



Braintree Section 2 Local Plan

Examination in Public

Hearing Statement

on behalf of

Bellway Homes

Matter 5 – A Prosperous District – Homes – Policy
LPP17

June 2021

AM-P Ref: 13023



INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning Limited (AM-P) on behalf of Bellway Homes Limited (Bellway).
2. Bellway controls 17.8 hectares (ha) of land to the northeast of Witham, known as North East (NE) Witham Phase 4 and shown on the Site Boundary Plan at Appendix 1. NE Witham Phase 4 has been promoted through the Braintree Local Plan process for a seamless urban extension to the committed development to the south on Phases 1 & 2.
3. Phases 1 & 2, to the east of Forest Road, were allocated in the adopted Braintree Core Strategy in September 2011 and granted planning permission (ref. 15/00799/OUT) in July 2016. This comprised:
(i) full permission on Phase 1 for 222 dwellings, 279 sq m of gross A1 retail floorspace (now trading as a convenience store and pharmacy), public open space, sustainable drainage and landscaping; and,
(ii) outline permission on Phase 2 for up to 148 dwellings, public open space, sustainable drainage and landscaping. A subsequent permission (ref. 17/01092/FUL) was obtained in April 2018 to increase the number of dwellings on Phase 2 from 148 to 163.
4. Phase 3, to the south of Rickstones Road, was granted planning permission (ref. 18/00947/OUT) in January 2019 for up to 58 dwellings, public open space, sustainable drainage and retention of the hedgerow facing the main road. Unlike Phases 1 & 2, Phase 3 comprised unallocated land in the ‘countryside’ and was brought forward based on the District’s five-year housing land supply shortfall.
5. Phase 4 includes agricultural land, former golf course land, plantation woodland, a temporary contractor car park and a temporary construction compound associated with the current development at Phases 1, 2 & 3. The Rivenhall Oaks Golf Centre abuts the northern edge of Phase 4 and provides a defensible boundary to the wider countryside to the north. Phase 4 is currently subject to an outline planning application (ref. 20/02060/OUT) for up to 230 dwellings, public open space (including new sports pitches and facilities), sustainable drainage systems, a bus-only link through to Rickstones Road and foot and cycle network improvements. The outline application was submitted in December 2020 with the in-principle support of Braintree District Council’s (BDC’s) development management officers and could be reported to planning committee later this Summer. However, to date, Phase 4 has not been identified in the Braintree Local Plan (ref. SDBDC/001) and therefore comprises an ‘omission site’.
6. This Hearing Statement supplements our client’s original representations in July 2017 and considers the Inspectors’ Questions for Main Matter 5 of the Braintree Local Plan – Section 2 – Examination.

MATTER 5 – A PROSPEROUS DISTRICT – HOMES – LPP17

Does BLP Section 2 and in particular Policy LPP17 Housing Provision and Delivery demonstrate an adequate supply to meet Braintree’s housing requirement as set out in BLP Section 1 (14,320 new homes) and its timescale for delivery within the plan period 2013-2033?

7. When submitted to the Secretary of State in October 2017, Policy LPP17 of SDBDC/001 included eight Strategic Growth Locations capable of accommodating a total of 8,800 dwellings during the plan period.



