

# PLANNING COMMITTEE AGENDA

**Tuesday 26th October 2021 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 Councils YouTube Channel,  
webcast and audio recorded) [www.braintree.gov.uk](http://www.braintree.gov.uk)*

---

**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 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](mailto: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 and Speaking on a Planning Application/Agenda Item**

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](mailto: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.

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

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

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

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Substitute Members:** Only the named Substitutes on this agenda can 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.

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

**Public Attendance at Meeting:** Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

### **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 at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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

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

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. 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 can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

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

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 28th September 2021 and 12th October 2021 (copies to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

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

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

**PART A Planning Applications**

**5a App. No. 20 02060 OUT - Phase 4, Land North East of Rectory Lane, RIVENHALL 6-75**

**5b App. No. 21 00249 REM – Land adjacent to Lodge Farm, Hatfield Road, WTHAM 76-115**

**PART B Minor Planning Applications**

There are no applications in Part B

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

*At the time of compiling this Agenda there were none.*

**PRIVATE SESSION**

**Page**

**8 Urgent Business - Private Session**

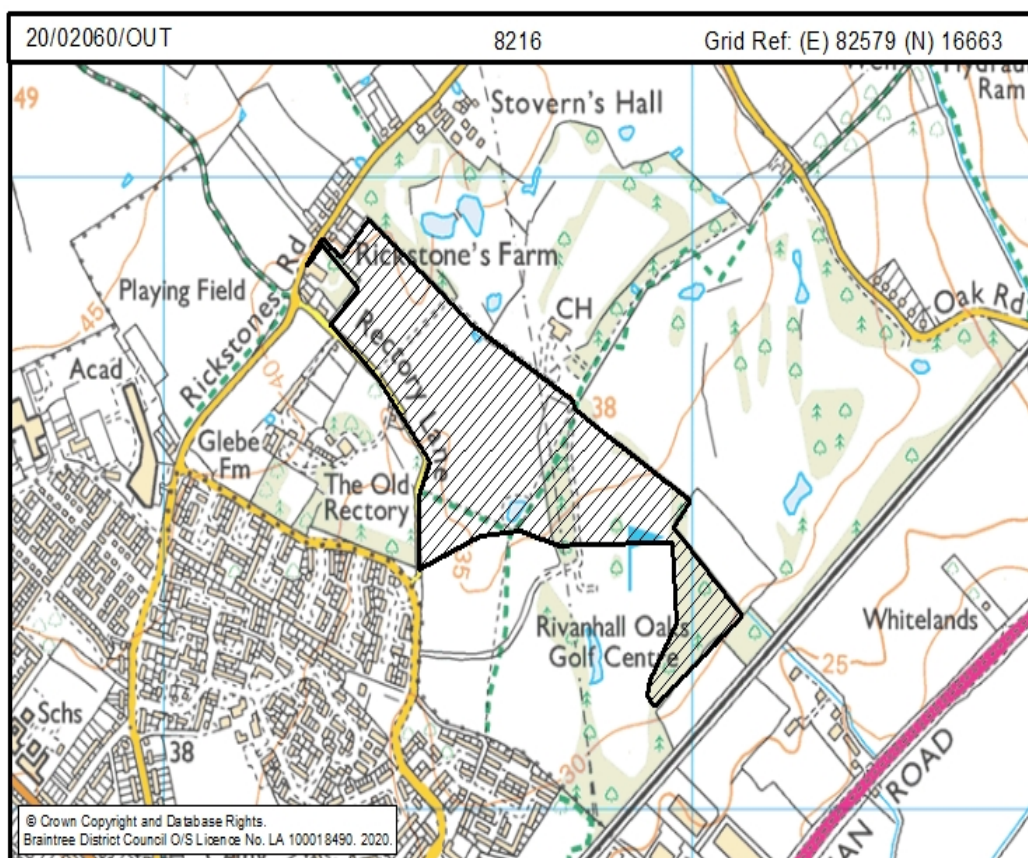
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/02060/OUT  
 DATE VALID: 11.12.20  
 APPLICANT: Mrs Sarah Cornwell  
 Bellway House, 1 Cunard Square, Townfield Street,  
 Chelmsford, CM1 1AQ  
 AGENT: Mr Olivier Spencer  
 Town Mill, Mill Lane, Stebbing, Dunmow, CM6 3SN  
 DESCRIPTION: Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans Way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development.  
 LOCATION: Phase 4 Land North East Of, Rectory Lane, Rivenhall, Essex

For more information about this Application please contact:  
 Kathryn Oelman on:- 01376 551414 Ext. 2524  
 or by e-mail to: [kathryn.oelman@braintree.gov.uk](mailto:kathryn.oelman@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKTB9UBF0EC00>

## SITE HISTORY

21/70002/PPA	Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans Way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development.
--------------	---

## POLICY CONSIDERATIONS

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. 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 some weight to the Section 2 Plan.

### 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
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP87	Protected Lanes
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
RLP103	Parks and Gardens of Special Historic Interest
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance
RLP135	Floodlighting of Sports Facilities
RLP138	Provision of Open Space in New Housing Developments

#### Braintree District Local Development Framework Core Strategy 2011

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)
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive 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
LPP72	Green Buffers
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

#### Neighbourhood Plan

None

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)  
 Essex Coast RAMS Supplementary Planning Document (2020)  
 Essex Design Guide for Mixed Use and Residential Areas (2005)  
 External Artificial Lighting Supplementary Document (2009)  
 Open Space Supplementary Planning Document (2009)  
 Parking Standards – Design and Good Practice (2009)  
 Urban Place Supplement Guidance (2007)

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

#### DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located north east of Witham, within the parish of Rivenhall, and comprises 17.1 hectares of agricultural land, of which a small portion is currently in temporary use as a site compound. At its western extent, the site abuts the Town Development Boundary of Witham on Rectory Lane. The site adjoins a previous Bellway (Phase 1 & 2) development for 385 dwellings still partially under construction to the south; these new dwellings being accessed from an internal spine road, Evans Way, via Forest Road. To the north-east lies the Rivenhall Oaks Golf Course. To the north, the site abuts the rear gardens of properties on Rickstones Road.

Travelling west along Rickstones Road in the direction of Witham, there is the Bellway (Phase 3) development under construction for 58 dwellings. Beyond this lies the education complex on Conrad Road containing Elm Hall Primary School, New Rickstones Academy and Southview School as well as an area of land to the east upon which a new school for children with Special Educational Needs (SEN) will be built. Included in the site red line is a footpath link through Phase 3 from Rectory Lane to Rickstones Road and

visibility splays within the highway on both sides of the proposed bus access junction onto Rickstones Road.

The site is relatively flat and is bordered on its north-east and western perimeter by hedges and trees. A substantial tree belt also crosses the centre of the site, located east of the existing access road to the Golf Course. In the south, the site contains an isolated triangle of woodland, with an existing area dedicated for use as allotments beyond. To the west, on the opposite side of Rectory Lane, lies the Grade II listed Old Rectory.

An existing maintenance access to the Golf Course crosses the site in the northern portion of the site connecting the Golf Course to Rectory Lane. Two Public Rights of Way (PROW) lie within the site: PROW 105\_58 runs east from Rectory Lane meeting PROW 105\_59 at the juncture with the earlier phase of residential development in the south and then travels north-east towards the Golf Course. These footpaths form part of the John Ray Walk; a linear recreational route connecting Braintree with Witham. Rectory Lane is a 'Protected Lane' as identified under Policy RLP87 of the Adopted Local Plan.

The site is located in a Mineral Safeguarding Zone as designated within the Essex Minerals & Waste Local Plan. The site also lies within the Habitats Regulation Assessment Zone of Influence as identified in the Essex Coast RAMS Supplementary Planning Document (2020). A high pressure gas main crosses within the site, running north to south, parallel and adjacent to Rectory Lane.

## PROPOSAL

The application seeks outline consent with all matters reserved to erect 230 dwellings on the site. The proposal would also include the provision of up to 69 (30%) affordable dwellings, areas of land dedicated to sustainable urban drainage, 7.6ha of open space including neighbourhood equipped play area, provision of sports pitches and landscaping.

Whilst all matters are reserved, the development is indicatively shown to be served by an extended access road from Phases 1 & 2 in the south (via Forest Road and Evans Way). An access is also shown in the north onto Rickstones Road restricted for use only by busses, taxis and motorcycles. Existing public rights of way, which connect in the south of the site from Rectory Lane to towards the Golf Course and into Phase 1, are shown to be retained within the open space areas.

The application is accompanied by the following plans and documentation:

- Application Form
- Site Location Plan BW219-PL-01 Rev E
- Illustrative Masterplan BW219-01 Rev A
- Revised Land Use Parameter Plan BW219-PP-01 Rev I
- Revised Green Infrastructure Parameter Plan BW219-PP-02 Rev I

- Revised Pedestrian Access & Movement Parameter Plan BW219-PP-03A Rev G
- Revised Vehicular Access & Movement Parameter Plan BW219-PP-03B Rev F
- Revised Storey Heights Parameter Plan BW219-PP-04 Rev J
- Revised Access Plan 19140-001 B
- Revised Swept Path Analysis for Refuse Vehicle Plan 19140-002 A
- Revised Bus Access Plan 2002470-005 Rev B
- Proposed Bus Lane & Gate Plan 2002470-012 Rev A
- Proposed Rectory Lane Restrictions Plan 2002470-13 Rev E
- Proposed Cycle Route Plan 2002470-014 Rev K
- Potential Footway Widening Plan 2002470-16 Rev B
- Wider Cycle Connectivity Plan 2002470-020
- Local Cycle Connectivity Plan 2002470-019
- Local Pedestrian Connectivity Plan 2002470-020
- Illustrative Sports Pitch Layout BW219-SP-01 Rev B
- Preliminary Tree Removal & Retention Plan TR&R/Prelim NE Witham/07.10.21
- Revised Design & Access Statement (Aug 21)
- Vision Statement (Sept 21)
- Agricultural Land Use Classification Report (Dec 20)
- Air Quality Assessment (Dec 20)
- Archaeological Desk Based Assessment (Dec 20)
- Revised Ecological Impact Assessment (Oct 21)
- Draft Habitat Regulations Assessment (Dec 20)
- Revised Reptile Mitigation Strategy (July 21)
- Skylark Mitigation Summary Note (July 21)
- Additional SES Technical Note on Ecology (March 21)
- Flood Risk Assessment (Dec 20)
- Additional Drainage Calculations (Jan 21)
- Heritage Statement (Dec 20)
- Landscape and Visual Appraisal Report (Dec 20)
- Minerals Resource Assessment (Dec 20)
- Advice Note on Viability of Mineral Extraction (May 21)
- Noise Impact Assessment (Dec 20)
- Phase 1 Contaminated Land Desk Study (Dec 20)
- Planning Statement (Dec 20)
- Statement of Community Involvement (Dec 20)
- Transport Statement (Dec 20)
- Tree Constraints Report (Dec 20)
- Utility Assessment (Dec 20)

Development of a similar nature, but a larger number of dwellings, was initially screened under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in October 2020 (Application Reference 20/00005/SCR). The Local Planning Authority (LPA) concluded in that case that 250 dwellings would not have a significant impact of more than local importance upon the environment and therefore did not need to be accompanied by an Environmental Statement. The LPA has no reason to

alter its screening opinion for this development given there has been a reduction in the number of dwellings proposed.

## SUMMARY OF CONSULTATION RESPONSES

### Anglian Water

No objection. Confirm there are assets that lie within the site.

### Cadent Gas

No objection in principle, note that there are restrictions which will have to be observed and this will constrain the scale, layout and landscaping of the development at reserved matters stages.

### Essex Police (Designing Out Crime Officer)

No objection.

### Essex Fire & Rescue

No objection.

### ECC Archaeology

No objection, subject to conditions.

### ECC Education & Housing

No objections, subject to commuted sums secured towards the provision of Early Years Childcare, Primary and Secondary Education provision and Library Services.

### ECC Green Infrastructure Service

No objection, subject to conditions.

### ECC Independent Living

No comment received.

### ECC Minerals & Waste

Maintain an objection in principle on the basis that the site lies within a designated Minerals Safeguarding Area and the proposed development would act to unnecessarily sterilise an otherwise viable mineral resource, therefore is contrary to Policy S8 of the Essex Minerals Local Plan 2014, also noting that unless 'not normal' circumstances exist, the proposal would also be contrary to Paragraph 212 of the NPPF.

Following submission of a Report on the Viability of Mineral Extraction by the applicant, the Minerals & Waste Planning Authority (MWPA) maintains that there is nothing to suggest in principle that the site does not have potential for future mineral working. However, should the LPA come to the conclusion that 'not normal' circumstances exist to justify development within a Mineral Safeguarding Area, therefore is not contrary to Paragraph 212 of the NPPF, then *"the MWPA accepts that prior extraction ahead of the implementation of non-mineral development may not be practical, due in part to the relatively low yield, and has no further comment to make"*.

#### ECC SuDS

No objection, subject to conditions.

#### ECC Highway Authority

No objection subject to conditions and section 106 obligations being secured.

