proposed development is adequately controlled so as to be of a minor/moderate effect.

Noise and Vibration: Conclusion

Officers are satisfied that the Noise and Vibration chapter of the ES presents a sound assessment of the likely impacts of the development.

Chapter 16 - Flood Risk and Hydrology

Introduction

Chapter 16 of the Environmental Statement (ES) assesses the likely significant effects of the proposed development on the environment in respect of water quality, hydrology and flood risk. The ES is supported by additional information including a Flood Risk Assessment (FRA) and a conceptual surface water drainage strategy.

The ES identifies the physical characteristics and key features of the site, and establishes that the site contains land that is classified as being within Flood Zones 1, 2 and 3.

Methodology

Assessment of these matters within the ES has been based largely on a range of desk top studies, including Environment Agency Officer advice and records, including Flood Zone maps and data on water quality in the River Brain; Anglian River Basin Management Plan and Groundsure environmental report.

Baseline

EA maps identify that parts of the site are vulnerable to surface water and fluvial flooding.

In addition to the River Brain, which flows through the site, two additional water courses are identified within the site – referred to in this report as Naylinghurst Brook and Springett Brook. Within 1km of the site two further brooks are identified – Notley Brook originating to the south of the A120 before entering the application site and joining Springett Brook and New Brook which is North-West of the application site. In addition there are a number of drains and smaller ditches which feed into the River Brain. The assessment has also considered surface water discharge consents that exist; the underlying geology and recorded pollution incidents within 2km of the site.

Evaluation

The proposed development of the site would significantly increase the proportion of hardstanding through the construction of roads, roofs, parking and pedestrian areas. The total developed area is assumed to be approximately 36.5 ha all of which is currently permeable. The proposed impermeable area resulting from the development would be approximately 18.8 ha,

With regards Water Resources and Infrastructure the EA reported in 2013 that the local potable water supply was classified as being at ‘Serious Stress’, however the District Council’s Water Cycle Study concluded that Anglian Water has set out sufficient plans to supply their statutory areas for the next 25 years, with large scale infrastructure improvements including reservoir expansion, transport of raw water from other catchments and recycling of effluent. And *‘that water resources will not constrain development (subject to water company funding becoming available as planned for infrastructure projects).’*

Regulation 22 Matters – Further Information & Clarifications

As previously stated the site contains a number of watercourses and water bodies. In the ES there is no mention of the watercourses being crossed due to the proposed layout. Further information was requested in this respect. The applicant has stated that this is not necessary as this is an Outline application and any crossings of the watercourse will be designed to convey the 1000 year flow at the detailed design stage. This is acceptable in respect of the ES although it is still a matter that would need to be considered when assessing the planning merits of the application.

There are no outstanding Regulation 22 Requests relating to this chapter.

Impacts

In line with national planning policy the development seeks to direct development away from areas at highest risk. As a result the residential development is confined to Flood Zone 1. Flood risk for the majority of the Assessment Site is, therefore, considered to be of low sensitivity. Where there are areas of Flood Zones 2 and 3 present, this has a high sensitivity for flood risk. Surface water drainage is considered by the applicant to be of low sensitivity.

Consultation with Anglian Water has confirmed that there are no potable or foul sewerage capacity issues in the area surrounding the Assessment Site, however, there are concerns regarding network infrastructure for foul sewerage. The provision of potable water to the Assessment Site is considered to be of low sensitivity. As there are issues with off-site infrastructure, the provision of foul sewerage services for the Assessment Site is considered to be of medium sensitivity.

During the construction phase there is the potential for construction activity to cause pollution and for issues to arise as a result of surface water run-off and during the operational phase the risk of surface water flooding due to the increase in impermeable surfaces.

Mitigation Measures

The ES highlights the need for a range of measures that will need to be considered / incorporated within a Construction and Environmental Management Plan. This should be covered by planning condition if planning permission were to be granted. For the operational phase of the development details of a high level Surface Water Drainage Strategy has been submitted which would ensure that surface water runoff rates from the Assessment Site would not increase beyond the 1 in 1 year greenfield runoff rate for the operational lifetime of the proposed development. The strategy proposes the use of a number of SuDS features including detention basins, permeable paving, bio-retention areas and swales to provide the necessary volume of storage and treatment for each development parcel. The detailed design and implementation of this scheme would need to be controlled by planning condition.

To reduce pressure on potable water supplies the ES states that the residential properties will be built to the Code for Sustainable Homes Level 4 standard with a water allowance of 105 litres per person per day and this should be covered by planning condition if planning permission were to be granted.

Flood Risk and Hydrology: Conclusion

The applicant assesses the overall residual effect during the construction phase on flood risk, hydrology and water quality, following adoption of the mitigation measures identified, is predicted to be negligible. Officers are satisfied that this chapter of the ES presents a sound assessment of the likely impacts of the development.

Chapter 17 - Agricultural Land

Introduction

The application site largely consists of land in agricultural use so an assessment of the quality of this land was required. It was not considered appropriate to rely on national Agricultural Land Classification (ALC) maps. The assessment also includes an assessment of the impacts on agricultural holdings.

Methodology

Soils were to be assessed on the basis of soil sampling (via soil auger) and test pits to assess its quality and physical properties.

The baseline for farm holdings is also provided in the form of an assessment of the existing size and infrastructure of farms affected. The baseline assessment was undertaken through consultation with local land owners and occupiers.

Baseline

Based on soil sampling the agricultural land is graded between 2 and 3b, within the ALC classification scale 1-5. Land within 1 -3a being classed as the 'best and most versatile'.

81% of the land is classified as being 'best and most versatile', being Grade 2 (20%) or grade 3a (61%). The remaining 19% being sub grade 3b.

