

PLANNING COMMITTEE AGENDA

Tuesday 8th March 2022 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

(Please note this meeting will be broadcast via the Council's YouTube Channel, webcast and audio recorded) www.braintree.gov.uk

This is a decision making public meeting of the Planning Committee, which may be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public may also choose to attend the meeting. Members of the public will also be able to view and listen to this meeting via YouTube.

To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>

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

Membership:-

Councillor J Abbott	Councillor Mrs I Parker (Vice Chairman)
Councillor Mrs J Beavis	Councillor F Ricci
Councillor K Bowers	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy *(Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel).*

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 one hour before the start of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

Public Question Time – Registration to Speak on a Planning Application/Agenda

Item: The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee 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.

Members of the public who have registered to speak during Public Question Time are requested to indicate when registering if they wish to attend the Planning Committee meeting ‘in person’ at Causeway House, Bocking End, Braintree, 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.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have three minutes each 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 Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team by E-Mail at governance@braintree.gov.uk by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the continuing Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of

the public may also attend the meeting 'in person', but priority will be given to those people who have registered to speak during Public Question Time. Members of the public will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

Health and Safety/Covid: Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed around the building or given by Officers during the course of their attendance. All visitors will be required to wear a face covering, unless an exemption applies.

Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that it is safe to return to the building.

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

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

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 can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

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

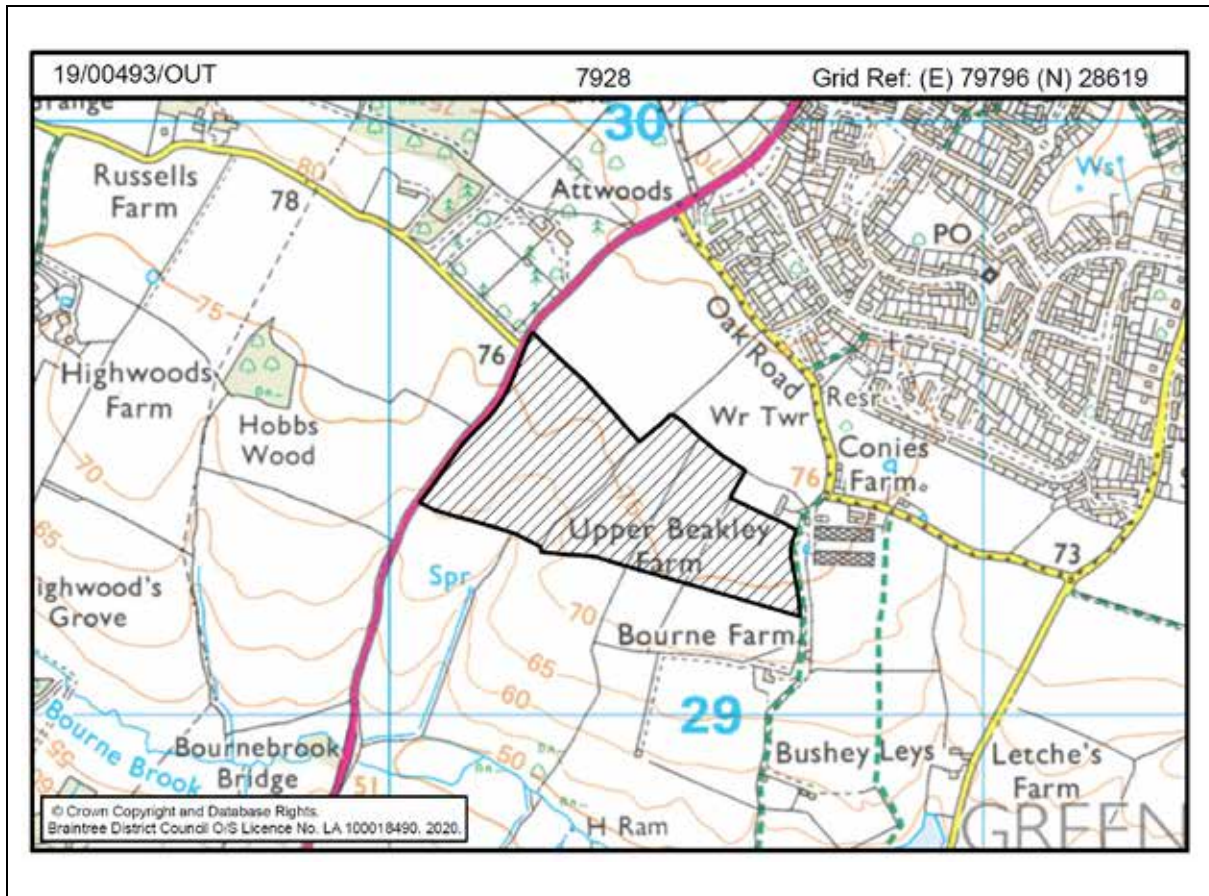
- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meetings**
To approve as a correct record the Minutes of the meetings of the Planning Committee held on 14th December 2021 and 22nd February 2022 (copies to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications
- 5a App. No. 19 00493 OUT – Land off Bournebridge Hill, GREENSTEAD GREEN** **6-84**
- 5b App. No. 21 03222 REM – Land West of Bardfield Road, FINCHINGFIELD** **85-108**
- 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.

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: 8th March 2022	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	19/00493/OUT
Description:	Outline application for up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access
Location:	Land Off Bournebridge Hill, Greenstead Green, Essex
Applicant:	Gladman
Agent:	N/A
Date Valid:	14th March 2019
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: 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: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2523, or by e-mail: neil.jones@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>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>The Applicant has committed through the Section 106 agreement to payment of a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <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.

<p>Equality and Diversity Implications</p>	<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 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: 19/00493/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 Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Essex Minerals Plan (2014)

	<p>§ Supplementary Planning Documents (SPD's) - Affordable Housing Supplementary Planning Document (2006); Essex Design Guide for Mixed Use and Residential Areas (2005); Essex Design Guide Urban Place Supplement (2005); External Lighting Supplementary Document (2009); Open Space Supplementary Planning Document (2009); Open Spaces Action Plan (2021); Parking Standards – Design and Good Practice (September 2009)</p> <p><u>Other Guidance</u></p> <p>§ Landscape Character Assessment (2006)</p> <p>§ Braintree District Settlement Fringes – Evaluation of Landscape Analysis of Halstead (June 2015)</p> <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>
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1. EXECUTIVE SUMMARY

- 1.1 The application site comprises 13.34ha of land adjacent to the A131. The site is situated within the Parish of Greenstead Green and Halstead Rural, although it is immediately to the south of a housing development that is located on the south western side of the town of Halstead, The site is located outside the Halstead Town development boundary, as designated within the Adopted Local Plan, and as proposed in the Section 2 Plan. The site currently consists of predominantly agricultural land divided into three fields with trees and hedging to some of their boundaries.
- 1.2 The application seeks outline planning permission, with all matters reserved aside from access for which approval is sought. The proposed development is for up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and a sustainable drainage system (SuDS). Vehicular access to the site would be taken from the A131, whilst pedestrian / cycle path connections would be provided to the north, connecting to housing developments currently being built by Bloor and David Wilson Homes.
- 1.3 The application site is not allocated for development and lies beyond any designated town or village development boundary in either the Adopted Local Plan or Section 2 Plan. The development is therefore contrary to the Adopted Development Plan, including the Minerals Local Plan. This weighs against the development in the Planning Balance, along with loss of trees; harm to the character and appearance of the Area and Landscape Character; sterilisation of mineral resources; and loss of Best & Most Versatile Agricultural Land.
- 1.4 When undertaking the flat planning balance exercise, having regard to the adverse impacts and benefits outlined above, and the requirements of the NPPF as a whole, it is necessary to weigh the public benefits of the proposal against the harm identified. In this case the public benefits are considered to include the delivery of Market & Affordable Housing; the provision of Open Space; and the provision of a road that is capable of forming part of a Bypass, or relief road round the edge of the town.
- 1.5 Although both County and District Council have long held aspirations for there to be a Bypass around the town there is currently no commitment to provide such a road. Currently the Local Plan safeguards a corridor of land for the construction of a bypass but there is no commitment or funding to provide a road.
- 1.6 The corridor of safeguarded land passes through the site running north east from the A131. The application goes beyond simply safeguarding land for the construction of a Bypass and provides the first stretch of road and the ability for a roundabout to be constructed to provide access to the Bypass off the A131. These are considered to be significant benefits of the scheme.

- 1.7 When undertaking the flat planning balance exercise Officers consider that the benefits of the proposed development outweigh the limited harms identified and it is recommended that the application is granted planning permission, subject to completion of a Section 106 legal agreement covering the Heads of Terms set out in this report, and subject to the recommended planning conditions.

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 is located in the parish of Greenstead Green and Halstead Rural, adjacent to, but outside the Halstead Town development boundary, as designated within the Adopted Local Plan, and as proposed in the Section 2 Plan.

5.2 The application site is located to the south western side of Halstead, adjacent and to the south of the new residential developments by Bloor Homes and David Wilson Homes that front the A131 and Oak Road respectively.

5.3 It currently consists of 13.34Ha of grade 3a and 3b agricultural land comprising three fields with trees and hedging to some of their boundaries which include: a linear tree belt to the north eastern boundary of the western-most field; and a number of oak trees scattered across the land; as well as a mixture of oak and hornbeam trees along the eastern boundary, the subject of a Tree Preservation Order (13/2019/TPO). A Public Right of Way (PRoW 88-19) runs parallel to, but just outside this latter boundary.

5.4 The land in question slopes gently upwards in a northerly direction with it forming part of the Bourne Brook valley, it is highly visible from the A131 by virtue of its open, featureless boundary to the western side adjacent to the existing roadside ditch. Two dwellings at Upper Beakley Farm and Primrose Cottage are located directly adjacent to the north eastern corner of the site.

6. PROPOSAL

6.1 This is an outline planning application, with all matters aside from Access reserved for future determination. As highlighted above, the proposal is for up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and a sustainable drainage system (SuDS).

- 6.2 Access to the site would be provided via a priority junction to be constructed directly off the A131 on Bournebridge Hill, with visibility splays to be secured over land within both the site itself and Highway land. The alignment of the main (primary) road has been moved further south at the request of Officers, such that it would now be located on the southern edge of the proposed residential development, as opposed to running through the heart of the scheme. This has the benefit of minimising the impacts of passing traffic upon the future occupants of the development, especially as it could constitute the first stage of the construction of a bypass for Halstead, as well as providing a deep soft landscape buffer of woodland to the wider countryside.
- 6.3 The alignment of the primary road, along with broad locations for parcels of residential development, and areas of greenspace (3.53ha, in addition to 1.96ha woodland) are shown on the submitted Development Framework Plan (DFP). The green space would include a formal equipped children's play area, and areas of informal open space; and the proposal seeks to retain existing landscape features with trees to be retained wherever possible. An area of 0.27ha is proposed to be set aside around the proposed road junction onto the A131, to enable the construction of a roundabout should the primary road be extended in an easterly and north easterly direction to create part of the Halstead bypass, the broad alignment of which is identified on the proposals maps of both the Adopted Local Plan and Section 2 Plan.
- 6.4 A range of densities and house types are proposed to meet local needs and up to 30% of the units would be provided as affordable housing. The submitted Design and Access Statement (DAS) states that the scheme would have a density of approximately 35 dwellings per hectare (net of green infrastructure); and that dwellings would comprise a mix of 2 and 2½ storey buildings with ridge heights up to 8.5m and 10.5m respectively.
- 6.5 As details of the appearance, landscaping, layout, and scale are reserved matters, approval is not sought for these at this stage and details are not required. If the application were to be granted planning permission then before development could commence the Local Planning Authority would need to have received and approved reserved matters applications for these.
- 6.6 The following drawings and documents have been submitted in support of the planning application:
- § Application Form & Certificates;
 - § Location Plan;
 - § Development Framework Plan;
 - § Highway and Drainage Plans;
 - § Air Quality Assessment;
 - § Arboricultural Implication Assessment;
 - § Archaeology & Built Heritage Statement;
 - § Design and Access Statement;

- § Ecological Impact Assessment;
- § Flood Risk Assessment and Outline Surface Water Drainage Strategy;
- § Foul Drainage Analysis;
- § Landscape and Visual Impact Assessment;
- § Mineral Resource Assessment;
- § Noise Assessment and Mitigation Advice;
- § Phase 1 Geo-Environmental Report;
- § Photomontage Report;
- § Planning Statement;
- § Socio-Economic Report;
- § Soils and Agricultural Land Quality report;
- § Statement of Community Involvement;
- § Sustainability and Green Travel Statement;
- § Road safety audit - stage one;
- § Transport Assessment;
- § Travel Plan; and
- § Utilities Statement.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 The foul drainage from this development is in the catchment of Halstead Water Recycling Centre that would have available capacity for these flows; the sewerage system at present also has available capacity for these flows.
- 7.1.2 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS).
- 7.1.3 From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, they are unable to provide comments on the suitability of the surface water management and the Local Planning Authority should seek the advice of the Lead Local Flood Authority.

7.2 Essex Police

- 7.2.1 Comment they would require the proposed layout and the finer detail and would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

7.3 Natural England

- 7.3.1 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). 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.

7.3.2 They advise that the Council consider, in line with their 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 they advise that the Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

7.4 NHS England

7.4.1 A Healthcare Impact Assessment (HIA) has been prepared by the CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

7.4.2 The existing GP practice at Elizabeth Courtauld Surgery does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 480 residents and subsequently increase demand upon existing constrained services. The additional floor space required to meet growth would amount to 32.9m², giving rise to a capital cost of £75,670 (£378.35 per dwelling), to mitigate the impacts of this proposal.

7.5 BDC Environmental Services

7.5.1 No objection to the application on Environmental Health grounds.

7.5.2 They have reviewed the Phase 1 Geo-Environmental report and are satisfied with the approach taken and the conclusions of the report. Although the likelihood of significant contamination has been identified as unlikely, the report has recommended further (phase 2) ground investigation which they concur with, and can be achieved through suitably worded conditions.

7.5.3 With regard to noise, since their original consultation response, an updated proposed outline layout has been submitted, with the main change being the positioning to the south of the dwellings of the proposed road that could form part of a future bypass of the town, rather than having it running nearer to the middle of the site. This brings about improvements in the number of properties that are located more closely to the road (and consequently reduces the number who could experience significant impact from the road), is welcomed and goes some way towards addressing the points raised previously. The applicant has also submitted an updated technical guidance note from their consultants, which reflects these changes and models likely noise impact contours on different suggested layouts of the proposed housing.

- 7.5.4 There is a need for windows to be closed on the façades of dwellings fronting the proposed link road and A131. However, the new layout means that gardens can be placed to the rear of boundary plots and create acceptable external amenity spaces. Additionally there is scope for the careful layout of the dwellings to place noise-sensitive rooms on the shielded side of dwellings to avoid necessity for closed windows, although this will require very careful internal configuration and some types of layouts may not realistically achieve this.
- 7.5.5 Whilst their preference would be for none of the rooms in a new dwelling to be exposed to significant levels of noise, they are conscious that this proposal with carefully managed conditions and consideration of layouts (both to the dwelling locations and their internal configurations) could achieve adequate levels of internal noise amenity in noise-sensitive rooms without the need for windows to be kept closed to do so. Should planning permission be granted for this proposal, it is recommended that the applicant's suggested condition, or similar, is adopted.
- 7.5.6 They have also reviewed the Air Quality Assessment (AQA) and are satisfied with its methodology and conclusions. A robust approach appears to have been taken through assuming that equivalent vehicle volumes would use the new proposed 'ring road', as would currently use Bournebridge Hill and this approach is suitable for gauging potential impact for air quality of potential new development residents. However, it must be appreciated that the new ring road is not a complete road, but rather a first section of a hypothetical future bypass. This means that such vehicle volumes will not use the bypass road (possibly ever) and consequently it does still mean that much of the traffic from new residents of the proposed development would travel through Halstead and up and through/over the already congested Colchester Road/Head Street area at least for several years and possibly forever if a Bypass or relief road is never constructed.
- 7.5.7 As alluded to in the Wardell Armstrong report (Section 4), air quality in Head Street/Colchester Road is the subject of ongoing monitoring by this Authority after the identification of raised levels of NO₂ in the area. Since the applicants report was produced, the Council's Environmental Health Officer advises that for 2020 no exceedances were declared at Halstead as emissions were reduced due to the pandemic.
- 7.5.8 The Air Quality raw data for 2021 is again depressed against 2019, however a complete picture will not be known until later in the year as additional factors need to be applied to the raw data so that levels may be assessed against objective levels to confirm whether there are any exceedances.
- 7.5.9 As a result, whilst the Council will continue to monitor Air Quality at this junction it has not been designated an Air Quality Management Area (AQMA).

- 7.5.10 If at some point in the future the Council were to declare an AQMA, then we would need to prepare an action plan to reduce levels, or certainly for them not to get worse, whilst technological advances in low emission vehicles progress.
- 7.5.11 Whilst the exact situation is being monitored, and no Air Quality Management Area currently exists, any additional traffic to this already impacted area cannot be a positive thing in the context of the busy road and junctions. In the context of already raised air quality concerns in that location, proposed new developments should be carefully considered. Clearly some relief would occur from a ring road, but this application cannot promise to deliver the bypass, only the first part of it. Whilst identifying that the potential impact from the development would not be of significant detriment to air quality overall, the report gives a commitment to mitigation measures (Section 6).
- 7.5.12 With all of the above in mind they would expect the developer to provide a strong commitment to those mitigation measures as part of any proposed development and an obligation to this effect could be achieved through the imposition of a suitably worded condition. In addition, the impact on existing residential properties (and new occupiers of dwellings as they are constructed), from air quality impacts during the development phase should be adequately addressed through adequate site management, including an appropriate construction management plan.
- 7.5.13 In addition, in view of the proximity of nearby residential properties it is also recommended that measures that control dust generation, hours of construction and prohibit the burning of waste are imposed.