The Highway Authority have specifically commented that they are:

*"Aware the planning application is accompanied by a Transport Statement, when a proposal of the scale being applied for would normally require a Transport Assessment. However, the National Planning Policy Framework (NPPF), updated in July 2021, places significant emphasis on the need to reduce travel, particularly by private motor car and promote the use of more sustainable modes of transport such as public transport, cycling and walking.*

*The location of development is crucial in achieving this key NPPF objective. It should also be in close proximity to services and facilities as well as options for onward travel connections by public transport, cycling and walking.*

*The Highway Authority accepts the proposal is likely to generate additional trips onto the local highway network, however, due to the proposed site's location and significant improvements to public transport, cycling and walking mentioned below, this should minimise the number of additional trips such that they would be unlikely to have a severe impact as is the test set by the NPPF.*

*On this basis, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority."*

#### Highways England

No objection.

#### Health & Safety Executive

HSE does not advise on safety grounds against the granting of planning permission in this case.

### National Grid

No objection; confirm apparatus within the vicinity.

### Natural England

No objection; confirm they are satisfied that the mitigation described in the Appropriate Assessment is in line with their strategic-level advice and that this mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance. Advise that an appropriate planning conditions or obligations are attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area.

### NHS England

No objections provided a commuted sum is provided towards extension of either Collingwood Road Surgery or Witham Health Centre.

### Open Spaces Society

No comments received.

### Sport England

Do not object in principle to the provision of outdoor sports pitches, however submitted an interim objection in the absence of an indicative plan showing how the pitches would be laid out and a schedule of minimum facilities. An Illustrative Sports Pitch Layout drawing was provided on 10<sup>th</sup> June 2021 and Sport England stated on 4<sup>th</sup> August 2021 that they have no comment to make on the amended plans. Sport England then also referred to their previous response, which made objection to the proposal on the basis that monies have not been secured which contribute to indoor sports facilities in the area. In their earlier response they also requested condition is applied requiring the reserved matters to demonstrate that the principles of 'Active Design' Guidance have been considered and citing the Essex Design Guide (2018) as a policy basis for this [*Officer comment: Braintree District Council has not adopted the 2018 version of the Essex Design Guide Sport England refer to; the version (2005) which has been adopted does not make specific reference to Active Design.*]

### Ramblers Association

No comments received to date. The Association have recently been re-consulted in the light of works proposed under Section 106 to PROW105\_1 which lies within highway land outside the site red line. The deadline for receipt of comments is 20.10.21. Any comments received will be considered by Officers and reported to Committee.

## BDC Ecology

No objections to date, subject to conditions and implementation of HRA mitigation measures. The BDC Ecological Consultant has recently been consulted on a revision received to the Ecological Impact Assessment Report (October 2021) and the deadline for receipt of comments is 18.10.21. Any further comments received will be considered by Officers and reported to Committee.

## BDC Historic Buildings Consultant

Do not object, concluding that the heritage balance (now Paragraph 202 of the NPPF 2021) is applied whereby the harm to the building must be weighed against the public benefits of the scheme and that Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. Provide specific comments as follows:

*“No heritage assets are located within the site. The Old Rectory, a Grade II listed building is to the west of the site (list entry number: 1122557, listed as ‘Rivenhall Old Rectory’). As all matters are reserved, this consultation response concerns the setting of the listed building and how the principle of developing the site will affect the special interest of The Old Rectory.*

*Set in spacious grounds, The Old Rectory is thought to date from the sixteenth century, with notable later phases of development. In particular, the extensions and alterations to the dwelling the eighteenth century created the formal entrance of the dwelling which overlooks the site. Early cartographic evidence highlights that the building was historically isolated, however the expansion of Witham from the late twentieth century to the present, including Phases 1-3 of the wider scheme this site forms part of, has encroached upon the setting of the building. The site remains the only remaining area immediately surrounding the wider setting of The Old Rectory which is undeveloped and maintains an agrarian character; if developed as proposed, the listed building will be surrounded by housing and associated infrastructure outside of its own garden curtilage. Whilst the immediate setting of the building will remain, the outlook from the principle elevation will be altered and the rural setting of the building eroded- this will affect how the building is viewed, understood and appreciated within the landscape.*

*The Old Rectory did not have a functional relationship with the site, it is not a farmhouse set within its own farmland, for example, however its wider setting does make a contribution to the significance of the building. At present, The Old Rectory is the principal building in the immediate locality by virtue of its position, size and visual dominance within Rectory Lane. Although diurnal and seasonal changes alter the visibility of the building, The Old Rectory’s detached position and the flat ground level of the site create wide views both to and from the listed building towards the east, maintaining the buildings historic sense of detachment from the settlements of Chipping Hill (now part of Witham) and Rivenhall. If the land is developed as proposed, the appreciation*



*of the buildings setting and understanding of its development will be lost, harming its setting and therefore significance. Although the bulk of development will be located in the southern sections of the site, as indicated on the submitted masterplan, my concerns regarding the impact on the setting of the listed building are not fully mitigated. The change in use of the land is harmful, although locating the bulk of the residential units in the southern and centre of the site behind a green buffer, will offer mild mitigation solutions regarding the appearance of Rectory Lane and the way in which the listed building is viewed as the primary structure when travelling along the lane.*

*Any development of the site will have a negative impact on the setting of The Old Rectory, exacerbating the gradual encroachment of development that has occurred as Witham has expanded in recent decades. This harm is considered in the lower half of less than substantial harm, due to the cumulative affect of this phase, Phase 4, and other consented schemes.”*

#### BDC Waste

No objections. Comment that that detailed plans for refuse and recycling storage provisions are absent, therefore further comment cannot be given on these aspects. Criteria for road specification, bin collection distances and indemnity for damages/repairs are specified.

#### BDC Housing Enabling

No objections. A preferential mix for 30% affordable dwellings is provided which includes four wheelchair bungalows.

#### BDC Environmental Health

No objections. Confirm no exceedance of air quality objectives are predicted due to the development, that they do not anticipate any significant land contamination matters arising and that indications are internal/external noise level standards can be met with mitigation. Request conditions relating to noise mitigation, confirming dust and noise controls at the time of construction, control hours of working, preventing the burning of waste and requiring prior agreement to any piling operations.

#### BDC Landscape

No objections.

#### PARISH / TOWN COUNCIL

##### Rivenhall Parish Council

Rivenhall Parish Council objected in January 2021 making the following comments:

1. *The objections raised within the report on behalf of the Rickstones Road Action Group, a group independent of the Parish Council, are fully supported by the Parish Council and should be carefully scrutinised by the District Councils Planning Officers and Planning Committee Members.*
2. *The site, currently excluded from Part 2 of the Local Plan, being excluded from the 2014/2015 call for sites, is wholly within the rural Parish of Rivenhall and currently part Continued of open countryside which, as is the view of local residents and District Ward Councillors, should form part of the Green Buffer Zone to separate Witham from Rivenhall, discussions relative to this matter are currently in abeyance.*
3. *This site is not within the formally agreed and adopted Village Envelope. The proposed development, taken in addition to the site currently being developed along Rickstones Road, would double the size of Rivenhall and coalesce Rivenhall and Witham thereby destroying the rural benefits that existing local Rivenhall residents have bought into.*
4. *The development would have a detrimental impact upon ancient Rectory Lane. The application states that Rectory Lane is a Protected Quiet Lane which is part of the nationally recognised John Ray Walk. The application includes a reference that Bellway would seek to close the Forest Road end of Rectory Lane to all vehicles; this despite the fact that Essex County Council Highways rejected just such a similar request from Rivenhall Parish Council some years previously. Would delivery and refuse collection vehicles be required to reverse up Rectory Lane from The Lodge?*
5. *In the latest transport document in para 3.18, it states: "Key to the design and layout of phase 4 is the proposed continuation of the 3.5m wide foot and cycle path from the NCN route at Motts Lane through phase 1. It is proposed to extend this route through phase 4 development (an additional circa 600m length) to connect to another new route alongside Rickstones Road via phase 3." In June 2015, the phase one application was submitted including a proposed cycle path through the site and onward to Motts Lane. A small section in phase one was constructed. In November 2018 Condition A14, a plan was submitted for the section between phase 2 and Motts Lane. The plan was put on hold, and after two years of failing to get a response from Bellway the route was officially refused in Sept 2020. So, five years after first promising to provide the 'important' link, they are now saying it is key to the phase 4 development. Bearing in mind it has been refused, it calls into question Bellways intention to provide any more cycle paths.*
6. *The overall lack of medical facilities within Witham and the surrounding Parishes is of considerable concern even without the proposal for more residential dwellings being considered. Doctors surgeries, Dentists and other associated practices are operating at full capacity and it is currently difficult to access many of these services, adding more dwellings will onlyacerbate the problems.*

No additional comments were received from the Parish Council in the light of recent revisions in September 2021.

### Witham Town Council

Witham Town Council objected in March 2021 recommending refusal on the following grounds:

- *Severe impact upon local highways infrastructure and non-conformity with various Essex County Council Highways Policies as identified by other parties including Rivenhall Parish Council;*
- *Lack of amenities in Witham North including health facilities, a supermarket and employment opportunities;*
- *No clear boundary between Witham and Rivenhall;*
- *Damage to the green buffer separating the two communities;*
- *Section 106 monies should be spent in Witham North/Rivenhall;*
- *Provision of a community facility with combined varied uses;*
- *Lack of a Master Plan;*
- *Statement of community involvement is incorrect as Witham Town Council had not been consulted;*
- *This development should have been a single, phased development with a proper development brief and contrary to RLP10.*

The Town Council confirmed on 15<sup>th</sup> September 2021 that in the light of recent revisions their original comments still stood.

### REPRESENTATIONS

The Council received 47no. letters of objection and 3no. letters of support from members of the public in relation to the application. A summary of the main issues raised are listed below.

- Lack of compliance with planning policy RLP2, RLP3, RLP80, CS2 & CS8 and highways policies DM1, DM7, DM13, DM14 & DM15;
- Development in countryside location outside village envelope;
- Erosion of countryside buffer and coalescence between Witham and Rivenhall/Rickstones End;
- Rivenhall has taken its fair share of housing;
- Site rejected in call for sites;
- Loss of agricultural land classified Best and Most Versatile;
- Cramped development with tiny back gardens;
- Inadequate mitigation and thus harm to setting of The Old Rectory from visible proximity of housing;
- Unsustainable development due to lack of jobs in area results in 'out commuting';
- Insufficient infrastructure to support development including lack of school, doctors and dentists places to meet demand;
- Lack of Community Infrastructure Levy payment or s.106 contributions;
- Lack of Transport Assessment;
- Cumulative impact upon local highway network would be 'severe';

- Additional cumulative impact in light of A12 alterations will be unsustainable;
- Road infrastructure in area at capacity causing widespread delays;
- Increase in traffic and pollution from traffic;
- Air Quality assessment does not take all cumulative development into account;
- Incremental change in character of area which is becoming more urban;
- Cumulative impact of development upon Rivenhall including increase in traffic and damage to roads as a result;
- Anecdotal evidence of differences in road traffic accidents and background traffic in vicinity in comparison to those reported in Transport Statement;
- Place where pedestrians encouraged to cross on Rickstones Road is unsafe;
- Rickstones Road is unsafe due to cars regularly speeding in this area;
- Bus access on Rickstones Road is unsafe, notably due to chicane in road and parked vehicles;
- Inadequate visibility splay to south of bus access on Rickstones Road;
- Internal bus access road will be unsafe for pedestrians to cross due to shared use with business units;
- Poor pedestrian access to existing bus stops on Rickstones Road;
- Improvements to bus, cycle & pedestrian provision will not convince people to walk and traffic will still increase and modal shift aspired to will not be delivered;
- Distance to walk or cycle to facilities in Witham is too far (measurements in Transport Statement are underestimates);
- Internal estate road (Evans Way) unsafe for pedestrians/children crossing opposite play area and this will be exacerbated by traffic;
- Urbanising impact of increased width of access on Rickstones Road;
- History of flooding in locality and further development will exacerbate this;
- Loss of vegetation to create visibility splay on Rickstones Road;
- Need for applicant to build in accordance with plans and honour wildlife mitigation required;
- Impact upon, and harm to, protected and priority species;
- Methods of mitigation for protected species would harm them, such as relocation of skylarks and machinery to scour the soil where GCN are present;
- Mature trees should be stipulated for new planting to compensate for the vegetation and wildlife lost;
- Loss of amenity to users of footpath (John Ray Walk) caused by proximity of housing and noise from playing fields which represent a harmful change to historic and landscape character of that area;
- Harm to character and positive qualities of Rectory Lane as a protected lane;
- Lack of need for Sports Pitches – existing at provision at Albert Moss Playing Fields in Rivenhall is not being used and Rickstones Academy and Laburnum Way also has playing fields;
- Lack of parking for football pitches and potential use of car park by residents;
- Proximity of bus access to playing fields is dangerous and high fence would be required which would be visually harmful;

- Pitches are security risk for neighbouring properties on Rickstones Road;
- Noise from playing pitches would cause loss of residential amenity;
- Loss of amenity to 302 & 303 Rickstones Road as a result of additional bus traffic including noise and pollution;
- Loss of amenity due to construction site operations;
- Impact of lighting of the development upon neighbouring properties;
- Lack of community engagement;
- Lack of detail on refuse and ownership of estate roads;
- Sterilisation of mineral resource in absence of 'not normal' circumstances;
- The provision of affordable housing is a significant benefit;
- House building will create badly needed jobs and social housing;
- It is good to see Witham growing, which will support the provision of new schools and increase viability of high street.