The Assessment Site forms part of two land holdings. To the north and east of the Assessment Site is the remnant of the former Clap Bridge Farm which has since been let out on a series of annual contracts to a local farmer for making hay. The remaining land extends to approximately 21 hectares of permanent pasture, with no associated farm buildings or farm infrastructure. The other holding to the south of Flitch Way is mostly in arable use and represents an off-lying parcel of land within a 300 hectare arable unit.

Regulation 22 Matters – Further Information & Clarifications

The applicant's response to the request for clarification is considered to be satisfactory.

Evaluation

Soils across a large part of the site would be subject to disturbance from the construction of the development. The impact of the proposed development on the soil resource prior to mitigation is, therefore, assessed as moderate to moderate/substantial adverse.

As the proposed development will remove the remnant of the former Clap Bridge Farm, the magnitude of change arising from the loss of land is high, such that the proposed development will have a moderate adverse effect on the farm holding occupying the northern part of the Assessment Site. The farm holding to the south of the Site is assessed as being of medium sensitivity to change and the magnitude of change arising from the loss of arable land is low at less than 10% of the arable land farmed. The proposed development will have a minor adverse effect on the farm holding occupying the southern part of the Assessment Site. There are not anticipated to be any significant adverse impacts from the proposed development on adjoining or nearby agricultural land following the construction of the proposed development.

Mitigation Measures

There are no universally applicable measures available to mitigate the direct loss of agricultural land.

The primary measures to mitigate damage to or loss of soil resources is through the development of a Soil Management Plan to cover the protection and reuse of displaced soils. The requirement for a Soil Management Plan should form a planning condition for any planning permission.

Agricultural Land: Conclusion

Officers are satisfied that this chapter of the ES presents a well-presented assessment of the effects of the development on agricultural land quality, soil resources and farm holdings.

Chapter 18 - Ground Conditions

Introduction

This chapter contains an assessment of the ground conditions and associated environmental risks posed by potential land contamination at the site during the construction and operation of the proposed development.

Methodology

The scope of the assessment carried out is considered to be comprehensive, including both desk studies and preliminary risk assessments and the results of an intrusive soil investigation, including groundwater and gas monitoring.

Baseline

The former and current uses of the site (principally agricultural land) would suggest a low to moderate risk of contamination and this was borne out by the results of the intrusive investigation, which found that none of the assessment criteria for chemical contaminants in the soil were exceeded.

Evaluation

The assessment did identify that elevated methane and carbon dioxide levels were found within the site and as a result gas protection measures will be required.

The methodology used for the assessment and the significance criteria adopted are in line with current good practice.

Mitigation Measures

There are no specific mitigation measures required in respect of soil or groundwater pollution.

Due to the risks posed by gas in the ground mitigation is required in line with the guidance in CIRIA C665 which specifies how the floor slab of buildings shall be constructed. This should be secured through a planning condition.

Ground Conditions: Conclusion

Officers are satisfied that the Ground Conditions chapter of the ES presents a sound assessment of the likely impacts of the development.

Chapter 19 Cumulative Effects

Introduction

The cumulative developments considered in the ES are a combination of consented, but not yet operational, developments in the environs of the proposed development.

This assessment includes the strategic growth locations contained within the adopted Core Strategy (2011) at Braintree north-west, off Panfield Lane (600 dwellings and 15 hectares of employment land) and land to the west of the A131 at Great Notley (18.5 hectares of employment land) as well as a number of proposed developments that were in the planning system.

Methodology

The ES assesses the effects of the proposed Development cumulatively with other committed developments where there are likely to be significant effects.

For the purposes of the assessment there are two types of effects:

Type 1 Effects: The combination of individual effects (for example noise, dust and visual effects) from the proposed development on a particular receptor; and Type 2 Effects: Effects from several developments, which individually might be insignificant, but when considered together could create a significant cumulative effect.

Regulation 22 Matters – Further Information & Clarifications

Whilst the applicant's response to most of the Regulation 22 Requests have been actioned and are considered to be satisfactory

- Provide an assessment of Type 1 cumulative effects for all topics.

The Council's ES Consultants are concerned over the documenting of Type 1 cumulative effects. The chapter states that *'Type 1 interactive effects have been assessed throughout this ES with each technical discipline taking into account the assessment of residual effects undertaken by other members of the technical team'*. This implies that cumulative effects have been dealt with within each chapter however this is not the case. It is recommended that the text should be clarified to confirm that all Type 1 effects identified have been noted within Chapter 19, rather than within individual chapters. It is suggested that it would also be beneficial to include a table of Type 1 cumulative effects and severity. These matters are considered to be 'Clarifications' rather than Regulation 22 requests and if these are not provided it is not considered that this prevents the Council from making an informed decision on the impacts of the development.

Evaluation

The chapter depicts the locations for the cumulative developments that were raised in the Scoping Report. Further consideration of the cumulative impact of this and other planned developments has been undertaken but has not identified any significant impacts that could arise from cumulative impacts.

Mitigation Measures

No specific mitigation measures are recommended within the ES in respect of cumulative impacts.

Cumulative Impacts: Conclusion

The ES has reasonably identified all cumulative developments and provides sufficient information to assess the cumulative impacts of development in the town.

Chapter 20 - Conclusions

Introduction

This chapter 20 sets out the conclusions of the ES.

Regulation 22 Matters – Further Information & Clarifications

The applicant's response to the requests for clarification is considered to be satisfactory.

Evaluation

The chapter provides a short summary of each of the twelve chapters / subjects in the ES, setting out the significant impacts that have been identified for each; a high level description of how it is proposed that these impacts will be mitigated and the residual impact (positive or negative).