7.6 BDC Housing Research and Development

- 7.6.1 In accordance with Policy CS2 of the Core Strategy, 30% of the units should be provided as affordable housing. The proposal for construction of up to 200 residential dwellings therefore requires up to 60 dwellings to be provided as affordable homes. It is acknowledged that subject to this application being approved, details concerning the type of dwellings will form part of a reserved matters application. However, based on evidence of housing need the affordable unit mix below would be considered appropriate to match housing need:

- § 8 x 1 bedroom 2 person flats;
- § 34 x 2 bedroom 4 person houses;
- § 8 x 3 bedroom 5 person houses;
- § 4 x 3 bedroom 6 person houses;
- § 4 x 4 bedroom 7 person house;
- § 1 x 2 bedroom 4 person wheelchair bungalow; and
- § 1 x 3 bedroom 5 person wheelchair bungalow.

- 7.6.2 Additional requirements for affordable housing that should be considered:

- § Affordable dwellings should be deliverable without reliance on public subsidy;
- § Affordable homes should be clustered in no less than three areas of site;
- § Accessibility requirement for all affordable dwellings accessed at ground level to be compliant with Building Regulations Part M(2) and wheelchair bungalows Part M (3b);
- § Affordable units should meet NDSS; and with a
- § 70 /30 tenure mix of affordable rent over intermediate tenure.

7.7 BDC Operations

- 7.7.1 They would need to know whether the secondary roads detailed on the Illustrative Masterplan would be built to take a 26 tonne dustcart. If not, they would need assurances that they would will be able to access them without being accountable for damage repair costs.

7.8 ECC Archaeology

- 7.8.1 A Desk Based Assessment (DBA) has been submitted with the application which provides an assessment of the potential for archaeological remains within the development area. The DBA concludes that there is some potential for prehistoric and medieval archaeological remains within the development area based on the findings of the adjacent development site and the evidence from the surrounding area. The potential for surviving archaeological remains will need to be evaluated, initially this could be carried out through a programme of geophysics which would be followed by a programme of archaeological trial trenching based on the results.

7.9 ECC Ecology

- 7.9.1 No objection subject to: a) securing ecological mitigation and enhancement measures; and b) Visitor management measures towards the Blackwater Special Protection Area and Ramsar site & Essex Estuaries Special Protection Area, in line with the Essex Coast Recreational Avoidance and Mitigation Strategy.

7.10 ECC Education

- 7.10.1 ECC Education have assessed the application on the basis of 200 houses all being 2 or more bedrooms, a development of this size can be expected to generate the need for up to 18 early years & childcare (EY&C), 60 primary school, and 40 secondary school places.

- 7.10.2 *Early Years and Childcare* - The proposed development is located within the Gosfield and Greenstead Green Ward and according to ECC's childcare sufficiency data there are 4no providers of early years and childcare in the area (1 Day Nursery, 1 Childminder and 2 Independent Schools). Although there is some EY&C capacity in the area, the data

shows insufficient provision to meet the additional demand created by this development.

- 7.10.3 *Primary Education* - This proposed development sits within the joint priority admissions area of Holy Trinity CE and Richard de Clare Primary Schools which offer 30 and 60 places per year respectively and therefore have a total combined capacity of 630 places. As at the last schools census both schools were at or close to capacity in the majority of year groups and had 624 pupils on roll in total. In most years there is also a close match between capacity and numbers on roll across the wider Halstead area (Braintree group 3) and forecasts, set out in Essex County Council's 10 Year Plan to meet demand for school places, suggest that additional Reception places will be needed longer term.
- 7.10.4 *Secondary Education* - The Ramsey Academy is the only secondary school in Halstead, however it currently has capacity to accommodate potential future pupils residing within the proposed development. Therefore, ECC are not seeking a secondary contribution on this occasion.
- 7.10.5 Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.
- 7.10.6 Therefore, no objection is raised, subject to financial contributions being secured through a S106 legal agreement to allow the provision of additional Early Years and Childcare (EY&C) places and Primary school places. The actual level of contribution will be linked to the actual number and size of dwellings that would be built. The actual levels of contribution would not be known until Reserved Matters are approved but for information only, based on a development of 200 dwellings, all with two or more bedrooms the contributions would be:
- 7.10.7 EY&C - An additional 18 places (at £17,422 per place) would be required resulting in a contribution of £313,596 at April 2018 prices.
- 7.10.8 Primary school - An additional 60 places (£15,281 per place) would be required resulting in a contribution of £916,860 at April 2018 prices.
- 7.11 ECC Flood and Water Management
- 7.11.1 No objection, subject to conditions which include the need to agree the design of a detailed surface water drainage scheme.
- 7.12 ECC Highways
- 7.12.1 No objection to the proposal, subject to the imposition of planning conditions/obligations to ensure the management of construction traffic; suitable access to the site; provision of a Residential Travel Plan and Residents Travel Information Packs; improvements to bus stops; provision

of two pedestrian/cycle links to the north of the site; details for the construction and delivery of the Primary Road.

7.13 ECC Historic Buildings and Conservation

- 7.13.1 The application is supported by a Heritage Statement which principally assesses the impact of the proposed upon the Grade II listed Bushey Leys and Grade II listed Letche's Farmhouse. They agree with the applicant's assessment that there would be a negligible impact upon these heritage assets.
- 7.13.2 The proposed development would further extend Halstead beyond the confines of the valley it has historically occupied, increasing the settlement's visual prominence from the north and further detaching historic Halstead from its agricultural setting. This would incur a degree of harm to the Conservation Area though at the lower end of this scale.

7.14 ECC Minerals and Waste Planning

- 7.14.1 The application site is located within land which is designated as a Mineral Safeguarding Area, and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan. Policy S8 requires that a non-mineral proposal located within a Mineral Safeguarding Area which exceeds defined thresholds (5 hectares in this case) to be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the NPPF (Paragraph 204 – now Paragraph 201).
- 7.14.2 Policy S8 of the Minerals Local Plan states “... *Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development or Preferred Mineral site allocation shall be opposed.*”
- 7.14.3 The proposed development is calculated to equate to an area of 13.34ha, all of which is located within a Mineral Safeguarding Area for sand and gravel. When a 100m buffer is applied to proximate dwellings, the site area within the Mineral Safeguarding Area reduces to 11ha, which exceeds the 5ha threshold for this mineral as defined in Policy S8.
- 7.14.4 Having reviewed the submitted Minerals Resource Assessment, the Minerals Planning Authority maintains its holding objection on the grounds that the Minerals Resource Assessment is not informed by an appropriate level of detail. It also contains statements that are not supported by the Minerals Planning Authority. On this basis, they consider that the conclusion of the Minerals Resource Assessment is not appropriately justified, and therefore the Minerals Resource Assessment does not adequately establish the existence or otherwise of a mineral resource of economic importance.

- 7.14.5 The Minerals Resource Assessment takes, as its central premise, that “In order to be commercially viable, a sand and gravel deposit should have an average overburden ratio of less than 0.5 to 1” (Para 3.6). The same paragraph states that a borehole result demonstrates a ratio of 2:1 and therefore it is concluded that “this ratio of overburden thickness to mineral thickness is much too high for mineral extraction to be commercially viable.” (Para 4.1). This conclusion is not supported for two reasons.
- 7.14.6 The first is that the ratio of mineral burden to resource is considered to be within economically viable proportions. The Minerals Product Association state that ratios of 3:1 are worked and can be profitable. Further, and particularly notable, is that the information supporting this Minerals Resource Assessment is taken from a single borehole log located outside of the site, adjacent to the north east boundary. Whilst borehole logs do not have to be commissioned specifically for an Minerals Resource Assessment where they already exist, Minerals Resource Assessment supporting information must be indicative of the site as a whole, taken from within the application boundary and conform to industry standards. It is considered that the information upon which this Minerals Resource Assessment relies fails on the first two points.
- 7.14.7 Subsequently the Minerals Resource Assessment cannot be used to “establish the existence or otherwise of a mineral resource of economic importance” across the development site. There are also a number of policy interpretations that are required to be addressed: Paragraph 3.2 of the Minerals Resource Assessment states that “It is notable that the policy requires only that prior extraction should be “considered”, not that prior extraction must be or should be undertaken” should the Local Planning Authority grant permission for a non-minerals application in a Mineral Safeguarding Area. This is only notable in the sense that it is in full conformity with NPPF Para 210 Clause c, which states that planning policies should “safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)”. Policy S8 is therefore compliant by creating no such presumption.
- 7.14.8 Paragraph 3.5 of the Minerals Resource Assessment incorrectly interprets the provisions of Policy S6, which states that “mineral extraction outside Preferred or Reserved Sites will be resisted by the Minerals Planning Authority unless the applicant can demonstrate *inter alia* an overriding justification or benefit for the proposed extraction and that the proposal is environmentally suitable and sustainable.” The paragraph continues with the following inference – “This policy relates to extraction from unallocated sites and is not specified as being part of the planning policy relating to prior extraction. However, it would be a consideration in the unlikely event that a planning application was made for mineral extraction on the site.” It is held that Policy S6 would not be applicable in this case, as it seeks to

maintain a plan-led system with regard to applications for mineral extraction, where mineral extraction is the primary purpose of the development. Here, the primary purpose of the development would be the provision of residential dwellings. Mineral working would be as a result of prior extraction to avoid sterilisation, and linked to the primary purpose of the application.

- 7.14.9 Policy S6 is not intended to restrict the best use of a finite resource by mandating against extraction where minerals would otherwise be sterilised. To do so would be in direct conflict with the provisions of the NPPF, and as such a policy which acts in this manner would not be capable of adoption. Paragraph 3.8 ends by noting that “prior extraction would be impractical and would prevent a subsequent non-minerals development taking place.” This statement is not considered to be substantiated. To conclude, Essex County Council in its role as the Minerals Planning Authority maintains its holding objection in relation to this application. Matters of policy interpretation aside, the submitted Minerals Resource Assessment does not contain sufficient detail to establish the existence or otherwise of a mineral resource of economic importance.

8. PARISH / TOWN COUNCIL

8.1 Greenstead Green and Halstead Rural Parish Council

8.1.1 Object on the following grounds:

- § The proposed development would be a major development which would have a significant adverse impact on the character and appearance of the countryside and on the sensitive landscape setting of the Bourne Brook Valley;
- § The proposal would be contrary to the NPPF which recognises the intrinsic character and beauty of the countryside, the development would not be sympathetic to nor enhance the landscape setting;
- § The development would extend into the countryside and add considerably to the peripheral southern extension of Halstead in the form of a large housing estate, it would thereby exacerbate and extend development in a suburban style, out of keeping with a landscape character which is highly sensitive to change;
- § With regards to the Photomontage Report (April 2020) they state that the conclusion contradicts the statement made that ‘there are no views of the site from the lower valley due to woodland and vegetation’;
- § It is clear that the development will have significant adverse impact on the Bourne Brook Valley. Even at year 15 the viewpoint shows that the proposed development is clearly visible and would not be largely screened as the Photomontage Report claims;
- § The proposed road layout would cause an adverse impact on road safety for pedestrians crossing the Halstead bypass;
- § The Parish Council disputes the claim that the development site is situated within walking and cycling distance of Halstead’s amenities, services and facilities within the town centre;

- § The applicant states that the development would be in close proximity of bus stops, but the nearest bus stop (at the bottom of Russell's Road/A131) would be more than 750m from the south east part of the site;
- § The proposed development is likely to lead to a significant increase in trips by car due to its unsustainable location putting considerable pressure on Russell's Road, which is an unclassified road and would likely be used as a shortcut to the A1124, likely causing an increase in accidents;
- § The revised drawings of the link road do not show the proposed roundabout. This is a separate document and not clear in the application. As this road is to be the future Halstead bypass it will look like a major road but will be a road to nowhere;
- § If a roundabout is constructed large vehicles may take a wrong turn and get stuck at the end of the road;
- § The traffic data relied upon is not representative of current or normal conditions;
- § Street lighting may be needed at the proposed roundabout which would have a potential adverse impact of lighting spill, sky glow and glare adversely affecting the landscape;
- § If this application is passed it will open the whole of the Halstead side of any future completion of the bypass to being in filled with housing;
- § The revised Ecological Assessment (April 2020) fails to set out the metrics in quantitative terms to show clearly that the scheme will deliver biodiversity gain over the lifetime of the development.

8.2 Halstead Town Council

8.2.1 Object due to a number of concerns:

- § Not within Halstead boundary, but joins existing residential development thereby expanding urbanisation into countryside;
- § Development would also have a huge impact on the infrastructure of Halstead, as residents had nowhere but Halstead to go to for schools, surgery and all other services;
- § The site is not allocated in the Draft Local Plan;
- § The adverse impact on Halstead infrastructure;
- § Halstead has a disproportionate amount of new development - 14% of the District housing supply target with only 8% of total population for the District and a further potential 855 homes still going through the planning process;
- § Access onto the A131 is poor and possibly dangerous;
- § Site is on the line of the proposed Halstead by-pass;
- § There are concerns about flora and fauna on the site;
- § There is concern that the narrow Tidings Hill could become a rat run; The site is currently open countryside in the Gosfield wooded farmland area;
- § There is not enough parking shown on the estate layout;
- § The revised drawings showing the link road were unclear and did not show the position of the roundabout;

- § There was a road leading to nowhere which might be an indication of further development planned for a later date;
- § A new roundabout would need to be lit and such lighting would lead to light pollution in the open countryside;
- § The traffic survey was done during lockdown;
- § There is very poor visibility coming onto the A131 from Russells Road;
- § There is concern about road safety if the amount of traffic increases;
- § This is already an accident blackspot near Pennypots;
- § If this application was passed it would present a real danger to the line of the future bypass;
- § There is frequent flooding already onto the A131, and the effect of further building on open fields will be to increase flooding and will force the creation of deep open ditches, which are a danger to children;
- § The application showed no concern for the biodiversity of the area;
- § There will be a severe visual impact on the open countryside, and the plans unacceptably extend the urbanisation of Halstead;
- § This area was protected under the 2017 Local Plan.

9. REPRESENTATIONS

9.1 During the course of the application the applicant has submitted additional information and revised plans on three occasions – April 2020, January 2021 and January 2022. The Council has publicised the fact that there has been new information submitted on each occasion in order that interested parties have been able to review and comment. At the time of writing this report, the Council had received a total of 97 letters of representation from third parties objecting to the proposal (48 letters in respect of the initial consultation; 28 letters following the receipt of revised plans in 2021; and 21 letters in respect of the consultation in 2022). A summary of the main grounds for objecting to the application are set out below:

9.2 Principle of Development

- § Most of the development will be ‘out of pocket’ to local residents;
- § There is not a requirement for further housing within the District;
- § Permitting large building developments on farmland would inhibit the recommended boost to domestic agricultural output;
- § Brownfield sites should be preferred for development;
- § Site not sustainable because its approval would compromise provision of key services to the community;
- § Halstead has had a disproportionate amount of new development;
- § Loss of Market Town status;
- § Site has not been allocated in the Draft Local Plan;
- § Harm caused to Halstead by approval of this application would outweigh the perceived benefits and that this proposed development is not sustainable;
- § Reduction of agricultural land – lead to reliance on imports;
- § Negative impact on climate change against COP26.

- 9.3 Access (Highways, public transport, cycling & walking)
- § Increase in traffic to A131 and Halstead town when roads are already congested and at or over capacity;
 - § A131 is a busy road with numerous blackspots;
 - § Lack of road improvements for increase in traffic;
 - § Proposed development incorporates land which has been scheduled for the proposed Halstead bypass;
 - § Travel plan lacks accuracy and residents are likely to be highly reliant on cars;
 - § Lack of paths along narrow roads dangerous for walkers;
 - § Safety of access to the development is questionable given the national speed limit and visibility;
 - § Congestion contributing to high air and noise pollution and poor environmental conditions;
 - § Traffic surveys completed during Covid - unrealistic picture;
 - § Parking already an issue by St Andrews Gate - proposal create worse problem;
 - § Unsafe vehicular access - road is narrow and winding with national speed limit.
- 9.4 Layout, Design & Appearance
- § Adverse impact on the appearance of the whole area;
 - § Expansion of urbanisation into open countryside impacting views across the countryside;
 - § Habitat loss poses a great threat to wildlife;
 - § Increase in light pollution from roads and houses;
 - § Loss of the character and leaves a poor legacy;
 - § Replacement/mitigation planting take time to become established.
- 9.5 Revised Framework Plan
- § Proposed primary access road is inadequate;
 - § Should consult Essex Fire Brigade and Design Officers;
 - § Urbanistic strategy unsuitable for remote towns - should be more sympathetic to green spaces and existing infrastructure;
 - § Road on eastern boundary is single track and acts a PROW to a fishing pond - not fit for purpose - future link;
 - § 3.5m wide link into Digby Way is unacceptable - needs to be positioned to avoid a straight run onto Oak Road - accidents with cyclists and pedestrians;
 - § Should re-consider the cycle path between proposed development and Osborne Close;
 - § Slowing traffic welcomed but only add to congestion.
- 9.6 Residential Amenities
- § The owners of Bourne Farm are concerned that the substantial number of homes and the proximity to their boundary would lead to a significant increase in trespass upon their land;
 - § Increased traffic leading to unsafe air quality and noise;
 - § Loss of privacy, noise, nuisance, overlooking, overshadowing and loss of light to neighbouring developments;

- § Increased noise, disturbance and visual disturbance to local residents;
- § Access through Osborne Close will lead reduce privacy for existing residents;
- § Loss of natural sunlight due to extra buildings on the landscape;
- § Loss of views for residents from existing developments;
- § Construction site will take years and cause disruption;
- § Reduction of green spaces affects existing residents' mental health.

9.7 Community Infrastructure

- § Pressure on the surgery & schools;
- § No plans to increase facilities, such as supermarkets, schools, doctors' surgeries, dentists;
- § Residents of proposed development will be paying taxes to a different council, therefore will be using Halstead's amenities without paying towards them;
- § Only 1 GP Practice which is oversubscribed;
- § No availability for an NHS dentist;
- § Local Schools at capacity - needs a new primary and secondary school;
- § Local Amenities not sufficient - post office inadequate;
- § No police station;
- § No railway station.

9.8 Ecology

- § Devastating effect on existing mature trees and wildlife including local birds and deer. Multiple species seen including skylarks.

9.9 Heritage/Setting of Listed Buildings

- § Records of brick kiln and crop mark circles should trigger an archaeological excavation before any construction work begins;

9.10 Flooding

- § For most of the year drains overflow causing water to run down Mount Hill;
- § Increased risk of flooding - down the A131 and into the town.