Matters raised which are not material to a planning decision included loss of view, preference for a different form of development and suggestion of other options, and conduct of the applicant in relation to their other developments in the locality.

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF) 2021

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).

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.

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.

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 the needs of groups with specific housing requirements are addressed, 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) the housing requirement set out in adopted strategic policies plus the relevant buffer.

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.

### 5 Year Housing Land Supply

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 this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 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.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Draft Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission were 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, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a

5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five 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.

### The Development Plan

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).

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.

The site is located in an area of 'countryside', therefore constitutes a departure from Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy. As a consequence, the proposal also represents a departure from the Development Plan as a whole. For similar reasons a conflict is also identified with Policy LPP1 of the Draft Section 2 Plan, albeit given its stage of preparation this document does not form part of the Development Plan and attracts limited weight.

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs that that permission should not be granted for this development unless material considerations indicate otherwise. Material considerations pertinent to this particular application include the NPPF and the District's five year housing supply. Paragraph 11 of the NPPF sets out the 'presumption in favour of sustainable development' and Paragraph 12 advises that *"Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

## SITE ASSESSMENT

### Accessibility of Location

Witham is classified as a 'Main Town' in the Core Strategy and a 'Town' in the Section 1 Plan. In both cases, the underlying spatial strategy implies in principle that the town is capable of accommodating a significant amount of development, representing one of the most sustainable locations in the District for new growth on account of the availability of local employment, services, facilities and transport links. Policy CS7 of the Core Strategy supports this rationale by directing development into locations which are 'accessible' and where opportunities to take up sustainable forms of transport are available, or can be improved. The approach is consistent with the objectives of Paragraph 105 of the NPPF which states that:

*"The planning system should actively manage patterns of growth in support of these objectives. 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".*

Approximate distances from developable areas of the site to key services and facilities within Witham are given below (as measured by Officers):

Convenience Store & Pharmacy (Phase 1) – 350m  
Rivenhall Oaks Golf Centre & Bar/Restaurant – 70m  
Primary & Secondary School (via Forest Rd & Conrad Rd) – 1km  
Witham Train Station (via Motts Lane & Cut Throat Lane) – 1.5km  
Witham Town Centre (via Motts Lane & Cut Throat Lane) – 2.2km  
Eastways Industrial Estate (via Motts Lane) – 1km

There are existing bus stops on Forest Road and Rickstones Road within the vicinity of the site. However, if development were to go ahead on the site, the Section 106 Agreement would make provision as a minimum for two new bus stops and for busses to enter and turn within, or closer to, the site. The Agreement would also ensure the provision of four upgraded existing or new bus stops on Forrest Road and/or Rickstones Road. In addition, it is also proposed to provide an internal route for buses to enter the site via Evans Way and exit the site to the north on Rickstone's Road, thus following a loop, provided the use of this route in the north adjacent the sports pitches can be restricted via a Traffic Regulation Order to use only by buses, taxis and motorcycles (as shown in principle on drawing number 2002470-012 Rev A).

In addition, it is proposed to provide a commuted sum of £2.1million towards public transport improvements, which could be used to extend the No.90 (Witham-Heybridge-Maldon) bus service into the site and upgrade it to a 20 minute frequency service Monday to Saturday 6am-7pm as opposed to the present 30 minute frequency. The aim is also to increase the service to an at least hourly frequency 7pm to 10pm and 6am to 10pm Sundays. The bus



service would allow residents of the development to access the supermarket (Morrisons) within Witham as well as the railway station and town centre.

The Parameters Plans provided with the application show how the existing cycle and footpath connections would be extended within the site and new connections formed, notably a continuation of the foot and cycle path through Phase 1 and Phase 4 to connect to Rickstones Road. As well as ensuring the southern part of Rectory Lane is restricted only for use by pedestrians and cyclists, those pedestrians and cyclists entering Rectory Lane from the north-west of the site would be provided with staggered cycle barriers and an uncontrolled crossing connecting to a new cycle/footpath through Phase 3 to Rickstone's Road.

Under the legal obligations of the Section 106 Agreement, the applicant would also be obliged to provide an uncontrolled crossing with staggered cycle barriers across Rickstones Road. This would link to an improved cycle/footway on the northern side of this road; the existing public footpath being widened and upgraded to allow cycles to connect to the new SEN school and existing primary and secondary schools on Conrad Road (as shown on drawing number 2002470-016B). Subject to further detail and Highway Authority approval, the applicant would also be obliged under the Section 106 Agreement to provide a controlled crossing on Rickstones Road at a point to be agreed anywhere between the junction of Conrad Road and the bus access into the site (points X and Y as shown on drawing number 20020470-016B).

Within the site going south towards the town centre, a cycle/footpath is shown on the Parameter Plans connecting the development to a cycle/footpath already to be provided in earlier phases that then links to an existing cycle/footpath along Mott's Lane. Rivenhall Parish Council have pointed out that approval of the details of the path required to be provided by earlier phases has been subject to delay, but Officers can confirm that recently revised plans have been submitted following further discussions with Essex County Council; including amendments to the proposed lighting of the path and surface water drainage from it. These plans are under consideration and, if technical approval is given, the applicant will be required to press on with the delivery of the new path required in earlier phases in order to be compliant with the conditions of the earlier consent. There is therefore no reason to conclude that these issues will not have been resolved in advance of Phase 4 being occupied with the full route therefore being available as planned.

Once the connection between earlier phases of the development and Mott's Lane has been provided, inhabitants of the development will have access to a designated off road cycle route via Cut Throat Lane for the majority of their journey to the Train Station. Furthermore, in association with this development, further improvements would be delivered by the developer beyond the station connecting to the Town Centre. Current plans (reference 20002470-14 Rev K) show a new shared footway/cycleway starting on Albert Road, with a new Toucan crossing provided south of the railway line across the B1018, with the lights for this crossing linked to other crossings in the

north in order to ensure the existing flow of traffic is not adversely affected. The new shared 3m wide footway/cycleway would then continue on the northern side of Collingwood Road from the junction with The Avenue down to the junction with Guithavon Valley. Beyond this, south of the junction with Guithavon Valley down to Newlands Drive, the arrangement of Collingwood Road would be altered to provide a stepped cycle lane on both sides of the road.

The stepped cycle lanes proposed along Collingwood Road would be the first of their kind in the District and would be of a format which is held to be best practice within Local Transport Note 1/20 (Cycle Infrastructure Design 2020). The arrangement would give priority to cycles as a mode of transport in their own right and would promote the provision of a coherent, connected, segregated and safe cycle route in accordance with the Council's Cycling Strategy 2021. However, in order to provide this arrangement Traffic Regulation Orders are necessary to remove existing visitor parking on the carriageway and introduce restrictions. Should these orders not be successful, then the developer would be obliged to deliver a suitable alternative scheme delivering connectivity for pedestrians/cycles along this route.

As noted above, the Traffic Regulation Orders (TRO) which permit provision of the bus lane and provision of the cycle route along Collingwood Road are presently yet to be determined, but the TRO for restrictions to limit use of Rectory Lane to motorised vehicles is confirmed capable of being made. Traffic Regulation Orders are subject to a month long consultation process and can require cabinet member approval to be signed off. As such, it is not known whether the outstanding TROs will yet be made in their present form, subsequently revised, or not made at all. In spite of this uncertainty, Officers consider that the Section 106 Agreement has accounted for as many eventualities as possible in order to secure the maximum benefits should they prove practicable to achieve.

In relation to those schemes subject to outstanding consents or subsequent approvals, Members are advised that the weight afforded to those highway works in the planning balance should only equate to the minimum which is guaranteed in the Section 106 Agreement as drafted. For example, there is an outlying possibility that the controlled crossing on Rickstones Road, the bus loop through the sports pitches onto Rickstones Road and the stepped cycleway along Collingwood Road may not come to fruition at all, or in the ideal forms shown. However, in general and as a whole, Officers consider there is potential for significant improvements to be secured to the existing sustainable transport network in connection with this development and it is noted those benefits would not be confined solely to being felt by the inhabitants of the development alone.

Taking the above into account, in summary, Officers consider the development's proposed location is, or can be, made sustainable and therefore it would not be justified to refuse the proposal on the basis that there is insufficient access to a genuine choice of transport modes in this location. In addition, the development proposes to deliver substantial improvements to

the wider foot and cycle path network which those living nearby to the site can take advantage of as well as the inhabitants of the development itself. Officers are of the view this amounts to significant additional benefits in the planning balance over and above that strictly required to comply with policy.

#### Impact on Local Highway Network & Highway Safety

Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Paragraph 112 states that within this context, development should *“give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...”* and *“...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*

The Highway Authority, aware of the conclusions of Ringway Jacobs Local Plan Proffered Option Assessment (2017), agreed that there was very limited opportunities to improve the carrying capacity of the local highway network within the locality. On that basis, a Transport Statement was required from the applicant rather than a Transport Assessment; it being acknowledged that such assessment is not likely to find that the existing network can be improved. Whilst this does give rise to a prima facie conflict with Policy RLP54 of the Adopted Local Plan, which requires a Transport Assessment for all Major development proposals, it is apparent that the Highway Authority remain comfortable they can determine the effects of this particular development upon traffic congestion, public transport, cycling and walking without a Transport Assessment in this specific case.

Within this context, the Highway Authority has stated they do not consider the residual cumulative impacts of this development upon the road network caused by this development would be ‘severe’; therefore the NPPF would direct against refusing this application on highway grounds. This area of Witham has a potential to provide excellent access to alternative means of sustainable transport, but finds itself with a road network that is largely beyond capacity improvement. In such a circumstance, it accords with policy for the focus of mitigation to shift towards improving existing networks which encourage use of more sustainable modes of transport rather than concentrate on facilitating the motor car instead. The Highway Authority has experience of a number of sites with similar constraints elsewhere in Essex and has observed that a generous package of improvements to existing sustainable transport networks can be very effective at reducing trip rates from developments as a whole.

The package of measures in this case seeks to deliver a strong network of cycle and footpaths within the site, additional off-road connections going north to schools via Rickstones Road and south along Collingwood Road to the Town Centre, together with the closing off of Rectory Lane to traffic and a substantial contribution to fund the expansion of bus infrastructure serving the site. The Highway Authority advises that this will increase the offer from more

sustainable transport modes, presenting the inhabitants of the development with a realistic alternative to the motor car and means to make smarter transport choices should they wish to do so. Whilst it is not possible to quantify the precise modal shift towards sustainable modes of transport that would be achieved by these measures, given some of them are down to individual choice, it is likely the improvements will present similarly appealing opportunities for those living in earlier phases of the development and the immediate locality as they would to inhabitants of the site. Overall it is considered that these measures have the potential to deliver a reduction in congestion within the road network than would otherwise be the case without them, helping to make active travel and public transport a viable alternative to the motor car.

In relation to highway safety considerations, it is evident that the provision of the bus access onto Rickstones Road has generated a great deal of concern from local residents. The Highway Authority has reviewed the objections of the Rickstones Road Action Group and, having considered their comments, has confirmed that, taking into account the speed limits of the road, they consider the junction arrangement to be safe. The access has been designed with a widening taper to allow busses to turn left out of the access without needing to enter the oncoming lane of traffic, however the arrangement is considered safe to accommodate bus movements from all directions. The scheme has been subject to a Stage 1 Road Safety Audit post submission of the application, and the Highway Authority are satisfied with its conclusions.

Similarly, whilst local residents may be concerned regarding the safety of the uncontrolled crossing proposed across Rickstones Road, the Highway Authority are comfortable with its design. Whilst the Highway Authority felt they could not *insist* upon a controlled crossing on Rickstones Road due to the fact that demand for it was calculated to be low, they are open to the principle of one being provided subject to the Stage 1 Road Safety Audit and further design work that is usually required to fully assess the suitability of such schemes.

Turning to the internal arrangements of roads and uses on the site, the Highway Authority raises no objections to any elements. For example, they remain satisfied that the 3m run off area and additional 12m distance, as shown indicatively to be provided between the bus lane and the playing pitch run off areas, is sufficient to safeguard the safety of those using the bus lane access road from activities on the sports pitches adjacent.

Taking the above into account, it is concluded that a genuine choice of sustainable transport modes does exist in the settlement to support a move away from private car use if inhabitants are so inclined. So whilst some harm will always arise from any development due to the inevitable preference among some of its occupants to use a car, the siting of development is not such that the default choice need be the car, and the impacts generated from dwellings in this location will be less than they would be if housing were located in alternative settlements in the District which do not possess these attributes.

In summary, the site is regarded to be in an 'accessible location', and the proposal would not give rise to an unacceptable impact upon highway safety or result in residual cumulative impact upon the road network that would be severe. Thus the proposal is judged to be compliant with Policy CS7 of the Core Strategy and Paragraphs 111 and 112 of the NPPF.

### Heritage

Policy RLP100 of the Adopted Local Plan states that, in instances where development involves a change of use, it will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land, and development will only be permitted where it does not harm the setting of the listed building. Policy SP7 of the Section 1 Plan requires that new development protect and enhance assets of historical value. Paragraph 199 of the NPPF advises that, when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. Paragraph 202 of the NPPF states that, where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The Council has a duty under Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

The development is located approximately 100m from Grade II listed Old Rectory. The Old Rectory is a large detached dwelling set within its own extensive grounds whose significance is largely derived from its historic fabric and societal value. The Parameter Plans submitted show an open space area which would result in a set-back of development from Rectory Lane. In addition, vegetation within the grounds of The Old Rectory and on either side of Rectory Lane currently offers some screening and separation from the listed building.