Conclusion: Conclusion

The applicant's assessment of the impacts is set out in the ES and they conclude that *'where negative effects arise as a consequence of development, they can mostly be satisfactorily mitigated'*.

The applicant goes on to say that *'when balancing the mitigation of negative effects against the positive effects of the proposed development, the overall conclusion is that the proposed development has a positive impact'*.

Officer Conclusion: Environmental Issues

Simply defined, the EIA process helps identify the possible environmental effects of a proposed development and how those impacts can be mitigated. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

The EIA process allows an opportunity to debate the environmental impact of a proposal so that full account of both the impact and the proposed mitigation could be taken into account in the eventual decision.

The Regulations require that the applicant for planning permission will produce the environmental statement and it follows that the ES will contain the applicant's own assessment of the environmental impact of their proposal and the mitigation that they consider is necessary. The Regulations recognise that the applicant's assessment of these issues may well be inaccurate, inadequate or incomplete.

It is accepted that there will be cases where the applicant's environmental statement will not contain the 'full information' about the environmental impact of a project, or where there is disagreement over the significance of environmental impacts.

They recognise that an environmental statement may well be deficient, and make provision through the publicity and consultation processes for any deficiencies to be identified so that the resulting 'environmental information' provides the local planning authority with as full a picture as possible.

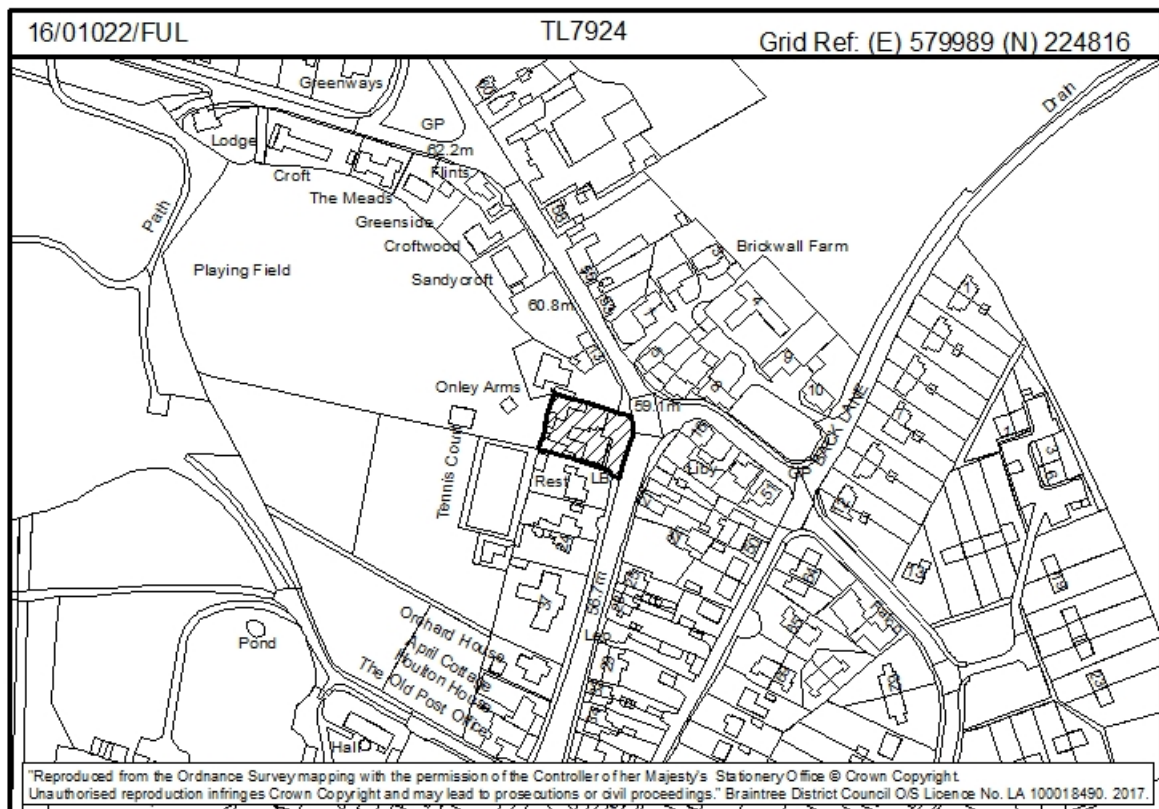
Some Regulation 22 requests have been downgraded to clarifications and some have been removed but there remain a number of Regulation 22 requests for the following topics, socio-economics, Landscape, Ecology and Nature Conservation, Archaeology and Cultural Heritage and Cumulative Effects.

Whilst it is accepted that there may be differences in judgement when assessing the significance of impacts of development and the mitigation that is required in this cases it is considered that the ES cannot be considered compliant with the EIA Regulation until the remaining Regulation 22 requests have been adequately addressed.

PART B

APPLICATION NO: 16/01022/FUL DATE: 08.08.16
 VALID:
 APPLICANT: Mr G Kent
 Brands Direct Barbados Ltd, 61 Kings Road, Halstead,
 Essex, CO9 1HA
 AGENT: Andrew Stevenson Associates
 21A High Street, Great Dunmow, Essex, CM6 1AB
 DESCRIPTION: Material variations to approved and implemented scheme:
 Erection of part two storey and part single storey
 extensions, alterations, renovations and landscaping
 LOCATION: The Onley Arms, The Street, Stisted, Essex, CM77 8AW

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

14/00961/FUL	Demolition and removal of attached and detached buildings to rear of site; Erection of part two storey and part single storey extension with link to replacements structures; Improvements to existing landscaping; refurbishment of host accommodation and provision of remodelled/enhances living accommodation; provision of veranda to front and side elevation	Granted	20.10.14
15/00870/FUL	Variation of conditions relating to approved application 14/00961/FUL - (Demolition and removal of attached and detached buildings to rear of site; Erection of part two storey and part single storey extension with link to replacements structures; Improvements to existing landscaping; refurbishment of host accommodation and provision of remodelled/enhances living accommodation; provision of veranda to front and side elevation) - Amendments to elevations	Refused	09.05.16
16/00999/VAR	Application for variation of Condition 4 of approved application 14/00961/FUL - Amended parking layout	Refused	28.11.17

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.