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 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 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 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 10.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 10.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply

against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.

- 10.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 10.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, and having regard to the above appeal decision, the Council considers that the current 5 Year Housing Land Supply for the District is 5.1 years.
- 10.2.6 In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Local Plan but do not yet have planning permission or a resolution to grant planning permission.
- 10.2.7 These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.
- 10.3 The Development Plan
- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).
- 10.3.2 Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.
- 10.3.3 The above policies ultimately seek to protect the countryside from unnecessary development and direct new housing to sustainable locations. The proposal in this case seeks planning permission to erect up to 200 dwellings on land outside of a settlement boundary, indeed, and as identified above, the site is located within the Parish of Greenstead Green

and Halstead Rural, notwithstanding that it would amount to an extension of the built form of Halstead.

- 10.3.4 As referred to previously, the site is adjacent and to the south of the new residential developments by Bloor Homes and David Wilson Homes that front the A131 and Oak Road respectively. These sites are also located outside of the Town Development Boundary on the Adopted Local Plan proposals map, although on the proposals map of the Section 2 Plan with the reference GGHR 307 they are included. Nonetheless, for the purposes of assessing the proposal against local planning policy, it would represent a departure from, and therefore be contrary to the Development Plan.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

- 11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 states that the planning system should actively manage patterns of growth; and 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. This can help to reduce congestion and emissions, and improve air quality and public health. Policy CS7 of the adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.
- 11.1.2 Whilst located outside of a development boundary, the site is closely connected to the town of Halstead which is identified as a main town in the settlement hierarchy in the adopted Core Strategy. It is stated in Paragraph 4.9 that, *'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to Greenfield growth in Halstead are its relatively isolated location and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham'*.
- 11.1.3 However, as one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that can be found in Braintree and Witham, it nonetheless offers a good range of day to day services and facilities; and includes several large employment areas which offer residents the opportunity to meet their needs within the town.
- 11.1.4 The submitted Transport Statement, Interim Travel Plan and the Design and Access Statement, highlight that the Institution of Highways and Transportation's (IHT) document 'Guidelines for Providing Journeys on Foot' states that 'walking accounts for over a quarter of all journeys and for four fifths of journeys of less than one mile.' This confirms that if people are

travelling 1 mile (1.6km) on a journey, around 80% of them can be expected to make the journey on foot.

- 11.1.5 The applicant has provided a plan which identifies 1km and 2km walking catchments from the centre of the development site, which (assuming a walk speed of 1.4m/s) equates to walking times of approximately 12 and 24 minutes respectively. The plan shows that two convenience stores, a post office, a public house, two parks, a church, and a petrol station are within a 1km walk of the site. Within a 2km walk of the site, it shows that there is a primary school, a day care centre, three public houses, two supermarkets, two pharmacies, a medical centre, a post office, two parks, a library, a church, two hotels, a dental surgery, three takeaways, two convenience stores, a petrol station and the western portion of Halstead Town Centre. In addition Officers have made their own assessment of walking distances from the site. Using the centre of the western development parcel as a proxy, walking routes have been measured to a number of key facilities. The nearest convenience store is a 1km (13mins) walk; nearest primary school 1.5km (20 mins) walk; nearest supermarket 1.65km (22 mins); GP Surgery 1.7km (24 mins) and nearest secondary school 2.8km (35 mins) walk.
- 11.1.6 In terms of cycling, it is generally accepted that as a means of private transport, it has the potential to substitute for short car trips, particularly those trips which are less than 5km and in some cases to form part of a longer journey by public transport. A further plan has been prepared by the applicant which shows that the whole of Halstead falls within a 5km radius of the site. The Development Framework Plan submitted by the applicant identifies that two pedestrian/cycle links would be provided linking the application site to the recently built development to the north which provides connections through to Oak Road. Furthermore, the applicant has agreed to provide a financial contribution of £300,000 towards improved cycle infrastructure, or cycling schemes, consistent with the Braintree District Council Cycling Strategy, in and around Halstead.
- 11.1.7 Halstead does not have a train station or railway service. The town is served by bus services and the closest bus stops to the site are currently located on Bournebridge Hill at the northwest site boundary, approximately 420m walk distance from the centre of the site. The services available from these stops can be hailed from the side of the road close to the junction with Russell's Road. Buses can also be accessed via Conies Road and White Horse Avenue which are less than 500m north of the site to the north east. The No.88 and 89 bus services are the most frequent, and connect through the town to elsewhere within the District, including Braintree and Great Yeldham, as well as connecting future residents to Sudbury and Colchester.
- 11.1.8 The bus services operate at a combined frequency (one-way) of six buses during the weekday AM peak period and three buses during the inter-peak period, six buses in each direction serve the site during the weekday PM peak. Three buses in each direction per hour serve the site on Saturdays

with the 88A service providing four buses throughout the day. The 88A service also provides a bus once every two hours on a Sunday and operates between 08:40 and 23:28. The 223 bus is a school service and is only available to students of Hedingham School, providing a bus before and after school hours.

11.1.9 Therefore, in respect of access to services and facilities the site is considered to be in a sustainable location where future residents would be able to access facilities and services for day-to-day needs, by walking or cycling what are considered to be reasonable distances, notwithstanding its peripheral location on the edge of the town.

11.2 Minerals

11.2.1 The site lies within a Minerals Safeguarding Area for sand and gravel as identified in the Essex Minerals Local Plan (2014). This Plan forms part of the District's Development Plan and the plan contains Policy S8 which requires that certain proposed developments within an Mineral Safeguarding Area, which have site areas which exceed a threshold, of 5 hectares in this case, to be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the NPPF (Paragraph 210). The policy goes on to state that proposals which would unnecessarily sterilise mineral resources should be opposed. Where the Local Planning Authority considers that surface development should be permitted, the policy requires that consideration is given to prior extraction of minerals.

11.2.2 Paragraph 210 of the NPPF requires that the sterilisation of minerals identified in Minerals Safeguarding Area should be avoided and that the prior extraction of this minerals resource should be encouraged where practical and environmentally feasible. 'Sterilisation' is a term used when development or land-use changes take place which permanently prevent extraction of the mineral resource from the ground.

11.2.3 Paragraph 211 of the NPPF gives guidance on a national level and advises that, when determining applications, great weight should be given to the benefits of mineral extraction. Paragraph 212 of the NPPF states that *"Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working."*

11.2.4 The Essex Minerals Local Plan plans for mineral provision up to 2029. Sections 2.22 & 2.23 of the document explains that sand and gravel resources in Essex are significant in national, sub-national and local terms; with Essex being one of the largest producers in the UK. However, the majority of the sand and gravel produced (about 78%) is used within the County itself and this looks unlikely to change in the long term. Consequentially the main factor influencing the production of sand and

gravel is the need to meet the minerals demand for Essex itself, much of which is required to support the construction industry. The most extensive and significantly mixed (i.e. of most versatile application) resource lies geographically within the centre and north of Essex, including Braintree District.

- 11.2.5 The Essex Minerals Waste Planning Authority currently advise that there are sufficient existing, permitted, Preferred and Reserve mineral sites within the pipeline in the immediate future up to 2029 meet the identified demand of 4,310,000 tonnes per annum for sand and gravel within the County. This will ensure a steady and adequate supply in the short term. However in the long term, Mineral Safeguarding Area's also provide security by protecting these finite resources for the future. In selecting such areas for designation, the Minerals Waste Planning Authority is not required to work on the presumption that the resources defined will ever be worked.
- 11.2.6 The proposed development site in totality is calculated to cover an area of 13.34ha, all of which is located within a Mineral Safeguarding Area for sand and gravel. However, when a 100m buffer is applied to proximate dwellings, including the new dwellings being constructed on the site to the north, and appropriate buffers are applied to site boundaries, roads and protected trees the site area within the Mineral Safeguarding Area reduces to an area closer to 6.5ha. Although reduced in size this area still exceeds the 5ha threshold for this mineral as defined in Policy S8.
- 11.2.7 The applicants have been in correspondence with ECC's Mineral Planning Officers, and have submitted an updated Minerals Resource Assessment in relation to this and ECC's consultation responses. The updated Minerals Resource Assessment explains that the published geological plans for the area show that the superficial geology on the site is boulder clay of the Lowestoft Formation, which is not a safeguarded mineral resource.
- 11.2.8 The initial assessment submitted by the applicant was not informed by any site investigation and this formed part of the initial objection from ECC Mineral Planning Officers. The applicant subsequently undertook site investigations and three boreholes were sunk on the site which confirm that the boulder clay is typically 9m to 10m thick. One of the boreholes in the centre of the site did not intersect any sand and gravel before reaching rockhead, and another borehole in a central-eastern location intersected a thin lens of sand which was 0.7m thick beneath 13m of overburden. A third borehole near the northern boundary of the site intersected 3.8m of sand beneath 9.3m of overburden. The applicants state that given the evidence of the other two boreholes, this borehole does not indicate that the site contains a mineral resource of economic importance.
- 11.2.9 They go on to say that the sand and gravel below the site is not commercially viable due to its very limited occurrence and the thickness of overburden above it, and which means that the sand and gravel on the site in their view is not a 'mineral resource of economic importance'.

- 11.2.10 In response to this. ECC state that they maintain that the conclusions drawn in the applicants Minerals Resource Assessment cannot be substantiated due to the borehole coverage not being adequate across the site. Whilst it is noted that poor weather precluded the drilling of one of the boreholes the fact remains that the missing borehole data amounts to a quarter of the intended scheme, so ECC argue that a quarter of the site has not been suitably assessed. The general conclusion that mineral is restricted to a limited part of the north-western part of the site cannot be substantiated when there are no borehole logs in the south-western quadrant.
- 11.2.11 The applicant argues that the resource is not 'commercially viable' for extraction as it is limited. ECC Mineral Planning Officers have responded to the quantity of mineral laying under a site is a factor of the practicality of prior extraction but the resource, but by virtue of its finiteness and importance in construction, they consider that it is inherently a resource of significant economic importance. The quantity of mineral in a site is not a relevant factor - the characteristics of the resource imbue it with its economic use/importance.
- 11.2.12 On balance, Officers consider that prior extraction is unlikely to be a practical solution to the potential sterilisation of mineral reserves at this site and that sufficient information has been provided to satisfy the policy requirement for prior extraction to be considered before permission is granted for surface development. Whilst the sterilisation of the mineral resource under the site is considered to be a harm that must be considered within the Planning Balance, Officers do not consider that the presence of a mineral resource beneath the site should result in the application being refused.
- 11.3 Highways and Site Access
- 11.3.1 Part 9 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should however only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment (TA) is submitted with all proposals for major new development.
- 11.3.2 As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such as those discussed above, so that future residents are given the opportunity to travel by more sustainable means, such as walking, cycling and public transport.
- 11.3.3 Since the application was originally submitted, there have been extensive discussions between the applicant and Officers of both the District and

County Councils in respect of highway related matters, with the two main issues being how pedestrians and cyclists would be able to access the site and how the issue of a Halstead Bypass is dealt with.

Halstead Bypass

- 11.3.4 As highlighted above, the alignment of the primary road has been moved south, so as to provide a definitive edge to the built-up area of the town, with woodland planting proposed beyond, on the proposed new countryside edge. The key benefit of the realignment of this principal road is that as it could ultimately form the first stage of a bypass around Halstead, it would minimise the amount of houses directly fronting it. Those dwellings along the southern edge of the development parcel are proposed to be well set back from the road, with a minimum 20m buffer between the carriageway of the primary road and the edge of the development parcels. As there would be estate roads or private drives along the southern edge of the development parcel the front facades of the new dwellings would be set back even further from the road when taking into account the likely presence of access roads and front gardens.
- 11.3.5 The idea of a Halstead Bypass has been mooted for many years, with public consultations having been held by ECC in the past. Essex County Council Officers have advised that no detailed design work has been carried out in respect of its construction, however an alignment akin to that identified as Option D in the May 1992 consultation has been kept on the 'back burner', and which has been identified on the proposals maps of the current Development Plan (published 2005). The adopted Local Plan originally included Policy RLP61 'New Road Schemes'. This policy stated that a list of specified road schemes funded by Government and Essex County Council would be safeguarded from development. One of the two schemes identified as being funded by ECC was the A131 Halstead Bypass.
- 11.3.6 This policy was superseded in 2011 by Policy CS7 of the Core Strategy which sets out a number of policies and objectives. In respect of road schemes the policy states 'the Council will work with partners to improve accessibility, to reduce congestion and reduce the impact of development upon climate change'. It then proceeds to list 9 key transport projects in the District. Five of the projects are related to road schemes which primarily benefit motor vehicles but the Halstead Bypass is not one of the listed road schemes.
- 11.3.7 The Draft Section 2 Local Plan does however specifically refer to the Bypass, re-establishing the project as one of importance for the coming plan period (up to 2033). Paragraph 6.174 of the Section 2 Plan states:

"The Halstead bypass scheme was first developed and protected from development in the 1990s. Whilst the scheme has not come forward in the intervening time it remains a priority for the County Council and it is likely that growth on the corridor from north Chelmsford, Braintree and at

Sudbury will result in a need to commence development work on the scheme during the plan period.”

- 11.3.8 Policy LPP 48 of the Section 2 Plan follows on from Policy RLP 61 of the Adopted Local Plan in stating that the specified schemes will be safeguarded from development, including the A131 Halstead Bypass. The policy does also note (in brackets) that the bypass route has not been subject to recent survey or design and is therefore shown as a diagrammatic corridor only, which will be subject to change. The diagrammatic corridor is shown to still run through the application site. To avoid conflict with the Section 2 Plan any proposed development along the safeguarded route would need to ensure that as a minimum the development would not prejudice the delivery of a Bypass at a later date.
- 11.3.9 To support the delivery of development in the Local Plan, the Council produces an Infrastructure Delivery Plan (IDP) and the most recent version of this was in June 2021. The Highway Authority provided updated advice on their assessment of the need for a Bypass at Halstead and the position that they took at that time was as follows:

‘Since the publication of the [2017] IDP, Suffolk County Council has confirmed that they will not be implementing the proposals for a Sudbury bypass further north on the A131 but will instead use alternative congestion reducing measures. ECC have considered the impacts of this and the growth along the A131 corridor, especially at Halstead and will keep the need for a bypass under review. The Halstead Bypass (A131) was originally a longer-term proposal aimed at supporting the integrity of the A131 Primary Route, which runs from Chelmsford to Sudbury catering for longer distance traffic travelling from mid Essex and south Suffolk, and in combination with other Primary Routes, such as the A130 and A134 connects the A12 with the A14. As a result of combining the A131 route with other road improvements (such as the A120 at Braintree) only Halstead remains as a town that the A131 has to pass through. The road at present is a single carriageway with a major pinch-point at the two mini roundabout junction of the A131 Head St / A1124 Hedingham Road / A1124 Colchester Road intersection within Halstead town centre. The junction currently operates at capacity, and will be further exacerbated in the plan period, with minimal opportunities for mitigation. The route was predicated on a traditional bypass concept to remove through traffic but has not been subject to recent traffic surveys or design and is therefore shown as a diagrammatic corridor only, which would be subject to change once the best solution for the town is understood following further study work that may come forward. It would be important to ascertain whether the through traffic element still warranted a bypass approach, either in whole or in part. As part of any proposal developed there will be an increased emphasis to encourage modal shift measures such as improving public transport, cycling and walking to help address issues around car use, congestion and air quality in the town’.

- 11.3.10 Whilst plans for a Sudbury Bypass are not proceeding, plans for a North East Chelmsford Bypass are. This scheme is funded and has a target opening date of 2024. The proposed Chelmsford North East Bypass will run between the A12 and A131, and will complement Highways England's A12 Junction 19 to 25 improvements at Boreham Interchange. It will provide an important strategic link between Braintree, Chelmsford, Stansted Airport and the Lower Thames Crossing and relieve congestion on local roads.
- 11.3.11 In summary the position is that the long held aspiration for Halstead to have a Bypass remains under review. Although it is acknowledged that growth (planned and actual) along the A131 corridor is contributing to congestion and environmental impacts within the town, and with the prospect of additional traffic using the A131 following completion of the North East Chelmsford Bypass, there is currently no commitment to the delivery of either a full or partial Bypass of the town. It is considered that further studies and modelling would be necessary before any future decision could be made on whether a Bypass could be supported and if it were what form that might take. In the meantime a diagrammatic corridor of land is safeguarded through the Development Plan, running from Bournebridge Hill in the south to Sudbury Road in the north, looping round the eastern edge of the town, crossing Colchester Road near the Bluebridge Industrial Estate.
- 11.3.12 This application seeks approval for details of access only, with all other matters reserved. The applicant proposes a new priority junction off the A131, with a ghost lane created to allow vehicles to safely turn right in to the development. An access drawing has been provided which shows the junction arrangement including the provision of footways, cycleways and crossing points. The Highway Authority have assessed the proposed arrangement and are satisfied that they demonstrate that adequate forward visibility sight lines would be provided. The Development Framework Plan shows that the Primary Road will continue from the new junction and run across to the far eastern side of the application site. The Development Framework Plan also shows two access roads running north from the Primary Road with each road serving one of the two separate development parcels. These parcels of land are separated by an area of Public Open Space containing a retained field boundary.
- 11.3.13 The Section 106 Agreement contains an obligation that the Primary Road is constructed with a 7.3m wide carriageway, along with segregated pedestrian footways and cycleways to the north and potential for segregated footway and cycleways to south of the road. The 7.3m wide carriageway that the developer would be required to provide would be the appropriate width for a Bypass, being wide enough to accommodate significant volumes of traffic, including buses and Heavy Goods Vehicles. The precise alignment of the Primary Road, along with the access arrangements to the development parcels, internal road layouts, car parking and cycle parking would all be subject to reserved matters approval at a later date. To ensure that the road can form part of a future Bypass, were a scheme to come forward, the landowner would not retain a ransom

strip, which could frustrate the future delivery of a Bypass and the Section 106 Agreement requires that the Primary Road is constructed to the eastern boundary of the site and allows for others to connect a future road scheme to the Primary Road provided as part of this development. The Section 106 Agreement would require that the Primary Road is constructed by the developer to the eastern boundary and then allow others to construct the continuation of the road with no financial charge or fee for the grant of such access to be made on the constructors of the Bypass extension. The application therefore goes beyond simply meeting the requirements of the Local Plan, by safeguarding land for a future Bypass, it actually provides the first section of road that could form a Bypass around the eastern edge of the town.