Recent revisions to the Green Infrastructure Parameter Plans now indicate there would be an '*Additional Landscape Planted Edge*' along the perimeter of the development facing The Old Rectory. The Vision Statement commits to provide this planted edge within the developable area if it is not possible to do so in the open space due to restrictions presented by the gas main easement.

The advice of the Council's Historic Buildings Consultant however is that the effects of development upon the setting of the listed building would not be fully mitigated. The separation of development and provision of the green buffer would not be sufficient to overcome the fundamental change of use of the land, and the gradual encroachment of development which has occurred since Witham has expanded in recent decades would be exacerbated. The result

therefore would still amount to harm to the setting of the asset, judged to be in the lower half of the *'less than substantial'* category.

The development would result in a reduction in the sense of spatial isolation enjoyed by the building historically. These negative effects have been cumulative due early phases of development occurring and then the proposal seeking to encroach closer. However, the public benefits of growth in the locality, and the particular offer of up to 230 dwellings on this site have also correspondingly cumulatively accrued. Therefore, whilst it may be argued the heritage balance advocated in the NPPF has been satisfied, it is not possible to conclude that the proposal enhances or does not harm the setting of The Old Rectory. On this basis there is a lack of compliance with Policy RLP100 of the Adopted Local Plan and only partial compliance with Policy SP7 of the Section 1 Plan given that harm, rather than protection, preservation or enhancement would occur. This factor weighs against the proposal in the overall planning balance.

### Design

Paragraph 130 of the NPPF requires among other things that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy SP7 of the Section 1 Plan requires that new development responds positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy RLP90 of the Adopted Local Plan requires a high standard of design for all development and that the layout, height and overall design of development are in harmony with the character and appearance of the surrounding area.

The application is accompanied by Parameters Plans which cover Land Use, Green Infrastructure, Storey Heights, Vehicular Access & Movement and Pedestrian/Cycle Access and Movement. An Indicative Masterplan was submitted which Officers considered demonstrated that 230 dwellings could be suitably accommodated on the site. The Parameters Plans have been subject to revision and a new document; – a Vision Statement has also been submitted. Officers propose to use the Vision Statement to guide and bind the quality of development on the site, requiring that the Design Code to be agreed prior to submission of the Reserved Matters demonstrates compliance with the design principles of the Vision Statement.

The Parameters Plans and Vision Statement show two development parcels in the south and east of the site, abutting previous development phases. In the west, a linear park is proposed, culminating in the north with land containing sports pitches and the bus lane linking to Rickstones Road. The Vision Statement which accompanies the application is forthright in its commitment to achieving high quality design; acknowledging that earlier phases of development are of a standard which needs to be improved upon today. Instead the positive attributes of other areas of Witham such as Chipping Hill, The Avenue, Guithavon Street and Rectory Lane have been used as the foundation for the five character areas proposed: 'The Avenue', 'Country Edge', 'Parkland', 'Recreation Ground' and 'Internal Spaces'.

Unusually, the Vision indicates a strong commitment to raising standards aesthetically, creating beautiful surroundings and designing a high quality development which reflects the best characteristics that the existing town has to offer. Officers are of the view that some flexibility in the appearance of dwellings may be required if the scheme is to create a distinctive place which effectively achieves these aims.

In relation to energy use, the Vision Statement seeks to exceed building regulations with an enhanced approach to fabric, ventilation and heating design as well as a commitment to solar PV generation on every plot. A tree planting strategy is also provided within the document which acknowledges the ambition and requirement within Paragraph 131 of the NPPF that new streets are tree lined and which ensures that opportunities are taken to incorporate trees elsewhere in the development, such as through the provision of new woodland areas and parkland.

Officers consider that the Vision and expectations for the site are sufficiently clear as to comply with Paragraph 127 of the NPPF and to in theory achieve the high standards of place making required by Policy SP7 of the Section 1 Plan. The Design Code which is to be submitted prior to the Reserved Matters, will provide an opportunity for the principles acknowledged within the Vision to be explored further and developed.

In combination with the Vision Statement, the Parameters Plans offer a further framework which will govern spatial design and layout. For example, in terms of scale, there is a commitment to limit the scale of dwellings to two storey around the perimeter and two-and-a-half storey around the main access road. The Access and Movement Parameters Plans show the provision of an indicative spine road accessed from Evans way, which converts into a bus lane as it enters the open space in the north, then exiting on Rickstones Road in conjunction with retained access for users of businesses at The Barn adjacent. The Plans also show the retention of main access to the Golf Course and a track used for maintenance vehicles from Rectory Lane in the north. Cycle paths are shown to be provided that connect to the existing path provided in earlier phases. As well as retention of woodland in the central belt and triangle of land in the south, the Green Infrastructure Plan shows provision of a park in the west, sports pitches in the north, and a green buffer containing a path around the eastern boundary of the site. A NEAP is shown in the south adjacent the existing Fort Play Area provided in earlier phases. New Sustainable Urban Drainage Solution (SuDS) features are to be located in the south-east and south-west. The location of gas main and high voltage electricity cabling can be seen on the Land Use Parameter Plan running south to north-west and south to north-east respectively within the site.

The developable area shown within these plans is 8ha, which gives an average density of 29 dwellings per hectare (dph), which is significantly lower than that of Phase 1 which equated to 40dph. The Vision Statement provided with the application acknowledges that Phases 1 and 2, particularly their interior, were not overly successful at fulfilling place making or design

objectives in the past and therefore a new approach is required for Phase 4. Officers are of the view that the number of dwellings contained within the illustrative layout can be accommodated on the site in a manner that would, for the purposes of an outline application, accord with local and national policy, including the required levels of parking, separation distances and street trees.

Details of the indicative mix used to base the Illustrative Masterplan is provided below:

1 bed:	6 affordable	
2 bed:	43 affordable	36 open market
3 bed:	16 affordable	69 open market
4 bed:	4 affordable	56 open market
<i>Total:</i>	<i>69 affordable</i>	<i>161 open market</i>

The open market is only indicative at this stage. However, the mix above would require a higher proportion of 1 and 2 bedroom properties if it is to comply with Policy LPP37 of the Section 2 Plan at Reserved Matters stages. Whilst this Policy carries limited weight at this time, in order to achieve a suitably mixed community in accordance with Policy RLP7 of the Adopted Local Plan, the findings of the 2015 SHMA update (or its successor) remain relevant. In order to secure the benefits of provision to this effect, a condition is applied controlling the open market mix to provide 20% 1 and 2 bedroom dwellings at Reserved Matters stages in accordance with the standard approach the LPA has adopted on similar sites of this nature in the past.

### Open Space Provision

Policy RLP138 of the Adopted Local Plan requires land to be made available for open space in housing developments and for their size and location to be adequate to meet the needs of the development they serve. Policy CS10 of the Core Strategy provides standards for open space provision which have been exceeded in this case. Subject to Section 106 agreement, there is also compliance with the Open Space SPD which requires contributions to allotments and outdoor sports provision.

As indicated on the Green Infrastructure Parameters Plan, the proposed development would provide a variety of public open space on the site, including the provision of grass football pitches, changing facilities and car park in the north, as well as a Neighbourhood Equipped Area of Play (NEAP) next to the Locally Equipped Area of Play (LEAP) delivered in Phase 1, and a woodland area to be managed for biodiversity in the south. This would provide a permeable and accessible network of green space which will be necessary to serve the needs of the inhabitants of the development, but will also be of value to the wider community. In total the site would support 2.3ha of Sports Pitches, 2.2ha of Open Space and 3.1ha of Woodland (7.6ha in total) whilst residential development would comprise 7.6ha of the 17.1ha site.



Policy CS10 of the Core Strategy requires 2ha of land per 1000 population for use as Outdoor Sports facilities. Based on average occupancy levels within the District a development of up to 230 dwellings could be expected to provide 1.09ha of land for outdoor sports facilities. Neither the SPD or Policy LPP53 of the Section 2 Plan would require on-site provision of outdoor sports facilities for schemes of 250 dwellings or under. The provision of 2.3ha of sports pitches in this case is therefore in excess of required levels for a development of 230 dwellings.

Rather than a contribution, in this case the developer will provide the land in order that it can be used for grass football pitches. The work they will undertake will include levelling the land, installing drainage as required, cultivating turf suitable for sports use, the provision of a car for visitors to the site and a sports pavilion. When completed the facility will be transferred for a nominal fee to the District Council to own and manage. Officers consider this to be a significant public benefit for the following reasons.

The Council's Playing Pitch Strategy identified that one of the main issues was the provision of appropriate pitches for junior football teams with a number of sites not having enough capacity to meet existing demand. In addition Officers acknowledge that North East Witham has seen a significant growth in recent years, including 443 dwellings in earlier phases. With up to 230 further dwellings proposed within this application it is important that appropriate provision is made to meet the additional demand that these new homes will create.

Officers are also aware that there are pressures on existing sports pitches in the area. The Council owned Rickstones Sports Ground is heavily used and its popularity is known to be causing management issues. The Rickstones Academy did make their playing field available for hire to football clubs at weekends but Officers understand that this facility is no longer publicly available. This is an issue that the Council's Playing Pitch Strategy acknowledges. The Council can use planning controls to prevent sports pitches being built on, but it cannot compel landowners to make sports pitches available for public use. Whilst the Academy may make the pitches available for public hire that could also stop again.

As the sports pitches on this development will be transferred to the District Council, Officers can be confident they will not only add to the number of pitches available in the area but that the pitches provided will also always remain publicly available. Members who were involved in the development of the Core Strategy in 2011 may also recall that when the land was promoted for development then the illustrative masterplan, which included this application site and the earlier phases, proposed grass sports pitches at the northern end of the site. The sports pitches being proposed by the applicant are broadly reflective of the original intentions and Officers consider their inclusion to be appropriate and will help to provide a further part of the social infrastructure that is required to support the growth in this part of the town.

It is noted that some residents have questioned the need for new pitches when it is claimed that existing local facilities are not being used at the Albert Moss Playing Fields in Rivenhall, Rickstones Academy and Laburnum Way. Officers regard the proposed development as being an extension to the town of Witham and that appropriate facilities should be provided for future residents in the town, where they have the option to walk and cycle to access them, which would discount use of the playing fields at Rivenhall. As noted above the pitches at the Rickstones Academy are not being used because of the school management and not a lack of demand. The pitches at Laburnum Way (Rickstones Sports Ground) are understood to be well used by local teams. It should also be noted that Officers have worked with representatives of Sport England and the County Football Association and that both have supported the provision of additional grass pitches to help meet existing and future demand.

An illustrative layout has been provided for the sports pitches which shows that how one adult and one youth pitch can be provided alongside a pavilion containing changing facilities, cycle storage and a policy compliant level of car parking. Sport England have confirmed they do not object in the principle to the provision of these facilities. Officers are currently in dialogue with Sport England to confirm whether they are content with the specific terms of provision as set out in the draft Section 106 Agreement. Should any changes be requested, these will be considered by Officers and reported to committee along with a revised recommendation as necessary.

Unfortunately, ongoing correspondence with Sport England has not yet proved fruitful in addressing their objection to the lack of a financial contribution to indoor sports facilities in the town. However, despite investigating the matter extensively, Officers have been unable to identify a project within the town upon which such funds could be spent. It is therefore not considered fair or reasonable to require monies under Section 106 Agreement if they have no realistic or tangible prospect of being used. Officers will update Members of any progress made on this matter at the committee meeting.

### Landscape Character

Policy CS8 of the Core Strategy requires amongst other things that all development proposals have regard for the landscape and its sensitivity to change; requiring that development enhances the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan requires new development proposals to not be detrimental to the distinctive landscape features and successfully integrate into the local landscape. Paragraph 130 of the NPPF requires decisions to ensure that developments are sympathetic to landscape setting, whilst Paragraph 174 explains the planning system should recognise the intrinsic character and beauty of the countryside; a sentiment also echoed in Policy CS5 of the Core Strategy.

The site has been subject to Landscape and Visual Impact Assessment (LVIA). The site is mostly located within the B18 Silver End Farmland Plateaux Landscape Character Area (LCA), with a small block of woodland at the south-eastern edge lying within the A9 Blackwater River Valley LCA. The Council's Landscape Consultant considers that overall the value of the landscape comprising the site and its immediate setting is classified '*medium/high*'.

In short, the effect of development upon the landscape in this location is considered to be limited by a number of factors, including the enclosed nature of the site, its isolation from the wider arable farmland comprising the Silver End Farmland Plateau LCA and the visual and physical connections between the site and earlier phases of development in the south. Therefore, whilst development of the site will result in an inevitable loss of its rural character, the Green Infrastructure Parameters Plan which proposes supplemental planting and a wide corridor of open space separating development from Rectory Lane does respond to local sensitivities in the landscape.