In accordance with paragraph 216 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 216 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
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP74	Provision of Space for Recycling

RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP128	Maintenance of Rural Services and Facilities

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
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
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP65	Local Community Services and Facilities
LPP81	External Lighting

Other Material Considerations

Essex Design Guide

- Page 81 – 109 – Design

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the objection raised by the Parish Council which is contrary to Officer recommendation.

SITE CONSIDERATIONS AND BACKGROUND CONTEXT

The application site is situated within the village of Stisted located within close proximity of the village centre. The application site is within the Stisted Village Envelope Development Boundary as defined by Braintree District Council's Adopted Local Plan Review (2005). The site is within the Stisted Conservation Area, designated in 1973.

The application site is accessed off 'The Street' which runs through the centre of the village. Residential properties bound the site to the north and south with a public playing field to the west accessed from The Street by a private

footway owned by The Onley Arms running adjacent to the northern boundary of the site. The Street bounds the site to the east with residential properties on the opposite side of the road.

Planning permission was granted in 2014 for an extensive amount of works on site. An application for a minor material amendment was subsequently made, to retrospectively apply for a number of changes to the original approved plans. This application was refused, as the proposed amendments would have resulted in the site being left with inadequate parking provision, and due to an inappropriate form of development in the Conservation Area.

This application is for another minor material amendment to the original approved plans, and seeks to amend the previously approved planning application, making a number of changes. They are mostly the same as those applied for within the previous minor material amendment application, including not erecting a canopy structure on the front elevation; installing a false front door on the front elevation; a change in the proportion of a dormer window at the rear of the site (visible from the street); the erection of a side extension in place of a canopy which would feature the entrance to the building; fenestration changes; the increase in height of one of the new extension element at the rear by 700mm; the decrease in roof pitch of a different single storey element at the rear; the omission of a metal staircase on the side elevation; and the erection of a bin store element to the front of the site.

The main changes from the previous minor material amendment application are that this application does not include any details relating to parking, and this application proposes a real door on the front elevation. The former issue is being addressed in a separate application to vary planning condition 4 of planning application 14/00961/FUL, under ref. 16/00999/VAR. The application also includes the provision of external lighting and speaker system.

Development to refurbish and extend the public house began in 2015 and has since been completed, some of which without planning permission. It should be acknowledged that this does not alter the way this planning application is determined, as it must be considered on its merits.

SUMMARY OF CONSULTATION RESPONSES

Parish Council

Object to the application on the grounds the plans do not show the plans are not reflective of what has been installed on the site.

Historic Buildings Advisor – Objects to two elements on conservation grounds; those being the false feature door on the front elevation, and a lack of justification for the lighting and speakers.

Environmental Health Officer – No Objection raised to planning application 15/00870/FUL, which proposed the same forms of development.

Neighbour Representations

A site notice was displayed at the site, and a total of 4 representations were received from neighbouring properties. They raised objection on various grounds, including impact on neighbouring residential amenities, parking and incorrect plans.

REPORT

Principle of Development

The principle of the development has been established by the previous planning permission granted in 2014, under reference 14/00961/FUL. Therefore, it is not possible to re-establish the principle of development under this planning application, unless there have been circumstantial changes since the previous permission. Neither local nor national planning policy has changed.

The changes to the elevational appearance of the building, and inclusion of new elements not within the previous planning approval, require a further assessment of whether the changes to the design are considered acceptable in terms of their impact upon the appearance of the host building and the character of the Conservation Area. This is discussed later in the report.

Design and Appearance and Impact on Stisted Conservation Area

When the previous application for a minor material amendment was determined, it was found that all aspects of the proposal were acceptable in regards to the design, appearance and layout of the proposed amendments and in relation to the site's prominent location in the Conservation Area, with the exception of the false feature door on the front elevation.

The Conservation Consultant raised objection to this application also in relation to the false feature door, identifying less than substantial harm to the character and appearance of the Stisted Conservation Area.

According to Paragraph 134 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In the case of this application, there would be public benefit secured through the approval of the application. The refurbishment, extension and alterations to the premises have meant that a public house that was previously closed has become a well-used service, securing a local benefit to the local economy and a social asset to the community. Whilst the Conservation Consultant's comments are noted, it is considered that on balance the harm identified is outweighed by the public benefits brought about by the proposals.

It is noted that concerns are raised regarding the visual impact and impact on the Conservation Area through the proposed external lighting and speaker system.

These concerns are noted, however the use of lighting is to be expected in this commercial context (some of the lighting is to replace existing lighting on the building); and the proposed speakers are of a size which has very limited impact on the appearance of the building.

It is considered that the proposals are acceptable from a design and appearance perspective, and in regard to impact on the Conservation Area.

Impact on Neighbouring Residential Amenities

As discussed when the previous application for a minor material amendment was determined, the only elements which can be considered are the proposed amendments to the previously approved planning application 14/00961/FUL. It was determined in the previous application for a minor material amendment that the proposed changes did not result in a material change in terms of impact on neighbouring residential amenities.

In addition to that proposed in the previous application, this application also proposes the addition of external lighting, three external speakers, and an air conditioning unit.

