

PLANNING COMMITTEE AGENDA

Tuesday, 30th July 2024 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

Councillor J Abbott

Councillor J Beavis

Councillor K Bowers

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

Councillor D Holland (Vice-Chairman)

Councillor A Hooks

Councillor A Munday

Councillor I Parker (Chairman)

Councillor F Ricci

Councillor P Schwier

Councillor G Spray

Substitutes: Councillor M Green, Councillor J Hayes, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor M Staines, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright, Vacancy.

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than 24 hours before the start of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

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

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

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

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

Health and Safety

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Substitute Members

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

Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

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

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Comments and Suggestions

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 9th July 2024 (copy previously circulated).

4 Public Question Time

Only Registered Speakers will be invited by the Chairman to speak during public question time.
Please see the agenda notes for guidance.

5 Planning Applications

To consider the following planning applications.

5a App. No. 23 00816 OUT - Land at Cranes Lane, KELVEDON 5 - 72

5b App. No. 23 02321 OUT - Land adjacent to Conies Farm, Oak Road, HALSTEAD 73 - 109

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this agenda there were none.

PRIVATE SESSION

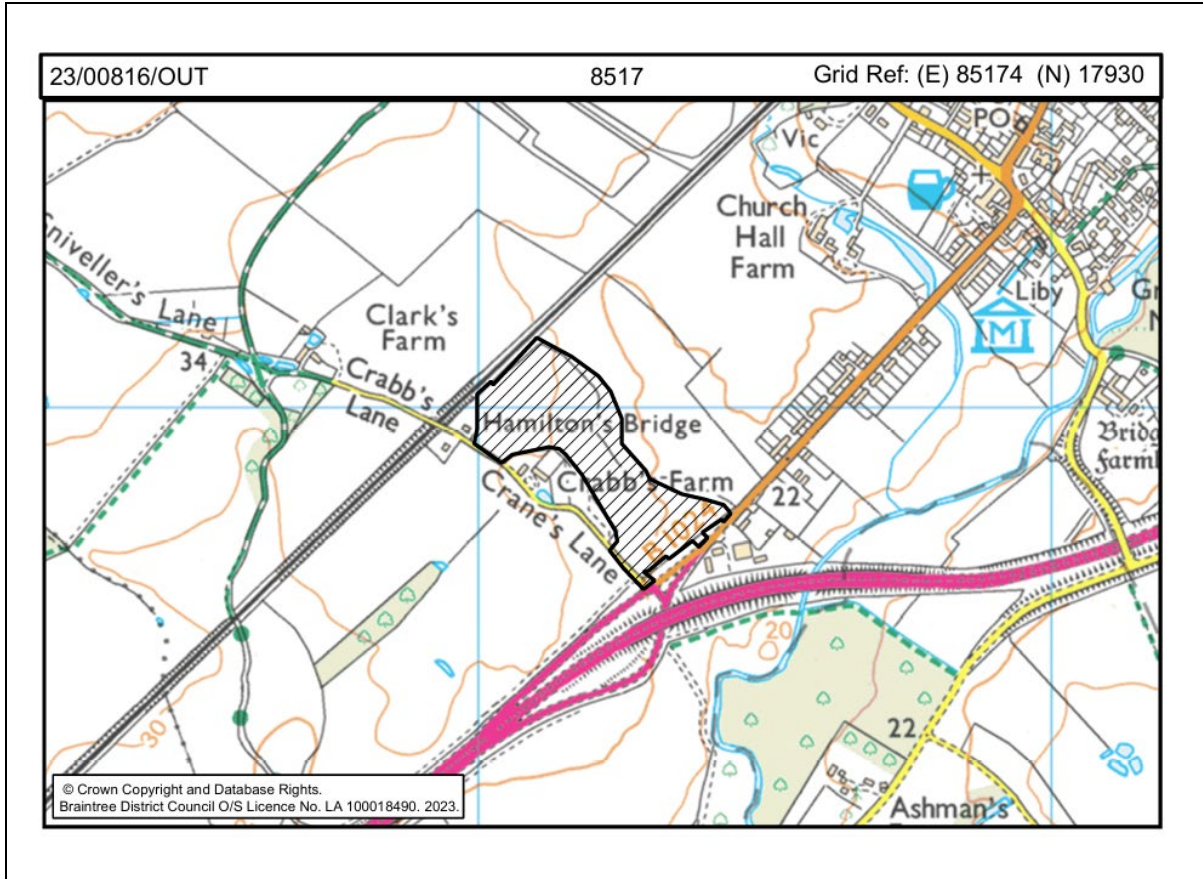
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8 Urgent Business - Private Session

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

Report to: Planning Committee	
Planning Committee Date: 30th July 2024	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/00816/OUT
Description:	Outline planning application with all matters reserved, except access, for the erection of around 100 dwellings (including 40% social/affordable housing), associated open space and a rural business court of around 2500 square metres (Class E Use)
Location:	Land at Cranes Lane, Kelvedon
Applicant:	Mr & Mrs Wendy & Geoff Scott, C/o Agent
Agent:	Mr Melville Dunbar, Melville Dunbar Associates, The Mill House, Kings Acres, Coggeshall, CO6 1NY
Date Valid:	12th April 2023
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Mathew Wilde For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2512, or by e-mail: mathew.wilde@braintree.gov.uk

Application Site Location:



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

	<p>including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/00816/OUT.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ The Adopted Local Plan 2021 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The development site is located on the edge of Kelvedon, to the east of Cranes Lane and north of London Road. It comprises an agricultural field measuring approximately 6.3ha and has boundaries with Crabbs Farm (Grade II Listed Buildings) to the west, the mainline railway to the north and a consented residential scheme to the east. The A12 is located a short distance beyond the site's southern boundary.
- 1.2 The application seeks outline consent with all matters reserved (other than access) for the erection of around 100 dwellings and a business court of around 2,500sq.m (Use Class E). The development proposes two access points, one taken from London Road to serve the proposed employment use, and the other being the improvement and realignment of the existing Cranes Lane access.
- 1.3 The proposed development is located outside of any settlement boundary. In such locations, only proposals that are compatible with and appropriate to the countryside are generally permitted.
- 1.4 While the site is located in a reasonably accessible location by virtue of being on the edge of a Key Service Village, it is heavily impacted by its context; the proximity of the site to Crabbs Farm and Crabbs Barn, both Grade II listed, means that there would be less than substantial harm (in the middle of the scale) on the setting of these designated heritage assets. Furthermore, owing to the proximity to the railway and A12, the site is heavily constrained from a noise perspective, requiring significant mitigation/intervention to be able to comply with relevant noise guidance (in the existing noise baseline scenario). Owing to the above, the application has outstanding heritage and environmental health objections.
- 1.5 While the application is in outline form, the noise mitigation/intervention measures have been assessed by Officers, as they would be necessary to make the site suitable for residential development. These parameters include locating the employment to the southern frontage, while three storey residential development would also be necessary behind the employment area. These buildings would act as the noise buffers so that the rest of the site is better attenuated. However, three storey residential development, in the quantum shown, would be out of character with the edge of village location, thus leading to harm on the overall character of the area. Similarly, some of these units would likely need to be single aspect, which is unacceptable from an amenity perspective for future occupiers. It should be noted however that these parameters were only reviewed as part of the updated noise report and associated drawings have not been formally submitted.
- 1.6 In any case, the parameters in the updated noise report did not take into account the potential effects of the new A12 scheme, or the impacts of the wedding venue at Crabbs Barn to the east. Furthermore, no overheating assessment was submitted to assess the thermal dynamics and ventilation

of closed windows (which would likely be required to achieve acceptable internal noise levels).

- 1.7 Overall, the Applicant has not demonstrated that they could satisfactorily accommodate the quantum of development sought at the site. As such, while the scheme would bring some benefits, these benefits are not considered to be substantial enough to outweigh the heritage, noise and character/amenity harm which has been identified by various consultees and Officers. Furthermore, no Section 106 has been agreed to deliver necessary mitigation. The application is therefore subsequently recommended for refusal for these reasons.
- 1.8 As the Council are currently able to demonstrate a 5 year housing land supply, the 'tilted balance' is not engaged for the assessment of this application. Notwithstanding the above, even if the 'tilted balance' was engaged, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole and the Officer recommendation would remain unchanged.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

4.1 Appendix 3 contains an overview of the application history of the site. A more detailed breakdown of the application history is contained below for reference.

4.2 The site is currently subject to two applications; Application Reference 17/01979/OUT which seeks the erection of 125 dwellings and up to 2,000m² of employment floorspace (Class B1), and the application subject of this report (23/00816/OUT), which seeks the erection of around 100 dwellings and a business court of around 2,500sq.m (Use Class E).

4.3 Application 17/01979/OUT is submitted by a land promoter who is the Applicant, while the application subject of this report (23/00816/OUT), is submitted by the landowner themselves, as the Applicant.

4.4 The earlier application (Application Reference 17/01979/OUT) remains undetermined at this time. This is in part due to outdated plans and documents which have not been updated for a significant period of time with the application remaining inactive and the Applicant not seeking to progress it. It is therefore due to be 'finally disposed of' and removed from the planning register under Article 40 of the General Development Procedure Order.

4.5 In terms of other notable history, there has been a planning application granted at appeal (Application Reference 17/00679/OUT) on an adjacent site to the east which allowed for: the erection of up to 300 dwellings, a health centre, a local retail area, a care home and an early years and child care facility. At the time of writing, reserved matters has yet to be submitted for this site.

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site measures approximately 6.3 hectares. It is located in the countryside, approximately 520m away at the closest point to the village development boundary.

5.2 The site consists of agricultural land, the boundary of which contains a number of established trees and hedges. The site is bounded to the north

by the railway line, to the west by Cranes Lane, to the east by another agricultural field (which has planning permission for up-to 300 dwellings as discussed in the history section above) and to the south by the B1024 (London Road). In terms of the wider context, further agricultural land lies to the north, west and south. The existing A12 is also located to the south of the site at approximately 70m, with the existing slip road for the A12 finishing just after Cranes Lane. It should be noted that the proposed new A12 widening would require some permanent use of some of the site frontage, and would also include an additional third lane, closer to the site, as consented. This is discussed more in the report.

- 5.3 There are Grade II listed buildings (Crabbs farm and Crabbs Barn) located immediately adjacent to the site's western boundary. Clarks Farm (Grade II listed) is located approximately 270m to the north past the railway from the site, while Church Hall Farm (Grade II listed) is approximately 505m toward to the east. The Old Vicarage (Grade II listed) and Church (Grade I Listed) are 600m and 681m away respectively from the edge of the site. The Kelvedon Conservation Area lies within approximately 650m to the north-east of the site at its closest point.

6. PROPOSAL

- 6.1 The application seeks outline consent with all matters reserved (other than access) for the erection of around 100 dwellings and a business court of around 2500sq.m (Use Class E).

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Active Travel England

- 7.1.1 No comment to make.

7.2 Anglian Water

- 7.2.1 Available capacity for the flows (waste treatment centre) but condition required relating to foul water drainage.

7.3 Essex Fire

- 7.3.1 No objections if access for fire has been duly considered in regards to building regulations.
- 7.3.2 Also request that it would be necessary for additional fire hydrants to be installed within the curtilage of the proposed site.

7.4 Essex Police - Designing Out Crime

- 7.4.1 No concerns at this stage – need to be consulted at the detailed design stage. Encourage the developer to try and achieve a secured by Design Homes and Commercial Award.

- 7.5 Essex Police - Strategic Planning Team
- 7.5.1 Set out a number of design guidance documents which the developer should look to follow/be aware of, including the Essex Design Guide, Zero Emission Fleet and Infrastructure Strategy, PFCC Police and Crime Plan and the Essex Police Force Plan.
- 7.6 National Highways
- 7.6.1 Initial Holding objection – the Application’s red line boundary overlaps the order limits of the National Highways Major Project, titled, ‘A12 Chelmsford to A120 Widening Scheme’ (A12 DCO) and therefore had potential to impact the proposed scheme. National Highways subsequently recommended that the application not be granted until such time that discussions could be had to determine that there would not be any conflicts between the development and the A12 DCO.
- 7.6.2 Following discussions between National Highways and the Developer – it was confirmed that no works which would affect the application site were required in relation to the proposed A12 improvements – as such, National Highways withdrew their objection commenting that there will be no significant capacity impacts on the strategic road network because of the development.
- 7.7 Natural England
- 7.7.1 No objection subject to Habitat Regulations Assessment.
- 7.8 Network Rail
- 7.8.1 No objection but suggest a number of informatives relating to the construction phase of the development in order to protect rail assets.
- 7.9 NHS England
- 7.9.1 The developer would be expected to pay £49,400 towards offsetting its health impact should consent be granted.
- 7.10 UKPN
- 7.10.1 Appear to have an asset running through the northern part of the site and along the site edge on Cranes Lane, however no comments have been received.
- 7.11 BDC Ecology
- 7.11.1 No objection subject to securing ecological mitigation and enhancement measures, conditions and RAMS payments.

7.11.2 Requested further information in relation to the Appropriate Assessment – which has only partially been satisfied by the developer.

7.12 BDC Environmental Health Officer

7.12.1 The Environmental Health Officer (EHO) commented on Air Quality, Noise and Contaminated land, based on the relevant reports submitted with the application.

7.12.2 The EHO raised no objection to the contamination report submitted, however they raised initial concerns with regard to air quality and noise. The responses from the Environmental Health Officer are set out in full below, as Officers consider that the subject material on this occasion is too detailed to effectively paraphrase / summarise. The initial comments were as follows:

- Air Quality – *“The REC report within the application concludes that relevant AQ objective levels for NO₂ and PM₁₀ will not be exceeded at proposed residential facades. There is no reference to PM_{2.5} and the government targets to reduce background levels of PM_{2.5}. From background PM_{2.5} maps then this site due to the presence of the A12 is likely to be more than 10 g/m³ (Environment Act target limit) and therefore is not a desirable site for residential development. In addition, the widening of the A12 project may also impact on the air pollution and noise at the site and this has not been considered within the application.”*

- Noise – *“The REC report notes that the site does not achieve the desirable level of 50dB(A) 16 hour anywhere on the site and therefore to achieve good internal noise levels there is reliance on closed windows. Due to the elevated noise source (A12) it is not possible to screen the road noise and therefore the introduction of commercial buildings close to the A12 allows the residential property to be further away from the noise source albeit at noise levels that will require closed windows to meet internal noise level. No separate thermal modelling has been provided to assess the risk of overheating of the windows needing to be closed. The noise report does not provide Lamax levels maps for the site which can also inform the level of sound attenuation required. The noise report comments that for commercial premises, if offices then the noise level incident on the premises will be 69dB(A) which will require closed windows for quiet office space and as for the residential premises an alternative form of ventilation typically mechanical which may not be sustainable. Commercial premises also create a source of noise that further impacts on the proposed residential premises.”*

Conclusion – *“Due to the proximity of the elevated section of the A12 in particular then the site creates a poor living amenity and with no detail of the proposals for the commercial area then it is possible that this commercial area site becomes a source of additional pollution (noise, light, dust, fumes etc.) on the proposed sensitive residential receptors.”*

7.12.3 In light of these comments, the developer updated their noise and air quality report for consideration. The EHO had the following further comments in terms of **Air Quality**:

- *“Environmental Health appreciates the additional information provided within the Redmore Environmental report. Subject to input parameter modelling data being correct then the information indicates that the PM2.5 target of 12 µg/m³ by 2028 is achieved for the site.*
- *Construction AQ effects are discussed and typical mitigation shall be applied and in accordance with accepted best practicable means as referenced in the AQM/EPUK (reference 9 in the report). If any site clearance or construction proceeds on the site then the best practicable means for control of air pollutants shall be included in any construction management plan to be approved by the local planning authority.*
- *The report provides plans of the site and indicative air pollutant levels that exist on site currently as follows – Fig. 5 indicates that the NO₂ (nitrogen dioxide) concentration levels are 30µg/m³ at the boundary and 20µg/m³ on the commercial/residential border. The legal objective level is currently 40µg/m³ as an annual mean within England although that may reduce over time with the WHO Air Quality guideline level being only 10 µg/m³. For PM₁₀ a 20µg/m³ site boundary level is predicted which is below the current legal objective level of 40µg/m³ as an annual mean within England and above the WHO guideline value of 10 µg/m³. For PM_{2.5} then the levels are 12 µg/m³ at the boundary of the site and appears to be approximately 11 at the assumed residential boundary which is compliant with the 2028 target but in excess of the 2040 target of 10 µg/m³.*
- *Environmental would query table 10 which makes reference to background air quality concentrations and appears to compare them with objective targets.*
- *In conclusion then Environmental Health makes no further comment for air quality as for current legislation then the site shows compliance.*

7.12.4 The EHO had the following further comments in terms of Noise:

- *“Previous comments by Environmental Health in January 2024 noted that the site does not achieve the desirable level of 50dB(A) 16 hour anywhere on the site and therefore raised concerns about the automatic reliance on closed windows to achieve objective levels. The latest acoustic report by Sharps Redmore also uses that approach. It also includes commercial buildings and other terraced arrangements of buildings within an illustrative plan as a noise buffer although details of the height of such buildings relative to noise sources is not clarified. Details of specific mitigation for the railway noise shall be clarified.*

- *As for the previous acoustic report then due to the height of noise sources (A12 in particular) then no mitigation immediate to noise source is put forward. There is the introduction of commercial buildings close to the A12 which allows the residential property to be further away from the noise source albeit still with closed windows to meet internal noise level there being both rail and road transport noise affecting the site. No separate dynamic thermal modelling has been provided to assess the risk of overheating of the windows needing to be closed. It is also an illustrative design that may not be acceptable to the planning authority.*
- *The Sharps Redmore report does provide LAmax noise level maps for the site which also assists the in estimating the sound attenuation required.*
- *The Sharps Redmore report states-*
 - o *3.18 Paragraph 7.7.3.2 of BS 8233 states: "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. However, 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. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited."*
- *Environmental Health notes that this is provided as a reason for exceedances of the desirable 50dB LAeq and the upper guideline value of 55dB(A) for the site. The significance of the desirable guideline value of 50dB(A) is that if not exceeded then windows may be opened and the acceptable internal noise levels may be achieved. The exceptions would seem to apply where the area is a city centre or urban area. It is viewed by Environmental Health that Kelvedon does meet that description to warrant relaxation on internal/external noise levels.*
- *Table 4 in the report suggests that it might be acceptable to exceed the WHO LAmax guideline noise value for the site by up to 10dB(A). This is not agreed by Environmental Health as the 45dB(A) level is recognised as a threshold for sleep awakening at night from studies approved by the WHO. Further then the suggestion that a rating level LAr of background noise level plus 10dB from the commercial premises affecting the residential properties is not agreed by Environmental Health. LOAEL is an appropriate target for a site not significant observed adverse effect levels. Similar comments are advised for section 4.18 and 4.21 comments where unagreed targets are assessed.*

- *Environmental Health would not wish to see poor living amenity created on sites which are blighted by noise from traffic sources where windows have to be kept closed resulting in poor thermal comfort to occupiers and ‘terracing’ of buildings need to be constructed to screen the transport noise at the site. Details of relative heights of buildings and noise sources are not clearly presented to show it as being a practicable approach and even with that approach closed windows are still required. Environmental Health is not satisfied that a good quality of living accommodation/amenity would be created at the site.*
- *Section 4.3 of the report confirms the hierarchy of the noise control mitigation and building envelope is the last method to use and still is necessary for most if not all of the residential properties on the site.*
- *In Section 5.3 of the report references internal noise levels and compliance with building regulations assumed to be Approved document F as follows:*
 - o *Suitable internal noise levels can be achieved with windows closed to the properties facing the A12 and railway lines. Alternative ventilation can be provided to comply with Building Regulations and to overcome issues of over-heating. The majority of dwellings within the site can rely upon traditional ventilation. The exact details of the mitigation measures will depend on the final layout of the site and properties and can be controlled through a suitably worded planning condition.*
- *Environmental Health comments that the Building Regulations Approved Document F considers only short term ventilation or purge ventilation and is not assessing the need for mechanical ventilation to prevent over heating or to safeguard thermal comfort as the climate changes. The general statement that alternative ventilation can be provided to overcome issues of overheating is insufficient. There is no dynamic thermal modelling (e.g. CIBSE TM59 or equivalent) provided to support this statement.*
- *Environmental Health accepts there are difficulties of modelling the site when the layout is a reserved matter but for a site where there are rail and road noise sources in a number of directions including an elevated road then the information submitted does not demonstrate that acceptable living amenity may be achieved readily where high external noise levels exist. Noise mitigation using a closed box scenario with mechanical ventilation and cooling may also increase internal noise levels due to mechanical ventilation which further reduces the quality of the living conditions. Section 5.5 states that closed windows and forced ventilation is acceptable.*
- **External noise levels** *in private amenity space also present an acoustic challenge for the site to be able to achieve acceptable noise levels in gardens.*