Rectory Lane is a 'Protected Lane' as identified in Policy RLP87 of the Adopted Local Plan, whereby the Council will '*seek to conserve*' its traditional landscape and nature conservation character, including any associated verges, banks and ditches. The Rivenhall Village Design Statement 2005 identifies Rectory Lane as an '*oasis of peace and old world charm*'. The only intrinsic change to the physical appearance of Rectory Lane will be the provision of the turning head to the bend lying south of The Old Rectory. The works are required in order to facilitate prohibition of the lane south of this to all vehicles except for cycles. In accordance with the guidelines of the Rivenhall Village Design Statement, this will prevent any through-traffic, reducing vehicular traffic in total and encouraging its use by pedestrians and cyclists. The applicant has confirmed that the turning head is capable of accommodating refuse vehicles. The Council's Landscape Consultant considers that, subject to careful placement of additional planting along the lane and around the turning area at Reserved Matters stages, these changes would be beneficial in landscape terms. Overall the effect upon the local landscape character of the site is considered to be '*moderate adverse*'.

It is acknowledged that the experience of the footpath which forms part of the John Ray Walk is already influenced by the proximity of earlier phases of development in the south. Whilst this footpath does provide users with some views looking north over arable fields within the western part of the site, any sense of arriving or setting off into the wider countryside is diminished by the residential and recreational uses nearby. Overall the effects upon the visual amenity of users of the footpaths on site is also considered to be '*moderate adverse*'.

### Arboricultural Impacts

The Tree Constraints Survey identifies a number of field edge trees and hedges mostly of moderate and low quality located around the site boundary. There are two Category A ancient veteran Oaks (T32 & T36) which are

located within the highway boundary on Rectory Lane which are shown to be retained. The site also contains 12 Category B trees and two Category B woodlands; the woodland belt in the centre (W4) and woodland area within the triangle of land in the south (W100). It has been identified that these woodland belts will require targeted management in order to retain and increase their biodiversity in the long term. For example, the central woodland belt has been planted on a uniform grid formation which has become overly dense limiting the establishment of ground flora beneath. Selective tree removal to create a more irregular 'scalloped' edge to the woodland and additional planting of smaller native trees and shrubs adjacent this area will also help to diversify the habitat and naturalise the appearance of the woodland. These woodland areas are proposed to form part of the public Open Space within the scheme and would be subject to a management and maintenance regime implemented by a management company post occupation to ensure their improved amenity and biodiversity value.

A specific plan has been submitted (TR&R/Prelim NE Witham/07.10.21) which highlights all areas preliminarily identified for tree removal. A schedule of tree removals is provided with the plan which demonstrates that the majority of trees likely to be removed are Category C with four Category B trees.

The Tree Constraints Survey specifically identifies removal of a short section of Category C vegetation (S49) in the north-west of the site comprising elm saplings, wild clematis and bramble in order to provide the foot/cycle path which crosses Rectory Lane providing onward passage through Phase 3/Rickstones Road. Areas initially proposed for tree removal also include part removal of an area of woodland (W4) in the centre of the site to provide the NEAP and spine road (shown hatched red on Plan TR&R/Prelim NE Witham/07.10.21) and the loss of a number of scattered trees in the east (T73 and T98), most of which are Category C, but including two Category B Pine trees (T93 & T94).

There would inevitably be loss of Category C trees/vegetation to facilitate the provision of a wider access road and longer western visibility splay to serve the bus lane on Rickstones Road. It is considered that the loss of trees around the new access on Rickstones Road (G102) would be unfortunate, but would not be unduly visually detrimental given the area is characterised by built development and has an open format already. The provision of a full visibility splay would also represent a benefit to existing users as well as busses. In order to provide the bus lane, an area of Category C woodland (W44) would need to be lost; the trees in this area have been recorded as largely containing trees of poor structural and physiological condition.

Tree removals elsewhere on site are confined to removals to facilitate the management of the plantation blocks (G71, W4 & W100) to improve their biodiversity value and long term continuity, to encourage a varied species, age and structure with healthy regeneration of self-seeded saplings, understory shrubs and ground flora. An area of category C trees (G99) in the south of the site is also proposed for removal in order to accommodate the layout.

Offsite three Category C trees (T47, T48 & T49) would need to be lost in highway land in order to provide the footway/cycleway improvements on Collingwood Road. A confined 4m section of existing Category C hedge is also required to be removed on the Phase 3 site to make way for the uncontrolled crossing on Rickstones Road and a further two Category B sycamore trees would be lost to connect from this crossing through the Phase 3 site onto Rectory Lane.

It is considered generally that where localised areas of tree removal may need to occur in order to facilitate development, there is sufficient space within the open space areas, notwithstanding the necessity to keep easements and sports pitches clear, to provide compensatory planting that would mitigate the impacts to an acceptable degree. The applicant has offered to commit to providing a net gain in numbers of trees and hedges. Taking account of the policy requirements for a biodiversity net gain and for the provision of trees to line all new streets, Officers consider that the provision of new trees on site is likely to be significantly more than the number lost in any regard. Officers also note that details of future landscaping are a Reserved Matter and that the number and location of new trees will be agreed at this time, however these will be governed by the layout Parameters agreed at Outline stage. It is right therefore that, at Reserved Matters stages, conditions ensure an Arboricultural Assessment Report also accompanies the submission whereby the areas of tree loss can be finally agreed. Following this, conditions recommended ensure the trees to be retained will be protected by an Arboricultural Method Statement and Detailed Tree Protection Plan prior to commencement. Therefore Officers consider the information submitted at this Outline stage is sufficient to establish the principle and quantum of development can be accommodated on the site and to evaluate the likely harm arising from tree loss in those areas where the layout parameters will offer little flexibility for change.

It is therefore considered that the development can be accommodated without giving rise to significant landscape or visual harm. It is concluded that the proposal would comply with the requirements of Policy CS8 of the Adopted Core Strategy, Policies RLP76 and RLP80 of the Adopted Local Plan in so far as they relate to landscape impacts. It would also comply with the requirements of Paragraph 174(b) of the NPPF and the aspect of Policy CS5 of the Core Strategy which seeks to protect the intrinsic character and beauty of the countryside.

### Ecology & Biodiversity

Policy CS8 of the Core Strategy requires that proposals create and enhance the biodiversity value of wildlife corridors and promote wildlife enhancements which contribute to the targets set out in the Essex Biodiversity Action Plan. Policy RLP84 of the Adopted Local Plan directs that planning permission is not granted for development which would have an adverse impact upon protected species. Paragraph 174(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity.

The site comprises mostly agricultural fields with hedgerow and trees to the boundary, areas of semi-improved grassland and plantation woodland as well as two ponds. The Preliminary Ecological Survey conducted in May 2020 identified that bats, birds, great crested newts and reptiles are present on the site. The Reports which accompany the application propose specific measures to mitigate harm to the protected species identified and deliver enhancement in the biodiversity of habitats within the site. These include the provision of two skylark plots on nearby land, retention and enhancement of the two ponds existing on site, and provision of new areas of complimentary interconnected habitat including a triangle of land in the south which will be managed specifically with biodiversity in mind.

The applicant has offered to provide a 0.13ha extension to the existing allotments which are located in the earlier phases of development. Unfortunately the only land available to do this currently comprises part of the existing reptile receptor site established in earlier phases. Surveys undertaken in summer of 2021 suggest that this site presently supports a good population of slow worms and common lizards. Prior to commencement of the allotments, the developer would be obliged under the Section 106 Agreement to exclude and remove the existing reptiles from the area which will become allotments and provide two new areas adjacent this for reptile enhancement. The new areas would then be managed for reptiles in accordance with a maintenance plan which has been provided within the submitted Reptile Mitigation Strategy. Whilst as a general rule a translocated population should not be subject to translocation a second time, in this instance the Council's Ecological Consultant considers an exception can be made as in this specific circumstance the allotments themselves represent an attractive habitat to reptiles.

A Breeding Bird Survey was submitted as part of the Ecological Impact Assessment Report. This indicated that a number of priority farmland birds were present, including a maximum number of one skylark territory. An Additional Ecology Note was then submitted which contained a mitigation strategy for Skylarks and this will involve the provision of two skylark plots on nearby agricultural land owned by the applicant for a period of ten years as secured by Section 106 Agreement.

Bats have been identified to be using the site for foraging and commuting. Ten trees have been identified on the site with bat roosting potential; all but one of these are indicated to be retained. In order to mitigate harm to bats, a recently amended version of the Ecological Impact Assessment proposes the provision of a number of bat boxes within the peripheral areas of retained vegetation, also noting that the new open space corridors would provide enhanced opportunities for foraging and commuting subject to sensitive lighting controlled by conditions if consent were granted.

The tree proposed to be lost (T1) is a dead tree located in the north of the site and due to its condition it was deemed unsafe to conduct an Aerial Tree Inspection at the time of survey. Due to this tree being covered in ivy, it could

not be ruled out that features of interest to bats may lie beneath this cover and thus the tree was preliminarily classified with 'moderate' bat roost potential. The loss of this tree would be unavoidable if the bus lane / access were to be provided, but it could potentially be retained if only a foot/cycleway were provided. It is not possible to say at this stage whether the removal of this tree is acceptable due to a lack of surveys undertaken May to September to determine if roosts are present within this tree. Whilst the absence of this information does not undermine the principle of development of the site, it does affect the principle of providing the bus lane / access as would otherwise be required. A condition is recommended to ensure the bus lane is only provided subject LPA agreement following the submission of further bat surveys and if the surveys indicate the tree must be retained then the bus lane / access would not go ahead.

The biodiversity metric calculations which accompany the application take account of areas of tree loss and new planting. They suggest that it is possible to secure a Biodiversity Net Gain in accordance with NPPF policy. Taking the above considerations into account, Officers consider the proposal is compliant with Policy CS8 of the Core Strategy, Policy RLP84 of the Adopted Local Plan, and paragraph 174 of the NPPF.

#### Habitat Regulations Assessment (HRA / RAMS)

As part of the proposal, a financial contribution per dwelling has been agreed to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC). This is in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and will also secure a package of on-site measures to encourage residents not to travel to the protected coastal sites, including the provision of 7.6ha. of open space and a 2.5km peripheral walk incorporating the earlier phases of development. The approach has been the subject of Appropriate Assessment in accordance with Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended) and, as agreed with Natural England, the development would not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS Strategy, either alone or in combination with other plans and projects.

#### Impact on Neighbouring Residential Amenities

Policy RLP90 requires that planning permission shall only be granted where there is no undue or unacceptable impact upon the amenity of any nearby residential properties. Paragraph 130 of the NPPF seeks to ensure good standards of amenity for existing and future users. Specifically in relation to the provision of sports pitches, Policy RLP129 requires that, if no town centre sites are available, edge of centre sites remain accessible both by public and private transport, are located where there are no overriding traffic problems, where access to the development is safe and is not detrimental to residential amenity. Paragraph 185 of the NPPF seeks to ensure that new development

is appropriate for its location taking into account the likely effects on living conditions including noise and light pollution.

The proposal is located adjacent to residential dwellings, notably the back gardens of properties on Rickstones Road in the north, opposite properties on the other side of Rectory Lane and facing those dwellings on the periphery of earlier phases of development in the south. In the south and east there would be sufficient buffer provided by the open space areas shown to ensure there were no adverse impacts upon amenity of nearby dwellings such as loss of privacy, outlook or overlooking. Other land uses such as the NEAP in the south would be separated by the spine road or the buffer accommodating the gas main therefore would not be close enough to significantly adversely affect the amenity of those living in earlier phases either.

Properties in the north have raised concerns regarding potential noise and disturbance from the sports pitches and the additional traffic generated by the bus lane, including the effects upon the closest neighbouring property at 302 Rickstones Road. An illustrative layout has been provided for the sports pitches which demonstrates that a separation distance of 30m is achievable to the back gardens of properties in the north; the dwellings themselves lying some distance beyond this. This is considered adequate to ensure that activities on the pitches do not cause unacceptable levels of noise and disturbance to nearby neighbours, noting that the pitches would be owned by the Council who is a publically accountable body rather than a private organisation and that a condition is recommended which would prevent any floodlighting of the pitches therefore they could only be used during daylight hours unless details were submitted at reserved matters stages or a planning permission granted under a separate planning application in the future.

As described earlier in this report, a TRO has been submitted to apply restrictive access to the bus lane and only permit buses, taxis and motorcycles by bus gates installed a point north of the changing/parking facilities and south of the existing business units on Rickstones Road. Whilst this TRO is still to be determined, it is proposed to enforce vehicle prohibition by enforcement cameras at either end of the bus gate. The system is common place in Essex and has proved effective in the past at ensuring unauthorised vehicles do not enter restricted areas. Given the busses would likely not run with a frequency in excess of 30 minutes and would only run between the hours of 6am to 10pm, it is not considered that they would result in a significant increase in noise and disturbance to the properties closest on Rickstones Road, particularly when the presence of the existing business units which have been known to generate HGV vehicle movements are considered. Whilst there would still be the potential for taxis and motorcycles to use the route, given the sites peripheral location in Witham, it is not considered that this would give rise to anything other than occasional use.

Internally within the site, the Illustrative Masterplan submitted demonstrates that the required separation distances can be achieved between the new properties and their neighbours, therefore complying with the standards recommended in the Essex Design Guide. It therefore considered that the



principle of development on the site is acceptable as it would not lead to an inevitable harm upon the residential amenities of nearby properties.

Local residents have voiced concerns regarding potential disturbance caused during the construction phases. Such impacts would be temporary, and the Council's Environmental Health Officer raises no concerns with the scheme. Conditions are recommended requiring a construction management plan, hours of working and details of piling if proposed. Subject to these conditions, the proposal is therefore considered to be compliant with the policies listed above and would not result in undue or unacceptable impact upon the amenity of nearby residential properties.