8. Page 28 of BDC's Topic Paper 2 – Housing (April 2021) now proposes to:
- remove the West of Braintree (2,500 dwellings) and Colchester Braintree Borders (1,150 dwellings) Garden Communities, which were found to be undeliverable and were deleted during the Section 1 Examination process; and
 - amend the capacity at the Former Towerlands Park site (a reduction of 25 dwellings), the land at Feering (an increase of 45 dwellings), Wood End Farm in Witham (a reduction of 50 dwellings) and North West Braintree – Panfield Lane (an increase of 225 dwellings).
9. Once modified, Policy LPP17 will include six Strategic Growth Locations capable of accommodating a total of 5,345 dwellings during the plan period – i.e. a reduction of 3,455 dwellings from that originally submitted in SDBDC/001.
10. However, Table 3 and Appendix 1 in Topic Paper 2 indicate that this very significant reduction in local plan housing supply has been made up by a mixture of housing completions and new planning permissions granted since 2017. As a result BDC is now projecting a supply of 15,772 dwellings during the 2013-2033 plan period, including 4,161 dwellings which were completed between 2013 and 2021.
11. This meets the housing requirement of 14,320 dwellings set out in Policy SP4 of the adopted Braintree Section 1 Plan (February 2021) and exceeds the figure by 1,452 dwellings – i.e. approximately 10%.
12. Nevertheless, there are a number of reasons to justify additional housing provision, over and above the quantum identified in Table 3 and Appendix 1 of Topic Paper 2. These include:
- (a) The housing requirement set out in Policy SP4 of the Section 1 Plan is a 'minimum' which should be exceeded (not a ceiling to keep within) and the National Planning Policy Framework (NPPF) (2012) encourages local authorities to 'boost significantly' the supply of housing in their areas (paragraph 47). An over provision of housing is therefore supported by both adopted local policy and national policy.
 - (b) Despite the very lengthy period (i.e. nearly 4 years) between the submission of the Braintree Local Plan in October 2017 and the commencement of the Section 2 Examination in July 2021, there are still sites within the housing supply, totalling 3,251 dwellings, that do not benefit from a planning permission or resolution to grant (see Table 3 and Appendix 1 in Topic Paper 2). While there are no specific reasons to believe that these sites will not come forward during the plan period, the Section 2 Plan would be more robust and better able to handle changing circumstances in future – for example changes that may follow on from the Government's *Planning for the Future* White Paper (August 2020) – if it included additional housing provision in Policy LPP17.
 - (c) Although BDC may point towards the circa 10% 'buffer' identified in their housing supply, this is a relatively modest percentage. BDC's neighbours to the southeast, Maldon District Council (MDC), adopted a new local plan in July 2017 that incorporated a 30% overprovision of housing compared to its OAN. Paragraph 2.25 of the Maldon Local Plan considers its OAN to be 260 dwellings per annum, yet Policy S2 identifies sites for a total of 5,108 dwellings (i.e. 340 dwellings per annum). Similarly BDC's neighbours to the southwest, Chelmsford City Council (CCC), adopted a new local plan in May 2020 that incorporated a 20% housing supply buffer, over and above its objectively assessed need (OAN). Paragraph 6.7 of the Chelmsford



Local Plan confirms that this is to allow for an additional housing supply to be maintained through the local plan period, to provide flexibility and to help significantly boost housing supply. A greater level of over delivery in BDC's local plan supply, of say 20%, would have similar benefits.

- (d) The significant number of speculative housing sites that have been required in the last 4 years in order to supplement BDC's housing supply (as set out in Appendix 1 of Topic Paper 2) is all the more reason to over-allocate housing in the current Section 2 Plan, to ensure that a similar situation does not arise again during the plan period. This is particularly relevant as in recent years BDC has been unable to demonstrate a five-year housing land supply for development management purposes and its most recent Housing Delivery Test results (dated January 2021) reported that the District delivered 85% of its housing requirement over the previous 3 years – which is the absolute minimum required to avoid being categorised as a '20% buffer' authority for five-year housing land supply purposes. Although technically BDC fell short of the threshold and was saved by the rounding up of its figures, because the 1,930 dwellings delivered against a three-year target of 2,277 (see Appendix 2) actually equates to 84.76%. This serves to highlight the tightrope that BDC has been walking.
- (e) Much of the evidence base behind the Section 2 Plan is circa 4-5 years old and the Plan is being examined under the 2012 version of the NPPF, with its housing targets based on an OAN of 716 dwellings per annum. However, BDC accepts that the Government's Standard Methodology would see the District's housing target increase by 16% to 831 dwellings per annum (see paragraph 3.14 of Topic Paper 2) and that a review of the Plan will commence immediately on adoption on the basis of the Standard Methodology or its successor (see paragraph 2.32 of Topic Paper 2).
13. In summary there is planning merit in allocating additional housing land in the Section 2 Plan, to accommodate a 20% (rather than 10%) buffer.
14. Doing so would allow additional housing supply to be maintained through the local plan period, provide greater flexibility in the event that circumstances change in future (for example changes following on from the *Planning for the Future* White Paper) and help to significantly boost housing supply. It also would be consistent with adopted local policy, national policy, neighbouring local plans (in Maldon and Chelmsford) and the Government's current Standard Methodology which presents a higher annual housing target than currently set out in the District's OAN.
15. This would ensure that the Section 2 Plan is justified (i.e. the most appropriate strategy when considered against the reasonable alternatives), effective (i.e. deliverable over its period) and consistent with national policy (i.e. enables the delivery of sustainable development), in accordance with the tests of soundness at paragraph 182 of the NPPF (2012).
16. While it is noted that the Inspectors have not been appointed to consider the merits of omission sites, NE Witham Phase 4 is currently subject to an outline planning application for 230 dwellings that has been submitted with the in-principle support of Braintree District Council's (BDC's) development management officers and could be reported to planning committee later this Summer. The proposed development is situated in a sustainable location and is deliverable, as demonstrated in the various application documents. Furthermore, the proposed development provides a number of significant benefits for the local area, including the delivery of 69 affordable homes, new outdoor football pitches



and facilities, major enhancements to and extension of bus services and improvements to foot and cycle networks.