- *Section 5.6 the report states that it is a good noise climate even where the modelling indicates 60 to 65 dB(A) to the south east and 55 to 60 dB(A) to the north west of the site so all above the upper guideline value of 55 for external amenity space.*
- *For outline sites then there is the dilemma that outline is reserved and the noise and air quality reports relate to an illustrative plan but Environmental Health is concerned that noise targets to provide good living amenity will be impracticable to achieve for much of the site even with the reliance on high sided commercial buildings and terraced properties. If that is practicable there is still the reliance on closed windows and no thermal comfort assessments have been provided to address or confirm that over heating is a constraint.*
- ***In conclusion** the Sharps Redmore report does not change the noise levels that are present on the site nor is the method of suggested mitigation changed from the initial report so Environmental Health concerns remain that poor living amenity will be created for a large area of the site.*

7.12.5 In order to try and address these concerns around noise levels, the Applicant asked the noise consultant to consider a set of parameters which included some three storey residential development and 9m high commercial development. The Applicant also produced sections which take into account the site topography. The noise report was then subsequently updated again. The implications of all of these things are discussed in the noise & design section of the report, however for completeness the Environmental Health Officer response to the updated noise report was as follows:

- *“It is still evident that the noise from both road and rail sources will mean that amenity areas are constantly impacted negatively by transport noise. The elevated A12 and slip roads) located to the north and south and the resultant noise impact (LA,eq and Lamax) on the site and single aspect buildings limits the option to provide ventilation of residential property with windows open and to prevent over heating within habitable rooms by non-mechanical means. To demonstrate that the necessary ventilation may be achieved where windows need to be closed particularly in bedrooms to prevent sleep awakenings then dynamic thermal modelling prior to any permission is requested. There is also a wedding venue site adjacent (with the potential for some entertainment noise affecting the site). Therefore Environmental Health still concludes that this remains a poor site in terms of the polluting noise effects on sensitive residential development.*
- *The above Environmental Health comments follow the submission of the applicant’s acoustic report by Sharps Redmore dated June 2024. This presents an illustrative layout and the confirmation that the upper guideline noise level in external amenity shall not be exceeded. This still*

necessitates closed windows for rooms so as to achieve both BS8233 Table 4 internal noise limits and WHO sleep awakening criteria of less than 45dB(A) (LAmax) in bedrooms. It would be necessary if the application progresses for finished site noise levels to be verified by measurement post completion of individual properties (relevant habitable rooms and external private amenity) prior to occupation. There does need to be an overheating assessment (dynamic modelling such as TM59) prior to the application being granted however as if relying on closed windows then this needs to be supplied prior to any decision being made as the development may not be sustainable where mechanical ventilation/cooling is relied on.

- *It is noted that the application is for 'around' 100 properties rather than 'up to and achieving acceptable noise levels on this site is reliant on a buffer of non-residential property to the south of the site, significant heights for proposed commercial buildings and introducing single aspect properties to reduce noise exposure for future occupiers of the site, This may not be acceptable to the Planning Authority in terms of use and design for the site. In addition there seems to be no consideration to the A12 widening scheme as to how that might impact the site both in terms of noise and being able to attenuate using the suggested scheme.*
- *In conclusion Environmental Health is not able to support this application based upon the current information available."*

7.12.6 Overall, there are still a number of outstanding issues which require further information/resolution, before the Environmental Health Officer can be fully satisfied that the development is acceptable from a noise perspective. These issues include overheating and mechanical ventilation, what impact the new A12 scheme might have on the site in terms of noise, or the likely impacts of the proximity of the wedding venue as a noise source. As such, based on a lack of available information, there is still an objection from Environmental Health.

7.13 BDC Strategic Housing Officer

7.13.1 Suggest a mix of housing (for reserved matters stage) for a 100 dwelling scheme (requiring 40 affordable units in line with Policy) as follows:

Mix Based on Scheme of 100 Units Land Cranes Lane, Kelvedon 23/00816/OUT	No.	Affordable Rent	Intermediate Tenure
2 bed 4 person houses	20	12	8
2 bed 4 person bungalows - Part M4 (3)(2b)	1	1	0
3 bed 5 person bungalows – Part M4 (3)(2b)	1	1	0
3 bed 5 person houses	12	8	4
3 bed 6 person houses	4	4	0
4 bed 7 person houses	2	2	0
	40	28	12

7.13.2 The Housing Officer also set out a number of additional points to consider including:

- Affordable dwellings should be deliverable without reliance on public subsidy.
- Policy LP35 requires 5% of the affordable homes, equating in this case to two dwellings, will be required to meet Category M4(3)(2b) – wheelchair accessible dwellings - of Building Regulations.
- Accessibility requirement for all other affordable homes accessed at ground level to meet Building Regulations Part M (2).
- Affordable homes should be compatible with Nationally Described Space Standards.
- Requirement for affordable units to be clustered in a minimum of two areas of the development.

7.14 BDC Waste Services

7.14.1 Set out standards for which any reserved matters at the site must adhere to:

- The access roads will need to be adopted highway, or build to a standard equivalent to adopted highway, and maintained as such.
- The maximum drag distance between where the collection vehicle can safely stop, and where the waste receptacles are presented for collection, must not exceed 20 metres.
- Any flat blocks will need to have enough waste containment to accommodate for 45 litres per person per week for refuse, and 45 litres per person per week for recycling. The bin store needs to be large enough to allow for 15cm perimeter around each bin to ensure for operatives to be able to manoeuvre the bins without injuring their hands. The drag distance for flats between where the collection vehicle can

safely stop, and entrance to the bin store must not exceed 15 metres. The pathway must be flat, level free of shingle, and drop kerbs installed where required. Also ensure when the bin store doors are open, that there is sufficient hard standing to put the bins on, with the doors open.

7.15 ECC Archaeological Officer

7.15.1 No objections subject to conditions.

7.16 ECC Education

7.16.1 The developer would be expected to pay financial contributions towards the following educational settings:

- Contributions of £155,412 for EYCC;
- Primary - None - sufficient capacity in the area;
- Secondary - £475,500 + transport of £99,560; and
- Libraries - £7,780.

7.17 ECC Green Infrastructure

7.17.1 No objection – recommend conditions for CEMP (Construction Environmental Management Plan) and LEMP (Landscape and Ecological Management Plan).

7.18 ECC Highways

7.18.1 Object to the development – a single access point should be used and an updated stage one safety audit be completed.

7.18.2 Following the submission of additional plans, ECC Highways withdrew their objection and recommended the following conditions in relation to the following:

- Construction traffic management plan, and cycleway/footway improvements (in either new A12 or existing A12 scenarios).

7.19 ECC Historic Buildings Consultant

7.19.1 Object to the development. Full detailed response below:

7.19.2 *The heritage assets which will be affected by the proposals are: Crabb's Farmhouse (Grade II, list entry number: 1337635) and Crabb's Barn (Grade II, list entry number: 1170076). The significance of these two listed buildings is described in the applicant's supporting heritage statement; I agree with the conclusions of this statement that there will be no harm to the significance of the listed buildings at Clark's Farm, Church Hall Farm, St Mary's Church and The Vicarage through the introduction of built development within their setting. I do, however disagree with the conclusion that the proposals will cause a low level of less than substantial harm to the*

- significance of the listed buildings at Crabb's Barn. In my professional opinion, the harm will be in the mid-range of less than substantial harm, due to the proximity of the proposed development and the cumulative effect this will have on the building's setting, when viewed in conjunction with the existing surroundings and permitted schemes.*
- 7.19.3 *The significance of Crabb's Farmhouse and its associated barn is in their historic, architectural, and archaeological interest as surviving examples of sixteenth century timber framed buildings. The wider setting of these buildings, which consists of open, agrarian fields to the north and south and includes the application site, allows for the former agricultural use and associations of the buildings to be appreciated. Whilst the railway line and the A12 have partially severed the farm's link with the wider landscape to the north west and south east, it is largely experienced within a rural landscape.*
- 7.19.4 *Due to the lack of immediate development within the setting of the farmhouse and barn, of which the application Site is part, Crabb's is still readily appreciated as an historic farmstead. Any built development of the Site can therefore be considered harmful, as this will change views towards the listed buildings, how they are appreciated, and change other factors such as the tranquillity, noise, light and landscaping of its setting which all contribute. Cumulatively, the proposals will also exacerbate the effects of other consented schemes within Crabb's Farm's wider and immediate setting.*
- 7.19.5 *Whilst the block plan of the site is indicative, the proposed level of development, including a mixed development for business use and up to 100 homes, will represent a high level of intensification of the Site, changing the approach to the listed buildings, as well as their outlook and overall setting. In terms of the level of harm, the proposed volume of development will result in a mid-level of less than substantial harm due to the nature of the proposal and sheer quantity of built form proposed.*
- 7.19.6 *This could be mitigated to an extent by landscaping, changes to number of dwellings and structures, yet the harm to the listed building's setting cannot be entirely removed due to the important role this setting plays in the ability to understand and appreciate the significance of the buildings. Section 202 of the NPPF is applicable, and the public benefits of the scheme should be weighed against this harm. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also applicable, as is Braintree's Policy LPP 57 which states 'The Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.'*
- 7.19.7 *Following a heritage statement addendum submitted by the Applicant, which included assessing the impact of the recently constructed Shephard Huts at Crabb's Farm, as well as reviewing parameters which would be required to deliver some three storey development at the site, the Historic Buildings Consultant had the following additional comments:*

- 7.19.8 *“This letter follows the submission of a further heritage statement, produced by Smith Jenkins Planning and Heritage and in addendum to the originally submitted statement produced by RPS. Further information has also been provided regarding the building height of areas of the proposed site layout, with the applicant having confirmed that a residential section of the application site north of the proposed business centre would feature three storey buildings, not two storeys as shown on the site sections submitted initially.*
- 7.19.9 *Regarding the heritage statement addendum, I do not think that the current use and appearance of Crabbs Farm, including the installation of the shepherds’ huts and new landscaping at Crabbs Farm, alters my assessment of the proposal at Cranes Lane. The revised heritage statement submitted by the applicant also does not change the applicant’s conclusion regarding the impact the proposals will have on the listed buildings at Crabbs Farm. The addendum states that the effect of the development would be low less than substantial harm (the same as the previous report), regardless of the changes to the immediate setting of Crabbs Farm which have occurred.*
- 7.19.10 *Where I differ from the applicant’s heritage consultant is in the level of harm, I described this at a mid-range of ‘less than substantial harm’, they place it at low.*
- 7.19.11 *Regarding the building heights, the three storey sections (comparative to two storey as shown on the initially submitted sections) would not alter the level of harm I have identified, however I do think it would have a further effect on the setting of the listed buildings. The proximity of the proposed development to Crabbs Farm will have a notable effect on its setting, an effect which will vary dependent on the nature of the development. Three storey dwellings will no doubt have more visual prominence than two storey buildings, yet overall this is one of many features of the scheme which will alter the setting of Crabbs Farm. The scale of the dwellings closest to the heritage assets needs to be considered alongside other aspects of the proposal, such as scale, landscaping, lighting, noise and changes to land use, all of which affect the way in which these heritage assets will be appreciated and their significance understood.”*

7.20 ECC Minerals and Waste

- 7.20.1 No Mineral Infrastructure Impact Assessment or Waste Infrastructure Impact Assessment is required. Suggest condition for a Site Waste Management Plan if approved.

7.21 ECC SUDS

- 7.21.1 No objection subject to conditions.

8. PARISH / TOWN COUNCIL

8.1 Kelvedon Parish Council

8.1.1 Object to development for following summarised reasons:

- Outside of village envelope in adopted local plan and neighbourhood plan.
- Negative heritage impact on Crabbs Barn.
- No screening to business units at the front of the site.
- Does not meet Policy H01 – new infrastructure not likely delivered in a timely manner, and accommodation shown is larger than the village needs (more akin to starter homes).
- Does not meet Policy H03 – no consultation with the PC on these proposals.
- Does not meet Policy MA1. Most residents would drive to the village due to distance. Cannot guarantee link up with adjacent site. Vehicles entering and exiting onto A12 slip road.
- Does not meet Policy NE5. Not demonstrated how they would retain key viewpoints.
- Does not meet Policy BR1 & BR9. No provision for further commercial areas in village – plus character proposing not appropriate for village edge. Commercial units could be impactful on residential. Slow moving vehicles from commercial could have impact on A12 slip road and cause a hazard.
- Ecology surveys need updating and taken at different times of year, both baseline and protected and other species.
- SUDS proposals require half the site to be pumped up hill – could be issues – plus discharging into the culvert could be problematic if flooding.
- Cranes Lane not suitable to accommodate the traffic that the development would put forward.

8.2 Feering Parish Council

8.2.1 Object to development for following summarised reasons:

- Outside of village envelope.
- BDC have 5 year land supply.
- 3 accesses – unsafe, lead to cutting across white lines to get to A12 in current configuration.
- Unsure on ownership to cross the road.
- Exit of Cranes Lane onto A12 slip road 60mph.

9. REPRESENTATIONS

9.1 Four objection comments have been received including one from the Kelvedon and Feering Heritage Society, setting out the following summarised concerns:

- Heritage impacts on Grade I listed church and Grade II Crabbs Farm.
- Site floods during winter season.
- Departure from the Adopted Local Plan and Neighbourhood Plan – residential and commercial.
- No further housing required as adjacent appeal site enables 5 year land supply to be met.
- Extend development boundary into open countryside at risk of merging with Rivenhall End.
- Highway safety implications – using slip road from A12 – if A12 scheme goes ahead this is removed but then more traffic will go past the site to Inworth to access A12.
- Accesses interrupt national cycle route.
- Design is yet to be formally approved.
- Any connection to the appeal site adjacent would affect field boundaries and Suds basins.
- Houses not designed with sustainability in mind (e.g. solar panels).
- Residents unlikely to walk to the village centre to access amenities.
- Those amenities e.g. Doctors are already oversubscribed.
- 27 commercial units unnecessary and would look unsightly on village edge.
- Demand for housing in the village is slowing.
- Loss of agricultural land.
- Not clear how will achieve environmental net gain.
- Insufficient utilities available – water and sewage.

9.2 Three further general responses were received setting out the following summarised comments:

- Consideration needs to be given to flooding and the impact of surface water.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

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

10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that

decision makers at every level should seek to approve applications for sustainable development where possible.

- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).
- 10.2 5 Year Housing Land Supply
- 10.2.1 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Council's Local Plan is up to date and complies with the NPPF.
- 10.2.2 However, Footnote 79 of the NPPF sets out that this provision only applies to planning applications which were submitted on or after the date of publication of the revised NPPF (December 19th 2023). As this application was received prior to that date, the Council must consider it in relation to the 5 year housing land supply.
- 10.2.3 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes

per year are therefore required to be delivered within this 5 year period (2023-2028). Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 year supply.

10.2.4 The Council acknowledges that a Planning Inspector has recently concluded that the Council had not evidenced 5 years housing land supply. The Planning Inspector agreed that sufficient evidence had been provided as part of the planning appeal for Land South of Springfields (Appeal Reference APP/Z1510/W/24/3338229) to evidence 4.9 years supply, with a shortfall of 67 dwellings. Officers are engaged in the process of obtaining further evidence to demonstrate the deliverability of some of the sites that the Planning Inspector excluded from the supply. The Council are confident that the additional evidence which is being secured will address the Inspectors concerns and provide the clear evidence required of a 5 year supply of housing land. As the Council maintains that it is able to demonstrate an up to date 5 year housing land supply, the presumption at Paragraph 11d of the Framework is not engaged. Consequently, and given that they were only recently adopted, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

10.3 The Development Plan

10.3.1 Currently the Council's statutory Development Plan consists of the Adopted Braintree District Council Local Plan 2013-2033, as well as the Adopted Kelvedon Neighbourhood Plan.

10.3.2 Policy SP1 of the Adopted Local Plan states that when considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The LPA will always work pro-actively with Applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise. Policy SP4 of the Adopted Local Plan sets annual housing figures across the plan period which should be met. This is echoed in Policy LPP16 of the Adopted Local Plan, which also specifies the key growth locations in the District.

10.3.3 Policy LPP1 of the Adopted Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement. Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting

and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

- 10.3.4 Policy SP5 of the Adopted Local Plan specifies that Braintree needs to deliver at least 20.9ha of employment across the plan period. Policy LPP2 of the Adopted Local Plan lists those strategic sites which are expected to contribute to the Policy SP5 requirement. This site is speculative and subsequently not listed. Owing to its location outside of defined settlement boundaries, Policy LPP7 of the Adopted Local Plan states that proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, will be considered acceptable subject to safe access, no unacceptable highway impact, no unacceptable impact on residential amenity, no unacceptable impact on the character of the site or surrounding countryside.
- 10.3.5 Policy HO1 of the Neighbourhood Plan states that further new residential development above Local Plan housing requirements will be supported where it is demonstrated that the provision of necessary infrastructure can be achieved in a timely and phased manner with no significant adverse impacts upon the natural environment.
- 10.3.6 Policy BR1 of the Neighbourhood Plan states that new business uses defined as Class E, F and Sui Generis and expansion of existing businesses, particularly where they extend the range of types of products and services offered, will be supported throughout the Parish, subject to a number of criteria including – no unacceptable impact on neighbour amenity, appropriate scale, respecting historic features, safe access, vehicular parking and cycle parking and suitable waste arrangements. Policy BR9 of the Neighbourhood plan is similar to that of Policy LPP7 of the Adopted Local Plan, stating that small scale commercial development outside development boundaries is supported subject to, character impact, impact on agricultural use, use of existing buildings, highway and parking impacts.
- 10.3.7 In this case, the site is located outside of any settlement boundary and is therefore in the countryside. The site was considered in the pre-submission phase of Local Plan production (site ref: Kelv616) but was rejected, for reasons due to its location on the very edge of the village and adverse effects on highways, character, landscape and loss of agricultural land.
- 10.3.8 Owing to the above, the development of the site would be contrary to Policy LPP1 of the Adopted Local Plan, as the development of the site would not represent uses suitable for the countryside. However, Policy HO1 of the Neighbourhood Plan is more permissive, not necessarily restricting new residential development to the village boundary, subject to the provision of infrastructure in a timely manner and no significant effects on the natural environment. As such, while there is a conflict with Policy LPP1 of the Adopted Local Plan, there is less of a conflict with the Neighbourhood Plan.

However, the Local Plan was adopted after the Kelvedon Neighbourhood Plan and therefore takes precedence.