It is noted that most of the external lighting is to replace existing external lights. Those which wouldn't replace existing lights are unlikely to result in an unacceptable impact on neighbouring residential amenities given those which are closest to residential properties would consist of up and down lighters, which would limit the direction of the light away from the boundary.

The speakers would be limited in their operation by the operator's licence which has been granted at the site and it is not considered that their physical placement wouldn't result in unacceptable impact on neighbouring residential amenities.

It is noted that the air conditioning units and extractor fan units which have already been installed are subject of nuisance complaints from the neighbouring residential dwellinghouse at The Forge. Notwithstanding this, their placements on the building are in locations where there were previously extractor fans. Furthermore, the building has always operated as a public house and there must reasonably be an expectation of some associated noise and activity. Furthermore, it is noted that the Environmental Health Officer has not objected to the application.

In conclusion, it is acknowledged that there will be some impact on neighbouring residential amenities. However, officers must consider whether these would be undue or unacceptable in their impacts having regard to the lawful use of the premises as a Public House. In the case of this application, it is considered that the impacts would not warrant refusal of the application.

Highway Considerations

This application specifically excludes any details relating to the parking issues at the front of the site. This application deliberately excludes the veranda element, as this is to be removed (it is also the subject of an Enforcement Notice). Therefore, there are no material considerations in relation to highway issues.

Other Issues

It is noted that this application does not propose the retention of the veranda element at the front of the site, however this has been shown on the submitted block plan ref. 4654/200 Rev. B. For the avoidance of doubt, this element has been specifically excluded from the decision.

CONCLUSION

Officers consider that the proposals consist of a form of development which has resulted in a public benefit which outweighs the limited impact on the character and appearance of the Conservation Area, and which doesn't result in an unacceptable impact on neighbouring residential amenities. Officers therefore recommend that the application be approved.

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: 200 B
Elevations	Plan Ref: 201 B
Proposed Elevations	Plan Ref: 204 B
Block Plan	Plan Ref: 205 B
Proposed Floor Plan	Plan Ref: Service Details
Specification	Plan Ref: Speaker Details
Specification	Plan Ref: 12044/001 Rev. C
Specification	Plan Ref: 01.03.2015
Specification	Plan Ref: R134a Technical Data
Lighting Plan	
Lighting Plan	

- 1 Notwithstanding the approved plans listed above, particularly drawing ref. 4654/200 Rev. B, the following elements are specifically excluded:-

The 'veranda' element (edged in red on the plan attached herewith), and any structures atop of it.

Reason

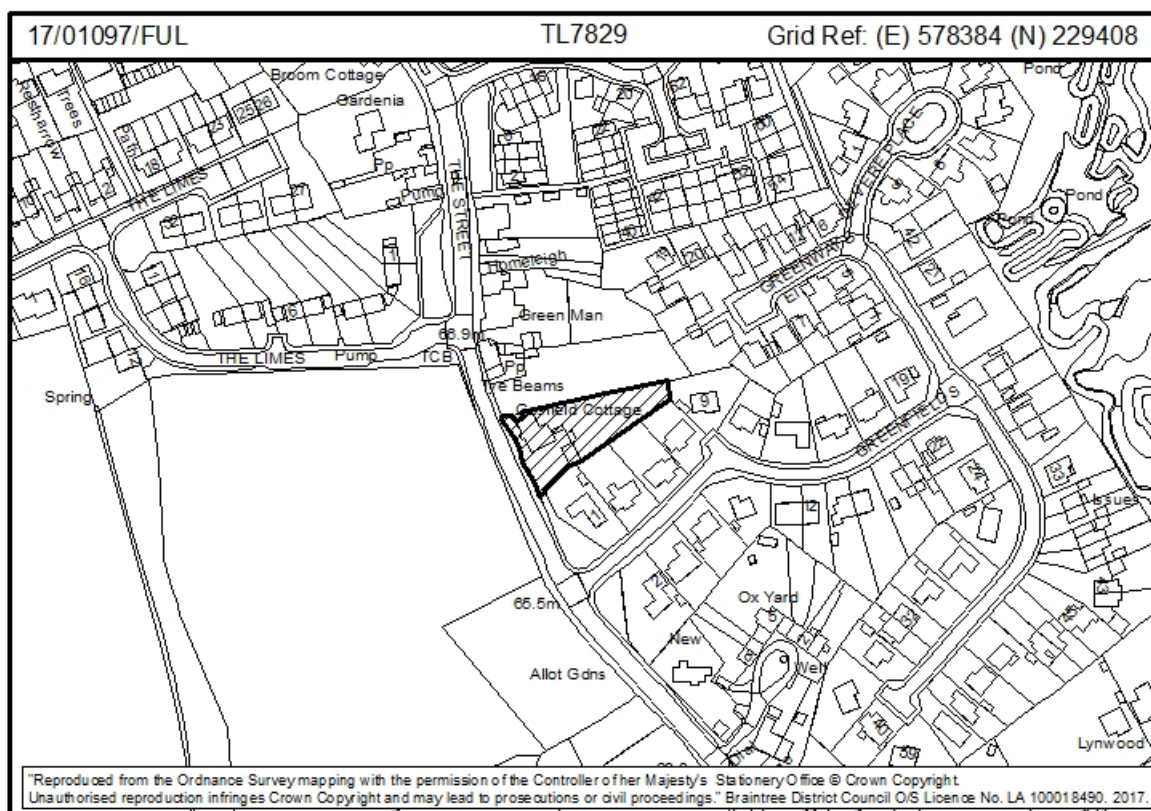
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/01097/FUL
 DATE: 20.06.17
 VALID:
 APPLICANT: Mr Marc Blake
 Gosfield Cottage, The Street, Gosfield, Essex, CO9 1TP
 DESCRIPTION: Change of use from domestic garage to B2 Light Industrial - Small micro brewery (up to 5 barrel)
 LOCATION: Coach House At, Gosfield Cottage, The Street, Gosfield, Essex, CO9 1TP

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

None relevant.