- 11.3.14 In isolation a development of the size proposed would not warrant the construction of a roundabout, with a simple priority junction onto the A131 with a ghost right hand turn island providing access with sufficient capacity and having passed a Highway Safety Audit. However, the applicants have provided evidence to demonstrate that there would be adequate land safeguarded within the application site (in addition to existing highway land), to enable a roundabout to be constructed in the event that the Primary Road is extended further. Together, the provision of the Primary Road coupled with the ability to construct a roundabout to serve the Bypass, weighs heavily in favour of the scheme in the planning balance. Whilst the applicant has demonstrated that a suitable roundabout could be constructed, because they will not be providing the roundabout themselves the Council are not being asked to approve plans showing the roundabout. If the Bypass were to progress and the roundabout was required then it would be for the promoter of the Bypass to seek the detailed planning permission and necessary approvals to construct the roundabout.
- 11.3.15 In addition, in order to facilitate the possible future construction of a roundabout, the applicant has agreed to transfer the necessary land to the Council, this would be beyond the scope of the areas of Public Open Space (POS) to be provided in and around the development site that would be maintained by a dedicated Management Company funded by residents of the development. This will ensure that the land is available in the event that it is required as part of a Bypass. As set out within the Heads of Terms, the applicant would provide a financial contribution towards the cost that the Council will incur in maintaining this area of land. A frequent criticism of new development is the lack of new infrastructure that is delivered with it. In this case the applicant would be providing a section of new road that not only services their development but is also designed to support the future provision of a Bypass or relief road around the town, if or when this is deemed necessary.

Access for pedestrian and cyclists

- 11.3.16 The application is located at the southern end of the town. There is a footway along the eastern side of the A131 but this only extends as far as the junction with Hurrell Close, which forms the vehicular entrance in to

Bloor Homes 'Oakwood Hills' development. Beyond Hurrell Close there is no footway adjacent to the A131. It was not considered feasible or desirable to try and extend the footway from Hurrell Close to the application site and instead the applicant has had to look at how new pedestrian and cycle links could be provided to connect the application site with the Bloor and David Wilson Homes developments immediately to the north of the application site.

- 11.3.17 As shown on the Development Framework Plan the applicant proposes two 3.5m wide pedestrian / cycle links between the application site and the estate roads on the adjoining development. As these links would form the only dedicated access for pedestrians and cyclists it is crucial that the links are available for use before the first residents move in to the development. It was not considered necessary to provide both links prior to the first occupation of the development. There are two distinct development parcels and each parcel has a link. The western parcel, adjacent to the A131 would have a link provided through the tree belt, to connect to Digby Way. The eastern parcel of land would be provided with a link to the David Wilson Homes development. Pedestrians and cyclists would then be able to continue through the housing developments to Oak Road and then on towards the rest of the town.
- 11.3.18 Officers have worked closely with the Council's solicitor to ensure that the Section 106 Agreement contains obligations that would ensure that each link is provided prior to occupation of any dwelling within that parcel of land. The Section 106 Agreement also contains obligations to ensure that suitable management arrangements are put in place for the links.
- 11.3.19 The construction of both links extends beyond the red line of the application site so the applicant will need to obtain separate planning permission for both the pedestrian / cycle links. As the provision of the links is also provisional on agreement by the adjoining landowners (Bloor and David Wilson) Officers have sought proof that there is agreement in principle to the provision of these links and the applicant has provided letters from both companies to this effect.
- 11.3.20 With the Section 106 Agreement securing the provision of the two pedestrian / cycle links, both Officers and the Highway Authority are satisfied that pedestrians and cyclists would have convenient and safe connections that they can use to walk or cycle towards the rest of the town.
- 11.3.21 Accordingly Officers consider the proposals to be acceptable with reference to NPPF, as the Highway Authority are satisfied that safe and suitable access to the site could be achieved for the proposed level of development; that the development provides opportunities for residents to use sustainable transport modes to access many of the facilities that are required for day-to-day living. Whilst it is acknowledged that parts of the highway network in the town and the surrounding area are congested the additional traffic generated by this development would not have a severe impact that would warrant refusal of the application on highway grounds.

11.3.22 All in all, from a highway and transportation perspective the impact of the proposal is considered acceptable, subject to the imposition of a number of conditions and planning obligations as explained elsewhere within this report.

11.4 Landscape, Character and Appearance

11.4.1 Paragraph 126 of the NPPF states that 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 As highlighted within the description of the site above, it is located on the southern side of Halstead, and is adjacent to the new residential developments by Bloor Homes and David Wilson Homes. The site currently consists of 13.34ha agricultural land comprising three fields with trees and hedging to some of their boundaries which include: a linear tree belt to the north eastern boundary of the western-most field; and a number of oak trees scattered across the land; as well as a mixture of oak and hornbeam trees along the eastern boundary, the subject of a Tree Preservation Order (13/2019/TPO). A Public Right of Way (PRoW 88-19) runs parallel to, but just outside this latter boundary.

11.4.3 The land slopes gently upwards in a northerly direction with it forming part of the Bourne Brook valley, it is highly visible from the A131 by virtue of its open, featureless boundary to the western side adjacent to the existing roadside ditch.

11.4.4 Policy CS8 of the Core Strategy states ‘development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment’.

11.4.5 The 2006 Landscape Character Assessment and the Council’s Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) make explicit reference to this site, pursuant to Policy CS8 of the Adopted Core Strategy. The LCAn is finely grained to the point where it deals with specific land parcels, in this case Land Parcel 5c Oak Road Farmland has been identified as having Medium capacity to absorb development. In assessing this parcel of land the LCAn states in paragraphs 4.31 and 4.32:

‘4.31 The Parcels occupy the plateau landscape around the southern fringes of Halstead, with the southern edges dropping slightly towards the south-facing valley slopes of Bourne Brook. The eastern boundary is formed by Tidings Hill, a minor lane which leads directly south from the town towards the hamlet of Plaistow Green in the adjacent rural farmland landscape. The A131, which forms the southern approach to the town, marks the western boundary; glimpsed views of the settlement being possible at breaks in the vegetation alongside the road corridor.

4.32 The analysis notes that built development within the Parcel would make some moderate associations with the existing settlement edge at Grange Close to the north-west. This relationship with the existing edge of the settlement decreases to the south, with lower areas in the southern field having stronger connections with the valley of Bourne Brook than the settlement edge. Any new built development would need to be based around the existing framework of pre 18th century field enclosures and associated hedgerows, with hedgerows reinforced to ensure the rural qualities of the Parcel are retained, and provide a landscape buffer to Greenstead Hall to the east. The replacement of non-natives with species characteristic of the local area would reinforce the character of the local landscape. On the western boundary of Parcel 5c, the creation of copses and woodland blocks alongside the A131 would improve the southern approaches to Halstead, and improve sense of tranquillity across the Parcel to the east'.

- 11.4.6 As the LCAn forms part of the Draft Publication Local Plan's evidence base, Officers consider that it should be given significant weight as a material consideration in the determination of this planning application, pursuant to S38 (6) of the Planning and Compulsory Purchase Act 2004.
- 11.4.7 The application submission included a Landscape and Visual Impact Assessment (LVIA) which identifies and assesses the anticipated effects resulting from the development on the character and features of the landscape and on people's views and visual amenity. The applicants assessment concludes that the proposed development would not result in any significant adverse landscape and visual effects, although it acknowledges that there would be minor adverse to negligible residual effects on the landscape character of the site and its immediate area.
- 11.4.8 The Council commissioned Wynne-Williams Associates (WWA), Landscape Architects and Arboricultural Consultants to carry out a review of the information submitted in support of the planning application and to provide an independent assessment of the landscape and visual impacts of the proposed development.
- 11.4.9 Following their initial assessment of the site and the applicants LVIA, the Council's Landscape consultant recommended that additional information be provided to allow a more robust assessment of the landscape and visual impacts of the development. The applicant produced an addendum to their LVIA which provided the additional information that had been requested and as also assessed, the implications to the Development Framework Plan that the applicant had submitted. Having assessed all the information and undertaken their own assessment of the site, WWA's opinion is that the proposed development could cause adverse landscape character and visual effects to the area surrounding the site. However, the additional Photomontage Report provided by the applicant shows that these effects would be within an acceptable range. Existing landform and vegetation, as well as proposed buffer planting, would act to adequately mitigate most

effects. An exception to this is the potential effects on receptors using the stretch of PRoW 88_19 that runs east of the site. Additional buffer planting would be required along this boundary which could be secured on submission of reserved matters for landscaping. Having reviewed the further information provided by applicant in the Photomontage Report, WWA are satisfied that there are not grounds for refusal based on landscape impact.

- 11.4.10 Consequently, from a landscape point of view there is no objection to the principle of developing the site in question, subject to finer details being assessed during the future determination of the reserved matters.
- 11.4.11 Section 12 of the National Planning Policy Framework (NPPF) sets out the Government's requirement that the planning system deliver well designed places. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that 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. Paragraph 130 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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.
- 11.4.12 Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development. This is supported by Policy RLP90 of the Adopted Local Plan and these sentiments are also reflected with Policy SP6 of the Section 1 Plan, and Policies LPP37, LPP50 and LPP55 of the Section 2 Plan which are concerned with place shaping principles, housing type and density, the built environment and the layout and design of development respectively.
- 11.4.13 Clearly, layout, scale & appearance are reserved matters, nonetheless the illustrative drawings that have been submitted with the application indicate that the proposed quantum of up to 200 dwellings could be comfortably accommodated within the site, taking into account the vegetative and landscape constraints and the relationship to the A131 and the proposed primary and secondary roads. This is in addition to the need to meet the Council's adopted parking standards and the garden sizes required by the Essex Design Guide. The net density of development would amount to 35 dwellings per hectare pursuant to Section 2 Plan which states that "as a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land".
- 11.4.14 The number of dwellings is a maximum number and it would be for future Reserved Matters applications to demonstrate that this number of dwellings could be provided in an acceptable form. A figure of 35 dwellings per hectare is a little higher than has been realised on some other similar sized

schemes, however because of the recommendation contained within that dwellings fronting the Primary Road and A131 are designed and laid out internally so that noise-sensitive rooms are located on the shielded side of dwellings to avoid necessity for closed windows. This requirement is likely to necessitate the provision of smaller, narrower frontage dwellings along these areas. Policy LPP37 of the Section 2 Plan states that housing mix should be in line with the identified local need as set out in the 2015 SHMA update. As Members will be aware a strong need for smaller 1 and 2-bed market dwellings is identified within the SHMA. Given the additional weight that Officers consider can be attributed to this policy it is recommended that a condition is imposed requiring that the Reserved Matters applications demonstrate that the mix of market housing reflects that set out within the SHMA. A mix containing a greater proportion of smaller dwellings will also support the slightly higher density that is suggested by the application.

- 11.4.15 Officers consider that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 11.4.16 Whilst the scale and appearance of the dwellings would form part of the Reserved Matters, Officers want to ensure that the development that comes forward provides a mix of dwellings that would help meet housing need. The developer would be required to agree the mix of Affordable Housing as part of the obligations set out in a Section 106 legal agreement, in addition to complying with the recommended condition concerning the mix of market housing.
- 11.4.17 All in all, it is considered that the proposal would constitute an efficient use of land for a residential development in an area that the Council's LCA highlights as having a medium capacity for residential development. Quite clearly it would have a permanent impact upon the upper northern slope of the Bourne Valley, although the implementation of an extensive woodland planting scheme to the southern side of the proposed primary road, and soft landscaping between the proposed housing and the A131 on the western boundary would aid in mitigating the visual impacts of the scheme longer term. On balance, and having sought independent specialist advice, it is considered that the impacts upon the character and appearance of the area in this urban fringe location would not be material.

11.5 Ecology

- 11.5.1 Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised and net gains provided. Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development

which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Section 2 Plan.

- 11.5.2 The application has been supported by an Ecological Impact Assessment (EclA), Enhanced Preliminary Ecological Appraisal (PEA), Ecology Briefing Note and Shadow Habitat Regulations Assessment, relating to the likely impacts of development on designated sites, protected and Priority Species & Habitats. These have been reviewed by the Council's Ecological Consultant (EC) who has also reviewed the revised DFP and the submitted Arboricultural Impact Assessment.
- 11.5.3 Initially the Council's Ecological Consultant advised that additional survey information was required to inform this and to identify suitable mitigation in respect of bats, reptiles, dormice, Great Crested Newts and farmland birds. The applicant has provided additional information in respect of these species as well as providing additional ecological assessment of changes that have been made to the application post submission.
- 11.5.4 With regard to Protected Species, the preliminary ecological assessment identified that several protected species were present on the site, or could use the site. One of the protected species were Bats. Boundary hedgerows and trees were identified as being likely to support foraging and commuting bats and subsequent surveys have confirmed that at least eight species of bat utilise the Site. The development of the Site will necessitate the removal of arable habitats and some limited removal of hedge and trees. It is not anticipated that the proposals would have a significant adverse effect upon local bat populations. However, it is acknowledged that the introduction of artificial lighting to the retained habitats could lead to adverse disturbance impacts to bats. A wildlife friendly lighting scheme should be provided, as indicated within the EclA to be secured as a condition of any permission to ensure that light sensitive bat species would not be affected by the development.
- 11.5.5 The Ecological Impact Assessment also indicated that a number of Farmland Birds were present, including a maximum number of six Skylark territories. It has been highlighted that Skylark's breeding habitat would be lost as a result of the proposed development, with provision of a woodland buffer to act as compensation for farmland bird species. This woodland buffer would not however provide compensation for the loss of Skylark territories (which constitute open farmland), therefore the EC recommends that a Skylark Mitigation Strategy must be provided, which provides compensation for the Six Skylark territories on site.
- 11.5.6 Two Skylark plots should be provided for every Skylark territory lost, following the methodology for the Agri-Environment Scheme option: 'AB4

Skylark Plots'. The provision of twelve Skylark plots has been secured for a period of 10 years as a Head of Term within the proposed S106 agreement.

11.5.7 The Council's Ecologist states that the mitigation measures identified in the EclA should be secured and implemented in full as it is necessary to conserve Protected and Priority Species. Therefore, measures should be outlined within a Construction Environmental Management Plan (CEMP), and this should include precautionary pre-commencement surveys for badgers, to ensure that the badgers which are known to be living within the surrounding area have not moved on to the site. With regard to soft landscaping and measurable net gains for biodiversity they approve of the proposed landscape design for this application and agree that the landscaping management for this development could be secured via a Landscape and Ecological Management Plan, by condition, to be submitted concurrent with reserved matters.

11.5.8 The above would enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006, Impacts would be minimised such that the proposal would be acceptable subject to conditions based on BS42020:2013.

11.5.9 In summary, the Ecology reports demonstrate that the proposals are in conformity with national and local planning policy subject to further survey works and the continuation of appropriate ecological monitoring.

11.6 Habitat Regulations Assessment (HRA / RAMS)

11.6.1 The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar. In this regard, Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations (HR). It is considered that the proposal falls within the scope of RAMS as 'relevant development'.

11.6.2 Consequently, a HR (appropriate) Assessment (HRA) has been completed for this application which was approved by Natural England in November 2019: In the context of the Council's duty as competent authority under the regulations, it is anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive features of the coastal European site, through increased recreational pressure when considered 'in combination' with other plans and projects. Therefore the Council is required to secure a financial contribution (see planning obligations section below) towards off-site mitigation for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site, in line with the aspirations of the emerging RAMS.

11.6.3 Furthermore, information has been received from the applicant to

demonstrate that Suitable Accessible Natural Green Space (SANGS) can be provided on and adjacent to the site. Where this is not feasible solely on site (due to its size), Natural England requests the following should be provided as a minimum:

- § High-quality, informal, semi-natural areas;
- § Circular dog walking routes of 2.7 km within the site and/or with links to surrounding PRow (provided via a map of the existing PRow); and
- § Dedicated 'dogs-off-lead' areas within the development.
- § Signage/information leaflets to householders to promote these areas for recreation;
- § Dog waste bins; and
- § A commitment to the long-term maintenance and management of these provisions i.e. through a Management Company.

11.6.4 Such localised recreational opportunities are necessary as 200 dwellings would generate an estimated 480 new residents (based on 2.4 people/dwelling) and 60 dogs (based on Kennel Club figures for 30% households owning a dog). To secure the management and maintenance of these provisions, the developer would produce a long term management plan (via a planning obligation) and has committed to including signage within the open space and leaflets for new residents to promote the open space and nearby PRow for recreation purposes.

11.6.5 The above measures once secured and implemented would enable the avoidance of impacts to the above Habitats Site from the development alone and in combination with other plans and projects, and ensure compliance with the Habitats Regulations 2017 (as amended).

11.7 Living Conditions

11.7.1 Paragraph 130 f) of the NPPF states that planning decisions should ensure that developments 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. This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The policies of the Section 2 Plan have similar objectives as those set out in the Adopted Local Plan.

11.7.2 Whilst matters of layout and scale are reserved for future determination, with regard to privacy, the Essex Design Guide states that "*with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable*". It goes on to state that "*where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a*

closer encroachment 25 metres between the backs of houses would still be achieved”.