- 10.3.9 It should be noted that Kelvedon Parish Council consider that the development would not likely deliver new infrastructure in a timely manner. Officers however have no evidence to suggest that, should approval be forthcoming, the development would not deliver the necessary mitigation required by relevant consultees including Highways, Education and Health.
- 10.3.10 In terms of the employment, while the site is outside of settlement boundaries, it is considered that it is not within the scope of Policy LPP7 (and indeed BR9 of the Neighbourhood Plan), as this relates to smaller scale development. As such, it is considered that the proposal is considered more relevant to Policy BR1 of the Neighbourhood Plan as this supports the creation of new business units, subject to detailed criteria as set out above. There is therefore some support for the general principle of such employment use but subject to compliance with the remaining detailed policy criteria.
- 10.3.11 It should be noted however that Kelvedon Parish Council commented the development wouldn't comply with BR1, as there is no provision for further commercial areas in the village.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

- 11.1.1 Paragraph 109 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes which can help to reduce congestion, emissions, and improve air quality and public health. The NPPF defines sustainable transport modes as: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.
- 11.1.2 Paragraph 109 of the NPPF does however note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, Paragraph 114 of the NPPF sets out new development should ensure inter alia; appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location.
- 11.1.3 Paragraph 83 of the NPPF also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 11.1.4 Policy SP3 of the Adopted Local Plan states inter alia that Existing settlements will be the principal focus for additional growth across the North

Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Policy LPP42 of the Adopted Local Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

- 11.1.5 In this case, while the site is on land designated as “countryside”, it would not be isolated by virtue of Paragraph 84 of the NPPF. It is located on the edge of Kelvedon where commercial development exists on the opposite side of London Road. It is also adjacent to a consented residential development of 300 dwellings, a health centre, care home, shops and a nursery. Should this 300 dwelling consent be implemented, the development would sit adjacent to the village. If the 300 dwelling consent is not implemented, the development would appear more isolated and disconnected with the village on that northern side of the B1024 (London Road).
- 11.1.6 Nonetheless, the Framework does not imply that dwellings have to be isolated in order for restrictive policies to apply and there may be other circumstances where development in the countryside should be avoided. In that respect, there are other relevant policies of the Development Plan in terms of the suitability of the location which relate to matters such as the accessibility of local services, amenities and facilities.
- 11.1.7 One such policy is the Spatial Strategy for Braintree District. The Spatial Strategy as contained within the Adopted Local Plan directs new development towards the most sustainable locations and provides the framework in which the growth should be provided. The Settlement Hierarchy ranks areas of the District in order of their sustainability merits and the size, function and services that each of the areas can offer. In this case, Kelvedon, along with Feering, are jointly considered to be a Key Service Village.
- 11.1.8 The Key Service Villages are large villages who serve a wider rural hinterland. The ability to meet day to day needs is normally possible in a Key Service Village through the availability of early years and primary schools, primary health care facilities, convenience shopping facilities, local employment opportunities and links by public transport and road to the larger towns. Development may be considered sustainable within a Key Service Village, subject to the specific constraints and opportunities of that village.
- 11.1.9 In terms of services and facilities, Kelvedon could reasonably accommodate day-to-day living. It has a library, post office, existing health centre, recreation ground, village hall, primary school, railway station, pharmacy and public houses, takeaways, opticians, shops and dentists. It also has some office space and access to bus services which link up to other larger settlements including Colchester and Chelmsford. It does not

however have a large shop or access to wider employment opportunities which the higher order settlements can offer (e.g. Witham). As such, Kelvedon's classification as a Key Service Village is considered to be appropriate. Therefore, for the purposes of the NPPF, Kelvedon should be considered a reasonably accessible location, reducing the need to travel.

- 11.1.10 This site is located on the periphery of Kelvedon. It is therefore approximately 0.7km at the closest point to the junction of Maldon Road and London Road near the Angel Hotel Public House, while the furthest houses on the development (those near to the railway on the northern edge) could be located approximately 1.2km away from the same point. The site is therefore some distance away from the start village where existing services and faculties are. Kelvedon Parish Council, along with some neighbour representations, raise concerns that owing to the distance, most future residents would likely use the car to access services and facilities in Kelvedon. While this cannot be prevented, Officers consider that these walking distances, although lengthy are not excessive and could be reasonably walked along the existing footway on London Road. The adjacent development site (Application Reference 17/00679/OUT), proposed a number of services including a new health facility and shops, which if delivered, would all be closer than the centre of the village.
- 11.1.11 Transport options are available which provide an alternative to the private car. This includes bus stops on either side of London Road in relatively close proximity to the site, with a half hourly bus service, as well as the Kelvedon Railway Station a 20-25 minute walk away (along illuminated and hard surfaced footways) with main line access into London. The development would therefore have access to a relatively good choice of transport modes.
- 11.1.12 Overall, it is considered that the site is generally within a relatively accessible location with access to some local services and facilities which could support a degree of day-to-day living. Public transport options also exist which could reduce the reliance on the private motor vehicle. Taking the above considerations into account, the location of the site is considered to be a moderate benefit weighing in favour of the development.

11.2 Landscape Character

- 11.2.1 Paragraph 180 of the NPPF states inter alia that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia; protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland. Also by minimising impacts on and providing net gains for biodiversity, including by

establishing coherent ecological networks that are more resilient to current and future pressures.

- 11.2.2 Policy LPP67 of the Adopted Local Plan states that Proposals for new development should be informed by, and be sympathetic to, the character of the landscape as identified in the District Council's Landscape Character Assessments. Proposals which may impact on the landscape such as settlement edge, countryside or large schemes will be required to include an assessment of their impact on the landscape and should not be detrimental to the distinctive landscape features of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development which would not successfully integrate into the local landscape will not be permitted.
- 11.2.3 Policy NE5 of the Adopted Neighbourhood Plan states that housing development should seek to protect key views as identified within the Neighbourhood Plan. The application was supported by a Landscape and Visual Impact Assessment (LVA) document and a Framework Plan.
- 11.2.4 In terms of contextual factors, the site has no national or local landscape designations, and there are no trees subject to a Tree Protection Order (TPO) on the site. The train line is higher than the site, while the site itself has a moderate change in level at various points. The site also falls within a number of study areas, including the Blackwater River Valley in the Braintree Landscape Character Assessment (2006).
- 11.2.5 In this case, the application has been supported by a Landscape Visual Assessment (LVA) to assess the landscape impact of the development. This LVA includes a review of various viewpoints in the locality. The LVA notes that this site would be adjacent to a consented housing development (if implemented), as well as other infrastructure/buildings including the railway, A12 and opposite enterprise building. Overall, the LVA considers that with mitigation planting on development boundaries, that the long term landscape impacts of the development would be able to be mitigated, and thus that there would be no significant landscape harm that would arise from the development.
- 11.2.6 In landscape terms, Officers agree that the site would not be high value landscape; it performs a function in terms of the setting to Crabbs Farm, the adjacent listed buildings, but is generally interrupted from wider views by intervening infrastructure / structures (railway to north, potential development to east and industrial buildings to the south). In terms of the landscape impact considerations for the adjacent larger site of 300 dwellings (Application Reference 17/00679/OUT), Officers used an independent landscape consultant who found the development would not result in sufficient landscape harm (character or visual) to refuse that application on landscape grounds, providing suitable mitigation was in place. Owing to the above, Officers considered that an independent landscape consultant in this case was not necessary for this application.

- 11.2.7 Overall, Officers consider in landscape terms that there would not be a significant impact arising from the development, providing that some mitigation planting was provided at reserved matters stage. Landscape harm is therefore limited and consequently it is given limited weight in the planning balance.
- 11.2.8 Kelvedon Parish Council commented that the development would breach Policy NE5, as it has not been demonstrated how key views contained in the Neighbourhood Plan have been retained. However, it is evident that the only protected view which may be affected is View 1, which is a view from near the A12 off slip road, looking towards the site showing the view of the St Mary's Church spire.
- 11.2.9 View 1 was assessed as part of adjacent development (Application Reference 17/00679/OUT), both by the Applicants LVA consultant, but also an independent landscape consultant appointed by the Council. In summary, it was found that the view presented was not a fair reflection of the view experienced by pedestrians or people in vehicles and that St Mary's Church spire is difficult to identify within the vista. Overall, it was concluded that there was a conflict with NE5 but that this conflict was not significant owing to the above.
- 11.2.10 In this case, the development of the application site would likely impact on Viewpoint 1, albeit to a lesser extent than the adjacent site (Application Reference 17/00679/OUT). Given this, and that consent has been granted for the adjacent site (thereby blocking the view if built), it can only be considered that the same conclusion can be reached, that while there is a breach with NE5, the conflict would not be significant and can only be afforded minimal weight in the planning balance.
- 11.3 Heritage Impact
- 11.3.1 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 of the NPPF states inter alia that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 11.3.2 Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.3.3 Policy SP7 of the Adopted Local Plan states inter alia that development proposals should protect and enhance assets of historical or natural value. Policy LPP57 of the Adopted Local Plan states inter alia that the Council

will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land. Policies LPP47 of the Adopted Local Plan state that development should secure the protection and enhancement of the historic environment. Finally, Policy LPP52 of the Adopted Local Plan states inter alia that designs shall be sensitive to the need to conserve and enhance local features of architectural, historic and landscape importance.

- 11.3.4 This site is in close proximity to, and within the locality of a number of designated heritage assets; these include a Grade II listed building (Crabbs Farm) and Crabbs Barn, located immediately adjacent to the site's western boundary. Clarks Farm (Grade II listed) is located approximately 270m to the north past the railway from the site, while Church Hall Farm (Grade II listed) is approximately 505m toward to the east. The Old Vicarage (Grade II listed) and Church (Grade I Listed) are 600m and 681m away respectively from the edge of the site. The Kelvedon Conservation Area lies within approximately 650m to the north-east of the site at its closest point.
- 11.3.5 The Council's Historic Buildings Consultant (HBC) considers that there will be two main designated heritage assets affected by this application; Crabb's Farmhouse (Grade II, list entry number: 1337635) and Crabb's Barn (Grade II, list entry number: 1170076). These are adjacent to the site to the west. Crabbs Barn is understood to be a wedding venue, and there have been other applications to add additional wedding paraphernalia in recent times.
- 11.3.6 The HBC considers that the significance of Crabb's Farmhouse and its associated barn is in their historic, architectural, and archaeological interest as surviving examples of sixteenth century timber framed buildings. The wider setting of these buildings, which consists of open, agrarian fields to the north and south and includes the application site, allows for the former agricultural use and associations of the buildings to be appreciated. The HBC notes that whilst the railway line and the A12 have partially severed the farm's link with the wider landscape to the north west and south east, it is largely experienced within a rural landscape.
- 11.3.7 The HBC further states that due to the lack of immediate development within the setting of the farmhouse and barn, of which the application site is part, Crabbs Farm/Barn is still readily appreciated as an historic farmstead. Any built development of the site can therefore be considered harmful, as this will change views towards the listed buildings, how they are appreciated, and change other factors such as the tranquillity, noise, light and landscaping of its setting which all contribute. Cumulatively, the proposals will also exacerbate the effects of other consented schemes within Crabb's Farm's wider and immediate setting.
- 11.3.8 Furthermore, the HBC considers that the proposed level of development, including a mixed development for business use and up to 100 dwellings, would represent a high level of intensification of the site, changing the approach to the listed buildings, as well as their outlook and overall setting.

- 11.3.9 The HBC considers that in terms of the level of harm, the proposed volume of development would result in a mid-level of less than substantial harm due to the nature of the proposal and sheer quantity of built form proposed. This could be mitigated to an extent by landscaping, changes to number of dwellings and structures, yet the harm to the listed building's setting cannot be entirely removed due to the important role this setting plays in the ability to understand and appreciate the significance of the buildings.
- 11.3.10 The Applicant submitted a Heritage Statement in support of the application. Having reviewed the submitted heritage statement, the HBC commented as follows: *"I do, however disagree with the conclusion that the proposals will cause a low level of less than substantial harm to the significance of the listed buildings at Crabb's Barn. In my professional opinion, the harm will be in the mid-range of less than substantial harm, due to the proximity of the proposed development and the cumulative effect this will have on the building's setting, when viewed in conjunction with the existing surroundings and permitted schemes."*
- 11.3.11 Furthermore, the Applicant submitted a final updated heritage statement which considered the impact of the recently approved Shepard Huts (Application Reference 22/03344/FUL) to provide accommodation for the wedding venue. The Council's HBC after reviewing the addendum, stated that *"the current use and appearance of Crabbs Farm, including the installation of the shepherds' huts and new landscaping at Crabbs Farm, would not alter my assessment of the proposal at Cranes Lane."*
- 11.3.12 The Council's HBC also considered the impact of the noise parameters (discussed in detail in the heritage section) which include 9m high commercial development and 11m high residential development (three storey) behind the residential. The HBC considered that the three storey development would have a further effect on the setting of the listed buildings, but wouldn't change the overall level of harm, which is less than substantial in the middle of the scale. The HBC commented this was because: *"Three storey dwellings will no doubt have more visual prominence than two storey buildings, yet overall this is one of many features of the scheme which will alter the setting of Crabbs Farm. The scale of the dwellings closest to the heritage assets needs to be considered alongside other aspects of the proposal, such as scale, landscaping, lighting, noise and changes to land use, all of which affect the way in which these heritage assets will be appreciated and their significance understood."*
- 11.3.13 Officers concur with the assessment of the Council's HBC. In particular, the submitted masterplan shows that the residential development would need to encircle Crabbs Farm and Crabbs Barn. This encirclement would be necessary to be able to achieve the quantum of development proposed, without having taller flatted blocks on the development, which in themselves would be harmful to the Listed Building. These heritage

concerns are also echoed by Kelvedon Parish Council and the Kelvedon and Feering Heritage Society.

- 11.3.14 It is noted that the adjacent site, Application Reference 17/00679/OUT, also had heritage impacts on Church Hall Farm (a collection of 4 Grade II Listed Buildings), which is located to the east of the site. While the application was granted permission at appeal, it should be noted that there are several key differences between the two sites.
- 11.3.15 Firstly, the buffer zone around Church Hall Farm listed buildings was significantly larger than is currently proposed, spanning the entire length of the boundary of the site. The area left for open space by comparison for Crabbs Farm and Barn by comparison is much reduced, with residential development encircling from the north and south east. In any case, this application is for outline consent with all matters reserved apart from access. As submitted, there are no parameters which would secure the open space area as shown, or indeed where the residential and commercial elements would be. As such, without additional protections, there could in theory be residential development in the green space shown, thereby intensifying the impact on the setting of the listed buildings even further.
- 11.3.16 Secondly, Application Reference 17/00679/OUT also proposed a new health centre, a care home, shops and a new nursery. These benefits were afforded significant weight in favour of the application, along with the benefits of up-to-300 new dwelling units. In this case, the scheme proposes only a third of the number of dwellings with around 100 units and a new business court, which carries significantly less benefit than the adjacent scheme. Thirdly and finally, the Council did not have a 5 year land supply at the time of the appeal decision.
- 11.3.17 Nonetheless, the HBC is clear that even if the quantum of development was reduced at the site, and the development provided a stronger buffer to Crabbs Farm and Barn, that there would still be in principle heritage harm, albeit to a lesser extent than what is currently proposed. However, reducing the number of units would further reduce the overall benefit to the scheme meaning a reduction in heritage harm but also a further reduction in the beneficial weight to be given to the number of dwellings proposed by the scheme.

Summary & Heritage Balance

- 11.3.18 The proposal would result in less than substantial harm to Crabbs Farm. While there is no requirement in the NPPF to quantify the level of less than substantial harm, the HBC considers that the impact overall would be in the middle of the scale of less than substantial. Therefore Paragraph 208 of the NPPF is relevant, which states *that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

- 11.3.19 Paragraph 205 of the NPPF however still applies, that great weight should be given to the heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. As such, it is considered that the resulting less than substantial harm, which is in the middle of the scale on the designated heritage assets, weighs heavily against the application in the heritage balance.
- 11.3.20 In terms of public benefits, this application would deliver 'around' 100 dwellings (including 40% affordable dwellings) in a relatively accessible location, around 2,500sq.m of new Class E commercial units which would bring jobs and businesses into the area, a small amount of public open space, jobs during construction and contributions to the vitality of the village. These benefits collectively can be attributed moderate-significant weight, albeit these would be commonplace on other similar developments, where heritage impacts could be avoided.
- 11.3.21 As such, weighing up the moderate-significant benefits of the development against the less than substantial impact (in the middle of the scale) on Crabbs Farmhouse and Barn (in accordance with Paragraphs 205 and 208 of the NPPF) and Policy LPP57 of the Adopted Local Plan, Officers consider that the heritage harm in this case would outweigh the aforementioned public benefits. As such, Officers consider that there is a clear reason for refusing the development on heritage grounds.

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

- 11.4.1 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 11.4.2 Paragraph 135 of the NPPF states, amongst other things, that developments should ensure that they: function well and add to the overall quality of the area for its lifetime; are visually attractive as a result of good architecture layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment and landscape setting. It also states that they should establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 11.4.3 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and

decisions should ensure that new streets are tree-lined (unless in specific/compelling cases), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees and that existing trees are retained wherever possible. It further states that Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

- 11.4.4 Paragraph 137 of the NPPF states inter alia that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between Applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 11.4.5 Paragraph 139 of the NPPF states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. However, it sets out that, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 11.4.6 Paragraph 116 of the NPPF also states that developments should:
- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- d) Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 11.4.7 Policy LPP52 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments in the District and encourage innovative design where appropriate. Planning permission will be granted where the relevant following criteria are met (summarised): development should reflect local distinctiveness, secure high architectural quality, high quality public spaces, energy efficiency, refuse and waste storage arrangements, provide a safe and secure environment, high quality landscape proposals, minimising lighting, well connected pedestrian and cycle links, high standard of accommodation / amenity for future occupiers, and meeting outdoor amenity space in the Essex Design Guide.
- 11.4.8 The Council has adopted the Essex Design Guide (2005) as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more.
- 11.4.9 Policy HO6 of the Neighbourhood Plan states that Development proposals for new dwellings should have regard to the Essex Design Guide in determining the appropriate minimum private garden size.
- 11.4.10 Policy DE1 of the Neighbourhood Plan states inter alia that new developments should, where appropriate, ensure:
- a. The scale, height and massing fits unobtrusively with the existing building, (or in the case of new dwellings, the curtilage), and the local character of the street scene,
 - b. The development makes a positive contribution to the local character and scale of the area,
 - c. The spacing between buildings respects the character of the street scene,
 - d. The gaps which provide views out of the village to surrounding countryside are maintained,
 - e. The privacy, daylight, sunlight and outlook of adjoining residents, are safeguarded.
- 11.4.11 Policy DE1 also states that development proposals should have regard to the Kelvedon Design Guide and where a Design and Access Statement is provided it should demonstrate how this has influenced proposals.
- 11.4.12 Policy DE2 of the Neighbourhood Plan states inter alia that all new developments should demonstrate good quality design, respect the character and appearance of the surrounding area.... Development proposals should respond to and integrate with local surroundings and landscape context, including using good quality materials, green hedges/trees for highway boundaries, best practices for SUDS, safe access

for pedestrians, adequate refuse and recycling storage, high energy efficient homes and parking needs to fit within the character of the development.

- 11.4.13 Policy BR2 of the Neighbourhood Plan states that new or redesigned dwellings which enable a home office to be accommodated will be supported. Planning applications for major housing development should, where appropriate and there is evidence of demand, make provision for work or business hubs that are accessible from the new homes and provide services to the local community.
- 11.4.14 The application seeks outline consent with all matters reserved (other than access) for the erection of around 100 dwellings and a business court of around 2,500sq.m (Use Class E). As such, matters of appearance, scale, layout and landscaping are not submitted as part of this application. This application therefore seeks to secure planning permission for the general principle of developing the site, as well as the access(s) which would serve it.
- 11.4.15 Despite being in outline form, the application is supported by some illustrative masterplans as well as a design and access statement. However, it was not subject to pre-application discussions with Officers, therefore it is not accompanied by a Design Code or at least a set of parameter plans which the Council would normally seek for this type of proposal. Furthermore, Kelvedon Parish Council consider that the development does not meet policy HO3 of the Neighbourhood Plan, which encourages the application to be supported by a development brief, statement of community consultation and early engagement with the community. Their position is that no consultation with the Parish Council was undertaken for these proposals.
- 11.4.16 In assessing the suitability of the site, one must consider the context in which the site is situated. In this case, the site is constrained with the A12 strategic road network to the south, railway line to the north, as well as the setting of the Grade II Listed Crabbs Barn to the west (as discussed in the heritage section above).
- 11.4.17 During the course of the application, it has transpired that owing to the above site constraints, specific parameters would need to be secured to protect against noise pollution if the development was to attempt to be able to provide suitable living conditions for future occupiers. The detailed noise rationale underpinning the need for these mitigation measures are discussed in the noise section of this report, however this section focuses on the character and amenity impacts of these measures.
- 11.4.18 The specific noise parameters include locating (around 9m high to ridge) commercial development closest to the A12 and three storey development along the rear of the commercial development (around 11 high to ridge), in order to intervene with the prevailing noise from the A12 and to enable less reliance on closed windows for the remainder of the site. In terms of the

railway frontage, there would also need to be either a 2.5m high earth bund or a 3.5m acoustic wall/fence, to again enable a better living environment for those properties nearer to the railway line. As such, while it is acknowledged that the application is in outline form with all matters reserved other than access, Officers consider that it would be essential to consider at this stage the impacts of these parameters which are fundamentally necessary to be able to deliver residential development at the site.