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.

In accordance with paragraph 216 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 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP11	Changes of Use Affecting Residential Areas
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
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
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Planning Committee as Gosfield Parish Council has objected to the proposals, which is contrary to Officers' recommendation.

SITE DESCRIPTION

The application site consists of a Grade II listed dwelling, known as Gosfield Cottage, located within the village envelope of Gosfield and within the Gosfield Conservation Area. The site has a single storey outbuilding adjacent to the dwelling, which is the subject of this planning application. The building

is visible but not prominent in the street scene, as it is set back from the road and behind a hedge.

PROPOSAL

The application proposes to utilise this outbuilding to produce barrels of beer. The proposal would include the placement of brewery equipment, which it is understood would be freestanding in the building. There would also be barrels to contain the brew, and a chimney installed to expel the steam, a by-product of the process.

CONSULTATIONS

Environmental Health Officer – No Objections subject to conditions. The suggested conditions would look to limit the number of batches brewed in any 7 day period; limit the time the chimney is opened to 1 hours and only between 9-5 Monday to Friday.

Historic Buildings Advisor – No Objections.

Gosfield Parish Council – Raise objection to the application on grounds relating to the provision of a B2 use in a residential area.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations were received.

REPORT

Proposed Use

It is noted that this application proposes a B2 (general industrial) use in a residential area. The principle of this proposal will be discussed below; but first it is necessary to establish whether the proposed microbrewery would be a B2 use, or whether it can be considered as a B1 use. Although the applicant describes the proposal as a hobby, the merits of the application must be considered and therefore it is necessary to know what the use class would be.

According to the Use Class Order 1987 (as amended), a B1 use can include offices, research and development of products and processes, and some light industry. A B2 use includes an industrial process other than one falling within class B1 above.

In this regard, it is not immediately clear how the proposed use should be treated. The case officer researched how other microbreweries have been classed in previous planning applications and by other local planning authorities.

It was concluded that, despite the small scale of the proposed use, a B2 use would be the most appropriate use class for the microbrewery. It has therefore been considered as such throughout this report. Nevertheless, it seems clear that the applicant is seeking to extend a hobby scale home brewing operation into something a little larger; very different to a commercial scale micro-brewery.

Principle of Development

The site is located within the village envelope of Gosfield. The proposal would include the provision of a small microbrewery in an ancillary outbuilding to the house. The operation of a small scale business can be deemed acceptable in principle, subject to impacts on residential amenity, highway safety, design and any other material considerations. The building measures approximately 5.5m x 8m.

Braintree District Local Plan Review Policy RLP36 allows for new development of an industrial nature, provided it doesn't have detrimental impacts in regards to noise; smell; dust; grit or pollution; health and safety; visual impact; generation of traffic; contamination to air, land or water; impact on the natural environment; or result in light pollution.

Braintree District Publication Draft Local Plan Policy LPP73 states development unacceptable risks from all emissions and other forms of pollution and ensure no deterioration to either air or water quality. It also states that development will not be permitted where there are likely to be unacceptable environmental impacts such as upon the natural environment, health and safety of the public, air and water quality.

The proposed microbrewery would be small in terms of its scale and operation and is limited by the size of the building. It would be limited to five barrels of beer, with the batches limited to two per week by virtue of the physical limitations of the equipment.

The beer which is then brewed would be consumed by the applicant and his family, with a small amount being delivered by the applicant in his car to customers, potentially local pubs and restaurants. The proposal would not involve customers arriving at the application site to make purchases or make collections. The materials required to brew the beer (barley and hops) would be collected by the applicant in his car, however this would not need to happen often as the amount of beer which would be brewed would not require a significant number of materials.

Impact on Grade II Listed Building: Design, Appearance and Layout

Policy RLP97 of the Braintree District Local Plan Review concerns changes of use in Conservation Areas and states that these will only be permitted where the new use and associated alterations preserve or enhance the character of the conservation area. Policy RLP100 concerns alterations to listed buildings and states that changes of use will only be permitted where they do not harm

the setting, character, structural stability and fabric of the building. Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 55 of the Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 50 of the Braintree District Publication 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.

It is one of the core principles of the NPPF that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

The building within which the proposed brewery would be located is within the curtilage of a listed building, and therefore is curtilage listed by virtue of it being there since before 1948. The proposals include no physical alterations to the building itself. The placement of the equipment would be non-fixed inside the building, and the steam would be expelled through an existing chimney at the back of the building.

The Historic Buildings Advisor considers that the proposed use would not result in any level of harm to the listed building, and given the scale and nature of the proposed use, the development is not considered to materially affect the character of the Conservation Area.

From a design and appearance perspective, the proposed use would not have an impact on the street scene as it would be within an existing building and would involve no external alterations. The proposals are also considered to preserve and enhance the character of the Conservation Area and the historic interest and setting of the listed building.

Impact on Neighbour Amenity

The NPPF states that new 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 from the Braintree District Local Plan Review and Policy LPP 55 of the Braintree District Publication Draft Local Plan allow for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.”

The application site is located in a residential area, with residential dwellings on either side. The closest dwelling, 1 Greenfields, is approximately 25 metres to the south, and its rear boundary abuts the application site.

In order to ascertain impacts on neighbours, the Environmental Health Officer was consulted; they concluded that, following the submission of additional information, any impacts would not be unacceptable.