- 11.7.3 The distances between new and existing dwellings would be well in excess of those required by the Essex Design Guide and Officers consider that there are not any grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking, whilst seeking to design out crime through natural surveillance and ensuring access for emergency services is facilitated.
- 11.7.4 Furthermore, the Development Framework Plan indicates how soft landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area. A number of objections have been received from residents living on the developments that have recently been built by Bloor and David Wilson Homes to the north of the site. Overshadowing, loss of views and reduced access to open space are amongst the reasons cited.
- 11.7.5 Based on the Development Framework Plan there would be in excess of 30m between the front elevation of existing houses facing the development and the front elevations of the new houses. To varying degrees there is intervening vegetation between the sites. If any properties were to suffer a loss of view when a detailed development layout is drawn up then the loss of that view from a residential property is not a material planning consideration. Based on the Development Framework Plan there is no reason to believe that any existing properties would be overshadowed by the new development. The application site is currently agricultural farmland to which there is no authorised public access. A very small amount of open space on the Bloor and David Wilson Homes site will be changed by the construction of the proposed pedestrian / cycle path links but neither path would significantly alter the quality or appearance of the Open Space provided within that development.
- 11.7.6 The two proposed pedestrian / cyclepath links would increase the number of people walking and cycling past houses within these new developments but this should not result in significant noise or disturbance for existing residents. People walking and cycling is something that is characteristic of many residential areas and it is not considered that existing residents would suffer an unacceptable or undue loss of amenity as a result of the proposed links.
- 11.7.7 No objection is raised by the Council's Environmental Health department to the proposal, but in view of the proximity to existing dwellings recommend conditions are imposed that secure measures that control dust generation, hours of construction and prohibit the burning of waste.

- 11.7.8 The Environmental Health Officer has also reviewed the Phase 1 Geo-Environmental report and they are satisfied with the approach taken and the conclusions of the report. Although the likelihood of significant contamination has been identified as unlikely, the report has recommended further (phase 2) ground investigation which they concur with, and can be achieved through suitably worded conditions.
- 11.7.9 With regard to noise, the applicant has submitted an updated technical guidance note from their consultants, which reflects the changes to the proposed primary road layout and models likely noise impact contours on different suggested layouts of the proposed housing. The Council's Environmental Health Officer highlights that there is a need for windows to be closed on the façades of dwellings fronting the proposed link road and A131 in order that residents of these properties enjoy acceptable noise levels internally. However, the new layout means that gardens can be placed to the rear of boundary plots and create acceptable external amenity spaces. Additionally there is scope for the careful layout of the dwellings to place noise-sensitive rooms on the shielded side of dwellings to avoid necessity for sealed windows.
- 11.7.10 With carefully managed conditions and consideration of layouts (both to the dwelling locations and their internal configurations) the scheme could achieve adequate levels of internal noise amenity in noise-sensitive rooms without the need for windows to be kept closed to do so.
- 11.7.11 In respect of the submitted Air Quality Assessment (AQA) the Council's Environmental Health team are satisfied with its methodology and conclusions, although as alluded to within it, air quality in Head Street/Colchester Road is the subject of ongoing monitoring by the Council after the identification of raised levels of NO₂ in the area. Whilst the exact situation is being monitored, and no Air Quality Management Area currently exists, any additional traffic to this already impacted area cannot be a positive thing in the context of the busy road and junctions. Whilst identifying that the potential impact from the development would not be of significant detriment to air quality overall, the AQA gives a commitment to mitigation measures, which ES would expect the developer to provide. Mitigation measures will assist in reducing any potential impact and general best practice measures in relation to air quality could be implemented include the utilisation of low NO_x boilers, EV charging points and the implementation of a green travel plan.
- 11.7.12 In conclusion on this issue, it is considered that the proposal would provide for acceptable living conditions for existing and future residents, and as such their amenities would not be harmed with the proposal in compliance with the aforementioned policies.

11.8 Agricultural Land

- 11.8.1 Policy CS8 of the Core Strategy states that 'Development should protect

the best and most versatile agricultural land'. The NPPF states that Local Planning Authorities should make decisions that contribute to and enhance the natural and local environment by, amongst other things, 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'..

- 11.8.2 Natural England has published Agricultural Land Classification maps, showing the quality of agricultural land at a regional level. The map for the Eastern Region identifies the general area in which this site is located as being mostly Grade 3b with parts as Grade 3a. The submitted Soils and Agricultural Land Quality report confirms this, with 47% of the cultivated land being Subgrade 3a and 53% 3b; and states the heavy clay loam topsoil would provide a moderate resource for gardens and landscape areas if the site is developed, provided it is managed well during construction.
- 11.8.3 As Members will be aware the majority of agricultural land within this part of Essex falls within Grade 2 or Grade 3 agricultural land, which means that the majority of the agricultural land in the District will fall within the definition of Best and Most Versatile Agricultural Land (Grade 1, 2 & 3a). In such circumstances, the loss of this particular site to agricultural use is not considered to represent a sufficient basis for resisting the development, notwithstanding a preference for developing Brownfield sites wherever possible.
- 11.9 Flood Risk and Drainage
- 11.9.1 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk.
- 11.9.2 Paragraph 169 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. Part H of the Building Regulations also prioritises discharges of surface water to the ground and then a watercourse, with discharge to a sewer only to be considered when both infiltration and discharge to a watercourse is not reasonably practicable.
- 11.9.3 The proposal site lies in Flood Zone 1 with a low risk of groundwater flooding, surface water and sewer flood risk across the site overall. The soil types beneath the site possess little infiltration capacity and are not

considered sufficient for the practical use of infiltration devices such as soakaways or permeable surfaces, hence it is proposed that surface water is attenuated through the use of a swale to the south of the eastern parcel and SUDS basins in the lowest part of the site, towards the western edge of the southern boundary beyond the primary road. These would then discharge to the ditch along that boundary at an agreed rate with the Lead Local Flood Authority – Essex County Council (LLFA) which ultimately flows to the water course below, Bourne Brook.

- 11.9.4 Third party concerns are noted with regard to drains overflowing down Mount Hill, however the site is on the other side of the hill over which the A131 runs and this development would therefore unlikely add to that issue. Notwithstanding this, at the detailed design stage, the applicant will have to demonstrate that surface water run-off from the site can be controlled and then discharged in a manner that does not increase flood risk elsewhere.
- 11.9.5 Having reviewed the proposals and associated documents which accompanied the planning application, the LLFA confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementation of SUDS and other engineered hydrological measures.
- 11.9.6 In addition, Anglian Water states that the foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows; the sewerage system at present also has available capacity for these flows. Therefore, from this basis it is considered that the scheme would be acceptable in respect of surface water drainage and sewerage capacity.
- 11.10 Built Heritage
- 11.10.1 Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, NPPF Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 11.10.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 is concerned with the protection of the historic environment. Section 66 of the Act imposes a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and their settings, and to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.
- 11.10.3 There are no listed buildings within the application site, but there are two

Grade II listed buildings relatively nearby - Bushey Leys and Letcher's Farmhouse, both some distance to the south east of the site; the submitted Archaeology & Built Heritage Statement stating that these are approximately 330m and 395m respectively. The Halstead Conservation Area lies nearly 1km to the north. With regard to the former heritage assets, the Historic Buildings Consultant states that they agree with the applicant's assessment that there would be a negligible impact upon the significance of the settings of these heritage assets; this is by and large due to the presence of intervening vegetation which screens mutual inter-visibility.

11.10.4 The Council's Historic Buildings Consultant also comments that the proposed development would further extend Halstead beyond the confines of the valley it has historically occupied, increasing the settlement's visual prominence from the north and further detaching historic Halstead from its agricultural setting. However, bearing in mind the sloping nature of the site in a southerly direction, such views, if any, would be very limited from the Conservation Area, consequently Officers are of the view that the development would not incur harm to its character or appearance, or its setting. Therefore no harm would be caused to these designated heritage assets.

11.11 Archaeology

11.11.1 In its glossary, the NPPF highlights that "*There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point*". Policy RLP106 of the Adopted Local Plan and Policy LPP63 of the Section 2 Plan also apply. These state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

11.11.2 The application site lies within an undeveloped area on the edge of the modern built up settlement at Halstead and historically this area was within a rural landscape populated with farmsteads. As highlighted by the County Archaeologist, a desk based assessment (DBA) has been submitted with the application which provides an assessment of the potential for archaeological remains within the development area. The applicant's desk based assessment concludes that there is some potential for prehistoric and medieval archaeological remains within the development area based on the findings of the adjacent development site and the evidence from the surrounding area. The potential for surviving archaeological remains would need to be evaluated, initially this could be carried out through a programme of geophysics which would be followed by a programme of archaeological trial trenching based on the results.

11.11.3 Therefore, it is recommended that a condition requiring an archaeological evaluation prior to commencement of development be imposed upon any grant of planning permission.

11.12 Trees & Hedgerows

- 11.12.1 There are a number of Tree Preservation Orders within and adjacent to the application site. These are largely along field boundaries and / or the site boundaries. There two group TPO's: to the northern and eastern boundary; and twelve further trees are protected along the northern and southern boundary and the field boundary that divides the site.
- 11.12.2 The applicant has provided a Tree Report which assesses the quality of the trees and also identifies the potential loss of trees that will be required to facilitate the development.
- 11.12.3 It will not be necessary to remove any trees or hedgerows in order to implement the proposed vehicle access into the Site. The principal impacts will be where new connections will be formed to provide new roads or new pedestrian / cycle links.

G6 & G5

- 11.12.4 Tree group G6 separates the site along a field boundary running north-south within the site. It is assessed to contain high quality Category A trees and contains predominantly mature English oaks. This group has an understorey of Lime coppice and blackthorn. The canopy of English oak is not wholly cohesive and there are locations along its length where gaps are present. The group includes three individual trees that are subject to a TPO.
- 11.12.5 The Development Framework Plan demonstrates that the alignment of the Primary Road can be kept away from the trees that are subject to a TPO. The Council's Landscape Officer acknowledges that there are parts of the tree line where there are gaps and less substantial trees. The precise location where the road would breach the tree line would be determined at Reserved Matters stage but it should be possible to utilise gappy areas to minimise loss of vegetation.
- 11.12.6 Tree group G5 is situated along the eastern site boundary and like G6 above, the group contains mature oak trees and is assessed as a Category A group and is subject to a group TPO. The group has an understorey of mature hornbeam. If a Bypass is to be constructed along the alignment shown in the Local Plan then this tree group would need to be breached.

H3

- 11.12.7 To the east of G6 there is a much less substantial hedge which has previously been heavily managed. It would be difficult to retain the hedge and make efficient use of the land. Given the nature and quality of the hedge it is proposed that this hedge is removed.

G1

- 11.12.8 This is an establishing shelter belt of maturing trees containing a mix planting including Scots pine, English oak, field maple, silver birch. The group was made subject of a TPO to ensure that it was retained as it provided a soft landscape buffer to the housing development immediately to the north. Because it was planted as a shelter belt the planting is dense and this will mean that approximately 20 trees would need to be cleared to allow for the construction of the new pedestrian / cyclepath.
- 11.12.9 The anticipated removals are shown on the Indicative Tree Retention and Removal Plan, however, a further assessment of the Arboricultural impacts would be required at the Reserved Matters stage.

12. PLANNING OBLIGATIONS

- 12.1.1 Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. NPPF Paragraph 57 then sets out the tests which must be met in order to seek planning obligations:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 12.1.2 Policy SP6 of the Adopted Section 1 Plan states that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The policy specifically refers to transportation and travel and social infrastructure which includes education and health and well-being. Officers have identified a range of planning obligations that the District Council would require to mitigate the impacts of the development and a Section 106 Agreement has been prepared and agreed covering all these matters. The draft Section 106 Agreement has been agreed by all parties and if Members pass a resolution to grant planning permission, the agreement can be signed and completed before the end of March.
- 12.2 Affordable Housing
- 12.2.1 Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 30% affordable housing on sites in urban areas. The number of Affordable Units would be determined by the total number of dwellings to be constructed, the application is for up to 200 residential dwellings and therefore could result in the provision of up to 60 affordable dwellings.

12.2.2 Policy RLP3 of the Adopted Local Plan requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP7 and RLP8 of the Adopted Local Plan require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

12.2.3 As highlighted by the Council's Housing Enabling Officer, details concerning the mix of affordable dwellings would usually be the subject of reserved matters application/s, however, based on evidence of housing need, the affordable unit mix below would be considered appropriate to match housing need:

- § 8 x 1 bedroom 2 person flats;
- § 34 x 2 bedroom 4 person houses;
- § 8 x 3 bedroom 5 person houses;
- § 4 x 3 bedroom 6 person houses;
- § 4 x 4 bedroom 7 person house;
- § 1 x 2 bedroom 4 person wheelchair bungalow; and
- § 1 x 3 bedroom 5 person wheelchair bungalow.

12.2.4 Whilst the mix of Affordable Housing would be agreed at Reserved Matters stage the Section 106 Agreement does specify that the Affordable Housing would have to include at least two dwellings that are designed and constructed to be suitable for use by wheelchair users - one 2-bed bungalow and one 3-bed bungalow.

12.2.5 Additional requirements for affordable housing that should be considered are that affordable dwellings should be deliverable without reliance on public subsidy; should be clustered in no less than three areas of the site; and should meet the Nationally Described Space Standards, with a 70 / 30 tenure mix of affordable rent over intermediate tenure. They also set out an accessibility requirement for all affordable dwellings accessed at ground level to be compliant with Building Regulations Part M(2) and wheelchair bungalows Part M(3b).

12.2.6 Such affordable housing provision represents a significant benefit arising from the scheme that must be considered as part of the Planning Balance.

12.3 Community Facilities

12.3.1 Policy SP6 of the Adopted Section 1 Plan states that the Council will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities.

12.3.2 The Section 106 Agreement that has been prepared includes a financial contribution of £499.62 per dwelling, for improvements towards new or improved community facilities in the local area. This could be for a new community centre on land at Butler Road Halstead or at another location

within the town, or the extension, reconfiguration or improvement to existing community facilities within the town of Halstead.

12.4 Cycling Strategy and Action Plan

12.4.1 Policy S6 of the Adopted Section 1 Plan states that the Council will work with partners, to facilitate changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles, with an aspiration to create a comprehensive network of segregated walking and cycling routes linking key centres of activity. Furthermore, Policy CS7 of the Core Strategy seeks to promote accessibility for all, but stating, amongst other things that sustainable transport links will be improved, including provision of and contributions for cycling. Policy RLP50 of the Adopted Local Plan states that development proposals will only be permitted where the design and layout incorporates routes for cyclists in accordance with the existing and proposed networks of cycleways, as defined on the Inset Maps and in the Cycleway Strategies.

12.4.2 The applicant has agreed to make a financial contribution of £300,000 which can be used to provide improved cycle facilities within the town. ECC Cycling and Transport Planning Officers have identified a number of options that could be supported, including the design and construction of cycle routes from the Site to the town centre of Halstead and/or Bluebridge Industrial Estate, including signage, in a manner broadly consistent with the Braintree District Council Cycling Strategy and Braintree District Cycle Action Plan and/or a pedestrian/cycle crossing on Colchester Road Halstead and/or cycle parking facilities in the town centre of Halstead.

12.5 Ecological Mitigation

12.5.1 The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar, which is defined as a 'habitats site' within the glossary of the NPPF as: "*Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites*".

12.5.2 Paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site (either alone or in combination with other projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

12.5.3 As highlighted above, a HRA has been completed for this application and in the context of the Council's duty as competent authority under the regulations, it is anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive features

of the coastal European site, through increased recreational pressure when considered 'in combination' with other projects. Therefore the Council is required to secure a financial contribution of £127.30 per dwelling towards off-site mitigation for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site, in line with the aspirations of the emerging RAMS.

- 12.5.4 Furthermore, as highlighted by the Council's Ecologist (see above), twelve Skylark plots should be provided following the methodology for the Agri-Environment Scheme option: 'AB4 Skylark Plots', to be secured via a period of 10 years as a planning obligation.

12.6 Education

- 12.6.1 Policy SP6 of the Adopted Section 1 Plan refers specifically to Education. The policy states that the Council will work with relevant organisations to ensure that there are sufficient school places in primary and secondary schools together with early years and childcare facilities.
- 12.6.2 The Education Authority (Essex County Council) in their consultation response state that a development of this size can be expected to generate the additional need for up to 18 Early Years and Childcare (EY&C) places and 60 primary school places and 40 places at Secondary schools. The Education Authority advise that based on their data there would be sufficient places at the Ramsay Academy in the town to meet the increased demand for secondary school places. There is, however, insufficient capacity at Early Years and Childcare facilities and at Primary Schools in the town. The County Council requests financial contributions towards increasing capacity in the town to ensure there are sufficient spaces to meet the increased demand.
- 12.6.3 Having reviewed the proximity of the site to the nearest primary and secondary schools Essex County Council would not seek a school transport contribution in this case.
- 12.6.4 Therefore, no objection is raised, subject to financial contributions being secured through the Section 106 Agreement to allow the provision of additional Early Years and Childcare (EY&C) places and Primary school places. The precise level of contribution would be linked to the actual number and size of dwellings that would be built, when the final number and mix of units is known at the Reserved Matters stage/s. For information only, based on a development of 200 dwellings, all with two or more bedrooms the Education Authority has provided an indication of the level of contributions for information:
- § Early Years & Childcare - An additional 18 places (at £17,422 per place) would be required resulting in a contribution of £313,596 at April 2018 prices; and
 - § Primary School - An additional 60 places (£15,281 per place) would be required resulting in a contribution of £916,860 at April 2018 prices.

- 12.6.5 Although the contributions are based on costs on 2018, the actual level of financial contributions that will be paid would be index linked.
- 12.6.6 A number of representations objecting to the application specifically refer to the lack of school places within the town and the extent to which schools within the district are over-subscribed. Officers have discussed these issues with Education Officers who have provided the following explanations. In respect of primary aged children not being able to get a school place within the town, Officers were advised this was likely to a pupil requiring a place outside of the annual admission round. If the year which they wanted to join was already full from the admission round this would result in their having to take a place elsewhere. In respect of the issue of school places being over-subscribed this is not unusual as applications for places often exceed the number of places that are available as some parents will make applications to a number of schools. Ultimately the District Council needs to rely on the advice and recommendation of the Education Authority. The Section 106 Agreement that has been drafted secures the contributions that have been requested and the District Council are not in a position to seek further contributions beyond that requested by Essex County Council.

12.7 Healthcare

- 12.7.1 Policy SP6 of the Adopted Section 1 Plan identifies facilities and services to support Health and Well Being as being another area where developers will be required to mitigate the impact of their development. Healthcare infrastructure will be provided as part of new developments of appropriate scale in the form of expanded or new facilities including primary and acute care.
- 12.7.2 In response to their consultation on the application NHS England state that the existing GP practice at Elizabeth Courtauld Surgery does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 480 residents and subsequently increase demand upon existing constrained services. The additional floor space required to meet growth would amount to 32.9m², giving rise to a capital cost of £75,670 (£378.35 per dwelling), to mitigate the impacts of this proposal. As with Education, the Council can do no more than secure the mitigation that has been sought by the consultee. Under the terms of the Section 106 Agreement the contribution would be paid to the District Council who would then hold the contribution until the 'NHS' (Health & Care Partnership) request the money from the Council having designed and delivered a scheme to improve capacity at the designated health centre.