- 11.4.19 Firstly in terms of assessing the commercial development, it is proposed that it would deliver around 2,500sq.m of Class E Use. The indicative layout shows that the commercial development would be located adjacent to the site's southern frontage, closest to the A12. The submitted block plan goes further and indicates that the 2,500sq.m floorspace could be made up by a collection of 6 buildings, with the intention of forming a rural business court.
- 11.4.20 While the location of the commercial development is indicative, the submitted noise report utilises this positioning of the buildings (as identified on the block plan) in order to assess the likely post development noise environment of the site. It is evident, comparing the pre-development and post development noise contours, that the employment buildings in the locations shown would play a significant role in reducing noise impacts across the wider site from the A12, essentially helping to block the noise from penetrating further into the site. It is however unclear (but seemingly not possible), should the employment buildings be located in a different position, whether the noise environment for the remainder of the site would still be improved in the same way. Nevertheless, what is evident is that the commercial development would need to be fixed, being confined to the southernmost part of the site. As the submitted plans are all indicative, Officers consider that insufficient information has been provided to be able to secure the Applicant's proposed mitigation measures for the A12 noise. As discussed in the noise section of this report, it should also be noted that the proposed measures are in any case considered unsatisfactory to the Council's Environmental Health Officer without further information.
- 11.4.21 Secondly, assessing the impact of the three storey residential development required, the Agent has confirmed that the three storey would relate to a collection of 5 buildings; some houses and some flats. The Agent confirmed that height of these would need to be around 11m high in order to create that better noise environment for other potential future occupiers of this development. Indeed, the updated noise report assessed the proposed noise environment with the locations of the residential buildings as indicatively shown. Again, while the development is in outline form, it is event that these building locations and heights would need to be fixed, or at the very least, the area retained behind the commercial units for three storey development. As the submitted plans are all indicative, Officers again consider that insufficient information has been provided to secure the necessary mitigation for the A12 noise.

- 11.4.22 Notwithstanding the above, the site is in an edge of village location, where development should be expected to provide a lower density and suitable buffer to the countryside. In Officers opinion, three storey residential development in the location shown, especially in the quantum required for noise reduction purposes, would be at odds with the character of an edge of village location, thus being harmful. As such, Officers do not consider this location to be appropriate for three storey development. Kelvedon Parish Council also raised concerns that the employment uses would not be appropriate on the village edge from a character perspective. However, Officers consider that the employment, if designed sensitively, could be successfully integrated into the street scene, especially in the context of employment uses on the opposite side of the road.
- 11.4.23 The other aspect about the three storey buildings in this case is the need for design (and subsequently amenity) compromises. In the e-mail confirming the need for three storey buildings, the Agent states that the residential units would need to be single aspect, with corridors and/or bathrooms on the southern elevation. In doing this, they would potentially avoid the need for non-opening windows and mechanical ventilation, while still acting as the noise buffer for the rest of the site. However, the units, especially those which back onto the south (in the direction of the A12) would have their main single aspect facing to the north. This means that future residents of these buildings would be expected to live with a very poor outlook /amenity level. From an Officer perspective, single aspect units, particularly when orientated to the north would not be acceptable.
- 11.4.24 Again, while the exact details are not known at this outline stage, the need to secure the units in this way means that those people living in those three storey units would have compromised amenity (either single aspect and/or non-opening windows with mechanical ventilation). Therefore, despite the outline nature of the application, it is considered that with the constraints, insufficient evidence has been provided to demonstrate that this site would be able to deliver acceptable amenity to all future residents. In addition, in terms of the relationship between the commercial and three storey residential development, the illustrative layout does not afford a good degree of separation. It is considered that a larger degree of separation would need to be secured to assist in reducing conflicts between the residential and Use Class E units. Owing to all of the above, Officers consider that the development design and layout as indicatively shown, and as required for noise reduction purposes, would be harmful to the amenity of future residents of the development to an unacceptable degree.
- 11.4.25 On the Railway side of the development, in order to provide a satisfactory noise environment across the northern part of the site, the updated noise report confirms that there would either need to be a 3.5m high acoustic fence, or a bund with a smaller fence on top. Officers consider that neither of these solutions from a design point of view are ideal, however it is likely that a bund would be better in townscape terms and be more similar to what is proposed to attenuate noise on the adjacent approved site.

- 11.4.26 In any case, the indicative plans show many dwellings in close proximity to the railway. Having dwellings so close to a large fence/bund and noisy receptor, has the potential to create a negative environment and outlook for future occupiers. Officers consider that further information is required to demonstrate that those units closest to the railway would be provided with a suitable level of amenity and sufficient offset from the necessary noise mitigation measure (bund and/or fence).
- 11.4.27 Overall, having regard to the documents/plans in support of the application, as well as the sites challenging context, Officers are not satisfied that sufficient information is available to demonstrate that the development would actually be capable of securing good design and amenity as required by national and local policy. As such, in the absence of this evidence, Officers consider that the development would be likely to have an unacceptable detrimental impact on the character of the area and the quality of life afforded to some future occupiers. This harm weighs against the application in the overall planning balance.

11.5 Noise & Air Quality

- 11.5.1 Paragraph 180 of the NPPF states inter alia that: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.
- 11.5.2 Paragraph 191 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should inter alia:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 11.5.3 Paragraph 192 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality

Management Areas and Clean Air Zones is consistent with the local air quality action plan.

- 11.5.4 Policy LPP70 of the Adopted Local Plan states inter alia that proposals for all new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. All applications for development where the existence of, or potential for creation of, pollution is suspected must contain sufficient information to enable the Local Planning Authority to make a full assessment of potential hazards. Development will not be permitted where, individually or cumulatively and after mitigation, there are likely to be unacceptable impacts arising from the development on:
- a. The natural environment, general amenity and the tranquillity of the wider rural area
 - b. The health and safety of the public including existing residents, and future occupiers of all new developments
 - c. Air quality
 - d. Surface water and groundwater quality, groundwater source protection areas, drinking water protected zones
 - e. Odour
 - f. Compliance with statutory environmental quality standards
 - g. Noise.
- 11.5.5 Policy NE7 of the Adopted Neighbourhood Plan states inter alia Development proposals should avoid any significant increase in air, land, water, odour, noise, or light pollution to a level which could detrimentally impact upon the health, quality of life, and residential amenity of existing and future residents. It also states that where there is potential for significant pollution to derive from new development, the proposals should clearly demonstrate the potential risks to the human and natural environment, and how the risks will be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

Air Quality

- 11.5.6 Firstly in terms of air quality, the site would be located within the A12 corridor where it has the potential to be impacted by emissions and particles from vehicles travelling along the A12. A report was submitted by the Applicant which states that as existing, the air quality objective levels for No2 (Nitrogen dioxide) and PM10 (particles with a diameter of 10 microns or less) will not be exceeded at the proposed residential facades. These considerations are important as prolonged exposure to these pollutants can have significant health ramifications.
- 11.5.7 The Environmental Health Officer (EHO) reviewed the air quality report and noted its conclusions. The EHO however commented that the report did not initially refer to PM2.5 (Particle pollution from fine particulates). The EHO commented that *“From background PM2.5 maps then this site due to the*

presence of the A12 is likely to be more than 10 g/m³ (Environment Act target limit) and therefore is not a desirable site for residential development.”

- 11.5.8 It is understood that air quality is currently categorised as: *good* - for levels of fine particulate matter that do not exceed the annual guideline value of the World Health Organization of 5 µg/m³ and *fair* - for levels above 5 and not exceeding 10 µg/m³. Anything above 10µg.m³ is not categorised. In the absence of further information, the EHO considers that the site is likely to suffer from poor air quality, and thus has suggested that the site is not desirable for residential development.
- 11.5.9 However, PM_{2.5} is not yet a formal air quality objective; thereby it is not a definitive threshold at this time which would justify refusing an application on these grounds. The government target however is to reduce PM_{2.5} exposure in forthcoming years so the introduction of residential property in areas where the background PM_{2.5} is greater than 10 µg/m³ must be considered. Nevertheless, in order to address this further, an additional addendum was provided to the air quality report, which states that the PM_{2.5} target of 12 µg/m³ by 2028 is achieved for the site, but in excess of the 2040 target of 10 µg/m³.
- 11.5.10 In terms of NO₂ (Nitrogen Dioxide), the report states that concentration levels are 30µg/m³ at the boundary and 20µg/m³ on the commercial/residential border. The legal objective level is currently 40µg/m³ as an annual mean within England. The EHO accepts these findings but comments that although that these figures may reduce over time with the WHO Air Quality guideline level being only 10 µg/m³.
- 11.5.11 In terms of PM₁₀, a 20µg/m³ site boundary level is predicted which is below the current legal objective level of 40µg/m³ as an annual mean within England, but above the WHO guideline value of 10 µg/m³.
- 11.5.12 Overall, the development would meet current legislation for nitrogen dioxide, PM₁₀ and guidance around PM_{2.5} levels. As such, despite these levels being higher than WHO guidelines and future targets, the EHO has raised no further comment, accepting the figures and data as presented in the current circumstances.

Noise

- 11.5.13 The site is affected by two noisy sources; the A12, a major trunk road to the south, and the mainline railway line to the north. Without mitigation, the noise contours submitted in the noise report show that the site does not achieve the desirable level of 50dB(A)₁₆ hour anywhere on the site. In layman's terms, dB, short for decibels, is a unit to measure sound. dB "(A)" is an expression of the relative loudness of sounds as perceived by the human ear. "16 hour" refers to the averaging period between 7:00 and 23:00.

11.5.14 For further context, BS 8233:2014 (Sound Insulation and Noise Reduction for Buildings – Code of Practice) presents the following noise levels as reasonable noise levels within dwellings:

- Resting - Living room 35 dB LAeq,16hour (daytime)
- Dining - Dining room/area 40 dB LAeq,16hour (daytime)
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour
- Sleeping/Nighttime Bedroom 30 dB LAeq,8hour
- Typical nighttime L_{Amax} level shall not exceed 45dB(A)
- Desirable that external noise levels do not exceed 50dB
 - up to an upper guideline value of 55dB, unless city centre or urban area adjacent to infrastructure then could be higher where development is considered desirable

(“LAeq” means the equivalent continuous sound level for the period)

11.5.15 In terms of the impact of exceeding these noise levels, the WHO guidelines (Community Noise 2000) explains that this could lead to:

- LAeqT = 55 dB - Serious annoyance, daytime and evening (Continuous noise, outdoor living areas)
- LAeqT = 50 dB - Moderate annoyance, daytime and evening. (Continuous noise, outdoor living areas)
- LAeqT = 35 dB - Moderate annoyance, daytime and evening (Continuous noise, dwellings, indoors)
- LAeqT = 30 dB - Sleep disturbance, night-time (indoors)
- L_{AMAX} = 60 dB - Sleep disturbance, windows open at night (Noise peaks outside bedrooms external level)
- L_{AMAX} = 45 dB - Sleep disturbance at night (Noise peaks inside bedrooms, internal level)

11.5.16 As such, to achieve the desirable level of 50dB(A)16 hour or lower anywhere on the site, intervention/mitigation is required. Intervention could come in the form of closed windows (non-opening windows) for the affected new properties. This would however require mechanical ventilation/air conditioning to avoid overheating, which is generally not a sustainable or desirable solution. Given the scale at which the site is affected, both from the A12 and the railway, it is apparent that most of the site would need to have closed windows in order to achieve acceptable internal noise levels. Owing to the above, the EHO raised serious concerns that the development would create a poor living environment for large areas of the site. Of course, closed windows would do nothing for external amenity, which would also be heavily impacted.

11.5.17 In order to try and overcome the concerns of the EHO, a further noise report was submitted for consideration. This noise report went further than the previous iteration by identifying parameters which would enable the development to comply with the BS8233 noise levels and not exceed the upper guideline noise levels at residential property. These parameters included securing the position of the commercial buildings as shown

indicatively on the submitted block plan, to a ridge height of approximately 9 metres and three storey residential development behind, as indicatively shown on the block plan to a ridge height of around 11 metres, while a bund or 3.5m high fence would be necessary adjacent to the mainline railway. The parameters are further identified in section drawings submitted as Appendix D at the end of the most recent noise report.

- 11.5.18 The EHO confirmed that these parameters would enable compliance with the BS8233 noise levels to satisfy (in part) some of the initial concerns. The EHO however commented that there would still need to be closed windows due the high maxima (higher but more infrequent noise) levels at night when considering the WHO sleep awakening criteria, both for those units acting as the noise mitigation, but also some units in the wider development. The EHO also comments that noise levels would need to be verified by measuring post completion of individual properties (relevant habitable rooms and external private amenity) prior to occupation, in order to check compliance.
- 11.5.19 Notwithstanding the above, as a consequence of closed windows, the EHO states that an overheating assessment (*dynamic thermal modelling*) is required, in order to ensure that those properties which require permanently closed windows, would have adequate ventilation. The EHO however notes that a reliance on mechanical cooling is not likely to be a sustainable option. The EHO also notes that there has been no consideration of the approved A12 widening scheme and how this may impact the site. The A12 widening scheme would include three lanes each side, opposed to two that currently exist, on a very similar alignment, therefore the noise impacts could be greater than the existing A12.
- 11.5.20 Finally, the EHO notes that there is a wedding venue (Crabbs Barn – the Grade II Listed Building) near the site. This has the potential to be an additional noise source; no evidence has been submitted to assess the likely impact of the use of the wedding venue (and its outside paraphernalia) on future residents, or indeed consideration of the viability of the wedding venue should noise complaints arise. This is particularly pertinent as planning permission has recently been granted for Shepard huts (Application Reference 22/03344/FUL) to provide accommodation on site for guests. These huts are located in close proximity to the boundary with the site with the potential for late night disturbance by guests leaving the main wedding venue. Similarly, if complaints are received, this may unduly impact on the viability of the wedding business.
- 11.5.21 In terms of the relationship between the proposed residential and commercial units, the EHO considered that the commercial units do have potential to impact upon the amenity of future residents of the development. As per the design section above, Officers consider that in order to assist with reducing impacts, there should be a larger buffer between the residential and commercial units. In any case, conditioning plant, machinery and hours of work for the commercial units would be appropriate in this context.

11.5.22 In summary, while the additional noise information, based on the parameters as described in Paragraph 10.5.17 above would enable the site to stay within BS8233 noise levels with closed windows for some units, there are still a number of outstanding issues which require further information/resolution, before the Environmental Health Officer can be fully satisfied that the development would be suitably mitigated from a noise and amenity perspective. These issues include overheating and mechanical ventilation, what impact the new A12 scheme might have on the site in terms of noise, and the likely impacts of the proximity of the wedding venue as a noisy receptor. Overall, owing to the abovementioned constraints, the Environmental Health Officer concludes that this remains a poor site in terms of the polluting noise effects on sensitive residential development.

11.5.23 As such, in the absence of this information, Officers cannot be satisfied that future occupiers will be adequately safeguarded from noise and overheating, as per national and local policies. This then constitutes a harmful impact in the planning balance. For the avoidance of doubt, these concerns are in addition to those set out in regard to residential amenity in the design section of the report.

11.5.24 Notwithstanding the above, Officers consider that it would be entirely necessary for the parameters set out in the noise report (as set out in Paragraph 10.5.17 above) to be secured through a set of plans/requirements. However, no plans currently exist which would secure these parameters.

11.6 Impact upon Neighbouring Residential Amenity

11.6.1 Paragraph 135 of the NPPF seeks to ensure good standards of amenity for existing and future users whilst Paragraph 191 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects on living conditions including noise and light pollution.

11.6.2 Policy LPP52 of the Adopted Local Plan highlights considerations of privacy, overshadowing, loss of light and overbearing impact as being key in the assessment of impacts upon nearby properties.

11.6.3 Owing to the location of the site on the periphery of the village, there are few neighbouring properties which would be directly adjacent to the site. This is particularly the case as the adjacent site (Application Reference 17/00679/OUT) has yet to be built out.

11.6.4 The first affected property would be Crabbs Farm, which adjoins the site on the western boundary. It comprises a Grade II listed farmhouse, Grade II Listed Barn and other outbuildings. It is understood that Crabbs Farm was once in the ownership of the Applicants but is now in separate ownership. Crabbs Farm is now operated primarily as a wedding venue. However, it is understood that the main farmhouse still retains its residential use (or at

least the continued potential to be used for residential purposes if it is not currently being so).

- 11.6.5 This report has assessed the setting of the listed buildings in the heritage section, and the potential implication of the development on the wedding business in the noise section. These considerations will not be repeated here. In terms of the direct impacts from the development, the main listed farmhouse is fairly central on the site; it is therefore located over 30m away from the rear boundary which adjoins the site. As such, in terms of impacts of overshadowing, overbearing and overlooking, it is unlikely that the development would detrimentally affect the residential amenity of Crabbs Barn. This would however depend on how the site was brought forward; three storey development in close proximity to the sites boundary may introduce impacts which would affect the residential amenity of Crabbs Barn to a degree. While no three storey is currently proposed in this area, no parameter plans exist which would prevent this, should planning permission be granted. It is acknowledged however that the Council could have control of this at the reserved matters stage.
- 11.6.6 Hamilton Lodge is the other property which directly adjoins the site. It is understood to comprise a residential dwelling and an annexe. It is located on the north west boundary of the site, being accessed via Cranes Lane. Unlike Crabbs Farm, Hamilton Lodge is located very close to the edge of the development boundary. The current indicative masterplan shows a strip of green land, along with a road, to separate the site from Hamilton Lodge, with a separation distance of approximately 18m from the corner of the annexe. Owing to the location of Hamilton Lodge close to the boundary, it is considered that parameters are needed in order to help safeguard against the development having an unacceptable impact on their amenity. While these details could be secured via reserved matters stage, owing to the necessary bunding as part of the noise barrier for the site, Officers consider that this entire northern boundary would need careful consideration.
- 11.6.7 There are other properties located further away from the development, however in Officers opinion, these properties would not be detrimentally affected by the proposal.
- 11.6.8 Overall, notwithstanding the heritage and noise issues, from a pure neighbour impact perspective, it is considered that with suitable controls the potential residential amenity of Crabbs Farmhouse, and Hamilton Lodge would not be likely to be detrimentally affected by the proposed development to an unacceptable degree.