The proposed use would be minor in nature, only allowing for two hours of brewing per week. This would be limited by virtue of the equipment installed. The proposed use would involve no additional vehicular movements on a daily basis; the applicant would pick up materials irregularly and most of the produce would be consumed on the site. Any deliveries would be made by the applicant in a normal sized car. The expelled by products from the brewing would be steam from an existing chimney.

The Environmental Health Officer recommends conditions to the following effect:

- Restricting brewing to two batches per week, in order to prevent unacceptable impact on neighbouring residential amenities, and requiring a log to be kept so this can be monitored;
- Limiting the amount of time and hours the chimney would be open for expulsion;
- Limiting the direction of the chimney flue.

Notwithstanding this recommendation, it is considered that the first condition would be unnecessary as the equipment and size of the building would restrict the amount of brewing that can take place. The second condition would be unnecessary as the expelled gases would only be lightly fragranced steam which would be considered be likely to have an unacceptable impact on neighbour's residential amenities. The third proposed condition is recommended as this would relate to the direction of the travel of the expelled steam.

Taking the above into consideration, it is concluded that, subject to a condition which prevents the brewery building being separated from the ownership of the main house and a condition relating to the chimney, the proposed microbrewery would not have an unacceptable impact on neighbouring residential amenities and therefore is acceptable in this regard.

Highway Issues

Although the proposed use would be operated at the applicant's home where they will already likely park their car, the Essex Vehicle Parking Standards states for B2 use, 'a maximum of 1 space per 50 square metres'. The submitted information indicates a commercial floor space of 42.50sqm. Therefore one parking space is required in relation to the proposed use. Given the size of the courtyard area in front of the outbuilding and adjacent to the dwelling, it is apparent that this will be available on the site; the submitted information confirms that this space would be made available in front of the microbrewery building and without detriment to the existing 2 parking spaces for the residential dwellinghouse.

CONCLUSION

In conclusion, Officers consider that the proposals, whilst unusual, represent a very small scale industrial use in a residential area, which, by virtue of its scale, and subject to suitable controls, could be accommodated without causing unacceptable detriment to the amenity of neighbouring premises. Therefore, Officers recommend the application is approved.

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
Block Plan
Floor Plan
Photograph

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

Reason

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

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

Reason

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

- 3 The building within which the proposed microbrewery will be located shall remain in the same ownership as the ownership of the residential dwellinghouse known as Gosfield Cottage. It shall not be sold, transferred, leased or otherwise disposed of as an independent planning unit without first obtaining planning permission from the local planning authority.

Reason

In order to prevent the creation of a microbrewery which operates independently of the ownership of the main dwelling, in the interests of protecting the amenities of neighbouring residential premises.

- 4 The chimney flue shall vent vertically without any obstruction of the outlet in order to aid dispersal and dilution in the air.

Reason

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

INFORMATION TO APPLICANT

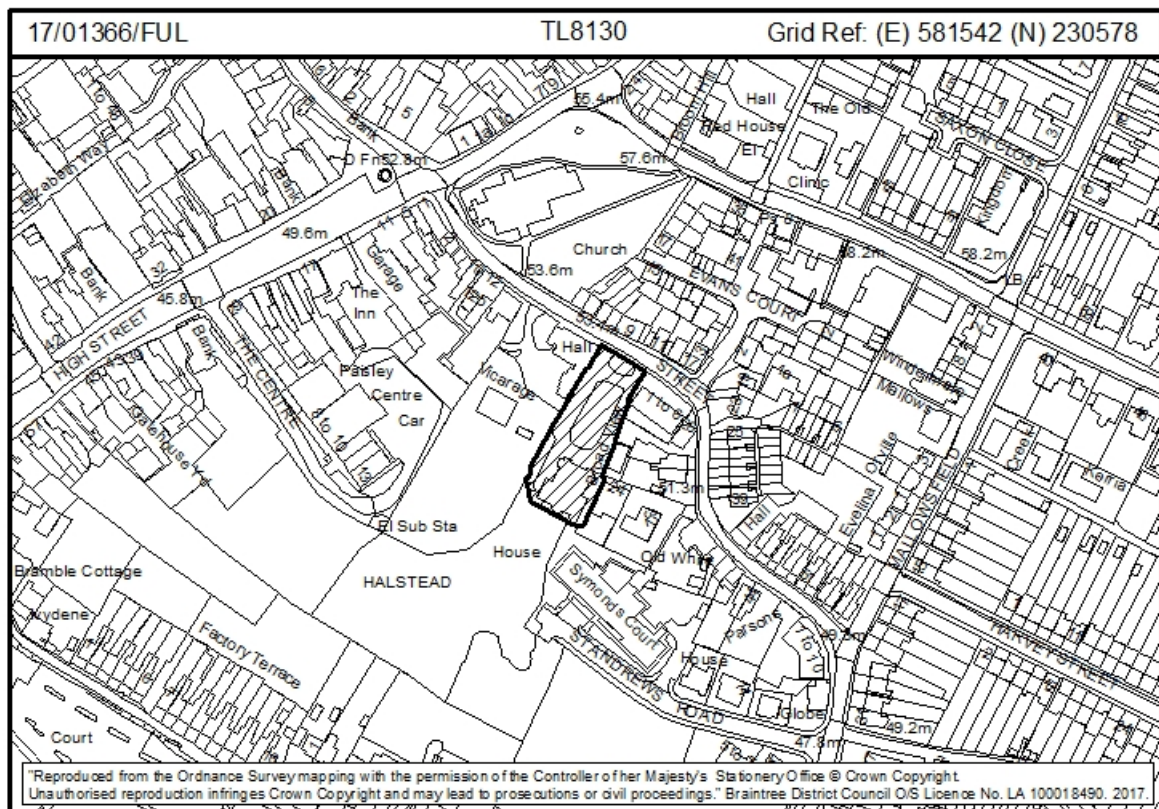
- 1 The application has been determined on the basis that there shall be no works undertaken to the subject building. Any such works are likely to require Listed Building Consent which should be sought prior to any works taking place.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/01366/FUL
 DATE: 25.07.17
 VALID:
 APPLICANT: Mr & Mrs S Farrant
 7 Congregation House, Parsonage Street, Halstead, Essex,
 CO9 2JW
 AGENT: Mr Nigel Chapman
 Nigel Chapman Associates, Kings House, Colchester Road,
 Halstead, CO9 2ET
 DESCRIPTION: Installation of three roof lights
 LOCATION: 7 Congregation House, Parsonage Street, Halstead, Essex,
 CO9 2JW