### Best and Most Versatile Land

Policy CS8 of the Core Strategy requires amongst other things that development should protect the best and most versatile agricultural land. In this case the majority of the site (circa 80%) is classified 3a (Best and Most Versatile –BMV) agricultural land. The loss of several hectares of BMV land as a consequence of this development would therefore weigh negatively in the balance against this proposal, but this loss is mediated when it is appreciated that Braintree as a District overall has an proliferation of BMV land. Having appreciated this wider context, it is considered that the loss of BMV land would remain relatively small and would not be of a scale likely to significantly undermine the provision of such land throughout the District as a whole. However, the loss merits acknowledgement and consideration has been made of this loss in the wider planning balance as detailed in the Conclusion to this report.

### Safeguarding of Mineral Resource

The site lies within a Minerals Safeguarding Area (MSA) for sand and gravel as identified in the Essex Minerals Local Plan (2014). This Plan forms part of the Development Plan and contains Policy S8 which directs that *"Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed."*

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.

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."*

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.

The Essex County Council Minerals Waste Planning Authority (MRWA) 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, MSA's also provide security by protecting these finite resources for the future. In selecting such areas for designation, the MWPA is not required to work on the presumption that the resources defined will ever be worked.

The applicant has submitted a Minerals Resource Assessment which was subsequently supported by a Report on the Viability of Mineral Extraction. The documents suggest that the mineral resource beneath the site is good quality and approximate net output of 281,088 tonnes. There remains a difference of opinion between the applicant and the MWPA as to whether the minerals resource beneath the site is viable or not on account of the proportion of overburden, effects of buffers to neighbouring properties, ability to access the site access and whether it is worked independently in theory or as part of a larger existing mineral working, such as that already operating on the opposite side of Rickstones Road (Brice Aggregates).

In the opinion of the MWPA the exploitation of the mineral resource would be commercially viable and environmentally acceptable. This fact is sufficient to give rise to an in principle conflict with the requirements of Policy S8 of the Essex Minerals Local Plan on the basis that it is '*not necessary*' to sterilise this resource, therefore the Policy suggests that development should be opposed in principle. The MWPA also consider there to be a conflict with Paragraph 212 of the NPPF on the basis that, in theory, the development '*might constrain the potential future use of the site for a mineral working*'. However, as demonstrated in the Report on the Viability of Mineral Extraction, the site would represent a relatively low yield and, for various reasons, it is unlikely to be commercially attractive for most operators to work in practical terms. As a consequence, if permission were granted, the MWRA are not minded to advise prior extraction is encouraged.

### Coalescence

The Section 2 Plan contains Policy LPP72 which seeks to establish a Green Buffer on land between Witham, Rivenhall and Rivenhall End. The proposals map designates a swathe of land north-east of Witham for this which contains the land associated with the Golf Course, but does not extend into the application site. As a result, Officers do not consider the proposal to be in conflict with Policy LPP72 of the Section 2 Plan on the basis that the setting of the area would be preserved and coalescence or consolidation between built areas would not occur. It is also noted that the built up parts of the development are separated from development in the north by the sports pitches and the Golf Course and that Policy LPP72 permits formal and informal recreational uses as being appropriate in green buffer. In addition, the site boundary does not adjoin the development of Stovens Hall in the north east, it does not present frontage to Rickstones Road or contribute to existing ribbon development along its length. The Council's Landscape Consultant concurs with this view commenting that it is not considered the proposal would cause coalescence between Witham and Rivenhall or Rivenhall End because any meaningful sense of separation between properties on Rickstones Road and Witham has already been lost by the recent development of Phase 3 and the Green Infrastructure Parameters Plan proposes sports pitches in the north westernmost corner of the site, which means a gap of open space will be kept between the properties along Rickstones Road and those within the proposed development.

### Noise

Policy RLP62 of the Adopted Local Plan advises permission not be granted for development or changes of use which give rise to noise emissions which harm the amenity of nearby residents. Policy SP7 of the Section 1 Plan requires that the amenity of existing and future residents is protected in regard to noise and vibration arising as a consequence of development. Paragraph 185 of the NPPF recommends that planning decisions mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (acknowledging advice contained within the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)). In this case the Environmental Health Officer is satisfied that occupants of the development would not be subjected to unacceptable levels of noise and has suggested that these noise levels be mitigated and minimised through a condition which is applied to the permission if consent is granted.

### Air Quality

RLP63 of the Adopted Local Plan states that, in situation where air quality objectives are likely to be prejudiced as a result of development proposals and/or resultant traffic movements, that a specialist assessment is submitted and planning permission only granted where air quality objectives can be met.

Paragraph 185 of the NPPF requires that noise levels are mitigated and reduced to a minimum. Paragraph 186 of the NPPF requires that *“opportunities to improve air quality or mitigate impacts should be identified”,* and that *“decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*

The applicant has submitted an Air Quality Assessment which concludes that there will be no exceedances of the air quality objective levels, but recognises the need to employ mitigation to minimise the emissions of dust/particulate matter at the time of site clearance and construction works. The Council's Environmental Health Officer raises no concerns with the methodology of the assessment. The Assessment provides assurance that the changes in concentrations of nitrogen dioxide, PM10 and PM2.5 for residents in the area at worst case receptors would be negligible in all cases. Thus it is considered that the proposal would not give rise to unacceptable impacts of air pollution and will not prevent sustained compliance with limit values or national objectives for air pollutants.

#### Flood Risk & Drainage

Policy RLP69 of the Adopted Local Plan requires that developers use Sustainable Drainage techniques such as grass swales, detention/retention ponds and porous paving surfaces, as methods of flood protection, pollution control and aquifer recharge. Policy CS8 of the Core Strategy requires that Sustainable Drainage Systems (SuDS) are used wherever possible to reduce flood risk, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise.

The site is located exclusively in Flood Zone 1, therefore at low risk of flooding. The applicant's Flood Risk Assessment proposes that drainage on the site to be managed by a SuDS network which includes swales and attenuation basins, the location of which are shown on the Parameters Plans. Surface water will then be discharged southwards via Phases 1 & 2 and restricted to Greenfield runoff rates, plus an additional 40% allowance to account for future climate change. The system will be maintained and managed in accordance with a Plan/Statement agreed via conditions in order to ensure the continued longevity of this infrastructure. The Lead Local Flood Authority raises no objections to the proposed drainage approach and therefore the proposal is compliant with the aforementioned policies concerning this issue.

#### Land Contamination

Policy RLP64 of the Adopted Local Plan requires that applicants carry out a thorough investigation of sites stating that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination so as not to harm those inhabiting the site or the surrounding environment. Paragraph 183 of the NPPF requires that planning

decisions ensure that the site is suitable for its proposed use taking account of any risks arising from contamination. The findings of the Phase 1 Desk Study Report indicate that the site has remained undeveloped agricultural land since the 19<sup>th</sup> Century. No on-site sources of significant contamination have been identified that would pose a risk to future site users or the environment. In relation to off-site sources, there are a number of farm buildings located in close proximity to the sites northwest corner. In order to confirm that no potentially contaminative activities associated with the farm have encroached onto the site, further Phase 2 investigations are likely to need to be carried out as part of a condition of any consent. The proposal is therefore considered to be compliant with Policy RLP64 of the Adopted Local Plan and Paragraph 183 of the NPPF, in that it would be suitable for the proposed use taking account of the above factors.

### Archaeology

The application is supported by an archaeological desk based assessment. This confirms that the proposed development will affect a site of archaeological interest. Previous investigations on land in the vicinity of the site have yielded evidence of a significant Iron Age settlement and also suggest there is potential for finds from the prehistoric, Bronze Age and Roman periods. Conditions are proposed which would secure a programme of trial trenching together with the subsequent investigation and evaluation of any archaeological assets identified. The proposal is therefore considered to be compliant with Policies RLP104, RLP105 & RLP106 of the Adopted Local Plan and Policy CS8 of the Core Strategy.

### Gas Main

As noted previously, there is a high pressure gas pipeline which crosses the site from north to south in the far west of the site parallel to Rectory Lane. In accordance with Cadent Gas criteria the Illustrative Masterplan shows no buildings in the 14m Building Proximity Distance required. Whilst landscaping within the pipeline easement is also restricted, it should still be possible to provide the majority of the hedgerow supplementation and additional planting which is shown in the open space area on the Parameters Plans. As noted above, it has been highlighted by the Landscape Consultant that it may not be possible to provide adequate additional planting where the open space is at its narrowest point in the open space area next to Rectory Lane on the Land Use Parameters Plan. The applicant has noted in their Vision Statement that, if this is the case, then any future layout would prioritise the provision of landscape screening in this area in order to minimise the visual impact of development upon the traditional landscape character of the Lane and the setting of The Old Rectory which lies beyond. The Health and Safety Executive automated consultation system has also confirmed that they do not advise on health and safety grounds against the granting of planning permission in this case.

## Community Building

Policy LPP82 of the Section 2 Plan states that planning permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development. Where the impact of the development needs to be mitigated the policy states that this can be done through financial contributions towards new or expanded facilities; On-site construction of new provision; Off-site capacity improvement works; and/or the provision of land.

Policy LPP82 states that the Council will apply widest reasonable definition of infrastructure when considering what is necessary. In this case Officers consider that this should include the provision of appropriate community hall facilities.

The 2011 Core Strategy identified a list of key facilities and infrastructure that would be required to support development proposed in that plan and the plan included site specific requirements for the North East Witham (in the Parish of Rivenhall) Growth Location. The infrastructure list included the need to contribute towards a community centre and the S106 agreements secured financial contribution towards the provision of a new community facility on the Maltings Lane development from the 370 dwellings that are being built on the site allocated in the Core Strategy.

There were objections to the S106 contributions being allocated to that project, including from some District Council Members and Witham Town Council who considered that the contribution be spent within north Witham. Given these concerns Officers contacted the Town Council during the course of this application to understand which project or facilities the Town Council felt should be supported by a financial contribution from this current application. In their response the Town Council raised a number of concerns regarding the process of securing and spending planning obligations, but did not identify a community building project in north Witham for funding.

As Members will be aware the Council is developing proposals to provide a new community building on land owned by the Council within the Maltings Lane development, at the southern end of the town. Officers are continuing to work on that project, supported by a Community Steering Group. It is currently envisaged that the building will be designed to provide some indoor sports facilities as well as providing spaces for other community groups and activities. Unlike the sports halls at the town's secondary schools, the new community building could be available to use throughout the day and as such would provide an additional facility that the whole community can use and benefit from.

The applicant has agreed to make a proportionate financial contribution of £499.62 per dwelling towards the delivery of the new community facility at Maltings Lane. The actual level of contribution will be dependent on the

number of dwellings that are built, but a development of 230 dwellings would generate a contribution of £114,912.

## PLANNING OBLIGATIONS

The application to acceptable levels and necessarily weigh the wider planning balance in favour of approving this application. As is common with applications of this scale there are obligations relating to the provision of 30% affordable housing; contributions towards HRA/RAMS, education, health and libraries; and provision/maintenance of open space in the usual way. A contribution of has also been secured towards a community building (see Community Building Section above).

In addition, obligations have been drafted to ensure the provision of the Sports Pitches according to a specification; the full details of which will be agreed at Reserved Matters stages. As noted in the Ecology & Biodiversity Section above, 0.13ha of land has been agreed as an extension to the existing allotments site provided in earlier phases, but in order to provide this, Reptiles will need to be relocated to a new receptor site. The Section 106 Agreement will ensure the receptor site is provided prior to the allotment works commencing.

There is also provision within the agreement to ensure two Skylark plots are provided on the applicants land and maintained for a period of ten years in order to provide mitigation/enhancement for habitat lost as a consequence of the development.

As also mentioned, a condition would hold the principle of removing the tree which is located in the area of the bus lane only acceptable subject to favourable results from further surveys. For the reasons set out in those Sections relating to Highways matters above, there is a bespoke package of generous measures to encourage the take up of sustainable modes of transport by inhabitants of the development also available to the wider community. These consist of the potential provision of pedestrian and cycle improvements along Rickstones Road including provision of both an uncontrolled crossing and a controlled crossing on Rickstones Road; pedestrian and cycle improvements along the B1018 and Braintree Road between Albert Drive and Newlands Drive; closure of the southern part of Rectory Road to motorised vehicles; provision of upgraded/new bus stops on Rickstones Road and/or Forest Road; provision of a bus access controlled by a bus gate through the site; a fee to ECC to monitor the Residential Travel Plan; and a contribution of £2,100,000 to increase the frequency of existing bus services and/or provide new bus services between the site (or the vicinity of the site) and Witham Town Centre.

## PLANNING BALANCE AND CONCLUSION

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 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.

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 5.34 years against its housing need. As such the Council is presently meeting this objective.

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 Five Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a Five Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the five year threshold.

As the Council can demonstrate the required Five 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 or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application include those which govern the principle of development such as Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2 and RLP100 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

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.

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 recognise 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.

Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 201 and 202 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policy RLP100 pre-dates the NPPF and does not explicitly state the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. In this sense the Policy is partially consistent with the NPPF: it is not entirely out-of-date but can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that in the main these policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a Five 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.

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).