11.7 Ecology

- 11.7.1 Paragraph 180(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity. Paragraph 186 requires that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

- 11.7.2 Policy LPP64 of the Adopted Local Plan requires that where there is a reasonable likelihood of protected or priority species being present on or immediately adjacent to the development site, the developer undertakes an ecological survey to demonstrate that an adequate mitigation plan is in place to ensure no harm or loss to such species.
- 11.7.3 Policy LPP66 of the Adopted Local Plan states that, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 11.7.4 The application was supported by a Preliminary Ecological Assessment (PEA) (ACJ Ecology Ltd, February 2023) assessing the likely impacts of development on designated sites, protected and Priority Species & Habitats. Kelvedon Parish Council in their consultee response suggested that ecology surveys need updating and to be undertaken at different times of the year. However, this PEA was assessed by the Council's Ecology Officer who raised no concerns with the report; suggesting that sufficient evidence had been provided to determine that there would not likely be an impact from the development on designated sites, protected and Priority Species & Habitats. As such, Officers are satisfied with the information submitted at this stage to determine potential ecological impacts of the development.
- 11.7.5 Should the application be approved, the Ecology Officer recommended conditions including delivering the ecological mitigation and enhancement measures as set out in the PEA, a Construction Environmental Management Plan, wildlife sensitive lighting scheme and a Landscape and Ecological Management Plan.
- 11.7.6 It should be noted that the application was not submitted with a Biodiversity Net Gain (BNG) baseline, as this application pre-dated the implementation of mandatory BNG as introduced by the Environment Act 2021. As such, while it is disappointing to not understand the baseline position, potential net gains could still possibly be secured via a suitable landscape planting scheme at reserved matters stage.
- 11.8 Arboricultural Impacts
- 11.8.1 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and that existing trees are retained wherever possible. Paragraph 180(b) of the NPPF requires decisions to recognise the wider benefits of trees and woodland.
- 11.8.2 Policy LPP65 of the Adopted Local Plan acknowledges that the quality of trees is a material consideration and that, where trees are to be retained, suitable distances should be provided to ensure their continued wellbeing.

- 11.8.3 Policy NE3 in the Kelvedon Neighbourhood Plan states inter alia that Development proposals should seek to maintain and enhance green and blue infrastructure such as native hedgerows, trees, ditches and water bodies and where possible, increase their connectivity to allow the freedom of movement for species on or through the site.
- 11.8.4 The application was submitted with a tree survey that reviewed the existing trees and hedgerows on the site. The report shows that all trees and hedges were contained to the site edges and consisted predominantly of Category B and C trees/groups. The indicative masterplan appears to largely take account of the existing trees and hedges on the edges of development, but no tree removal plan has been submitted for consideration. Looking at the updated site access, it is evident that TG11 (Category C – mixed species group, early mature trees) would need to be removed in part, to allow for the road to curve into the development site, and for the link to be made with Cranes Lane. The removal of these trees would be harmful, however, it is likely that this could be offset by way of new replacement planting via a landscaping scheme submitted with Reserve Matters. As such, while there would be limited harm, this harm is not considered to weigh heavily against the application.

11.9 Highway Considerations

- 11.9.1 Paragraph 115 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Paragraph 116 states that within this context, development should “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...” and “...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”
- 11.9.2 Policy LPP52 of the Adopted Local Plan states inter alia that the highway impact of a development will be assessed in terms of traffic generation and safety implications. It also states that developments which will result in a severe impact upon the highway network (taking into account cumulative impacts) will be refused unless they can be effectively mitigated.
- 11.9.3 Policy LPP42 of the Adopted Local Plan states inter alia that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks, as well as securing appropriate highway works and/or financial agreements towards achieving these objectives.
- 11.9.4 The development site is near to the Order Limits for the A12 widening project. The preamble for Policy LPP45 of the Adopted Local Plan (Paragraph) states that the Council will work with National Highways to ensure that safe, convenient and suitable access to local roads is provided to meet the needs of Hatfield Peverel, Witham, Kelvedon and Feering.

11.9.5 Policy MA3 of the Adopted Neighbourhood Plan states new development will be supported that supports the objective of improving connectivity within the village and, wherever possible includes:

- a) appropriate safe multiuser routes to public transport hubs and medical, recreational, educational and retail facilities which link to other local and national networks where possible,
- b) shared use cycle ways/footpaths,
- c) appropriate provision for those with mobility problems and visual impairment,
- d) appropriate provision of 'shared spaces' or 'living streets' which reduce both the speed and dominance of motorised transport,
- e) long term public access to and the ongoing maintenance of new foot, cycle paths or bridleways,
- f) secure covered cycle bays or storage in any new public or shared private parking areas,
- g) secure cycle facilities at local amenities including the Health Centre, Library, Kelvedon Recreation Ground, and the railway station, and
- h) appropriate provision for sustainable modes of transport including the requirements of electric and hybrid cars within new and refurbished developments and car parks.

A Transport Assessment or Travel Plan and Statement should be submitted as appropriate.

11.9.6 While this application is in outline form, detailed matters of Access are sought to be approved. In this case, the site proposes two access points; improving the existing Cranes Lane access (currently at the bottom of the existing A12 exit slip road) and changing its alignment internally to feed the development. As indicated on the plans, the remaining dwellings on Cranes Lane would be served via a new slip road, from the realigned access. The development also proposes a new access further along London Road opposite the commercial development, to access the employment development proposed.

11.9.7 The site also interacts with the Order Limits (red line boundary) for the A12 widening scheme. The A12 scheme was granted consent under a DCO, but is currently subject of a legal challenge. As such, the red line site boundary for the majority of the site does not extend all the way to London Road – it is only the proposed access points that do, in order to avoid any conflicts with the approved A12 widening scheme. Furthermore, National Highways, who submitted the DCO for the A12 widening scheme and are owners of the strategic road network, have been heavily involved in this application to ensure that any potential conflicts between the schemes were minimised. Essex Highways, the owners of the local road network, have also been involved in accessing the suitability of the access points, given that they will feed onto the local road network on London Road, especially if the new A12 works go ahead.

- 11.9.8 The application was supported by a Transport Assessment (TA), which concluded that the access points were suitable for the number of units proposed. The TA however required updating in accordance with comments made by Essex County Council and National Highways. This included doing a Road Safety Audit, as well as submitting assessments/designs for a Future A12 scenario, and an existing A12 scenario. In this way, should the A12 DCO scheme not come forward, then the development could still reasonably be accessed in a safe way. For the avoidance of doubt, in both scenarios, the proposed access points would remain in the same place.
- 11.9.9 The main differences between the future A12 and existing A12 scenarios is the visibility splays required, owing to a change in circumstances that would arise with the future A12 scenario in reducing vehicle speeds. In terms of the future A12 scenario, the access plans show:
- A new 3m wide cycle/footway track will be provided along the site frontage with London Road.
 - A new controlled crossing on the opposite side of the road to a realigned road (the slip onto the A12).
 - A reduced speed road – it is understood that the existing exit slip road will be changed and moved further from the site.
- 11.9.10 In terms of the existing A12 scenario:
- A new 3m wide cycle/footway track will be provided along the site frontage with London Road.
 - A 4.5m by 215m visibility splay can be provided from the new access point with cranes lane, to reflect the fast vehicle speeds which come off of the existing A12 exit slip road.
 - The access point further along London Road for the employment area would also have a visibility of 4.5m by 215m towards the A12 slip road, and a shorter distance of 2.4m by 151m towards Kelvedon village centre (where speeds are lower).
- 11.9.11 Numerous concerns were raised by residents, Kelvedon Parish Council and Feering Parish Council, about the suitability of the access arrangements at the site, especially in the context of the existing A12 exit slip road. These concerns however pre-dated the current set of existing documents, to which no further comments were received. The plans however show the correct visibility for the speed of the roads. Owing to the above, alongside the updated information relating to the safety audit and junction specification to show HGV tracking, National Highways confirmed they were satisfied that there was no conflict with their proposed A12 scheme, and that even if the A12 scheme were not to go ahead that the development would not have significant capacity impacts on the Strategic Road Network. Similarly, Essex County Council reviewed the information and had no objection, recommending conditions to secure the delivery of the access points as per the proposed drawings, depending on the A12 scenario which occurs.

11.9.12 As such, from a highway perspective, Officers are satisfied that with the backing from the two highway authorities the proposed development would not have an unacceptable impact on highway safety or network capacity. As such, from a highways perspective, the development is considered to be acceptable.

11.10 SuDS & Foul Water Drainage

11.10.1 Policy LPP76 of the Adopted Local Plan requires all new development of ten dwellings or more to incorporate SuDS to provide optimum water runoff rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues, unless it can be clearly demonstrated this is impracticable.

11.10.2 The site is located exclusively in Flood Zone 1 and is therefore at low risk of flooding. Nonetheless, a Flood Risk Assessment (FRA) was submitted as part of the application. Numerous concerns have been raised by members of the public about SuDS and the drainage strategy which would be followed, with water potentially having to be pumped up hill. However, Essex SuDS team reviewed the FRA and had no objection, subject to a number of conditions to do with managing surface water run off as well as suitable drainage schemes. As such, while concerns have been raised, the SuDS team at the Lead Local Flood Authority are satisfied in principle that the site can be attenuated effectively. Of course, the finer details are yet to be agreed and this will in part depend on the site layout at reserved matters stage. Overall, from a SuDS perspective, at this stage the development is considered to be acceptable.

11.10.3 Anglian Water have also confirmed that there is available capacity for the waste flows which would come from this development (waste treatment centre). Anglian Water recommend a foul water drainage condition should consent be granted. As such, Officers are satisfied in principle that foul water flows could be accommodated from the site.

11.11 Sustainability

11.11.1 Policy LPP72 of the Adopted Local Plan states inter alia that all new dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day; All planning applications for new residential dwellings shall include renewable and low carbon energy technology to provide at least a 19% improvement in energy performance over the requirements of the Building Regulations (2013). Additionally, Policy LPP72 requires all new non-residential buildings with a floor area in excess of 500sq.m to achieve a BREEAM rating of 'Very Good'.

11.11.2 Policy LPP71 of the Adopted Local Plan states inter alia that Applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes, other than for

very minor development. Planning permission will only be granted for proposals that demonstrate the principles of climate change mitigation and adaptation into the development.

- 11.11.3 Policy DE3 of the Adopted Neighbourhood Plan states that the design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions. This includes inter alia – siting for passive solar gain, high quality materials, BREEAM excellent and energy generation from renewable sources.
- 11.11.4 In this case, the application is in outline form, therefore no details have been submitted with regard to sustainable measures for the new development. This includes both the residential element and the employment element. It is considered that any development at this site would need to adhere to the aforementioned policies. Should planning permission be forthcoming, conditions should be imposed to ensure that the above policy requirements are met. Concerns have been raised in representations that the houses have not been designed with sustainability in mind, however these matters would all be assessed at the reserved matters stage, in accordance with the aforementioned policies.

11.12 Contaminated Land

- 11.12.1 Policy LPP70 of the Adopted Local Plan states that proposals for development on, or adjacent to land which is known to be potentially affected by contamination, or land which may have a particular sensitive end use, or involving the storage and/or use of hazardous substances, will be required to submit an appropriate assessment of the risk levels, site investigations and other relevant studies, remediation proposals and implementation schedule prior to, or as part of any planning application.
- 11.12.2 In this case, the application was supported by a Phase 1 geo-environmental site assessment. The Environmental Health Officer reviewed the assessment and had no objection. The report highlights that a Phase 2 assessment will be required, but this could be required via a condition. Overall, it is considered that the development would not be unduly affected by contamination should it come forward for development.

11.13 Lighting

- 11.13.1 Policy LPP77 of the Adopted Local Plan states that external lighting will be permitted where the following criteria are met:
- a) The lighting is designed as an integral element of the development and shall be capable of adoption by the Highway Authority when it is on the public highway
 - b) Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls, and hours of illumination shall be controlled

- c) The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky
- d) The lighting intensity is no greater than necessary to provide adequate illumination
- e) There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users
- f) There is no harm to biodiversity, natural ecosystems, intrinsically dark landscapes and/or heritage assets.

11.13.2 In this case, the application is in outline form, therefore no details are available for lighting. As such, these details would be necessary to be secured by way of condition and/or at the reserved matters stage.

11.14 Archaeology

11.14.1 Policy LPP59 of the Adopted Local Plan relates to archaeological evaluation, excavation and recording. It states that where archaeological potential is identified but there is no overriding case for any remains to be preserved in situ, development which would destroy or disturb potential remains will be permitted, subject to conditions ensuring an appropriate programme of archaeological investigation, recording, reporting and archiving, prior to development commencing. There will be a requirement to make the result of these investigations publicly accessible.

11.14.2 A Desk Based Assessment has been submitted with the application which recognises the potential of the site to contain archaeological and geoarchaeological remains dating from the Palaeolithic period onwards. As such, a planning condition for archaeological evaluation of the site would be required if consent were granted.

11.15 Minerals and Waste

11.15.1 The site is located in a Mineral Safeguarding Area (MSA), meaning it is applicable to Policy S8 of the Essex Minerals Local Plan 2014. Policy S8 requires relevant applications to be submitted with a Mineral Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance.

11.15.2 The site in this case measures 6.51ha, which is over the 5ha which the policy is applicable to. However, a 100m stand-off distance is applied to the façade of any sensitive development to find the most suitable extraction sites. The Essex Minerals Officer completed this assessment and concluded that only 1.7ha of the site would be beyond the 100m stand off stance. As such, in this case, a Minerals Resource Assessment was not requested. Overall, no objections were raised to the development of the site from the Essex Minerals Officer.

11.16 Other Issues

Broadband

- 11.16.1 Policy BR4 of the Adopted Neighbourhood Plan states that Proposals for new residential and commercial development should demonstrate how they will contribute to, and be compatible with, ultrafast broadband or higher and high-quality internet connectivity. In this case, an assessment has not been made, but a condition could be imposed to ensure that this is addressed to achieve the best possible broadband speeds for the development, should planning permission be granted.

Loss of Agricultural Land

- 11.16.2 Concerns were raised about the loss of agricultural land as part of this development, should it go ahead. However, an agricultural land survey was submitted with the application. This confirms that the site was split between three categories of agricultural land; 3a (good quality), 3b (moderate quality) and 4 (poor quality). For Best and Most Versatile (BMV) land, this is Grade 1, 2 or 3a land. The report shows that 16% (1ha) of the land would be 3a, so BMV. The remaining land is split between Grade 3b and 4. As such, the development would only result in the loss of 1ha of BMV agricultural land. Furthermore, the majority of Braintree District consists of BMV land, therefore the loss of this site for agricultural purposes would have a minimal impact in this context. As such, while there would be a loss of agricultural land, this would only amount to limited harm in the overall planning balance.

Coalescence with Rivenhall End

- 11.16.3 Concerns were raised about the potential coalescence of the site with Rivenhall End. Owing to the large interim distances that would remain, Officers consider that the development would not lead to coalescence with Rivenhall End.

Village Needs

- 11.16.4 Concerns were raised that the indicative houses shown are too large for the village requirements, which are more akin to starter homes in terms of size. At this stage, the mix of units is not known, however a condition could be used to control the housing mix at reserved matters stage although this would deliver a mix of housing sizes as opposed to being limited to one or two types.

11.17 Habitat Regulations Assessment (HRA / RAMS)

- 11.17.1 Policy SP2 of the Adopted Local Plan states that contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).

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

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

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

11.17.4 The AA should include:

- Recreational opportunities for a 2.7km daily walking route around the site/surrounding area for new residents
- Promotion of this walking route by way of leaflets to first occupiers and permanent notice boards erected on the site
- Connections to the existing public rights of way network
- A long term management plan to cover all open space on the site
- Financial contribution of £127.30 per dwelling erected towards offsite visitor management measures at the above protected sites

11.17.5 In this case, a draft Appropriate Assessment (AA) has been completed by the Applicant. Having reviewed the document, the Ecological Officer requested further information from the Applicant, as currently the submitted HRA Assessment report has not satisfactorily demonstrated a 2.7km circular walking route. This could be provided by the submission of a plan with the 2.7km walking routes clearly denoted. Following this the Council would normally complete an Appropriate Assessment before submitting it to Natural England for approval. Onsite mitigation measures would then be secured by planning condition and financial contributions by a Section 106 Agreement. In this case the application is however recommended for refusal.

12. PLANNING OBLIGATIONS

12.1 Policy SP6 of the Adopted Local Plan states that all development must be supported by the infrastructure, services and facilities that are identified as being necessary to serve the development. It also requires developers to facilitate the delivery of a wide range of social infrastructure including sufficient school places, healthcare infrastructure, green open space, places for active play and food growing.

12.2 Policy LPP78 of the Adopted Local Plan directs that permission is only granted where it can be demonstrated there is sufficient appropriate infrastructure capacity to support the development and that such capacity can be delivered by the proposal. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation

measures must be agreed with the Council which can include financial contributions towards new or expanded facilities. In accordance with Policy LPP31 of the Adopted Local Plan, affordable housing should be provided on-site. In this case, that would be 40% of the total quantum of units.

- 12.3 Policy LPP63 of the Adopted Local Plan establishes that the Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure, defined (amongst other things) to include open spaces, parks and allotments. Policy LPP50 of the Adopted Local Plan states that all developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces SPD. The Council's Open Space SPD sets out details on how standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space. A financial contribution would be sought for the provision of new or improved outdoor sport and allotments to help mitigate the additional demand generated by this development for such facilities. There is also a requirement to secure the ongoing management and maintenance of any amenity areas provided within the site.
- 12.4 An obligation would also need to be secured to ensure private roads which refuse vehicles needed to access would be built to and permanently maintained at adoptable standards.
- 12.5 In terms of offsetting the health impact of the development, the NHS (CCG) have confirmed that the development would be expected to pay £49,400 towards offsetting its health impact, should consent be granted. Concerns were raised in representations that the doctor's surgery was already oversubscribed. While these concerns are noted, Officers defer to the expertise of the NHS who run and/or own these facilities, and they confirm that should the contribution be received, that from a health perspective the development would not cause an undue impact on existing services. It is also noted that a new, larger health centre would be delivered on the adjacent site, should this go ahead.
- 12.6 In terms of offsetting the education impact of the development, the developer would be expected to pay financial contributions towards the following educational settings:
- Contributions of £155,412 for EYCC
 - Primary – none - sufficient capacity in the area
 - Secondary - £475,500 + transport of £99,560 and
 - Libraries £7,780
- 12.7 Subject to the above matters being incorporated into a Section 106 Agreement, the development would be made acceptable in these respects. No such agreement is in place at the present time and therefore the development fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Policies SP6, LPP31, LPP50 and LPP78 of the Adopted Local Plan. It should be noted however that the

Applicant has agreed in principle to the costs requested by the various consultees.

13. PLANNING BALANCE AND CONCLUSION

13.1.1 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

13.1.2 One important material consideration is the NPPF. The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in Paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in Paragraph 77) and does not benefit from the provisions of Paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years), granting permission unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 13.1.3 In this case, the heritage impact of the development represents a clear reason for refusing the application, as per Paragraph 11d (i) above.
- 13.1.4 Furthermore as indicated above, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply. Whilst the appeal decision Land South of Springfields (Appeal Reference APP/Z1510/W/24/3338229) saw the Planning Inspector conclude that the Council had only been able to provide sufficient evidence to demonstrate a 4.9 years supply, the assessed shortfall was just 67 dwellings. Since the appeal decision Officers have been working to obtain further evidence to demonstrate the deliverability of some of the sites that were excluded from the supply. Officers remain confident that additional evidence is being secured which will provide the required clear evidence of a 5 year supply of housing land in the District. On the basis that the Council can demonstrate an up to date 5 year housing land supply. Consequently, and given that the Plan has only been relatively recently adopted, the policies within the Development Plan are considered to have full weight in decision making.
- 13.2 Development Boundary Designation within the Development Plan
- 13.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".
- 13.2.2 The proposed development would be contrary to Policy LPP1 of the Adopted Local Plan as it proposes residential and commercial development outside of defined development boundaries and within the countryside.
- 13.2.3 In terms of the Kelvedon Neighbourhood Plan, Policy HO1 (New Housing and Associated Infrastructure) of the Neighbourhood Plan is not necessarily as prohibitive in confining new residential development to the existing development boundary as Policy LPP1, subject to the delivery of timely infrastructure and no significant adverse impacts upon the natural environment. Similarly, Policy BR1 (Support for Local Businesses) provides 'in principle' support for new employment in the village, subject to various criteria being met.
- 13.2.4 The Kelvedon Neighbourhood Plan was Adopted in July 2022. The Braintree District Council Local Plan (Section 2) was adopted on 25th July 2022, after the Kelvedon Neighbourhood Plan. As such, it is considered that the Braintree District Council Local Plan (Section 2) takes precedence over the Kelvedon Neighbourhood Plan. Accordingly, Full weight is afforded to the conflict with Policy LPP1.