17. NE Witham Phase 4 is an 'oven ready' scheme and ideally suited to be added to the Section 2 Plan to supplement BDC's housing supply. Given the extensive assessment already carried out as part of the planning application process, NE Witham Phase 4 could be added to the Section 2 Plan with a limited amount of further work – perhaps comprising public consultation carried out alongside any consultation on main modifications to the Plan and an update to BDC's Sustainability Appraisal (SA).

SUMMARY

18. Bellway controls 17.8 ha of land to the northeast of Witham, known as NE Witham Phase 4 and shown on the Site Boundary Plan at Appendix 1. Although currently subject to an outline planning application (ref. 20/02060/OUT) for up to 230 dwellings and other supporting uses and infrastructure, which was submitted with the in-principle support of Braintree District Council's (BDC's) development management officers, the site has not been identified in the Braintree Local Plan (ref. SDBDC/001) and therefore comprises an 'omission site'.
19. Bellway made formal representations to the Braintree Section 2 Plan in July 2017. This Hearing Statement supplements those representations and in particular:
 - Acknowledges that the Section 2 Plan meets the housing requirement of 14,320 dwellings set out in Policy SP4 of the adopted Braintree Section 1 Plan (February 2021) and exceeds the figure by 1,452 dwellings – i.e. approximately 10% during the plan period.
 - But nevertheless identifies a number of reasons to justify additional housing provision, over and above the quantum identified in Table 3 and Appendix 1 of Topic Paper 2, including:
 - an over provision of housing is supported by both adopted local policy (Policy SP4 of the Section 1 Plan) and national policy (NPPF);
 - additional housing provision in Policy LPP17 would make the Section 2 Plan more robust and better able to handle changing circumstances in future – for example changes that may follow on from the Government's *Planning for the Future* White Paper;
 - neighbouring adopted local plans in Maldon and Chelmsford incorporate a 20% to 30% buffer of additional housing, rather than just 10%;
 - a significant number of speculative housing sites have been required in the last 4 years in order to supplement BDC's housing supply and this is all the more reason to over-allocate housing in the current Section 2 Plan – particularly as BDC's latest Housing Delivery Test results are on the very edge of requiring a 20% buffer for five-year housing land supply purposes; and
 - BDC accepts that the Government's Standard Methodology would see the District's housing target increase by 16% to 831 dwellings per annum and that a review of the Plan will commence immediately on adoption on the basis of the Standard Methodology or its successor.



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20. As a result there is planning merit in allocating additional housing land in the Section 2 Plan, to accommodate a 20% (rather than 10%) buffer during the plan period. This would ensure that the Section 2 Plan is justified, effective and consistent with national policy, in accordance with the tests of soundness at paragraph 182 of the NPPF.
 21. NE Witham Phase 4 is an 'oven ready' scheme and ideally suited to be added to the Section 2 Plan to supplement BDC's housing supply.

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Appendix 1 – Site Boundary Plan, NE Witham Phase 4





Appendix 2 – Housing Delivery Test Results 2020

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Housing Delivery Test: 2020 measurement												
2													
3	Local Planning Authorities												
4													
5	ONS Code	Area Name	Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2020 measurement	Housing Delivery Test: 2020 consequence	
2017-18			2018-19	2019-20	2017-18		2018-19	2019-20					
6													
26	E07000129	Blaby	286	346	310	942	388	522	477	1,537	163%	None	
27	E06000008	Blackburn with Darwen	152	157	146	455	279	485	303	1,067	234%	None	
28	E06000009	Blackpool	94	108	104	307	292	368	335	995	324%	None	
29	E07000033	Bolsover	222	240	211	673	248	291	439	978	145%	None	
30	E08000001	Bolton	746	791	720	2,257	482	544	463	1,489	66%	Presumption	
31	E07000136	Boston	220	259	233	711	356	429	324	1,109	156%	None	
32	E06000036	Bracknell Forest	497	637	563	1,697	442	783	1,731	2,956	174%	None	
33	E08000032	Bradford	1,573	1,695	1,559	4,827	1,642	1,689	1,010	4,341	90%	Action plan	
34	E07000067	Braintree	640	849	789	2,277	491	555	884	1,930	85%	Action plan	
35	E07000143	Breckland	533	612	560	1,706	530	753	587	1,870	110%	None	
36	E09000005	Brent	1,525	1,525	1,400	4,450	1,202	1,728	2,422	5,352	120%	None	
37	E07000068	Brentwood	325	453	414	1,192	213	211	395	819	69%	Presumption	
38	E06000043	Brighton and Hove	655	655	784	2,094	496	542	1,217	2,255	108%	None	
39	E06000023	Bristol, City of	1,885	2,440	2,180	6,505	1,625	1,666	1,412	4,703	72%	Presumption	
40	E09000006	Bromley	641	641	587	1,869	565	720	485	1,770	95%	None	