12.8 Highways

- 12.8.1 Policy SP6 of the Adopted Section 1 Plan states that development must be supported by the provision of the infrastructure identified to serve the needs

arising from the development. Policy LPP48 of the Section 2 Plan safeguards land for the possible provision of a Halstead Bypass and the Council's Infrastructure Delivery Plan states that Essex County Council acknowledge the need to keep the need for a Bypass under review, given that the A131 is already operating at capacity within the town; the constraints that exist on highway capacity; and further increases in traffic volumes arising from the delivery of the North East Chelmsford Bypass. Despite the Halstead Bypass being a long held aspiration for both District and County Council, there is no commitment to fund or deliver a Bypass in whole or in part. Whilst there was a commitment in the Section 2 Plan 'to commence work on the scheme during the plan period' (Paragraph 6.174) having reviewed their position prior to the Examination in Public of the Section 2 Plan the Essex County Council position is now only that they will keep the need for a Bypass under review.

- 12.8.2 The applicant proposes that as part of their development the road that they would construct to provide access to the new housing would be built to a standard that it could constitute the first stage of a Bypass, or relief road around part of the town. To ensure that this new road could be used as part of a Bypass or relief road access therefrom in an easterly direction would be unfettered, i.e. no ransom strips created along the eastern boundary. Furthermore, whilst a simple priority junction off the A131 is adequate to serve up to 200 houses, it would be necessary to construct a roundabout should it become a through route. The Section 106 Agreement includes obligations that would ensure that sufficient land within the application site is set aside that would enable a roundabout to be constructed in the future, and that land to be transferred to the Council on commencement of the development.
- 12.8.3 In addition, the Section 106 Agreement include that both pedestrian and cycle connections to and through the Bloor and David Wilson Homes site to the north are provided, so as to enable the safe and direct passage for pedestrians and cyclists alike.

12.9 Public Open Space

- 12.9.1 Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.
- 12.9.2 The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site. The Development Framework Plan shows extensive areas of Open Space. It is acknowledged that a significant amount of this would be separated from the new housing by the Primary Road / potential Bypass but there are more accessible areas directly to the north and south

of the development parcels and a significant area between the two development parcels which will contain the retained trees and field boundary as well as an equipped play area.

- 12.9.3 The Open Spaces SPD also specifies that a financial contribution should be sought towards the provision of off-site outdoor sports facilities and allotment provision. The financial contributions would be calculated on the number and size of the dwellings constructed, to be determined at the reserved matters stage/s, however as a very broad guide Officers estimate that based on a housing mix reflective of the District's housing needs the contributions would be approximately £189,000 for Outdoor Sports and £6,000 for allotments.
- 12.9.4 The Section 106 Agreement also includes an obligation for the applicant to form a Management Company responsible for the day to day and longer term management and maintenance of the Public Open Space, including the Play Area/s.

13. PLANNING BALANCE AND CONCLUSION

- 13.1.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.
- 13.1.2 Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.
- 13.1.3 Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.
- 13.1.4 As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.
- 13.1.5 As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged

due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

- 13.1.6 In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policy RLP2 of the Adopted Local Plan, Policies CS5 and CS7 of the Core Strategy, and Policy LPP48 of the Section 2 Plan.
- 13.1.7 Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.
- 13.1.8 Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.
- 13.1.9 Policy CS7 of the Core Strategy contains a number of elements but of particular relevance to this application are the statement that the Council will work with partners to improve accessibility and to reduce congestion. The NPPF does not make any reference to the need to reduce congestion, instead Paragraph 110 of the NPPF states any significant impacts from the development on the transport network (in terms of capacity and

congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 13.1.10 Policy CS7 also states that future development will be provided in accessible locations to reduce the need to travel and promotes sustainable forms of transport. These objectives are wholly consistent with Paragraph 104 & 105 of the NPPF. The policy is therefore not considered to be out of date and there is considered to be a degree of consistency between the policy and NPPF in that both seek to direct development to more sustainable locations in terms of access to services and promote sustainable transport options but acknowledge that improved highway and transportation infrastructure may be required.
- 13.1.11 Policy LPP48 of the Section 2 Plan sets out aspirations for new road schemes within the District. These schemes are promoted partly to address existing highway issues but also to deal with increased traffic arising from actual and planned new development. Whilst the NPPF places a strong emphasis on promoting sustainable modes of transport and it does not explicitly refer to the provision of new roads, Paragraph 104 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that amongst other things the potential impacts of development on transport networks can be addressed and opportunities from existing or proposed transport infrastructure are realised. The policy is not considered to be out of date and in this context the overarching aims of providing appropriate infrastructure to support new development is broadly consistent with the NPPF and can be given modest weight.
- 13.1.12 When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.
- 13.1.13 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.
- 13.1.14 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. 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).

13.2 Summary of Adverse Impacts

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

Conflict with the Development Plan

13.2.2 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".

13.2.3 The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside. This conflict is afforded significant weight.

13.2.4 There would also be a partial conflict with Policy CS8 of the Core Strategy on account of the loss of Best and Most Versatile agricultural land, however within the context of a District where high quality agricultural land is prevalent this factor is afforded limited weight.

13.2.5 ECC Mineral Planning Officers also consider that the proposal conflicts with Policy S8 of the Essex Minerals Local Plan, and that the development would sterilise mineral resources present beneath the site. Officers consider that as it would appear that prior extraction of the resource is unlikely to be commercially viable given the limited resource evidenced Officers consider that the conflict with the Development Plan should be afforded limited weight.

Conflict with the Section 2 Plan

- 13.2.6 The proposal would conflict with Policies LPP1 and LPP60 of the Section 2 Plan. Given the stage of preparation of this plan, this conflict is afforded significant weight.

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

- 13.2.7 The proposed development would cause adverse landscape character and visual effects to the area immediately surrounding the site, however the extent of the adverse impact is limited by existing landform and vegetation. The applicant proposes extensive planting to further mitigate the effects and the residual harm is considered to be limited and would not warrant refusal on grounds of visual impact or harm to the wider landscape. Limited weight is afforded to this harm.

Harm to Trees and Hedgerows

- 13.2.8 Based on the Development Framework Plan there would be a requirement to remove a small hedgerow (identified on the applicants submission as H3) to accommodate a development parcel. The hedge is relatively small, heavily managed hedge which is assessed to be of a limited quality and life expectancy. There would also be a need to remove circa 20 trees from the shelter belt on the northern site boundary to provide a pedestrian / cycle link to the north. In addition there will also be a requirement to break through the more substantial group of trees identified as G5 & G6. The precise alignment of the road and therefore the precise extent of the tree loss would be determined at Reserved Matters. The applicant proposes extensive tree planting across the site, with almost 2 hectares of new woodland planted along the southern boundary alone. The loss of trees, particularly from group G6, should be afforded moderate harm.

Harm to Neighbouring Residential Amenity

- 13.2.9 The proposed pedestrian / cycle links to connect the site to the developments to the north will result in additional movements of pedestrians and cyclists passing the residential properties on those estates. These additional movements are unlikely to be noisy or have an unacceptable impact on the occupants of the houses along these roads. This harm is given very little weight.

Highways Considerations

- 13.2.10 The development will generate additional vehicle movements along the A131 and some of these movements will add traffic in the town centre where the existing highway network is at times operating at capacity. Additional car movements which will place additional strain upon the existing highway infrastructure in the locality. It has been judged that the residual cumulative impacts on the road network would not be 'severe'

within the meaning of Paragraph 111 of the NPPF. Officers consider this harm be attributed limited weight.

13.3 Summary of Public Benefits

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

Delivery of Market and Affordance Housing

- 13.3.2 The development would facilitate the provision of up to 200 new dwellings, comprising up to 140 market dwellings and up to 60 affordable dwellings.
- 13.3.3 Although and as set out within this report, the Council maintain that a 5 Year Housing Land Supply position can be demonstrated, it must be acknowledged that the Council's own calculation is that this is marginal at just 5.1 years. As members will be aware the Council continue to be challenged on the Housing Land Supply position through the appeal process and there have been several recent appeal decisions where Inspectors have concluded that the Council did not have a 5 Year Housing Land Supply. If planning permission were granted for this site then this would help to increase the Housing Land Supply position and Officers consider this to be a significant further benefit of delivering up to 200 additional homes on this site.
- 13.3.4 The mix of affordable housing will be agreed as part of the Reserved Matters but the Section 106 Agreement secures the provision of at least two bungalows designed for use by wheelchair users. This is an additional benefit.

Location and Access to Services and Facilities

- 13.3.5 The site is considered to be in a reasonably accessible location with access to the town's services, facilities, bus services and employment and as a result residents would have the opportunity to access facilities required for day-to-day living without have to rely on the private car. It is acknowledged that for some residents the most direct walking route would be Mount Hill, which may not be attractive to all residents, but the site is within reasonable walking and cycling distance of the town. The location of the site is a moderate benefit weighing in favour of the development.

Economic and Social Benefits

- 13.3.6 The provision of this housing would also deliver associated economic and social benefits, both initially during construction through the creation of jobs and demand for local services, but also sustained benefits in the long term, with the residents of the development contributing to local economic activity through their use of existing services and facilities in the Town.

Infrastructure Improvements

- 13.3.7 The development proposes improvements to the existing transport network which go beyond that strictly necessary to mitigate the impacts of development. Rather than safeguard land for a future Bypass and provide highway access that serves the need of this development alone, the Section 106 Agreement would require that the developer provide a road across the full width of the site which could form the first part of a Bypass around the town, or around part of the town. It is a long held aspiration of the District and County Council to have a Bypass, or some form of relief road, around the town, as evidenced through the current and new Local Plan. The potential benefits of a Bypass or similar relief road would extend beyond the immediate inhabitants of the development into the wider community. Whilst it will be for others to deliver the rest of a Bypass scheme this proposed development goes beyond what the Development Plan requires – which is just to safeguard land – and contributes towards the delivery of highway infrastructure. The obligation includes the provision of footways and segregated cycleways along the alignment of the Primary Road, improving the attraction of sustainable modes of transport as well as benefiting drivers of motor vehicles. These benefits are regarded to be significant.

Section 106 Obligations

- 13.3.8 The Section 106 Agreement includes a range of obligations. Aside from the highway improvements most of the obligations are intended to simply mitigate the impact of the development. The financial contributions towards healthcare, community buildings, allotments, outdoor sport and education can however be added to contributions from other developments in the town and help bring forward delivery of new / improved facilities within the town. These new / improved facilities will be of benefit not only to residents of the development but also the rest of the town.
- 13.3.9 In addition it is proposed that a financial contribution of £300,000 is made which can be used to fund the design and provision of new infrastructure within the town to support cycling. ECC Officers have identified a number of schemes which would help to provide improved cycling routes and facilities for residents of the development but when provided these new facilities would also be beneficial to other residents.

13.4 Planning Balance

- 13.4.1 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.

13.4.2 Notwithstanding the above, even if the ‘tilted balance’ was engaged, it is considered that the adverse impacts would not 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 granted for the proposed development.

14. RECOMMENDATION

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

- § **Affordable Housing** - 30% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage/s, but with a 70/30% ratio of affordable rent over shared ownership; to include two bungalows to be designed for use by Wheelchair Users and provided for Affordable Rent and with all houses and ground floor flats built to conform to the Nationally Described Space Standards and be compatible with Building Regulations Part M(2) and wheelchair user bungalows to Part M4 Category 3(2b).
- § **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s to be used for the extension of and/or improvements to the Parsonage Street Allotments and/or the Mitchell Avenue Allotments;
- § **Community Facilities** - Financial contribution towards the provision of either a new building/facility, or improvements to existing community buildings within a 2 kilometre radius of Townsford Mill of £499.62 per dwelling;
- § **Cycling Contribution** - Financial contribution of £300,000 to be used to provide improved cycle infrastructure, or cycling schemes, including the design and construction of cycle routes from the Site to the town centre of Halstead and/or Bluebridge Industrial Estate, including signage, in a manner broadly consistent with the Braintree District Council Cycling Strategy and Braintree District Cycle Action Plan and/or a pedestrian/cycle crossing on Colchester Road Halstead and/or cycle parking facilities in the town centre of Halstead;
- § **Ecological Mitigation** - Financial contribution of £127.30 per dwelling for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site; delivery of measures identified in the approved Habitat Regulations (appropriate) Assessment and - Provision off-site of twelve Skylark plots following the methodology for the Agri-Environment Scheme option: ‘AB4 Skylark Plots’, to be secured for a period of 10 years;
- § **Education** - Financial contributions for Early Years and Childcare provision and Primary School provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2018, but equate to £17,422 per EY&C place and £15,281 per Primary school;

- § **Equipped Play Facility** - To be provided on-site with equipped to a minimum value as calculated in accordance with updated figures from the Open Spaces SPD;
- § **Healthcare** - Financial contribution towards the provision of additional capacity at The Elizabeth Courtauld Surgery of £378.35 per dwelling;
- § **Highways** - Provision of the Primary Road from the A131 to the eastern boundary of the landowners land, with a 7.3m wide carriageway and segregated footways and cycleway to the north and south of the Primary Road; Sufficient land within the application site to be set aside that would enable a roundabout to be constructed in the future on the A131, with that land to be transferred to the Council on commencement of the development; Access to the site's eastern boundary to be unfettered and at no financial cost or charge, i.e. no ransom strips to be created;
- § **Links** - Provision of two 3.5m wide Shared Pedestrian Cycle Path Links to a specification to be agreed with the Council, to and from the Bloor and David Wilson Homes site to the north, to enable safe and direct passage for pedestrians and cyclists, and suitable management arrangements for the Links. Each Link will be provided prior to the first occupation of any dwelling within the corresponding adjoining development parcel;
- § **Maintenance of Highway Scheme Land** - Financial contribution of £42,490 to the District Council for the maintenance of amenity land adjacent to the A131;
- § **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage/s to be used to provide new or improved outdoor sport facilities at Mill Chase Playing Fields and/or Courtauld Sports Ground, Colchester Road and/or Halstead Leisure Centre, Conies Road;
- § **Public Open Space** - (On-site) a minimum area of 5.76ha for Public Open Space and equipped play provided with equipment to a minimum value in accordance with the Open Spaces SPD; all Public Open Space and Amenity Space (excluding that transferred to the District Council) to be managed by a Management Company to an agreed specification;
- § **Monitoring Fees** - for the District & County Councils.
(NB - All financial contributions to be index linked)

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	726A-25	N/A
Development Framework Plan	726A-03ZA	N/A
Access Details	A111146-SK011	Rev E

Condition(s) & Reason(s) and Informative(s)

1.

Details of the:

- (a) Appearance;
- (b) Landscaping;
- (c) Layout; and
- (d) Scale

(hereinafter referred to as "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.

Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

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

Reason: The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2.

The development hereby permitted shall be carried out in accordance with the approved plans listed below:

- Site Location Plan - 726A-25
- Development Framework Plan - 726A-03ZA
- Proposed Site Access onto A131 - A111146-SK011 Rev E

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

3.

The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 200 residential dwellings with

associated access, parking, drainage infrastructure, landscaping, open space and utilities infrastructure and shall demonstrate general accordancy with the Development Framework Plan (726A-03ZA).

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

4.

No occupation of the development hereby permitted shall take place until the site access as shown on drawing A111146-SK03 Revision E, along with its vehicular visibility splays, have been constructed and completed and are available for use. The visibility splays shall be provided before the access is first used by vehicular traffic and shall be retained free of any obstruction at all times.

Reason: For the avoidance of doubt and in the interests of proper planning and to provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance in February 2011.

5.

Concurrent with the submission of the first reserved matters application, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain Report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- § Baseline data collection and assessment of current conditions on site;
- § A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- § Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- § Details of the implementation measures and management of proposals;
- § Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to demonstrate measurable net gains for biodiversity and allow the LPA to discharge its duties under the NPPF (2021) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

6.

Concurrent with the submission of any reserved matters relating to landscaping under Condition 1 (b) of this decision, a Landscape Ecological Management Plan (LEMP) for that reserved matters area shall be submitted to and approved in writing by the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

7.

The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works for the residential plots. This shall include plant/tree types and sizes, plant numbers and distances, and written specifications including cultivation and other operations associated with plant and grass establishment, colour and type of material for all hard surface areas and method of laying, and an implementation programme.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in accordance with the approved implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out before in accordance with the agreed implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping

scheme.

Reason: The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended). To enhance the appearance of the development and in the interests of amenity and privacy.

8.

Concurrent with the submission of any reserved matters relating to landscaping under Condition 1 (b) of this decision a scheme for the protection of trees to be retained (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with BS:5837: Trees in relation to design, demolition and construction-Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- A detailed survey plan drawn to an adequate scale indicating the height, girth, spread, species and exact location of all existing trees, shrubs and hedges on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed in accordance with BS5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced);
- A schedule in relation to every tree and hedge identified listing details of any proposed pruning, felling or other work;
- Details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area.

The scheme for the protection of trees to be retained and the development shall be carried out in accordance with the approved details.

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges and that decisions concerning layout are informed by an assessment of the resulting loss of trees and hedges.

9.

Concurrent with the submission of any reserved matters for layout under Condition 1(c) of this decision, details of existing and proposed site levels shall be provided, including the following details:

- § A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and levels of adjoining buildings;
- § Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of ground levels and therefore any building(s) within the site. To ensure that the development does not prejudice the appearance of the locality and to ensure that all future residents are provided with a reasonable standard of amenity.

10.

Concurrent with the submission of reserved matters for appearance or layout under Condition 1(a) or (c) of this decision, a Strategy detailing the location and specification of a Electric Vehicle Charging Points to be provided shall be submitted and which, as a minimum, shall ensure each new dwelling includes provision for with one charging point for each dwelling. Prior to its occupation each dwelling shall be provided with the electric vehicle charging point in accordance with the approved details.