13.3 Summary of Adverse Impacts

13.3.1 The adverse impacts of the proposed development and the weight that should be attributed to these factors is set out below:

Heritage

13.3.2 The development would result in less than substantial heritage harm (in the middle of the scale) to the setting of Crabbs Farm and Crabbs Barn (both Grade II Listed). Paragraph 208 of the NPPF states that less than substantial heritage harm to a designated heritage asset should be weighed against the public benefits of the scheme. Paragraph 205 of the NPPF however clarifies that great weight should still be given to the heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

13.3.3 Officers consider, in applying the heritage balance, that the public benefits of the development would not outweigh the harms. Subsequently, Officers consider the development presents a clear reason for refusal on heritage grounds alone, irrespective of any other adverse impacts, therefore the presumption in favour of development (at Paragraph 11d of the Framework) is not engaged. The heritage balance is completed in full in the heritage section of the report, Paragraphs 11.3.18-11.3.21.

13.3.4 Notwithstanding the above, even if it were found that the development did not fail the heritage balance Officers still consider that the heritage harm caused by the development carries very significant weight in the overall planning balance, contrary to the NPPF and Policies LPP47, LPP52 and LPP57 of the Adopted Local Plan.

Harm From Noise and Overheating on the Amenity of Future Occupiers

13.3.5 The site is heavily constrained by noise impacts, both from the A12 and the railway line. It is clear that without mitigation, the noise environment at the site would fail to comply with the noise guidance contained within BS 8233. While it has subsequently been demonstrated that with mitigation, the site can be attenuated to comply with BS 8233 (in the existing noise baseline scenario from the A12 and Railway line), the application is not supported by any parameter plans which would be able to secure the necessary parameters to mitigate the existing noise impact of the development. Consequently, Officers are not currently able to conclude that should development come forward, the necessary mitigation measures would be delivered, at the expense of the amenity of future occupiers.

13.3.6 In any case, insufficient evidence has been provided to demonstrate that the proposed mitigation measures would be appropriate, taking into account how the approved A12 widening scheme would affect current predicted noise levels, as well as the impacts from the new wedding

business. Furthermore, no assessment has been provided with regard to overheating, as even in the existing baseline scenario, there would be some reliance on closed windows and mechanical ventilation.

- 13.3.7 In the absence of this additional information/parameters, Officers can only conclude that the scheme would be unacceptable in terms of noise, amenity and overheating and this carries significant weight against the scheme. This harm is contrary to Policy LPP70 of the Adopted Local Plan, and Policy NE7 of the Kelvedon Neighbourhood Plan. It is considered that these policies are broadly consistent with the NPPF and therefore can be afforded full weight.

Harm to Character of the Area and the Amenity of Future Occupiers by Design

- 13.3.8 While the site is in outline with all matters reserved, the necessary parameters to attenuate the site in the existing baseline scenario dictate that some residential units would be required to be three storey, while some of these units would also need to be single aspect to lessen the need for non-opening windows. It is considered that these parameters, if secured, would cause harm to the character and appearance of the area by being of inappropriate height in an edge of village location, while providing poor amenity for future occupiers. These issues are fundamental, going to the heart of the outline consent and cannot be left to the reserved matters stage to be addressed or assessed. Overall, it is considered that the development would be harmful to both the character of the area and the amenity of future occupiers, and this is given significant weight in the planning balance. The development would be contrary to Policy LPP52 of the Adopted Local Plan, and Policies DE1 and DE2 of the Kelvedon Neighbourhood Plan. It is considered that these policies are broadly consistent with the NPPF and therefore can be afforded full weight.

Harm to Landscape Character

- 13.3.9 The development would change the existing rural landscape of the site. However, the site is not of particular landscape importance, and with mitigation, it is likely that landscape impacts would be able to be significantly mitigated. As such, it is considered that the corresponding landscape harm from the development would be limited, and this harm is given limited weight in the planning balance.

Harm to Trees and Hedgerows

- 13.3.10 The development would necessitate the removal of some trees/hedgerows to facilitate the development, contrary to Policy LPP65 of the Adopted Local Plan and NE3 of the Neighbourhood Plan. However, the development would likely deliver more planting at reserved matters stage than the planting which would be lost. As such, while there is a harm of the loss of trees/hedgerows, given the scale of loss and likely new planting, this impact

is considered to be limited. In the planning balance, it is considered that the loss of the trees/hedgerows carries limited weight.

13.4 Summary of Public Benefits

13.4.1 The public benefits arising from the proposal and the weight that should be given to these factors are set out below.

Delivery of Market and Affordable Housing

13.4.2 The development proposes around 100 new residential units of which 40% would be affordable housing. Due to the scale of development, significant weight is afforded to this.

Delivery of Employment (Use Class E)

13.4.3 The development proposes around 2,500sq.m of new Class E employment floorspace which would bring jobs into the area. A letter from an estate agent submitted by the Applicant in support of the application dated 19th January 2024 considers that there would be demand for smaller units of Use Class E. Use Class E is broad ranging and includes: (a) retail, (b) food and drink (c) financial or professional services (d) indoor sport, (e) medical or health services, (f) creche, (g) office, research or industrial process [suitable for residential areas].

13.4.4 It is commonly known that in the current post pandemic climate, the demand for Offices is lower. As such, it is likely that if these units are let/sold, that they would more likely fall within other uses in Class E. It would be important that should something like a grocery store (a) come forward, that the size is limited to not conflict with those services and facilities offered in the centre of the village. Conditions would therefore be necessary to restrict the floorspace of certain uses.

13.4.5 Overall, the delivery of 2,500sq.m of Use Class E businesses is considered to be a moderate benefit.

Location and Access to Services and Facilities

13.4.6 The site is located on the edge of a key service village, with pedestrian access to the available services and facilities in Kelvedon, although at a considerable distance. The site would be served by a bus service close by and is approximately 2km (nearest) from Kelvedon Railway Station. Overall, the development is considered to be in a relatively assessable location, which is a moderate benefit in favour of the development.

Economic and Social Benefits

13.4.7 The development would accrue social benefits with the provision of dwellings and economic benefits during construction with temporary construction jobs and thereafter with the spending power of future

occupiers, as well as future tenants of the employment use. Limited weight is given to these benefits.

Section 106 Obligations

13.4.8 Should a S106 be agreed, then contributions would be secured to offset the impacts of the development, which would weigh neutrally in the planning balance. However, in the absence of an agreed S106 Agreement, the impacts of the development are not mitigated, contrary to Policies SP6, LPP31, LPP50 and LPP78 of the Adopted Local Plan. A specific reason for refusal is recommended to cover this.

13.5 Conclusion and Planning Balance

13.5.1 Taking into account the above, while the proposal complies with some Development Plan policies which weigh in favour of the proposal, it is considered that the proposal conflicts heavily with the Development Plan as a whole. In particular, the development presents a clear reason for refusal on heritage grounds, contrary to Policies LPP47 and LPP57 of the Adopted Local Plan, meaning that the presumption (at Paragraph 11d of the Framework) is not engaged. Notwithstanding this conflict, the development is also contrary to Policies LPP1, LPP52, LPP65 and LPP70 of the Adopted Local Plan, and Policies NE3, NE7, DE1 and DE2 of the Kelvedon Neighbourhood Plan.

13.5.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, an important material consideration is whether the Council can demonstrate a 5 Year Housing Land Supply.

13.5.3 As indicated above, the Council is currently able to demonstrate a 5 Year Housing Land Supply.

13.5.4 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan. It is therefore recommended that planning permission is refused for the proposed development.

13.5.5 Notwithstanding the above, if the 'tilted balance' was engaged, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context, it would also be recommended that planning permission be refused for the proposed development.

14. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Submitted Plan(s) / Document(s)

Plan Description	Plan Ref	Plan Version
Section	1534-P003 - Aerial View	N/A
Section	1534-sect01	N/A
Location Plan	N/A	N/A
Street elevation	1534-P004	N/A
Street elevation	1534-P005	N/A
Site Masterplan	1534- P001.2	N/A
Other	1534 -P003	D
Other	1534 -P008.1	A
Other	1534 -P008.2	A
Access Details	48360/P/001	B
Access Details	48360/PP/003	C
Access Details	48360/PP/004	B
Access Details	48360/PP/005	N/A
Access Details	48360/PP/006	N/A
Access Details	48360/PP/007	N/A

Reason(s) for Refusal

Reason 1

The development of the site would be harmful to the significance of Crabbs Farm and Crabbs Barn, both designated Grade II Listed heritage assets. Whilst the level of harm in this case would amount to less than substantial harm (in the middle of the scale), the benefits of the proposal would not outweigh the harm to the identified heritage assets. The proposal is therefore contrary to Policies SP7, LPP47, LPP52, and LPP57 of the Braintree District Local Plan 2013-2033 and the National Planning Policy Framework.

Reason 2

Insufficient evidence has been provided to demonstrate that the development could be appropriately attenuated to ensure that noise levels would be acceptable for future residents, taking into account the future A12 noise scenario when the consented Development Consent Order has been implemented. Insufficient evidence has been provided to demonstrate that the adjacent established commercial wedding business would not cause an unacceptable noise impact on future residents of the development. Furthermore, no thermal modelling has been provided to assess the risk of overheating from the windows needing to be closed in order to provide suitable internal noise levels in the above A12 scenario and in the existing scenario. Insufficient evidence has also been submitted to demonstrate that single aspect north facing units would not be required to attenuate noise from the A12. Finally, no parameter plans have been formally submitted in order to provide any certainty that the necessary noise mitigation could be achieved.

In the absence of such evidence to demonstrate that the development could be delivered without resulting in an unacceptably poor standard of amenity for future occupiers, the proposal would be contrary to Policies SP7, LPP52 and LPP70 of the Braintree District Local Plan 2013-2033, Policy NE7 Kelvedon Neighbourhood Plan 2017-2033 and the National Planning Policy Framework.

Reason 3

The proposed development is located in the countryside, outside of any settlement boundary in an edge of village location. Owing to the sites location adjacent to major infrastructure, specific parameters are required (commercial buildings and three storey residential buildings close to the sites southern boundary) to act as noise buffers to be able to attenuate the remaining site to provide acceptable levels of amenity for future occupiers. However, three storey residential development, in the quantum and location required, would be inappropriate in this edge of village location, leading to an unacceptable degree of harm to the character and appearance of the area. The development is therefore contrary to Policy LPP52 of the Braintree District Local Plan 2013-2033, and Policies DE1 and DE2 of the Kelvedon Neighbourhood Plan 2017-2033 and the National Planning Policy Framework.

Reason 4

Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- On-site affordable housing;
- A financial contribution towards outdoor sport and allotments;
- Provision of on-site informal and amenity open space, plus ongoing maintenance;
- A financial contribution to mitigate the impacts of increased demand upon health services;
- A financial contribution towards early years and childcare, secondary school and transport and library improvements;
- The construction of and ongoing maintenance of non-adopted internal roads to adoptable standards to prevent damage being caused by public refuse vehicles;
- The upgrading of existing bus stops which would best serve the site
- The provision of a Travel Plan and of Residential Travel Packs to new residents;
- A financial contribution combined with onsite measures to mitigate recreational impacts upon European wildlife sites; and
- Monitoring fees for each planning obligation.

These requirements would need to be secured through planning obligations pursuant to S106 of the Town and Country Planning Act 1990. At the time of issuing this decision no legal agreement or unilateral undertaking had been completed. In the absence of securing such planning obligations, the proposal is contrary to Policies SP6, LPP31, LPP50, LPP66 and LPP78 of the adopted Braintree District Local Plan (2013- 2033), the Open Space Supplementary Planning Document (2009) and Essex County Council Developers' Guide to Infrastructure Contributions (2020).

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP7	Rural Enterprise
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP42	Sustainable Transport
LPP45	New Road Infrastructure
LPP47	Built and Historic Environment
LPP49	Health and Wellbeing Impact Assessment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

Kelvedon Neighbourhood Plan 2017-2033

HO1	New Housing and Associated Infrastructure
HO3	Development Briefs and Community Consultation
HO6	Minimum Garden Sizes
DE1	Design of New Development
DE2	High Quality Building and Design
DE3	Well Designed Energy Efficient Buildings and Places
NE3	Protection of Green Infrastructure And Biodiversity
NE5	Protection of Indicative Key Views
NE7	Pollution
BR1	Support for Local Businesses
BR2	Working from Home
BR4	Broadband & Mobile Connectivity
BR9	Business Development in the Countryside/Farm Diversification
MA3	Transport and Access

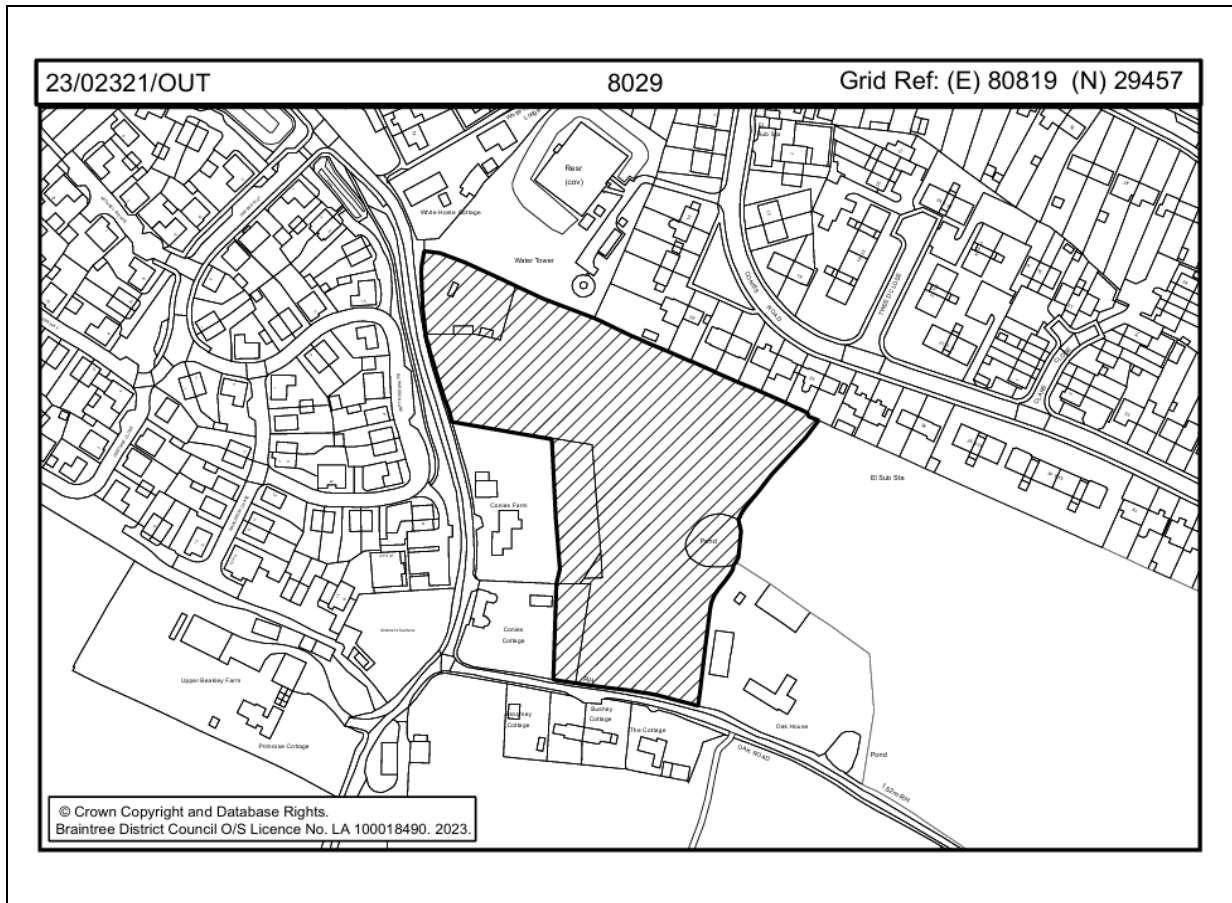
APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
17/01720/SCR	Environmental Impact Assessment	Screening/ Scoping Opinion Adopted	26.10.17
17/01979/OUT	Outline planning permission for up to 125 dwellings and up to 2000m2 of employment floorspace (Class B1).	Pending Decision	

Report to: Planning Committee	
Planning Committee Date: 30th July 2024	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/02321/OUT
Description:	Outline planning permission with all matters reserved for 39 residential dwellings.
Location:	Land Adjacent to Conies Farm, Oak Road, Halstead
Applicant:	Mr Mark Reeves, 12 Benfield Way, Braintree, Essex, CM7 3YS
Agent:	Mr Phil Thornton, Laneton Designs, 12 Benfield Way, Braintree, Essex. CM7 3YS
Date Valid:	25th September 2023
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Sam Trafford For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2520, or by e-mail: sam.trafford@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the Applicant for the determination of the application.
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although</p>

	<p>it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/02321/OUT.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site consists of a roughly 'L' shaped plot of land, approximately 1.52 hectare in size, situated to the south-eastern edge of Halstead. The site is located outside of, but adjacent to, the defined settlement boundary.
- 1.2 The site is located to the north-east of Oak Road, and to the west of Tidings Hill. The northern edge of the site abuts the rear gardens of houses on Conies Road and Grange Close.
- 1.3 To the east of the application site is a large parcel of land that benefits from full planning permission for up to 80 dwellings (Application Reference 21/03101/FUL). This site is currently under construction.
- 1.4 In 2022, planning permission was refused under Application Reference 21/00493/OUT for a development of 39 dwellings on this site.
- 1.5 This application seeks Outline Planning Permission, with all matters reserved, for the development of 39 dwellings.
- 1.6 Development in the location proposed would undoubtedly result in the urbanisation of the street scene. In addition to this, the indicative site layout plan as submitted shows a layout and density of development that appears overly cramped and commensurate with an overdevelopment of the site. The development of a block of flats would result in a cramped development, incongruous to its surroundings, and at three storey, would appear over bearing and alien to the character of the area. Furthermore, the development would require the loss of 3no. Category B trees and 1no. Category A tree along the site's frontage in order to facilitate the access onto the site and visibility splays.
- 1.7 The dwellings indicated at Plots 18 to 29 are shown to have less than 15 metres (between 10 metres to 13 metres) from the existing residential boundaries to the west and east. As such, the proposals would fail to comply with this requirement of the Essex Design Guide, and as such Officers are not satisfied that the development of the site can be provided without resulting in poor relationships between the new and existing dwellings, in terms of outlook and privacy. The proposed indicative site plan shows that 2no. existing trees (T12 and T13 on the Arboricultural plans) will be situated within the rear amenity spaces to Plots 14 and 16. The provision of these trees in these locations is such that it would impede upon the quality of amenity afforded to those dwellings, by limiting the usability and access to natural light of the external amenity spaces.
- 1.8 In addition, although a Draft Section 106 Agreement has been provided with the application, at the time of determination this had not been agreed and completed and therefore planning contributions for education, open space, affordable housing and HRA have not been secured by a completed S106 agreement.

- 1.9 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan. It is therefore recommended that planning permission is refused for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site consists of a roughly 'L' shaped plot of land, approximately 1.52 hectare in size, situated to the south-eastern edge of Halstead. The site is located outside of, but adjacent to, the defined settlement boundary.

5.2 The site is located to the north-east of Oak Road, and to the west of Tidings Hill. The northern edge of the site abuts the rear gardens of houses on Conies Road and Grange Close.

5.3 To the west of the site are Conies Farm and Conies Cottage. Beyond these dwellings is Richardson Lane, which forms part of the David Wilson housing development (Application References 14/01580/OUT & 17/01665/REM).

5.4 To the east of the application site is a large parcel of land that benefits from full planning permission for up to 80 dwellings (Application Reference 21/03101/FUL). This site is currently under construction.