### **Summary of Adverse Impacts**

A number of potential adverse impacts are evaluated below. The degree to which harm is caused, and the weight that should be accorded to this harm, is set out below:

#### **Conflict with the Development Plan**

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*".

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, because it proposes development outside of defined development boundaries and within the countryside, albeit not arguably because it offends the wider countryside preservation interests specifically acknowledged within this policy). There would also be a partial conflict with Policy CS8 of the Core Strategy on account of the loss of BMV agricultural land.

There would also be a conflict with Policy RLP100 of the Adopted Local Plan on account of the fact that the proposal would not preserve and enhance, and would harm, the setting of The Old Rectory. For similar reasons there is only partial compliance with Policy SP7 of the Section 1 Plan on account of the fact the proposal would not protect and enhance an asset of historical value.

The proposal also presents an in principle conflict with Policy S8 of the Essex Minerals Local Plan, albeit in this case the effects of sterilisation in economic terms would not be significant. Taking the above factors into account, Officers consider that the conflict with the Development Plan should be afforded moderate weight.

#### Conflict with the Section 2 Plan

The proposal would conflict with Policies LPP1 and LPP60 of the Section 2 Plan. However, given the stage of preparation of this plan, this conflict can only be given limited weight.

#### Character and Appearance of the Area and Landscape Character

A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site. Overall the landscape and visual effects are judged to be '*moderate adverse*' and include the loss of amenity to users of the footpaths which cross the site. However, these effects would be highly localised and would not result in an unacceptable impact upon the character and appearance of the area, thus are attributed limited weight.

#### Tree Loss

A degree of harm is likely to arise from the loss of trees in those areas where alternative layout solutions do not exist. For example, trees lost to provide the Bus access and gate / lane to Rickstones Road; trees lost to link the development across the woodland in the centre of the site; trees lost on Collingwood Road to provide the highway works; trees lost to provide the pedestrian link across Rectory Lane, through Phase 3, and out to Rickstones Road from the north-west of the site; and scattered trees lost in the developable areas as shown indicatively on the Preliminary Tree Removals Plan (TR&R/Prelim NE Witham/07.10.21). However, it is considered that much of this harm will be mitigated through the provision of a biodiversity net gain across the site and obligations to provide new trees in accordance with Paragraph 131 of the NPPF for all new streets to be tree lined, this obligation also extending to a requirement that opportunities are taken to provide new trees elsewhere in new developments. Benefits such as enhanced habitat management, provision of public space and enhanced sustainable transport links cannot be derived without some tree loss occurring. Taking the above into account, Officers attribute this harm limited weight.

## Heritage

The Council's Historic Building's Consultant advises that the harm caused to the setting of The Old Rectory which would be of the magnitude '*less than substantial*' - in the lower half of that scale. The harm identified is cumulative due to the adverse impacts of earlier development phases resulting in erosion of the buildings historic sense of detachment from nearby settlements and reduction in its dominance as a feature of Rectory Lane. By the same token however, provision of new housing in the area has delivered substantial economic and social benefits. Great weight is attributed to the conservation of this asset, however, having weighed this harm against the public benefits (as per Paragraph 202 of the NPPF), Officers consider the harm of granting permission would be outweighed by the public benefits of development. When the impacts are weighed in the wider planning balance, this harm attracts limited weight.

## Highways Considerations

As described above, the existing highway network in this location is at capacity and therefore it is inevitable that additional development on the site will give rise to some car movements which will place additional strain upon the existing highway infrastructure in the locality. However, these effects will not be as great as they would otherwise be on account of the measures being taken to encourage inhabitants to take up alternative sustainable modes of transport. 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 and thus would not be sufficiently substantial as to outweigh the benefits of this proposal in isolation. In the opinion of Officers, this harm has been attributed limited weight.

## Sterilisation of Mineral Resource

In this case, the loss of minerals resource is not considered to be significant economically; noting the high prevalence of sand and gravel resource generally throughout the District and the low yield provided by this particular site. However, it must be acknowledged that a limited degree of harm would arise from the sterilisation of the resource which has potential in theory to have value in the long term, should future circumstances change to make it more practical or commercially attractive to exploit. For the above reasons, it is not considered that the conflict identified with Paragraph 212 of the NPPF gives rise to a conflict with the Framework as a whole and thus is attributed limited weight.

## Best and Most Versatile Agricultural Land

Whilst this harm arising from loss of BMV land is a harm over and above that strictly necessary for the District Council to meet its housing requirements, given the contextual prevalence of such land throughout the District, this harm is judged to remain very limited.

## **Summary of Public Benefits**

A number of potential benefits are evaluated below. The degree to which these constitute benefits, and the weight that should be accorded to them, is set out below:

### Delivery of Market and Affordable Housing

The development proposes 230 dwellings of which 30% would be affordable housing. The provision of this housing would deliver associated economic and social benefits, some of these would only exist during the construction phases, whereas others would be sustained, such as the increased patronage of existing services and facilities in the Town. Officers consider these benefits in combination attract significant weight.

### Open Space & Sports Provision

As indicated on the Land Use Parameters Plan, the proposed development would provide a variety of public open space on the site, including the provision of grass football pitches, changing facilities and car park in the north and a generous area of open space. In total, the proposed formal/informal open space provision is 7.6ha, which is over three times the policy requirement for a development of this size (2.42ha) and will offer benefits to the wider community which go beyond those necessary to meet the needs of local residents. These benefits have been attributed significant weight.

### Infrastructure Improvements

The development proposes improvements to the existing transport network which go beyond that strictly necessary to mitigate the impacts of development and whose effects would extend beyond the immediate inhabitants of the development into the wider community. These benefits include a substantial public transport contribution to improve the local bus service, delivery of improved cycle routes between the railway station and Newland Street, prohibition of vehicles to a section of Rectory Lane, provision of a bus access onto Rickstones Road and improved pedestrian/cycle routes in the north along Rickstones Road. Taken together, on account of the fundamental contribution they would contribute to making the area more sustainable and increasing the offer from more sustainable modes of transport, these benefits are regarded to be significant.

## **Planning Balance**

When considering the flat planning balance, having regard to the adverse impacts and benefits outlined above and the requirements of the NPPF as a whole, Officers are of the view that the considerations in this case are finely balanced, but the package of infrastructure improvements offered in conjunction with this scheme would deliver benefits of a scale that would tip the balance to outweigh the adverse impacts identified. The proposal does

not accord with up-to-date policies within the Development Plan and there is a conflict with this plan as a whole. However, the wider planning balance suggests that the objectives of sustainable development (as set out in Paragraph 8 of the NPPF) would in fact be satisfied. On this basis, Paragraph 11 of the NPPF directs that a presumption in favour of sustainable development is applied. This is an important material consideration which indicates that a decision should be made in this instance that is not in accordance with the Development Plan. Consequently Officers recommend that planning permission is granted for the development proposed.

## RECOMMENDATION

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% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. All Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3.
- **Allotments & Associated Reptile Receptor Site** - Provision of 0.13h of land to be set out as allotments and provision of a Reptile Receptor Site to which reptiles will be translocated prior to work on the allotments commencing.
- **Community Building** - Proportionate financial contribution of £499.62 per dwelling towards the delivery of the new community facility at Maltings Lane.
- **Education** - Financial contributions towards the provision of additional Early Years and Childcare places, Primary School Places and Secondary School Places, with the contribution to be calculated when the number of dwellings and number of qualifying units are known in accordance with Essex CC Developer Guide to Infrastructure Contributions (2020) and index linked to April 2020.
- **Health** - Financial contribution of to be calculated at £381.00 per dwelling (index linked) towards the provision of capacity improvements at Witham Health Centre.
- **Highways & Transport:**

### Public Transport Contribution

£2,100,000 contribution to ensure increased frequency of existing bus services and/or the provision of new bus services between the site or

the vicinity of the site and Witham Town Centre.

Travel Plan Monitoring Fee

Payable to ECC to allow for the monitoring of a Revised Residential Travel Plan imposed by condition.

Highway Works under s.38 & 278 of the Highway Act 1980

Obligation upon the developer to enter into a Highway Works Agreement with the Highway Authority for the following:

- Provision of pedestrian and cycle improvements along Rickstones Road between the site and the schools on Conrad Road including uncontrolled crossing as shown in principle on drawing 2002470-016B;
  - Provision of pedestrian and cycle improvements along the B1018 and Braintree Road between Albert Road and Newlands Drive as shown in principle on drawing number 2002470-014 K, or in the event a TRO is not made prior to commencement of development, a suitable alternative scheme as agreed with the Council and the County Council;
  - Provision of works to achieve the closure of the southern part of Rectory Lane to motorised vehicles as shown in principle on drawing number 200247-013 Rev E;
  - Provision of a priority junction and access of Rickstones Road controlled by a bus gate as shown in principle on drawing 2002470-005B and 2002470-012A together with two new bus stops at locations to be agreed with the County Council, but in the event the works fail to achieve the relevant consents/approvals, a suitable alternative scheme to ensure pedestrian and cycle access from the site from Rickstones Road and, if required by the County Council, a scheme to make provision of busses to turn around and enter the site and two new bus stops at locations to be agreed with the County Council;
  - Provision of a controlled crossing within the location identified between points X and Y as shown on drawing number 2002470-016B, or in the event the County Council does not approve the scheme submitted prior to Reserved Matters, a contribution for its provision as agreed with the County Council;
  - Provision of upgraded/new bus stops on Rickstones Road and/or Forest Road.
- 
- **Sports Pitches** - Pitches to be provided with associated facilities including car parking, cycle parking and pavilion building containing adequate changing rooms and ancillary accommodation to meet the needs of those intended to be using the pitches.
  - **Libraries** - Financial contribution of £77.80 per dwelling (index linked) to be spent on improvements at Witham Library.
  - **Public Open Space** - (on-site) a minimum area of 7.6ha of Open

Space (including SuDS) in accordance with Parameters Plans to include area of equipped play, amenity spaces, specified HRA mitigation (dog waste bins and circular walk) along with internal estate roads and pathways to be managed by a Management Company.

- **HRA/RAMS** - Financial contribution of £127.30 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC).
- **Skylarks** - Provision of 2no. Skylark plots on nearby land and their maintenance for a period of 10 years.

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

#### APPROVED PLANS

Location Plan	Plan Ref: BW219-PL01	Version: REV E
Land Use Parameter Plan	Plan Ref: BW219-PP-01	Version: REV I
Parameter Drawing	Plan Ref: BW219-PP-02	Version: REV I
Parameter Drawing	Plan Ref: BW219-PP-03A	Version: REV G
Parameter Drawing	Plan Ref: BW219-PP-03B	Version: REV F
Parameter Drawing	Plan Ref: BW219-PP-04	Version: REV J

- 1 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.

- 2 Details of the:-
  - (a) Scale,
  - (b) Appearance,
  - (c) Layout,
  - (d) Landscaping, and
  - (e) Access

of the buildings/site (hereinafter referred to as "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall



be carried out in accordance with these matters 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 commence not later than 2 years from the date of the 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).

- 3 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 230 dwellings with provision of public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace; vehicular access via Forest Road and Evans way; a bus, cycle and pedestrian connection to Rickstones Road; sustainable drainage systems; landscaping; and associated infrastructure and development. The details submitted with these reserved matters applications shall be in broad conformity with the following Parameter Plans as approved:

- Land Use Parameter Plan BW219-PP-01 Rev I
- Green Infrastructure Parameter Plan BW219-PP-02 Rev I
- Pedestrian Access & Movement Parameter Plan BW219-PP-03A Rev G
- Vehicular Access & Movement Parameter Plan BW219-PP-03B Rev F
- Storey Heights Parameter Plan BW219-PP-04 Rev J

**Reason**

For the avoidance of doubt and in the interests of good design; to ensure interests of acknowledged importance are protected in line with the frameworks proposed and agreed at outline stage.

- 4 Prior to submission of the first reserved matters, a Design Code for all areas of the site, including housing development, public realm and character areas, which demonstrates compliance with the design principles of the Rivenhall Park IV Vision Statement (submitted 22nd September 2021), shall be submitted to and approved in writing by the local planning authority. All reserved matters submissions shall accord with the approved site wide Design Code.

**Reason**

In the interests of achieving a cohesive well designed development that integrates with its surroundings; the Vision Statement requires further work to provide a local framework for creating beautiful and distinctive places that realise a consistent and high quality standard of design.

- 5 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the following shall be submitted:
- 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 all 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 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, 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.

- 6 Concurrent with the submission of reserved matters for appearance or layout under Condition 2(b) or 2(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.

- 7 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity shall be submitted. 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 the development, 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 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 practise 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.

- 8 Concurrent with the submission of reserved matters for layout or landscaping under Condition (d) of this decision, 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 details as approved and shall be retained in that manner thereafter.

#### Reason

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Biodiversity enhancement is integral to the development and therefore it is considered essential that this is considered concurrently with the reserved matters.

- 9 Concurrent with the submission of reserved matters relating to landscaping under Condition 2 (d) of this decision, a Landscape Ecological Management Plan (LEMP) 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 all 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 or bodies 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 LEMP shall be implemented as approved in accordance with the approved details.

Reason

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). The management of landscape with ecological objectives in mind is integral to the development and therefore it is considered essential that this is considered concurrently with the reserved matters.