For more information about this Application please contact:
 Mrs H Reeve on:- 01376 551414 Ext. 2503
 or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

02/00992/FUL	Conversion of former united reform church into 7no. residential units	Granted	27.08.02
02/00999/LBC	Conversion of former united reform church into 7 no. residential units	Granted	27.08.02
17/01367/LBC	Installation of three roof lights	Pending Decision	

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.

In accordance with paragraph 216 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 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
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
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee for determination due to the agent being related to a member of staff.

SITE DESCRIPTION

The site is located centrally within Halstead town development boundary and the Conservation Area.

The site comprises a Grade II Listed Building – originally a church and a now converted to 7 flats under planning permission and listed building consent in 2002.

The site is located off Parsonage Street with communal parking at the front of the site, with the converted church sited to the rear of the site.

PROPOSAL

Planning permission and listed building consent (17/01376/LBC, also being considered on this agenda) are sought for the insertion of 3 no. roof lights to serve Flat No. 7, which occupies the upper part of the building. The roof lights would be installed in the roof apex – 1 no. to serve a kitchen area and 2 no. to serve a bedroom which occupies a mezzanine area within the roof.

The applicant states that the proposed roof lights are required to help meet current Building Regulations, in terms of escape and ventilation.

CONSULTATIONS

Essex County Council Historic Buildings Adviser – advised the following:-

“The installation of rooflights to facilitate conversion is visually damaging and is often a symptom of over development. However, permission has already been granted within the original 2002 application for a number of rooflights, an alteration which to-date is one of the only external indications of conversion. Unlike the interior of the church, the architectural significance of the external envelope has been altered relatively little and retains much of its original character and features.

I cannot support the installation of further apertures to the roofscape which I believe will cause cumulative harm to the churches architectural significance, which survives relatively intact.

Within the application it is stated that the rooflights are necessary to provide natural light and ventilation as well as to provide an escape and rescue facility. At present I am unconvinced that the desire of additional light and ventilation justifies the harm. With regards to the means of escape, I would expect this statement to be endorsed by Braintree District Council Building Control Department and for it to be proven that there is no other method to reducing this risk”.

REPRESENTATIONS

Halstead Town Council have raised no objections.

Neighbours at The Rectory and 24 Parsonage Street have been notified and the site notice was displayed at the entrance to the site. No responses have been received in this respect.

REPORT

Heritage Impact

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses.

The NPPF places the greatest weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

Congregational House is a Grade II Listed Building. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification and where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Historic Buildings Adviser's comments are noted in this respect and as a result, additional clarification has been sought, in conjunction with verbal discussions with the Building Control Team. The applicant has submitted a statement setting out the requirements of the Building Regulations and assessment of the existing situation within the flat. It states that although the measures proposed would still fall short of the current standards, they will go some way to meeting them and would improve the current situation, particularly providing a means of escape for the mezzanine area which is currently occupied as a bedroom.

It is considered that although there is an identified harm to the listed building, the provision of the roof lights as a means of escape and ventilation to meet current Building Regulation requirements, is considered to outweigh the harm identified. It should be borne in mind that the conversion of the building to provide residential accommodation was accepted as part of the conversion itself in 2002 and that it is necessary to ensure living conditions and fire safety measures are in place to serve the previously approved use. Accordingly, whilst there is some harm identified to the character and appearance of the listed building, officers are satisfied that the installation of the roof lights are necessary for ventilation and, more importantly, fire safety as a means of escape, thus the harm is outweighed in this regard.

Design, Appearance and Layout

The proposed rooflights have been amended following discussions with the Historic Buildings Adviser and the applicant. The rooflights have now been amended to show flush fittings types which are considered more appropriate for this listed building.

Impact on Neighbour Amenity

The proposed roof lights face upwards and as such, there would be limited ability to look downwards directly towards neighbouring properties and as such, the proposal is considered to be acceptable in this respect.

CONCLUSION

It is recognised that harm is identified to the listed building as a result of the works, however this harm is considered to be outweighed due to the health and safety issues identified in this report and the proposal should therefore be supported.

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

Existing Plans	Plan Ref: 17/402/1
Proposed Plans	Plan Ref: 17/402/2 Rev A
Location Plan	Plan Ref: 17/402/3
Supporting Documents	Plan Ref: Heritage, Design & Access Statement
Supporting Documents	Plan Ref: Escape & Ventilation Assessment

- 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.

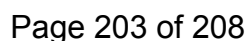
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER

or by e-mail to: helen.reeve@braintree.gov.uk



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Location Plan	Plan Ref: 17/402/3
Supporting Documents	Plan Ref: Heritage, Design & Access Statement
Supporting Documents	Plan Ref: Escape & Ventilation Assessment

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

- 2 The works 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.

TESSA LAMBERT
DEVELOPMENT MANAGER