5.5 The boundaries to all sides of the site are lined with mature vegetation and create a self-contained site. Just outside of the east boundary of the site is a large oak tree, subject to a Tree Preservation Order (TPO 13/2019).

5.6 In 2022, planning permission was refused under Application Reference 21/00493/OUT for a development of 39 dwellings on this site for the following reasons:

Reason 1: The application site lies outside the Town Boundary of Halstead. The proposal would have a major visual impact on the rural character of the area through the loss of trees and hedges to enable the proposed vehicle access and the required visibility splays in either direction to be constructed. Furthermore, it has not been demonstrated that the site can satisfactorily accommodate the 39 dwellings, failing to secure a high level of amenity for both existing and future occupiers and causing the inevitable

harm to a protected tree, contrary to the principles and guidance set out in the NPPF, Policy SP7 of the Adopted Section 1 Plan, Policies RLP2, RLP80 and RLP90 of the Adopted Local Plan, Policies CS5 and CS8 of the Adopted Core Strategy, and Policies LPP55 and LPP71 of the Draft Section 2 Local Plan.

Reason 2: Insufficient information has been submitted in relation to proposals for a sustainable urban drainage system such it has not been possible for the Local Planning Authority to make an assessment. The proposal is therefore considered to be contrary to the NPPF, Policies RLP78 and RLP80 of the Adopted Local Plan, and Policy CS8 of the Adopted Core Strategy.

Reason 3: Insufficient information has been submitted in relation to protected species, as such it has not been possible for the Local Planning Authority to make an assessment. The proposal is therefore considered to be contrary to the NPPF and Policy RLP84 of the Adopted Local Plan.

Reason 4: No information has been submitted in relation to the protected tree located to the east of the site, as such it has not been possible for the Local Planning Authority to make an assessment. The proposal is therefore considered to be contrary to the NPPF, Policy RLP80 of the Adopted Local Plan, and Policy CS8 of the Core Strategy.

Reason 5: The proposed development would trigger the requirement for: - The delivery of 30% affordable housing on site; - A financial contribution towards Early Years and Childcare, Primary Education Transport, Secondary School Transport and Local Library Enhancements; - The provision, maintenance and delivery of public open space, outdoor sports and allotments. - Financial contribution in order to increase capacity for the benefit of patients of Elizabeth Courtauld Surgery. This may be achieved through any combination of extension, reconfiguration or relocation of premises and/or staff recruitment or training. These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS10 and CS11 of the Core Strategy, the Open Space Supplementary Planning Document (SPD) and Policy LPP82 of the Draft Section 2 Local Plan.

6. PROPOSAL

- 6.1 The application seeks outline planning permission, with all matters reserved, for the development of 39 residential dwellings.
- 6.2 An indicative site layout plan has been provided, to show how 39 dwellings could be provided. This shows a row of linear development providing 16no. dwellings perpendicular to Oak Road, and 13no. dwellings situated to the south. A SuDs feature is shown to the south-eastern corner of the site. A flat block providing no. 10 units is shown abutting the access to the site.

- 6.3 Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward. Other matters regarding the development (access; appearance; landscaping; layout; and scale) are Reserved Matters.
- 6.4 The application has been supported by a suite of documentation to be used in assessing the application, including:

Location Plan	
Proposed Site Plan	DR 01 REV A
Drainage Strategy & SuDs Report	
Topographical Survey	26129se-01
Preliminary Access & Footway Provision	JG01 Rev 4
Preliminary Visibility Splays	JG02
Tree Survey & Arboricultural Constraints	LSDP 1509.01 Rev A
Tree Survey & Arboricultural Constraints	LSDP 1509 01 Rev C
Transport Statement	
Preliminary Ecological Appraisal	June 2024
Planning Statement	CF-2044
Envirocheck Report	272994088_1_1
Design Statement	

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Active England

- 7.1.1 Has no comments on the application as the proposals do not meet their statutory thresholds.

7.2 Anglian Water

- 7.2.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water request an informative to be included on any decision notice.
- 7.2.2 The foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows.
- 7.2.3 This response has been based on the following submitted documents: Application Form, Site Location Plan, Flood Risk Assessment and Design and Access Statement Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the Applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the Applicant has not identified a point of connection, a discharge regime, if pumped we would require a discharge rate. We therefore request a condition requiring an on-site drainage strategy.

7.2.4 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. Anglian Water therefore comment to state they are unable to provide comments in the suitability of the surface water management.

7.3 Essex Fire & Rescue

7.3.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and appears sufficient meeting requirements of Approved Document B volume 1 requirement B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.4 Essex Police

7.4.1 Note the requirement of Policy LPP52 in respect of crime, and that more detailed observations can be given when more information is given on lighting and boundary treatments (these will be considered during a reserved matters application).

7.5 Natural England

7.5.1 It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

7.5.2 In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

7.5.3 We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below

that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

7.6 NHS

7.6.1 Financial contribution of £19,300 requested in order to increase capacity for the benefit of patients of Elizabeth Courtauld Surgery. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

7.7 BDC Housing

7.7.1 In accordance with Policy LPP31 the proposal for up to 39 residential dwellings requires 30% of the dwellings to be provided as affordable housing which would equate to 11 homes. Although an indicative site layout drawing has been provided, it is acknowledged that details concerning the mix of affordable dwellings will be subject of a reserved matters application. Nevertheless, I feel it worth placing on record our preferences for the affordable housing element. Based on known housing need, the indicative affordable housing mix below illustrates what is considered to be appropriate to match evidence of housing need.

Type	No.	Affordable Rent	Tenure with Preference for Shared Ownership
2 Bed 4 Person	6	4	2
3 Bed 5 Person	4	2	2
4 Bed 7 Person	1	1	0
Total	11	7	4

7.7.2 Other requirements concerning affordable housing that should be considered are as follows:

- Affordable dwellings should be deliverable without reliance on public subsidy.
- All affordable dwellings that are accessed at ground floor level should be compliant with Building Regulations Part M(2).
- Affordable dwellings should meet NDSS.

7.8 BDC Waste Services

7.8.1 The shared driveway needs to be built to adopted highway standard and maintained as such, so that waste collections can be made, without collection vehicles (26 tonne) causing damage to the surface of the shared driveway. The presentation point for waste containers from houses must be within 20 metres from where the collection vehicle can safely stop. The flat block will need to have a bin store large enough to facilitate bin capacity for

45 litres per resident per week for refuse, and a further 45 litres capacity per person per week for recycling. The bin store must be able to contain enough bins, and also allow 15cm around the perimeter of each bin, in order for operatives to manoeuvre the bins without injuring themselves. The pathway between where the collection vehicle can safely stop, and where the bin store, must not exceed 15 metres, and be level, clear of shingle, mud and grass, i.e. be a hardstanding surface, and drop curbs installed where required.

7.9 ECC Archaeology

7.9.1 The Essex Historic Environment (HER) Record shows that the proposed development will affect a site of archaeological interest. The Essex Historic Environment (HER) Record shows that the proposed development lies to the west of an area of recorded cropmark features for enclosures and a ring ditch. To the west an archaeological evaluation and excavation found evidence of prehistoric and medieval activity. A Roman bronze buckle was recovered from near Stones Farm to the east of the site. The evidence from the surrounding area suggest there is potential for archaeological remains from the prehistoric to medieval periods to survive. The land was historically associated with Coneys Farm which is depicted on the Tithe maps of c.1840 and a pond is located within the development area which has the potential to preserve waterlogged or organic remains.

7.9.2 A number of planning conditions are requested.

7.10 ECC Education

7.10.1 Financial contributions requested. £68,182 for Early Years and Childcare, and £3034.20 for local library enhancements to be used in the Halstead Trinity Ward. No contribution is requested for Primary Education, Secondary Education, Post 16 Education; School Transport.

7.11 ECC Highways

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

7.11.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to require a construction management plan and details of the proposed site access (including visibility splays); the footway link to the north of the site access; residential travel packs to be provided to each residential unit; preventing

any unbound material within 6 metres of the highway; and to require the existing site access to be closed immediately after the new access has become used.

7.12 ECC SuDs

- 7.12.1 Following the receipt of additional and revised documentation, and having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, ECC SuDs does not object to the granting of planning permission, subject to conditions to require a detailed surface water drainage scheme; a scheme to minimise the risk of offsite flooding, a maintenance plan detailing the maintenance arrangements, and requiring the maintenance of yearly logs.

8. PARISH / TOWN COUNCIL

8.1 Halstead Town Council

- 8.1.1 Halstead Town Council raises an objection to the application, on the following grounds:

- No drainage strategy had been submitted.
- There is no proposal for tree protection.
- Other properties are overlooked.
- This application could be regarded as overdevelopment.
- The infrastructure of schools and the surgery cannot cope with the impact of another 39 dwellings.
- An application placed in 2016 for Oak Road to be designated a quiet lane is under consideration.

9. REPRESENTATIONS

- 9.1 42no. neighbouring properties were consulted by way of letter, and site notices were displayed outside of the site for a period of at least 121 days. At the time of writing the report, a total of 10no. representations had been received, raising objection to the application on the following grounds:

- Concern in relation to the amount of new housing being provided to this part of Halstead;
- Access to the site is off a single track highway which is not suitable;
- Oak Road is under consideration to be a quiet road;
- Can the highway accommodate construction vehicles;
- Flooding concerns onto Oak Road following heavy rainfall;
- Due to the quiet nature of the road, pedestrian traffic use it regularly;
- The development would result in light pollution;
- By virtue of loss of habitat, there would be impacts to wildlife;
- Halstead infrastructure would not be capable of accommodating additional residential development;
- Loss of established hedgerow to accommodate the pedestrian footpath and access onto the site;

- The development would require the removal of trees.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

- 10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

10.2 5 Year Housing Land Supply

- 10.2.1 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Council's Local Plan is up to date and complies with the NPPF.
- 10.2.2 However, Footnote 79 of the NPPF sets out that this provision only applies to planning applications which were submitted on or after the date of publication of the revised NPPF (December 19th 2023). As this application was received prior to that date, the Council must consider it in relation to the 5 year housing land supply.
- 10.2.3 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply.
- 10.2.4 The Council acknowledges that a Planning Inspector has recently concluded that the Council had not evidenced 5 years housing land supply. The Planning Inspector agreed that sufficient evidence had been provided as part of the planning appeal for Land South of Springfields (Appeal Reference APP/Z1510/W/24/3338229) to evidence 4.9 years supply, with a shortfall of 67 dwellings. Officers are engaged in the process of obtaining further evidence to demonstrate the deliverability of some of the sites that the Planning Inspector excluded from the supply. The Council are confident that the additional evidence which is being secured will address the Inspectors concerns and provide the clear evidence required of a 5 year supply of housing land. As the Council maintains that it is able to demonstrate an up to date 5 year housing land supply, the presumption at Paragraph 11d of the Framework is not engaged. Consequently, and given that they were only recently adopted, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033.

- 10.3.2 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033.
- 10.3.3 The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan.
- 10.3.4 Policy SP3 of the Adopted Local Plan states that existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.
- 10.3.5 Policy LPP1 of the Adopted Local Plan states that Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.
- 10.3.6 The application site has no specific designations in the current adopted Development Plan.
- 10.3.7 The proposed development is therefore considered to be contrary to the Adopted Local Plan.
- 10.4 Call for Sites
- 10.4.1 The site was the subject of a Call for Sites submission HATR297 but the site was rejected for inclusion as a housing allocation.
- 10.4.2 This site was discussed at the Local Plan meeting on 25th May 2016.
- 10.4.3 The Local Plan Sub Committee's reasons for rejecting the site as a Local Plan allocation included the following:
- The site has been considered already as HTR2. The site was not included in the site allocations plan because its allocation would represent an intrusion into the countryside in an area identified as having a high sensitivity to change and would result in a less defensible development boundary. The Local Plan Sub Committee have had the opportunity to approve this site as a residential allocation and have not done so due to the abovementioned reasons.*
- 10.4.4 The site was submitted again during the 2024 Call for Sites (HATR2200). As this Call for Sites has only just closed, no assessment or consideration of the site has been made yet by the Planning Policy team, or Local Plan Sub-Committee.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

- 11.1.1 Paragraph 83 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- 11.1.2 On considering development proposals, Paragraph 114 of the NPPF stipulates that it should be ensured that, amongst other things, that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Paragraph 116 of the NPPF states that applications for development should: “a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; and c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles...”
- 11.1.3 The strategy set out in the Adopted 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 Braintree District should concentrate development on the town of Braintree, Witham and the A12/Great Eastern Mainline corridor and Halstead”.
- 11.1.4 Policy SP3 of the Adopted Local Plan highlights that Section 2 of the Local Plan identifies a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity, and local needs. Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.
- 11.1.5 Section 2 of the Adopted Local Plan, in Paragraphs 3.1 to 3.3, states that the Spatial Strategy directs development towards the most sustainable locations and provides the framework in which the Local Plan growth is provided. This District specific spatial strategy follows on from that which is set out in the Local Plan Section One and completes the picture of the role and functions of different areas within the District. The settlement hierarchy ranks areas of the District in order of their sustainability merits and the size, function, and services that each of the areas can offer. Whilst large parts of Page 63 of 105 the District are rural, by focusing future development on

highly accessible locations this will reduce the need to travel. Good accessibility means that the communities can meet their needs easily and without always needing a car. Accessibility can be improved by locating development at accessible locations and improving public transport, walking, and cycling facilities and services.

- 11.1.6 Policy LPP42 of the Adopted Local Plan outlines that sustainable modes of transport should be favoured, and that priority should be given to cycle and pedestrian movements and access to public transport.
- 11.1.7 The site is situated outside of the defined development boundary and is therefore considered as being 'countryside'. Policy LPP1 states that 'development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside'.
- 11.1.8 The site sits outside of the edge of the defined settlement of Halstead. Halstead is defined as a 'town' in the Adopted Local Plan. These are defined in the Adopted Local Plan as *"the largest urban areas in the District but are nevertheless relatively small market towns in the wider context, with populations of around 50,000 (Braintree, Bocking and Great Notley), 25,000 (Witham) and 12,000 (Halstead)."*
- 11.1.9 Members are advised that the site to the north of the site lies development within the existing Town Boundary of Halstead. To the west is the David Wilson development and to the east is a Bellway site which was granted planning permission in 2022. To the south of the site along Oak Road, there are three properties. Consequently, the application site has built development on at least three sides. Given this, Officers consider that a reason for refusal based solely on the conflict with the principle of development could not be substantiated and defended successfully at appeal. This conclusion was also reached during the assessment of the previous application for this site.
- 11.1.10 Overall it is considered that the site is located in a sustainable location on the edge of Halstead. Given the location of the site, it is considered that the site is not isolated and would not conflict with the requirements of Policy SP1.
- 11.2 Design, Appearance and Impact upon the Character and Appearance of the Area
- 11.2.1 Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.2.2 Policy LPP52 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of

buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

- 11.2.3 Policy LPP35 of the Adopted Local Plan requires that development should seek to create sustainable, inclusive and mixed communities through providing a mix of house type and size at an appropriate density for the area which reflects local need.
- 11.2.4 It is noted that this application seeks outline planning permission with all matters reserved. Design, layout, scale, access on to the site and landscaping would be assessed in terms of their detailed acceptability during the consideration of a reserved matters application, if this outline application were approved.
- 11.2.5 However, it is necessary to be satisfied that the number of dwellings proposed are capable of being accommodated within the application site, along with suitable space for a policy compliant level of car parking, amenity space, open space and SuDs features. It is noted that during the assessment of the previous application, the Council considered that insufficient detail was submitted which provided this satisfaction.
- 11.2.6 Despite the new development around the application site, the application site and the area to its south are particularly rural in character, consisting a single lane highway with high hedges. Although the highway directly outside of the access to the site, which is located opposite to the David Wilson development, is somewhat more urban; the east side of the road is distinctly more rural, with Conies Farm and Conies Cottage being older buildings, more typical in an area characterised by a rural street scene.
- 11.2.7 The provision of residential development in the location proposed would undoubtedly result in the urbanisation of the street scene.
- 11.2.8 In addition to this, the indicative site layout plan as submitted shows a layout and density of development that appears overly cramped and commensurate with an overdevelopment of the site.
- 11.2.9 9 residential units are anticipated in a block of flats. Whilst the layout plan is indicative, to provide these 9 units as individual dwellings would likely result in a form of development that appears even more cramped. In respect of the flats, such a form of development appears incongruous to its surroundings, and at three storey, would appear over bearing and alien to the character of the area.
- 11.2.10 The proposed plans demonstrate the loss of 3no. Category B trees and 1no. Category A tree along the site's frontage in order to facilitate the access onto the site and visibility splays.

- 11.2.11 Category A trees are defined on the Arboricultural Plan, as “*trees of high quality with an estimated remaining life expectancy of at least 40 years*”. 1no. of the trees to be removed along the frontage, labelled T3 on the Arboricultural Plan, is noted as being a large mature hedgerow tree, a traditional landscape element, which contributes to the local landscape character and is recorded as ‘A2’ Category (high landscape value).
- 11.2.12 Category B trees are defined on the Arboricultural Plan as being trees “*of moderate quality with an estimated remaining life expectancy of at least 20 years*”, and being trees that provide screening as well as enclosing sections of the site. These trees are recorded as ‘B2’ Category (moderate landscape value).
- 11.2.13 Officers consider that these trees make a significant positive contribution to the character and appearance of the site and its street scene. The loss of these trees, which would be required in order to provide the development by means of that shown on the proposed plans, would inevitably result in would a significant and detrimental harmful impact to the rural character along this section of Oak Road.
- 11.2.14 Officers cannot be satisfied, based on the details provided, that the number of residential units sought within this outline application can be accommodated on the site without resulting in an adverse and unacceptable harm to the character and appearance of the rural street scene and its locality. As such, the development is considered to be contrary to the requirements of Policies LPP35, LPP52, LPP65 of the Adopted Local Plan.

11.3 Ecology

- 11.3.1 Policy LPP63 of the Adopted Local Plan states that Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 11.3.2 Paragraphs 185 and 186 of the NPPF aim to ensure planning decisions prioritise biodiversity protection and biodiversity habitat restoration and creation.
- 11.3.3 The application has been supported by ecology documents, including a Preliminary Ecological Appraisal (Hillier Ecology Ltd, June 2023), and Great Crested Newt eDNA Results Letter (ADAS July 2023), relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

- 11.3.4 The Council's Ecology officer has provided comments on the application. They state that they are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 11.3.5 The mitigation measures as outlined in the Preliminary Ecological Appraisal (Hillier Ecology Ltd, June 2023), must be secured and implemented in full, and this should also include general good practice mitigation to avoid ecological impacts to avoid killing or injuring small animals which may pass through the site during the construction phase (e.g. covering trenches and pipework, removing waste, keeping materials off of the ground and tool box talks).
- 11.3.6 As a result, it is recommended that the finalised measures should be secured via a Construction Environment Management (CEMP): Biodiversity. This is necessary to conserve Protected and Priority Species and Habitats, particularly, bats, nesting birds and hedgehogs.
- 11.3.7 The Arboriculture Report Drawing LSDP 1509-01 Rev C has identified that the Non-Native Invasive Species Japanese Knotweed was identified to be present on site. Measures should be provided to contain, control and eradicate this Invasive Species and it is highlighted that this must be undertaken by a suitably experienced contractor. As a result, it is recommended that in the event of an approval, a method statement is secured by Condition of any consent, prior to commencement of any works.
- 11.3.8 Furthermore, a wildlife friendly lighting scheme should be provided for this application as indicated within the Preliminary Ecological Appraisal, to be secured as a condition of any consent prior to occupation. This should follow the Bats and Artificial Lighting in the UK' Guidance Note GN 08 / 23 (ILP & BCT 2023). Therefore, it is highlighted that a professional ecologist should be consulted to advise the lighting strategy for this scheme. In addition, the following measures should be indicated to avoid impacts to foraging and commuting bats:
- Light levels should be as low as possible as required to fulfil the lighting need.
 - Environmentally sensitive zones should be established within the development, where lighting could potentially impact important foraging and commuting routes for bats.
 - Lux levels should be directed away from environmentally sensitive zones and kept as low as possible. This should preferably demonstrate that the boundary features and Environmentally Sensitive Zones are not exposed to lighting levels of approximately 1 lux (equivalent to twilight), via the provision of contour plans / isolux drawings.
 - Lighting should have a maximum correlated colour temperature of 4000K. However, warmwhite light (<3000K) should be used if lighting is required near to Environmentally Sensitive Zones. This is necessary as

lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.