Reason: To ensure that the new development makes adequate provision for electric vehicle charging in the interests of creating a sustainable development. Details are required concurrent with the reserved matters as the provision of these features an affect layout.

11.

Concurrent with the submission of reserved matters for appearance or layout under Condition 1(a) or (c) of this decision, an updated Noise Assessment Report shall be submitted.

Reason: To ensure the layout and design of the development that is agreed at reserved matters stages can take into account the visual and practical implications of providing noise mitigation measures that safeguard the amenity of future occupants. Details are required at Reserved Matters stages in order that the degree of compliance with the above specified criteria can be evaluated and assessed.

12.

Concurrent with the submission of reserved matters for appearance or layout under Condition 1(a) or (c) of this decision, a Refuse Scheme shall be provided including the following details:

- § Location of refuse bins and recycling materials - their storage areas and waste/recycling presentation points;
- § Appearance of any associated screening or/and enclosures;
- § Confirmation that distances travelled by local authority refuse vehicle operatives from the location where a refuse vehicle are intended to stop to the presentation points specified do not exceed 20m each way;
- § Confirmation of 26 tonne carrying capacity of all roads intended for use by local authority refuse vehicles;
- § Refuse vehicle swept path analysis for all roads intended for use by local authority waste vehicles;
- § Where relevant, provision of sufficient indemnity to prevent legal action against

Braintree District Council for any damage or repairs caused to private roads (not intended for adoption by the Local Highway Authority) that are necessary to be used by the Council when performing its refuse collection functions.

The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter retained.

Reason: In the interests of amenity; to ensure that the development layout provides suitable facilities, to prevent the unsightly storage of refuse containers and that these requirements are accounted for in a layout presented at reserved matters stages.

13.

Concurrent with the submission of any reserved matters for appearance or layout under Conditions 1(a) or (c) of this decision, a plan for that reserved matters area indicating the location and general design of all walls, fences, other boundary treatments and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and permanently retained as such thereafter.

Reason: In the interests of visual amenity, to ensure the appearance of boundary treatments are considered in conjunction with the design of the dwellings.

14.

Concurrent with the submission of any reserved matters for layout under Condition 1(c) of this decision, a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity shall be submitted for that reserved matters area. The Lighting Scheme shall detail the following:

- § Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- § Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- § Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- § Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of development within that reserved matters area, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting (other than domestic lighting on individual properties) be installed on the site without prior consent from the local planning authority.

Reason: To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practice advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). The details are required to accompany the layout at reserved matters stage to allow these considerations to be evaluated and assessed as part of the reserved matters submission.

15.

Concurrent with the submission of any reserved matters for layout or landscaping under Conditions 1(b) or (c) of this decision, a plan for that reserved matters area indicating the until a detailed surface water drainage scheme for that phase of the development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted. The scheme should include but not be limited to:

- § Limiting discharge rates to 16.3 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- § Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- § Final modelling and calculations for all areas of the drainage system. o Half Drain Times - Storage should half empty within 24 hours wherever possible
- § The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- § Detailed engineering drawings of each component of the drainage scheme.
- § A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- § A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment.

16.

Concurrent with the submission of each reserved matters for the residential dwellings, details of the following relevant to that reserved matters area shall be submitted to and approved in writing by the Local Planning Authority:

- i. A Confirmation Report from an Approved Inspector or Local Authority Building Control Service that the drawings for all houses and ground floor flats proposed as affordable dwellings and shown on the submitted Affordable Housing Scheme as such (or any revisions of this Scheme subsequently submitted for

approval as part of the application) have been designed to comply with Building Regulations 2015 (as amended) Part M(4) Category 2.

- ii. A Confirmation Report from an Approved Inspector of Local Authority Building Control Service that the drawings for any bungalows proposed as affordable dwellings and shown on the Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) as needing to be compliant with Building Regulations 2015 (as amended) Part M(4) Category 3(2b) have been designed as such.
- iii. Sufficient detail confirming that the affordable dwellings as shown on the submitted Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) meet or exceed the Technical Housing Standards - Nationally Described Space Standards (2015) criteria.

The affordable dwellings shall only be built in accordance with the approved details and, in the case of plots indicated in the Affordable Housing Scheme to be constructed in accordance with Building Regulations 2015 Part M(4) Category 2 or Building Regulations Part M(4) Category 3(2b), prior to their occupation, written confirmation from an Approved Inspector or Local Authority Building Control Service shall be submitted to and approved in writing with the local planning authority to certify that they have been built to the agreed standard.

Reason: In the interests of amenity; to ensure the affordable dwellings are built an acceptable standard to perform their optimum function. Details are required at Reserved Matters stages in order that the degree of compliance with the above specified criteria can be evaluated and assessed

17.

Notwithstanding the submitted details, the development hereby permitted shall provide for a mix of Market Housing that be in accordance with the District's Strategic Housing Market Assessment (2015 or its successor).

Reason: To ensure an appropriate mix of market housing is secured across the site to help meet housing need for market housing as identified in the Council's Strategic Housing Market Assessment and in accordance with Policy RLP8 of the Adopted Local Plan Review and Policy LPP37 of the Draft Part Two Local Plan.

18.

No development on any phase of the development, shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance

with the approved details. The assessment shall include:

- § A survey of the extent, scale and nature of contamination;
- § An assessment of the potential risks to: a) human health; b) property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; c) adjoining land; d) groundwater and surface waters; e) ecological systems; and f) archaeological sites and ancient monuments.

If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

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

19.

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- § The provision of parking for operatives and contractors within the site;
- § Safe access in / out of the site;
- § Measures to manage the routing of construction traffic;
- § The storage of plant and materials used in constructing the development;
- § The storage of top soil;
- § The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- § Wheel washing and underbody washing facilities;
- § Measures to control the emission of dust, dirt and mud during construction;
- § A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- § A scheme for recycling/disposing of waste resulting from demolition and construction works;

- § Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- § Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

20.

No development or preliminary groundworks on any phase shall commence until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority, in accordance with the details contained in the Updated Preliminary Ecological Appraisal (Southern Ecological Solutions Ltd, September 2021).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

21.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason: In the interests of protecting neighbour amenity during construction.

22.

No development or preliminary groundworks shall commence within any phase of the development until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution for that phase of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

23.

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

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

24.

a) No development or preliminary groundworks can commence on any phase of the development until a programme of archaeological evaluation has been secured and undertaken which has been submitted by the applicant and approved in writing by the local planning authority for that phase of the development.

b) A mitigation strategy for each phase of the development detailing the excavation/preservation strategy shall be submitted to and approved in writing by the local planning authority.

c) No development or preliminary groundworks can commence on those areas containing archaeological deposits within each phase of the development until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, has been submitted to and approved in writing by the local planning authority for that phase of the development.

d) Within 6 months of the completion of fieldwork within any phase of the development, a post-excavation assessment shall be submitted to and approved in writing by the local planning authority for that phase of the development. The assessment will include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable full investigation and recording of assets of archaeological importance. Failure to agree a method for mitigation of harm to archaeological assets identified in the fieldwork prior to groundworks occurring may risk the loss or damage of archaeological assets.

25.

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

Reason: To ensure a high quality palette of materials is used to help produce a high-quality development.

26.

Prior to first occupation of the development hereby approved, a Revised Residential Travel Plan together with the contents of Residential Travel Information Packs for sustainable transport (including information as to circular walking routes accessible from the application site) shall have been submitted to and agreed in writing with the local planning authority. The Revised Residential Travel Plan shall be implemented as agreed. The provision of Residential Travel Information Packs shall be distributed as agreed to the owner/s of each dwelling at the point of their first occupation.

Reason: In the interest of highway safety and the efficient operation of the highway network and in order the development promotes public transport, walking and cycling and limits the reliance on the private car.

27.

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

Reason: To ensure the SuDS are maintained for the lifetime of the development as

outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design And Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments ²
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage and Land Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodlands, Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings, and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP136	Formal Recreation Policy

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021)

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

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP10	Retailing and Regeneration
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP48	New Road Infrastructure
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision for Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

LPP81 External Lighting
LPP82 Infrastructure Delivery and Impact Mitigation

Other Material Considerations

- § Affordable Housing Supplementary Planning Document (2006)
- § Essex Design Guide for Mixed Use and Residential Areas (2005)
- § Essex Design Guide Urban Place Supplement (2005)
- § External Lighting Supplementary Document (2009)
- § Open Space Supplementary Planning Document (2009)
- § Open Spaces Action Plan (2021)
- § Parking Standards – Design and Good Practice (September 2009)
- § Landscape Character Assessment (2006)
- § Braintree District Settlement Fringes – Evaluation of Landscape Analysis of Halstead (June 2015)

Statement on Draft Local Plan

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) ("the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

Accordingly the Council affords significant weight to the Section 2 Plan.

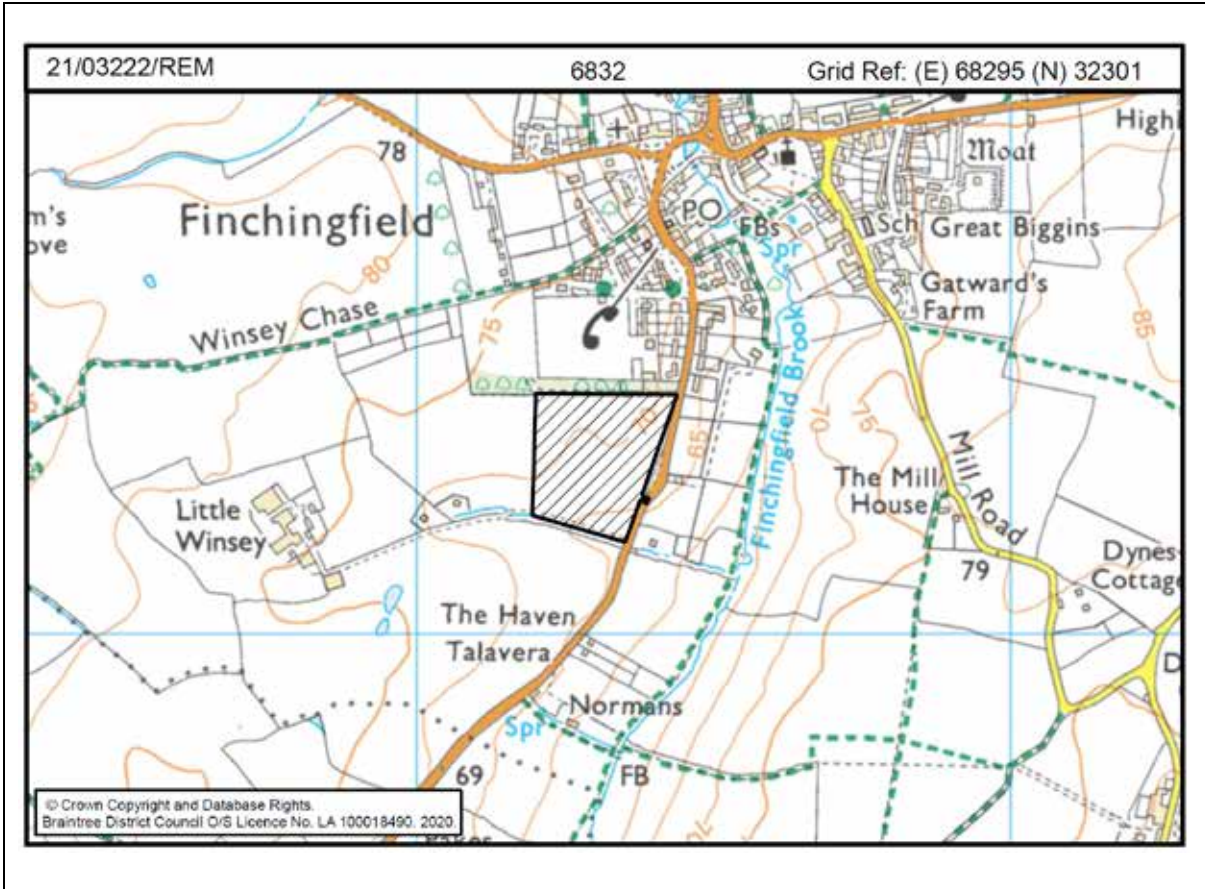
APPENDIX 3:

SITE HISTORY

None.

Report to: Planning Committee	
Planning Committee Date: 8th March 2022	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	21/03222/REM
Description:	Application for the approval of reserved matters (in respect of layout, scale, appearance and landscaping) pursuant to outline planning permission 19/00069/OUT granted 25.11.20 (Allowed on appeal) for Outline application with some matters reserved except access for the erection of up to 50 dwellings and 0.97ha of public open space, and related development.
Location:	Land West of Bardfield Road, Finchingfield
Applicant:	Hill Residential Limited
Agent:	Carter Jonas LLP
Date Valid:	18th November 2021
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: 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: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Carol Wallis For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2534, or by e-mail: carol.wallis@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 including tackling prejudice and promoting understanding. <p>The protected characteristics are age, disability,</p>

	<p>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: 21/03222/REM.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § 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 is located to the west of Bardfield Road, outside but in close proximity to the village envelope of Finchingfield. The site is currently a vacant field, with mature trees and vegetation along the roadside and along the western portion of the northern boundary. The site is gently sloped upwards from south to north and from east to west.
- 1.2 Outline planning permission (Application Reference 19/00069/OUT) was granted at appeal on 25 November 2020 for erection of up to 50 dwellings and 0.97ha of public open space and related development. The outline planning permission also approved the site access point via Bardfield Road.
- 1.3 This application seeks Reserved Matters approval for the appearance, landscaping, layout, and scale of the proposed development.
- 1.4 The Applicant proposes to erect a total of 50 dwellings with a central green as public open space, a pumping station proposed at the south-western corner and an attenuation pond at the south-eastern corner of the site. A total of 30 market dwellings and 20 affordable dwellings are proposed, consisting a mix of 1-bed to 5-bed properties.
- 1.5 The scheme adopts an outward greening approach to provide a full peripheral walk with houses orientated to face outwards. The overall density is approximately 12 dwellings per hectare, with a total public open space of about 1.13ha.
- 1.6 The principle of the residential development of the site is established under the outline consent allowed under Application No.19/00069/OUT.
- 1.7 There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.
- 1.8 Overall it is considered that the detailed proposal constitutes a well-designed scheme and accordingly it is recommended that the Reserved Matters are approved.

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 is located to the west of Bardfield Road, outside but in close proximity to the village envelop of Finchingfield. The site is currently a vacant field, with mature trees and vegetation along the roadside and along the western portion of the northern boundary. The site is gently sloped upwards from south to north and from east to west.

5.2 The site is bounded by two unmade tracks to the north and south. To the immediate west is a wider arable field. To the northeast are bungalows. To the north of the site are dense trees and vegetation. Beyond the trees and vegetation to the further north is the Finchingfield Recreation Ground which includes a football pitch, a tennis court, and a children play area.

5.3 Outline planning permission (Application Reference 19/00069/OUT) was granted at appeal on 25 November 2020 for erection of up to 50 dwellings and 0.97ha of public open space and related development. The allowed scheme also considered the site access point via Bardfield Road.

5.4 All other matters were reserved, meaning that the detailed appearance, landscaping, layout, and scale of the proposed development must be considered at the Reserved Matters stage with the access already being fixed at the outline permission stage.

6. PROPOSAL

6.1 This Reserved Matters application seeks permission for all of the remaining matters reserved at the outline permission stage. Together with the application forms and drawings, the following documents are also submitted in support of the application:

- § Revised Planning Statement
- § Statement of Community Involvement
- § Design and Access Statement
- § Computer-generated imagery (CGI) of Proposed Street scenes
- § Arboricultural Impact Assessment and Tree Schedule
- § Bat Activity Survey

- § Biodiversity Metric 3.0 Calculation
- § Statement of Biodiversity Net Gain
- § Updated Ecological Walkover
- § Energy Statement
- § Foul and Surface Water Drainage Strategy
- § Noise Assessment
- § Preliminary Risk Assessment Report

6.2 The applicant proposes to erect a total of 50 dwellings with a central green as public open space, a pumping station proposed at the south-western corner and an attenuation pond at the south-eastern corner of the site. A total of 30 market dwellings and 20 affordable dwellings are proposed, consisting a mix of 1-bed to 5-bed properties. Table 1 below shows the detailed housing mix.

Table 1: Detailed breakdown of the housing mix:

Proposed	Market	%	Affordable	%	Total	
1-bed	0	0%	2	10%	2	4%
2-bed	0	0%	12	60%	12	24%
3-bed	9	30%	6	30%	15	30%
4-bed+	21	70%	0	0%	21	42%
Total	30	100%	20	100%	50	100%

- 6.3 Apart from Plots 4 and 5 being semi-detached dwellings, all the other proposed market units are detached dwellings. Two groups of affordable housing are proposed in the form of maisonette, terraced, or semi-detached dwellings.
- 6.4 Each of the proposed dwellings would have their respective private gardens ranging from 60sq.m to 516sq.m in size.
- 6.5 Materials including soft red bricks, black painted brick plinths, white render, and black painted horizontal weatherboarding are proposed. The roof coverings would be either red/orange or slate coloured roof tiles. White framed casement or sash type windows would be used. Doors would be either white or coloured, solid or with glazed panels. Textured black rainwater goods are also proposed. Portions of the main spine road would be tarmac and permeable block paving are used for the remaining adoptable roads and private driveways.
- 6.6 The scheme adopts an outward greening approach to provide a full peripheral walk with houses orientated to face outwards. The overall density is approximately 12 dwellings per hectare, with a total public open space of about 1.13ha.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 BDC Ecology

7.1.1 No objection subject to approval conditions on Landscape and Ecological Management Plan, Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design Scheme.

7.2 BDC Environmental Health

7.2.1 A Construction Method Statement is required. (It is a pre-commencement requirement of Condition 14 of the outline consent, which will need to be discharged separately).

7.3 BDC Housing

7.3.1 Support. The proposed affordable unit mix and tenure type are required by the S106 agreement dated 2 November 2020, which is shown on the Proposed Tenure Plan Drawing No. 2114/115 and is considered appropriate in addressing housing need.

7.4 BDC Landscape

7.4.1 The submitted landscape scheme and planting schedule are acceptable, with the proviso that Prunus Spinosa (blackthorn) should be removed from the schedule and the other species for the native planting mixes are increased proportionately to compensate. Blackthorn is considered to be too invasive for the limited areas of open space within the site. There is no play provision shown, so it is presumed that these facilities are being funded through augmentation of existing facilities offsite.

7.4.2 It is also noted that there is off-site planting and although this is welcomed, it lies outside the red line and cannot be covered by replacement of losses within the normal 5-year period.

7.5 BDC Waste Services

7.5.1 Plots 1, 48, 49 and 50 appears to be 35m away from where collection vehicle can stop. The place where waste receptacles are presented, must not be more than 20m away from where the collection vehicle can safely stop.

7.5.2 It is noted that the applicant proposes to build the relevant private drives to adoptable standard and maintained as such with a written indemnity stating that the Council will not be liable for any damage caused as a result of the waste collection vehicles driving over these driveways.

7.6 ECC Archaeological

7.6.1 No objection. A WSI has been produced and partial discharged the archaeological condition. A programme of archaeological evaluation is being completed. Any further requirement for archaeological investigation

will be carried out in accordance with the conditions of the outline approval. No further archaeological recommendations will be required.

7.7 ECC Highways

7.7.1 No objection. From a highway and transportation perspective, providing the proposal is carried out in accordance with submitted Road Visibility Plan (Drawing No. E21-032-SK1000 Rev. P5), the impact is acceptable to the Highway Authority.

7.8 ECC Historic Buildings Consultant

7.8.1 No objection, recommend condition on materials and details.

7.9 ECC SuDS

7.9.1 No objection.

7.10 Anglian Water

7.10.1 No response received.

7.11 Environment Agency

7.11.1 No comments.

7.12 Essex Fire and Rescue Service (Protection)

7.12.1 No objection. Access for fire service purposes is considered acceptable, more detailed observations on access and facilities on access and facilities for the fire service will be considered at Building Regulation consultation stage.

7.13 Essex Fire and Rescue Service (Provisions of Water Supplies for Firefighting)

7.13.1 Due to an excessive distance to the nearest existing statutory fire hydrant, it is considered necessary that additional fire hydrants are installed within the curtilage of the proposed site. The Fire and Rescue Service will liaise directly with the Local Water Authority once the new water main design scheme for the development is received, to ensure that all necessary fire hydrants are provided.

7.14 Essex Police

7.14.1 More finer details are required such as the proposed lighting, boundary treatments and physical security measures. Would welcome the opportunity to be consulted on this development to assist the developer to demonstrate their compliance with Policy RLP90 by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

7.15 NHS

7.15.1 No response received.

8. PARISH / TOWN COUNCIL

8.1 Finchingfield Parish Council

8.1.1 Objection was raised initially mainly in relation to insufficient screening planned for the east side along Bardfield Road (B1057). Without dense screening, the proposed street scene approaching the village from Great Barfield would be very obvious and would change the completely rural scene into urban. Requested modifications, including replacement of the existing poor quality roadside hedge with improved semi-mature tree screening and to allowed to grow to a minimum height of 4m and beyond and improved density; Bolstered the existing mature trees at the northern end with additional semi-mature trees; double the depth of tree screening along Bardfield Road and the new development; no reference to street lighting, need to be kept to minimum and use of down-lighting to minimise lighting pollution and impacts to the existing bat population as well as to retain the rural nature of the site. Also requested any medieval remains found during archaeological excavation to be fully excavated to ensure that it is accurately documented and preserved for the historical record of the area.

8.1.2 Following the revisions, the Parish Council acknowledges that improvement to the landscaping proposal has been made taking into account of their initial comments.

9. REPRESENTATIONS

9.1 Representations have been received from 5 addresses, all objecting to the scheme or raising major concerns, mainly on the following grounds:

- § There will be impact on patient access to services provided by Freshwell Health Centre, the GP surgery in Finchingfield. There is limited capacity to fit in any more clinicians to their building to accommodate the rise in demand created by these new houses.
- § Finchingfield is a tourist spot, a pretty village in Essex and the site is highly visible, more screening and/or tree planting is required.
- § Existing drainage and surface water problems.
- § Narrow and winding roads could not coped with the large volumes of local traffic and there is poor public transport in the village.
- § The village school and doctors surgery have limited capacity, which would result in people travelling to access these and to commute to work.
- § Substantial and significant remedy is required to prevent surface water reaching the road.
- § Existing traffic and parking problems, in particular during summer months.

- § The development would worsen the traffic and parking situation in the village.
- § Proposed parking provision will need to avoid over spill onto Bardfield Road.
- § Whether the commencement of works would clash with the planned work to the bridge in Finchingfield.
- § The development is inappropriate and unnecessary.
- § The proposed prison in the local area would impact on the housing prices and may ended up with a partially build “ghost estate” in the village without making the intended profits for the developer.
- § Should avoid uPVC windows, use clay peg tiles and sympathetic materials such as cobbled walls to lessen the visual impact on the village.
- § Late medieval remains are found in the archaeological work and should be preserved.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 The principle of the residential development of the site has been established under the outline application (Application Reference 19/00069/OUT) which was allowed on appeal (Reference APP/Z1510/W/20/3251952) on 25 November 2020. The allowed scheme also considered the site access point.
- 10.2 The current application seeks approval for all the remaining reserved matters, namely appearance, landscaping, layout and scale.
- 10.3 There were no parameter plans approved under the outline consent nor a condition to control the housing mix. As it is not a Reserved Matter, the Applicant is not bounded by a specific housing mix. The Strategic Housing Market Assessment (SHMA, 2015) identifies that the District would require 75.72% of market dwellings to be 2 to 3 bedrooms properties, whilst 1 to 2 bedrooms units took up about 80% of identified affordable housing need.
- 10.4 Following the pre-application advices, the Applicant has revised the housing mix to improve the housing mix and to provide smaller affordable housing units in response to the identified local housing needs. The current proposal covers a range of sizes for both private and affordable tenures. The Council’s Affordable Housing Officer has confirmed his agreement with the proposed affordable mix in terms of meeting identified need, with the Applicant confirming that the intermediate element of the affordable housing would be shared ownership.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

- 11.1.1 Policy RLP90 of the Adopted Local Plan requires a high standard of design and layout in all developments. Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design.

- 11.1.2 At the national level, the NPPF is also clear in its assertion at para 124 that: *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.
- 11.1.3 There is a strong policy basis for achieving a high degree of quality in terms of the appearance, layout and scale of the development whilst ensuring that it complies with the outline planning permission for the site.
- 11.1.4 In accordance with the outline planning permission, the Applicant proposes a 50 unit scheme. Throughout the detailed design stage, the Applicant has demonstrated a keen willingness to present a high quality scheme with a design that is sensitive to its immediate setting and sympathetic in its relationship to the wider countryside.
- 11.1.5 The proposed site layout has also reflected the need "to present a substantial planted frontage" as highlighted in the Appeal Decision. It has been designed to minimise neighbour impact; provide generous on-site open space that exceeds the required minimum amount; create a sense of place whilst remaining appropriate to the wider setting and facilitate appropriate pedestrian and cycle linkages.
- 11.1.6 Overall, open space provision within the site is appropriate, with sufficiently large areas of usable space and good distribution across and surrounding the proposed properties, providing a peripheral walk.
- 11.1.7 Provision is also made for a pedestrian link to the existing footpath to the north to link up to the village.
- 11.1.8 Dwelling types are traditional in form and based primarily upon 1.5 to 2-storey pitched or hipped roof designs with 2 maisonettes with undercroft parking. These building heights are considered to be acceptable and in keeping with adjacent existing development immediately to the east.
- 11.1.9 The detailed architectural elements and materials proposed had taken cues from the local vernacular of Finchingfield. The material palettes consisting of red bricks, white render, red/orange clay tile or slated colour tiles are in line with those applied in the neighbourhood.
- 11.1.10 All house types meet the Nationally Described Space Standards (NDSS) standards which set out the required internal space standards for new dwellings of all tenures.
- 11.1.11 The development is also compliant with the Essex Design Guide in terms of proposed garden sizes (with a notable number of gardens being well in excess of the minimum requirements) and back-to-back distances between new dwellings.
- 11.1.12 Overall the layout, appearance and scale of the proposal are considered to be acceptable.

11.2 Landscaping

- 11.2.1 An Arboricultural Impact Assessment has been submitted in support of the application. The Applicant proposes a hard and soft landscaping scheme across the site which has been reviewed by the Council's Landscape Officer and Urban Design Consultant and is considered to be acceptable, subject to the replacement of blackthorn in the native planting mix. An approval condition is required to ensure that the proposed landscaping and boundary treatment are implemented prior to occupation, in the interests of visual amenity and amenity level of future occupants, as well as the need to compensate the blackthorn proportionately with other native species.
- 11.2.2 Only 1 Category B tree (T17 - Field Maple) at the north-east corner will be required to be removed as per the outline consent to facilitate the provision of the footpath linking to the village. A small portion of Category C tree group along the northern boundary (G16) would be removed to provide a connection point to the Recreation Ground and for the proposed turning head. The Category tree group of the eastern boundary (G39) would be required to be partially removed to provide for the visibility splays. The crown of 19 trees would be lifted to provide 6m clearance above ground level. All these trees works were previously agreed in the outline planning consent. The landscaping proposal also provides a practical watering scheme for the proposed planting.
- 11.2.3 Tree and hedgerow planting is proposed throughout the site. The streets are considered to be tree lined, a requirement of the Framework. Substantial planting is proposed along the site boundaries, in particular for the western and eastern boundaries, to provide additional screening to the development and act as visual buffers as viewed from outside of the site. Overall the site's proposed landscaping and boundary treatment are considered to be acceptable.
- 11.2.4 Overall Officers consider that tree loss has been kept to the minimum possible in line with the outline consent, appropriate street tree planting is proposed, and planting levels are appropriate throughout the site.
- 11.2.5 It is noted that in response to the pre-application public engagement, the submitted Landscape General Arrangement (Drawing No, GUA-DR-L-001 Rev. 10) has included additional roadside planting on land under the Applicant's ownership but outside of the application site boundary. Whilst welcoming such approach, the Council is minded that as this would be outside the site boundaries, the additional planting could not be secured through a condition and no replacement within 5-year period could be imposed.

11.3 Ecology

- 11.3.1 The Ecological impact of developing the site was assessed at the Outline Planning application stage. The Reserved Matters is accompanied by updated Ecology Reports covering protected species including bats, Great Crested Newts.

11.3.2 The Council's Ecology Consultant has reviewed the application and has no objection. The Applicant has demonstrated that a net biodiversity gain of about 26% in habitat units and 100% gain for linear features would be achieved on the site. Bat and bird boxes and hedgehog links are also proposed to further enhance the site for local wildlife, which will need to be secured by conditions, if approval is granted. External lighting is controlled by Condition 16 of the outline consent, which would require to be discharged separately.

11.4 Highways

11.4.1 The impact of the development on the highway network and the acceptability of the access was assessed at the outline planning stage and is not a Reserved Matter. Parking provision and the internal site layout are however for consideration as part of the Reserved Matters application.

11.4.2 The Essex Parking Standards (2009) requires 1 space per 1 bed dwelling and 2 spaces per two or more bed dwellings plus 0.25 visitor spaces per dwelling. Each of the proposed properties would be served by at least 1 or 2 on-plot parking space(s) which is in line with the requirement. Additional off-street parking spaces are also proposed for 30 plots providing extra parking bay(s) for visitors. The proposed site layout plan shows that 6 additional visitor parking spaces would be provided for the remaining 20 dwellings, which complies with the adopted standard. Secured cycle parking space could be provided in the garage or in the rear garden and therefore is acceptable. Therefore, the overall residential parking provision is generally in line with the requirement of Essex Parking Standards (2009).

11.4.3 The applicant has provided a vehicle tracking plans for tanker, larger private cars, refuse vehicles and fire appliances. The Highway Authority raised no objection to the proposal subject to the provision of the visibility splays. The access for fire appliances is also considered acceptable to Essex Fire and Rescue Service. The Council's Waste Services also raises no objection to the scheme, subject to indemnity being provided to the Council on the use of private driveways for bins collection.

11.4.4 The applicant has advised that a domestic electric vehicle charge point would be provided to each of the dwellings, which is in line with emerging Policy LPP44 of the Section 2 Local Plan. Overall, parking provision and the road layout on the site is considered to be acceptable.

11.5 Impact upon Residential Amenity

11.5.1 The nearest existing residences are Park Place to the north and those bungalows to the northeast opposite to the road. In view of the separation distance and the outward greening proposed, it is not considered there would be unacceptable overlooking, overshadowing nor over-bearing issues to the existing residential amenity.

11.5.2 The proposed dwellings would be provided with sufficient private amenity space to meet the standards of the Essex Design Guide.

- 11.5.3 The detailed design and site layout ensure that sufficient distance is maintained from shared boundaries to ensure that no unacceptable loss of privacy, sunlight or daylight would occur. Each of the habitable rooms are served with at least 1 window to allow for natural sunlight/day and ventilation.
- 11.5.4 All the dwellings facing onto Bardfield Road are set back from the site boundaries, with not less than 20m away from the carriageway. It is unlikely that the future occupiers would be subject to unacceptable traffic noise nor air emission from the road.
- 11.6 Flooding and Drainage Strategy
- 11.6.1 The site falls within Flood Zone 1 with the least risk of flooding. However, the whole southern boundary has been identified with low to high risk of surface water flooding with a strip of land identified with low risk of surface water flooding straddles across the site from north to south. Condition 13 of the outline planning permission requires a detailed Surface Water Drainage Scheme to be submitted prior to commencement, which will be required to be discharge separately.
- 11.6.2 The Applicant proposes to utilise a Sustainable Urban Drainage (SUDS) system incorporating an attenuation pond in the south-eastern corner and swales along the western boundary and the public open space with a mixture of infiltration (where soil conditions permit) together with a controlled discharge at the site's southern boundary.
- 11.6.3 Essex County Council have been consulted as the Lead Local Flood Authority has raised no objection to the proposed Surface Water Drainage Scheme.
- 12 CONCLUSION
- 12.1 The principle of the residential development of the site is established under the outline consent allowed under Application No.19/00069/OUT. The Applicant seeks permission for the reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.
- 12.2 There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.
- 12.3 Overall it is considered that the detailed proposal constitutes a well-designed scheme and accordingly it is recommended that the Reserved Matters are approved.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
House Types	2114_161	P3
House Types	2114-152B	P1
House Types	2114-153C	P1
House Types	2114-160D	P2
Garage Details	2114-170	P2
Garage Details	2114-171	P2
Other	2114-200	P1
House Types	2114-150A	P2
House Types	2114-150B	P2
House Types	2114-151A	P2
House Types	2114-151B	P2
House Types	2114-152A	P2
House Types	2114-153A	P2
House Types	2114-153B	P1
House Types	2114-154	P2
House Types	2114-155A	P2
House Types	2114-155B	P2
House Types	2114-156A	P2
House Types	2114-156B	P2
House Types	2114-156C	P2
House Types	2114-157	P2
House Types	2114-158A	P2
House Types	2114-158B	P2
House Types	2114-159	P3
House Types	2114-160A	P2
House Types	2114-160B	P2
House Types	2114-160C	P2
Other	GUA-DR-L-007	REV 6
House Types	2114_158C	P1
Tenure Plan	2114/115	P1
Drainage Details	E21-032-SK1006	P6
Visibility Splays	E21-032-SK1000	P5
Other	E21-032-SK1005	P7
Proposed Ground Floor Plan	2114_100	P11
Highway Plan	E21-032-SK1013	P3
Other	E21-032-SK1012	P3
Levels	E21-032-SK1007	P5
Location Plan	2114_090	P2
Section	2114_110	P2
Section	2114_111	P2
Landscape Masterplan	GUA-DR-L-001	10

Condition(s) & Reason(s)

1.

The development hereby permitted shall begin not later than 2 years from the date of this decision.

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

2.

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

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

3.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or alteration of the dwellinghouse, as permitted by Classes A, AA, and B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future extensions / alterations in the interests of residential and/or visual amenity.

4.

Prior to works above slab levels, an illustrated schedule of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

5.

Prior to works above slab levels, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) h) Ongoing monitoring and remedial measures.

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

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

6.

Prior to works above slab levels, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7.

The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

8.

Prior to occupation, each dwelling shall be provided with an Electric Vehicle Charging point and retained as such thereafter.

Reason: In the interest of climate change.

9.

Prior to occupation of the development, the scheme of landscaping indicated upon approved plan Drawing No. GUA-DR- L-001 Rev. 10 (dated October 2021) shall be carried out during the first available planting season, with the omission of blackthorn from the landscape design and other species increasing proportionately to compensate. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

10.

The development hereby permitted shall be carried out in accordance with submitted Road Visibility Plan (Drawing No. E21-032-SK1000 Rev. P5).

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

Informative(s)

1.

The applicant should refer to the detailed comments of the Essex Fire and Rescue Services dated 26 November 2021.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP4	Meeting Housing Need
SP6	Infrastructure & Connectivity

SP7 Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Supplementary Planning Guidance

- § Affordable Housing Supplementary Planning Document
- § Essex Design Guide
- § Open Spaces Supplementary Planning Document
- § Essex Parking Standards Design and Good Practice 2009

Statement on Draft Local Plan

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) ("the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January

2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan (“the Section 2 Plan”) and the weight that can be given is related to:

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

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

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

Accordingly the Council affords significant weight to the Section 2 Plan.

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
20/00049/REF	Outline application with some matters reserved except access for the erection of up to 50 dwellings and 0.97ha of public open space, and related development.	Appeal Allowed	25.11.20
19/00069/OUT	Outline application with some matters reserved except access for the erection of up to 50 dwellings and 0.97ha of public open space, and related development.	Refused	06.11.19
21/03538/DAC	Application for approval of details as reserved by condition 15 of approved application 19/00069/OUT	Granted	09.12.21
22/00158/S106A	Application made under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to discharge details in relation to Affordable Housing required under S106 Legal Agreement relating to 19/00069/OUT (allowed under appeal 20/00049/REF).	Pending Consideration	
22/00265/DAC	Application for approval of details as reserved by Condition 15 of application 19/00069/OUT (approved on appeal APP/Z1510/W/20/3251952).	Pending Consideration	