- Light columns should be as short as possible as light at a low level reduces the ecological impact.
 - The provision of motion sensors and timers should also be considered to minimise the amount of 'lit time'.
- 11.3.9 From an ecological perspective, the proposed tree and hedge planting would mitigate the removal of these features, and the proposed Public Open Space areas as detailed within the Arboriculture Report Drawing LSDP 1509-01 Rev C. However, the Ecology Officer notes they would expect that the planting details and specifications should be provided within an appropriate soft landscaping plan. Further, the management and aftercare of the soft landscaping should be detailed within a Landscape and Ecological Management Plan (LEMP) to be secured as a condition of any consent.
- 11.3.10 Additionally, proposed bespoke biodiversity enhancement measures contained within the Preliminary Ecological Appraisal (Hillier Ecology Ltd, June 2023) are acceptable, and indicate that a finalised strategy should be provided via a Biodiversity Enhancement Strategy, to be secured by a Condition of any consent. It is encouraged that the Implementation of integrated bird nesting boxes could follow 'BS42021:2022 Integral nest boxes Selection and installation for new developments' if the developer would like to demonstrate a high standard of bespoke biodiversity enhancements. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 11.3.11 There is no statutory Biodiversity Net Gain requirement as the application was submitted prior to the BNG legislation being implemented.
- 11.3.12 Officers are satisfied that sufficient information has been provided to demonstrate that the development could take place with no adverse impact on protected species or ecology, and the previous reason for refusal relative to this has been overcome.
- 11.4 Impacts to Existing Trees & Hedgerows
- 11.4.1 Policies LPP66 and LPP67 of the Adopted Local Plan require development to take into account existing landscape features, preserve them where appropriate, and be sensitive to the need to preserve and enhance biodiversity. LPP65 of the Adopted Local Plan states that trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal, for example, they are considered to be dangerous or in poor condition.
- 11.4.2 Paragraph 136 of the NPPF states that "Trees make an important contribution to the character and quality of urban environments, and can

also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”

- 11.4.3 The previous application was refused, in part, due to insufficient detail being provided to demonstrate that the protected oak tree (TPO13/2019) wouldn't be adversely affected by the proposed development.
- 11.4.4 The current application has been supported by an Arboricultural Plan which shows the extent of the root protection area (RPA) for the protected tree, in relation to the indicative development on the site. The plan shows that the indicative development would not result in built form encroaching upon the RPA of the protected tree, and that the indicative footpath link would utilise a 'no-dig' construction, which would not result in harm to the tree.
- 11.4.5 Although more detailed observations can be given to the impacts to the protected tree during the consideration of a reserved matters application, Officers are satisfied that the scale of development proposed can be accommodated within the site without prejudice to the protected tree to the east of the site boundary.
- 11.4.6 There are also trees within the site which are not subject to protection, but notable in their own right. The rear gardens of Plots 14 and 16 would contain 2no. Category B Oak Trees. Although it would appear that the built form would not be located within the RPA of these trees, their siting within rear gardens would itself bring about future pressures for their reduction/removal. These trees would be better suited to a position within the public realm. Whilst it is noted that these issues could be dealt with as part of an application for reserved matters, the indicative layout as demonstrated in the proposals is suggestive toward the site being unable to accommodate the scale of development sought.
- 11.4.7 The previous application was also refused, in part, due to the proposed access and visibility splays likely resulting in the loss of established vegetation and trees. The access shown on the proposed plans within this application is indicative rather than being sought as part of the outline application. However, without evidence to suggest there is a more appropriate alternative location for the access, Officers consider that the principle of the access in this location should be assessed, including any harms that this will bring.
- 11.4.8 The provided Arboricultural Plans demonstrate that proposed access would require the loss of 4no. trees, including 3no. Category B trees (1no. Ash, 1no. Oak and 1no. Field Maple), and 1no. Category A tree (1no. Oak).
- 11.4.9 As noted above, the loss of these trees will inevitably result in a detrimental and harmful impact to the rural character of Oak Road. Furthermore,

although it is noted that it is intended additional tree planting will take place to mitigate for the loss of these trees, such planting will take time to establish and cannot be considered acceptable mitigation measures.

- 11.4.10 A hedgerow will also be lost along the site's frontage and within the site. The Arboricultural plans show that this would include the loss of the majority of a hedgerow to the front of the site, which will need to be removed in order to provide the access and visibility splays to the access, a 'plum scrub' hedge within the site, and 4 metre high cypress hedges within the site. Whilst the removal of the scrub and cypress hedges are likely to be considered acceptable, as these are not broadly visible in the public realm, the removal of the hedge along the front of the site would likely result in a notable and harmful impact to the rural character of the street scene, to which it makes a positive contribution.
- 11.4.11 As such, Officers consider that the development would result in unacceptable and detrimental harm to existing trees and hedgerows, contrary to the requirements of Policies LPP65, LPP66, and LPP67 of the Adopted Local Plan, together with the requirements set out in the NPPF to retain trees wherever possible.
- 11.5 Impact upon Residential Amenities of Neighbouring Properties and Quality of Amenity for Occupiers of Proposed Dwellings
- 11.5.1 The National Planning Policy Framework sets out that decisions should seek to ensure a high quality amenity for all current and future occupiers of dwelling-houses. Policy LPP52 of the Adopted Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy.
- 11.5.2 The application is seeking outline permission, and layout is a matter for consideration at a later date. Therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers. However, an indicative site plan has been provided to show how the scale of development proposed could be accommodated within the site.
- 11.5.3 The indicative plan demonstrates that the development could be provided in a linear form along the northern, western and south-eastern boundaries. It is noted that the northern boundary backs onto the existing housing along Conies Road. The western boundary backs onto the existing dwellings at Conies Farm and Conies Cottage. The south-eastern boundary backs onto the existing dwelling at Oak House.
- 11.5.4 The Essex Design Guide states that where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.

Where dwellings would be located back to back, there should be at least 25 metres of distance between the rear elevations.

- 11.5.5 The dwellings indicated at Plots 18 to 29 are shown to have less than 15 metres (between 10 metres to 13 metres) from the existing residential boundaries to the west and east. The proposals as demonstrated would fail to comply with this requirement of the Essex Design Guide, and as such Officers are not satisfied that the development of the site can be provided without resulting in poor relationships between the new and existing dwellings, in terms of outlook and privacy.
- 11.5.6 The proposed indicative site plan shows that 2no. existing trees (T12 and T13 on the Arboricultural plans) will be situated within the rear amenity spaces to Plots 14 and 16. The provision of these trees in these locations is such that it would impede upon the quality of amenity afforded to those dwellings, by limiting the usability and access to natural light of the external amenity spaces.
- 11.5.7 The proposals would therefore conflict with the requirements of Policy LPP52 of the Adopted Local Plan, the requirement set out in the NPPF to protect the quality of residential amenity for existing and future occupiers, and the requirements of the Essex Design Guide.

11.6 Highway Considerations

- 11.6.1 As the application is an outline application, leaving all matters reserved, an assessment of the detailed aspects of the scheme in respect of highway considerations is not necessary. However, it is necessary to be satisfied that the access can be provided in an appropriate manner in principle. The proposed plans show the location of an access, along with visibility splays in either direction. An indicative footway and estate road are indicated, as are a pedestrian footway link to an existing footway.
- 11.6.2 ECC Highways have responded to state they have no objections. They note in their response that all residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- 11.6.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to require a construction management plan and details of the proposed site access (including visibility splays); the footway link to the north of the site access; residential travel packs to be provided to each residential unit; preventing any unbound material within 6 metres of the highway; and to require the

existing site access to be closed immediately after the new access has become used.

- 11.6.4 The conditions suggested are considered to be appropriate in this case given the scale of the site, although it is noted that further details relating to the access on to the site will be required in any case during the consideration of an application for reserved matters.

11.7 Lighting

- 11.7.1 Policy LPP77 of the Adopted Local Plan states that proposals for external lighting will only be permitted if the lighting is designed as an integral element of the development; low energy lighting is used; alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; and there is no significant loss of privacy or amenity to nearby residential properties and there is no unacceptable harm to natural ecosystems.

- 11.7.2 No details of intended lighting at the site have been provided. Given this application is for outline planning permission only with all matters reserved, these details are not anticipated. Whilst it is noted that lighting will be required to meet ecology considerations, is it also necessary to ensure harm isn't caused to the rural character of the street scene. If it were the case that outline planning permission was granted, relevant conditions could be attached to the decision to require details of all external lighting.

11.8 Archaeological Considerations

- 11.8.1 Policy LPP59 of the Adopted Local Plan states that where granting planning permission could affect archaeological deposits, an archaeological evaluation will be required and conditions utilised to ensure archaeological remains are excavated and recorded prior to the development commencing.

- 11.8.2 Essex County Council Place Services raises no objections to the application. They note that the Essex Historic Environment (HER) Record shows that the proposed development will affect a site of archaeological interest. The Essex Historic Environment (HER) Record shows that the proposed development lies to the west of an area of recorded cropmark features for enclosures and a ring ditch. To the west an archaeological evaluation and excavation found evidence of prehistoric and medieval activity. A Roman bronze buckle was recovered from near Stones Farm to the east of the site. The evidence from the surrounding area suggest there is potential for archaeological remains from the prehistoric to medieval periods to survive. The land was historically associated with Coneys Farm which is depicted on the Tithe maps of c.1840 and a pond is located within the development area which has the potential to preserve waterlogged or organic remains.

11.8.3 In the event that the application were being approved, Essex County Council Place Services recommends that a condition is placed on any grant of consent which requires a programme of archaeological trial trenching and excavation to be undertaken, given that there is the potential for Roman and Medieval to Post Medieval archaeology to be disturbed or destroyed by the proposed development. Such a condition could reasonably be placed on any grant of consent.

11.9 Flood and Surface Water Drainage

11.9.1 Policy LPP74 of the Adopted Local Plan states that new development shall be located on Flood Zone 1 or areas with the lowest probability of flooding, taking climate change into account, and should not increase flood risk elsewhere.

11.9.2 The site lies in Flood Zone 1 with the least risk of flooding. It is not identified with surface drainage issues on the Environmental Agency nor the Essex County Council database. The development is unlikely to give rise to an unacceptable risk in flooding.

11.9.3 When the application was first submitted, insufficient detail was provided in order for ECC SUDs to provide comments on the proposals. Additional detail was subject to a holding objection, as ECC SUDs commented that the "HR Wallingford tool is showing a 1 in 1 greenfield rate of 0.6l/s. The discharge rate should match the 1 in 1 greenfield rate or be 1l/s whichever is greater."

11.9.4 Officers have worked with the Applicants to secure additional details to overcome the holding objection. Following the receipt of various revisions and additional documentation, ECC SUDs have responded to note that they now have no objections to raise. In the event that the application were being approved, they recommend the imposition of several conditions. These conditions are considered reasonable.

11.9.5 Anglian Water note that they have no objections to the proposed scheme, and in the event the application were being approved, they recommend several conditions. These conditions are considered reasonable.

11.9.6 The application is considered acceptable in respect.

11.10 Habitat Regulations Assessment (HRA / RAMS)

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

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

- 11.10.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.
- 11.10.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.
- 11.10.4 The proposed mitigation measures would consist of the securing of a financial contribution of £163.86 per dwelling erected (index linked) towards offsite visitor management measures at the above protected sites.
- 11.10.5 This financial contribution would be secured by way of a Section 106 Legal Agreement.

12. PLANNING OBLIGATIONS

- 12.1 Paragraph 55 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. Policy SP6 of the Adopted Local Plan sets out contributions that should be sought in respect to new developments. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 12.2 **Affordable Housing:** Policy LPP31 of the Adopted Local Plan sets out a requirement of 30% of the total number of dwellings on sites located in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham, Halstead, Sible Hedingham and development sites directly adjacent to these areas to be affordable housing.
- 12.3 As the proposal is for up to 39 residential dwellings, there is a requirement for 11 homes to be secured by legal agreement.
- 12.4 **Education:** Financial contributions of £68,182 is sought for Early Years and Childcare, and £3034.20 for local library enhancements within the Halstead Trinity Ward.
- 12.5 **Open Space:** Policy LPP50 of the Adopted Local Plan requires that new developments provide new open spaces in line with the requirements set out in the Open Spaces Supplementary Planning Document 2009.
- 12.6 The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to

make provision on-site for informal and amenity open space and a financial contribution towards an outdoor equipped play area.

- 12.7 A financial contribution would be sought for outdoor sport and allotments. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects could be secured through a S106 Agreement.
- 12.8 **NHS:** Financial contribution of £19,300 requested in order to increase capacity for the benefit of patients of Elizabeth Courtauld Surgery. This may be achieved through any combination of extension, reconfiguration or relocation of premises.
- 12.9 A draft Section 106 Agreement has been provided with the application. However, at the time of determination, this had not been agreed and completed and therefore planning contributions for education, open space and affordable housing have not been secured by a completed S106 agreement.
- 12.10 **Habitat Regulations Assessment (HRA / RAMS):** The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. A financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries Special Area of Conservation, (£163.86 per dwelling) for delivery prior to occupation would be required.

13. PLANNING BALANCE AND CONCLUSION

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

13.1.2 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

13.1.3 As indicated above, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply. Whilst the appeal decision Land South of Springfields (Appeal Reference APP/Z1510/W/24/3338229) saw the Planning Inspector conclude that the Council had only been able to provide sufficient evidence to demonstrate a 4.9 years supply, the assessed shortfall was just 67 dwellings. Since the appeal decision Officers have been working to obtain further evidence to demonstrate the deliverability of some of the sites that were excluded from the supply. Officers remain confident that additional evidence is being secured which will provide the required clear evidence of a 5 year supply of housing land in the District. On the basis that the Council can demonstrate an up to date 5 year housing land supply, and because the most important policies for determining the application are not out of date, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, and given that the Plan has only been relatively recently adopted, the policies within the Development Plan are considered to have full weight in decision making.

13.2 Development Boundary Designation within the Development Plan

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

13.2.2 The proposed development would be contrary to Policy LPP1 of the Adopted Local Plan and therefore this weighs against the proposal in the overall planning balance. However, as indicated within the report, the application site has built development on at least three sides, and given this

Officers consider that a reason for refusal based solely on the conflict with the principle of development could not be substantiated and defended successfully at appeal. This conclusion was also reached during the assessment of the previous application for this site. Limited weight is therefore attributed in this case to this conflict.

13.3 Summary of Adverse Impacts

13.3.1 The adverse impacts and the weight that should be given to these factors are set out below:

Harm to the Character and Appearance of the Area and Landscape Character

13.3.2 The proposed development, by virtue of its location in a rural street scene, together with the scale of the development sought, would result in a cramped and incongruous form of development, out of keeping with the locality. The development would also require the removal of Category A and Category B trees in order to facilitate access onto the site. The harm caused is afforded significant weight in the planning balance.

Harm to Neighbouring Residential Amenity

13.3.3 As indicated on the proposed plans, the proposed development cannot be provided without prejudicing the residential amenities of existing dwellings located to the east and west of the site, and without providing a poor quality amenity to the future occupiers of the dwellings, by virtue of the positioning of existing trees. Significant weight can be afforded to this harm in the planning balance.

13.4 Summary of Public Benefits

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

Delivery of Market and Affordable Housing

13.4.2 The development would facilitate the provision of 39no.new dwellings, comprising 28no. market houses and 11no. affordable houses. This is afforded significant weight.

Economic and Social Benefits

13.4.3 The proposed development would result in some economic benefits, through the jobs created whilst the site is being developed, and the contribution that its future occupiers would make to the local economy. Due to the scale of the development proposed, this benefit can be afforded moderate weight.

Section 106 Obligations

- 13.4.4 If planning permission were forthcoming, the development would have secured a number of Section 106 obligations including the aforementioned affordable housing, open space, education, library enhancements and health contributions.
- 13.4.5 The Section 106 benefits are afforded neutral weight, as the obligations are mitigating the impacts of the development in accordance with planning policy.
- 13.5 Conclusion and Planning Balance
- 13.5.1 Taking into account the above, while the proposal complies with some Development Plan policies which weigh in favour of the proposal, it is considered that the proposal conflicts with the Development Plan as a whole. In addition to being contrary to Policy LPP1, Officers also consider that the proposals would be contrary to Policies SP4, SP6, SP7, LPP1, LPP31, LPP35, LPP50, LPP52, LPP65, LPP66 and LPP67 of the Adopted Local Plan.
- 13.5.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, an important material consideration is whether the Council can demonstrate a 5 Year Housing Land Supply and consequently, whether Paragraph 11d) of the NPPF is engaged.
- 13.5.3 As indicated above, the Council is currently able to demonstrate a 5 Year Housing Land Supply and therefore Paragraph 11d) of the NPPF is not engaged.
- 13.5.4 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan. It is therefore recommended that planning permission is refused for the proposed development.
- 13.5.5 Notwithstanding the above, if the 'tilted balance' was engaged, it is considered that [the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context, it would be recommended that planning permission be refused for the proposed development.

14. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Submitted Plan(s) / Document(s)

Plan Description	Plan Ref	Plan Version
Site Layout	DR-01	A
Location Plan	N/A	N/A
Topographical Survey	26129SE-01	N/A
Arboricultural Report	LSDP 1509-01 REV A	N/A
Access Details	JG01 REV 4	N/A
Visibility Splays	JG02	N/A
Arboricultural Report	LSDP 1509-01 REV C	N/A
Drainage Details	Drainage Strategy & SuDs Report	N/A
Transport Plan	Transport Statement	N/A
Specification	Preliminary Ecological Appraisal	June 2024
Planning Statement	CF-2044	N/A
Specification	Envirocheck Report	N/A
Design Analysis Plan	Design Statement	N/A

Reason(s) for Refusal

Reason 1

The proposed development, by virtue of its location in a rural street scene, together with the scale and manner of the built form sought, would result in a cramped, incongruous and visually intrusive form of development, out of keeping with the locality. In addition, the development would also require the removal of Category A and Category B trees, which make a positive contribution to the character and appearance of the street scene, in order to facilitate access onto the site. Furthermore, it has not been demonstrated that the site can satisfactorily accommodate 39 residential units, without failing to secure a high level of amenity for neighbouring properties, and also the future occupiers of the proposed dwellings.

The application is considered to be contrary to the requirements of Policies SP4, SP7, LPP1, LPP35, LPP52, LPP65, LPP66 and LPP67 of the Adopted Local Plan, together with the aims and objectives of the National Planning Policy Framework, and the Essex Design Guide.

Reason 2

The proposed development would trigger the requirement for:

- The delivery of 30% affordable housing on site;
- A financial contribution towards Early Years and Childcare and Local Library

Enhancements;

- The provision, maintenance and delivery of public open space, outdoor sports and allotments.

- Financial contribution in order to increase capacity for the benefit of patients of Elizabeth Courtauld Surgery. This may be achieved through any combination of extension, reconfiguration or relocation of premises and/or staff recruitment or training.

- A financial HRA contribution (index linked);

These requirements would need to be secured through a Section 106 Agreement. At the time of issuing this decision a Section 106 Agreement had not been completed.

As such the proposal is contrary to Policies SP2, SP6, LPP31, LPP50 and LPP78 of the Adopted Local Plan, the Open Space Supplementary Planning Document (SPD).

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
21/00493/OUT	Outline planning permission with all matters reserved for 39 residential dwellings.	Refused	06.05.22