- 10 Concurrent with the submission of reserved matters for landscaping under Condition 2(d) of this decision, a Landscaping Scheme shall be submitted to, and approved in writing by, the local planning authority. This shall comprise a detailed specification of hard and soft landscaping works, to include details of the following:

- Types and sizes of all trees/plants to be planted on the site;
- Numbers and distances of all plants to be planted on the site;
- Soil specification;
- Seeding and turfing treatment within the site;
- Colour and type of material for all public hard surface areas and private areas visible from the public realm;
- Watering maintenance regime for all areas of new planting;
- Programme and timetable for implementation of the above works.

The Landscaping Scheme shall subsequently only be implemented in accordance with the approved details.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next available planting season with others of a similar size and species.

Reason

Landscape planting is integral to the character to the development and it is considered desirable for these to be dealt with concurrently with the reserved matters.

- 11 Concurrent with the submission of reserved matters for layout, landscaping or access under Conditions 2(c), (d) or (e) of this decision, an Arboricultural Impact Assessment Report shall be submitted to, and approved in writing by, the local planning authority. The Report shall have regard for the Preliminary Tree Removals Plan (TR&R/Prelim NE Witham/07.10.21) submitted at outline stage and the requirements of Condition 39 of this permission.

Reason

In the interests of amenity; to ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required

concurrent with the reserved matters as they affect the layout of the development and the provision of associated landscape features.

- 12 Concurrent with the submission of reserved matters for layout under Condition 2(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 reserved matters for layout under Condition 2(c) of this decision, a Strategy detailing the location and specification of all 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 wherever practical.

#### 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 they affect the provision of these features and affect layout.

- 14 Concurrent with the submission of reserved matters for appearance or layout under Conditions 2(b) or (c) of this decision, a plan indicating the location and general design of all walls, fences, other boundary treatments and means of enclosure shall be submitted.

Reason

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

- 15 Concurrent with the submission of reserved matters for layout under Condition 2(c) of this decision, details of the location and design of all garages/car parking spaces and cycle storage facilities shall be submitted. The garages/car parking spaces and cycle storage facilities shall be provided prior to occupation of the dwelling to which they relate and shall thereafter be retained and kept available for use for their specified purpose. The garages/car parking spaces and cycle storage facilities shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking, garage space and cycle storage facilities are provided within the site in accordance with the Essex Vehicle Parking Standards Supplementary Planning Document (2009) and to ensure that these requirements are accounted for in a layout presented at reserved matters stages.

- 16 No development or groundworks of any kind shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the local planning authority. 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;
- i) Areas of the site identified as habitat for Great Crested Newts in which development should be restricted as it may adversely affect this species and thus may be subject to licence under Condition 17 of this consent.

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

Reason

To conserve and enhance Protected and Priority species and allow the

local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Agreement is required as the impacts arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if biodiversity interests are to be effectively protected.

- 17 No development or groundworks of any kind shall commence within the areas identified within the CEMP: Biodiversity under Condition 16i) until the local planning authority has been provided with either:
- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species) and s.17 of the Crime & Disorder Act 1998. Agreement is required as the impacts arise from the point of commencement of development in these areas; it is not therefore possible to delay this agreement until a later point in time if biodiversity interests are to be effectively protected.

- 18 No development or preliminary groundworks shall commence until a Programme of Archaeological Evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation which has been submitted to, and approved in writing by, the local planning authority.

Reason

To enable full investigation and recording of assets of archaeological importance. Failure to agree a method for investigation of the site prior to groundworks occurring may risk the loss or damage of archaeological assets.

- 19 No development or preliminary groundworks shall commence in those areas identified as containing archaeological deposits until the satisfactory completion of fieldwork undertaken in accordance with the Archaeological Mitigation Statement detailing excavation/preservation strategy which shall previously have been submitted to, and approved in writing by, the local planning authority.

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.

- 20 No development shall commence until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the local planning authority. The scheme should include the following (but not be limited to this):

- Limitation of discharge rates to the 1 in 1 year greenfield rate for both the eastern (5.3l/s) and western (13.1l/s) parcel for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated;
- Provision of sufficient storage to ensure no off site flooding as a result of development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstration that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
- Demonstration that Phases 1 and 2 of development in the south have been designed to accommodate the flows from the development hereby approved;
- Demonstration, as far as is practicable, that use of swales has been maximised throughout the development to enable the conveyance and treatment of water as close to source as possible;
- Demonstration that rainwater reuse has been considered and incorporated as much as possible as the primary method of managing surface water drainage;
- Provision of final modelling calculations for all areas of the drainage system;
- Provision of an appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach as detailed in Chapter 26 of the CIRIA SuDS Manual C753;
- Provision of detailed engineering drawings of each component of the drainage scheme;
- Provision of final drainage plan/s which detail exceedance and conveyance routes, finished floor and ground levels, and location and sizing of any drainage features;

- A written report summarising the final strategy and highlighting minor changes to the strategy that was submitted at Reserved Matters stages.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the Lead Local Flood Authority.

**Reason**

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure the effective operation of SuDS features over the lifetime of the development and provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 21 No development shall commence until a Scheme to Minimise the Risk of Offsite Flooding caused by surface water run-off and groundwater during construction works and prevent pollution 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 paragraph 167 and paragraph 174 state 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.

- 22 No development shall commence until a comprehensive Phase 2 Land Contamination Survey has been undertaken to assess the nature and extent of any contamination on the site. No development shall commence until a copy of this survey's findings, together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk (if required), has been submitted to and approved in writing by the local planning authority and subsequently implemented unless otherwise agreed within any revised remediation scheme agreed under the provisions of this condition.

Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the local planning authority, that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the local planning authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

Prior to occupation of any property hereby permitted on the part of the site where contamination is found the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed on that part of the site in accordance with the documents and plans detailed in the approved contaminated land assessment report/s and the approved remediation scheme.

#### 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. Agreement is required prior to commencement as the risks arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

- 23 No development shall commence until an Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the local planning authority. The AMS will include a Detailed Tree Protection Plan (DTPP) in broad accordance with the Arboricultural Impact Assessment Report approved under Condition 11 and provide details of trees to be retained, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, operation of site machinery, site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their

monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. For the duration that construction occurs on the site, and at such intervals have been agreed within the AMS, the Project Arboricultural Consultant shall submit a report to the local planning authority summarising the findings of their site inspection/s carried out during that period.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

#### Reason

In the interests of amenity; to ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

- 24 No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall be implemented as approved. The Statement shall provide for:
- Construction Traffic Management Plan to ensure safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;

- A scheme to control noise and vibration during the construction phase;
- Provision of a dedicated telephone number(s) for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours.

**Reason**

In the interests of residential amenity; to ensure the construction phases of the development operate without causing unacceptable harm to the amenity of nearby occupants and to protect highway efficiency of movement and safety in accordance with Policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. Agreement is required as the impacts arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

- 25 No development shall commence until a Dust and Mud Control Management Scheme has been submitted to and approved in writing by the local planning authority. The Management Scheme shall be adhered to throughout the site clearance and management process.

**Reason**

In the interests of residential amenity; to ensure that dust and particulate matter emitted as a result of construction activity associated with the development is minimised and does not unacceptably affect the amenity of occupants of the development or/and in the surrounding area. Agreement is required as the risks arise from the point of commencement; it is not therefore possible to delay this agreement until a later point in time if the above interests are to be effectively protected.

- 26 No above ground development shall commence until samples of the materials to be used on the external surfaces of the buildings 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**

In the interests of visual amenity, to ensure that the development does not prejudice the character and appearance of the locality.

- 27 Prior to first occupation, a SuDS Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved 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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 28 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

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 29 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
- Bank Holidays & Sundays - no work

Reason

In the interests of residential amenity; to ensure that the construction work associated with the development does not unacceptably harm the living conditions of occupants of adjacent properties.

- 30 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

In the interests of residential amenity; to prevent unacceptable harm to the amenity of residents within the development or/and the surrounding area.

- 31 If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within three years from the date of this outline planning consent, all ecological measures previously approved shall be reviewed and, where necessary, amended

and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of Protected or Priority species and ii) identify any likely new ecological impacts that might arise from the changes.

Where the survey results indicate changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, submitted to, and approved in writing by, the local planning authority prior to the commencement/re-commencement of development. Works shall then only be carried out in accordance with the new approved details.

**Reason**

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). Further agreement is required if commencement is delayed because this delay may give rise to new impacts which have not previously been accounted for; it is not therefore possible to delay this agreement until a later point in time if ecological interests are to be effectively protected.

- 32 No piling shall be undertaken on the site in connection with the construction of the development until a System of Piling and resultant noise and vibration levels has been submitted to, and agreed in writing by, the local planning authority. The agreed noise and vibration levels shall be adhered to throughout the construction process.

**Reason**

In the interests of residential amenity; to ensure that noise and vibration caused by piling methods is controlled in order that it does not unacceptably affect the amenity of occupants of dwellings on the site or/and in the surrounding area.

- 33 A Post Excavation Assessment shall be submitted to, and approved by, the local planning authority within six months of the completion of the fieldwork (unless otherwise agreed in advance with the local planning authority); such term shall include details of the completion of post excavation analysis, preparation of a full site archive and report and an undertaking for deposition of a post excavation report at the local museum. The report shall be deposited as agreed within the stated timeframes in the Post Excavation Assessment.

**Reason**

To enable full investigation and recording of assets of archaeological importance.

- 34 The applicant or any successor in title must maintain yearly Logs of SuDS

Maintenance which should be carried out in accordance with any approved Maintenance Plan under Condition 27 of this decision. The Logs of SuDS Maintenance 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.

- 35 Unless revised under a condition of this consent or legal obligation tied to it, all ecological mitigation measures and/or works shall be carried out in accordance with the following documents: Ecological Impact Assessment (Southern Ecological Solutions Ltd, October 2021), Skylark Mitigation Strategy (Southern Ecological Solutions Ltd, Jul 2021) and Reptile Mitigation Strategy - Rev B (Southern Ecological Solutions Ltd, July 2021).

**Reason**

To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

- 36 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order (England) 2015 (as amended) the Sports Pitches shown to be provided in the north of the site on Land Use Parameters Plan (BW219-PP-01 Rev I) shall not be lit unless the local planning authority gives written consent to details of such lighting either submitted in conjunction with reserved matters application to this planning application or by a separate application for planning permission made thereafter.

**Reason**

In the interests of residential amenity; to ensure that the effects of lighting erected to the Sports Pitches is given proper consideration and to provide an opportunity for the hours of use to be controlled as necessary.

- 37 Notwithstanding the submitted details, the development hereby permitted shall provide for a minimum of 20% of the Market Housing as 1 or 2-bed dwellings.

**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.

- 38 Notwithstanding the submitted details, the spine road to be provided



through the development (as shown in principle between Evans Way and Rickstones Road on drawing number Vehicular Access & Movement Parameter Plan BW219-PP-03B Rev F) shall have a minimum carriageway width of 6.75 metres unless Essex County Council Highway Authority advise otherwise in writing to the local planning authority.

Reason

To protect highway efficiency of movement and safety and to ensure the proposed site is accessible by more sustainable modes of transport, such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 39 Notwithstanding the submitted details, any works to provide the priority junction and site access off Rickstones Road, bus lane and gate, as shown in principle on drawings numbered 2002470-005 B and 2002470-012 B, shall not occur unless and until a Bat Survey Report has been submitted and approved in writing by the local planning authority containing the results of at least two roost surveys of tree T1 (as identified in SES Ecological Impact Assessment October 2021) between the months of May to September together with associated proposed mitigation and enhancement measures should bats be found to be roosting in this tree. Tree T1 shall be retained unless the local planning authority has expressly agreed in writing to its removal.

Reason

In the interests of biodiversity; to conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

INFORMATION TO APPLICANT

- 1 Anglian Water has assets close to or crossing the site, or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate these assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 2 Please be advised of the following:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage Solutions (SuDS) which may form part of the future register, a copy of the SuDS assets in a Geographic Information System layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
  - Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
  - Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
  - It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
  - The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirement lies with the Local Planning Authority (LPA). It is not within the scope of the Lead Local Flood Authority (LLFA) to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
  - The LLFA will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The LPA should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.
- 3 Cadent Gas Ltd own and operate the gas infrastructure within the area of this development. Prior to carrying out works, you are advised to register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) and submit details of the planned works for review, ensuring any requirements are adhered to.
- 4 With regard to the new street(s) included in the development, in the interests of all concerned it is important that the street(s) should be named and numbered at the earliest opportunity. In this respect, prior to or upon commencement of the development, you may wish to suggest names for consideration and it would be appreciated if you would forward your suggestions to the Director of Planning, Causeway House, Bocking End, Braintree CM7 9HB. Tel: Braintree 552525.

- 5 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
  
- 6 Please note, the applicant has entered into an Agreement under Section 106 of the Town & Country Planning Act 1990 in relation to this development. You are advised to ensure that the legal obligations contained within it are complied with alongside the discharge of any conditions connected to matters to which it relates. Should any dichotomies arise between the discharge of conditions and the fulfilment of your legal obligations with the Agreement it may be necessary to resolve these through a variation of either this Decision and/or the Agreement before proceeding with development.

#### SUBMITTED PLANS

Tree Plan	Plan Ref: TR&R/Prelim NE Witham/07.10.21	
Location Plan	Plan Ref: BW219-PL01	Version: REV E
Land Use Parameter Plan	Plan Ref: BW219-PP-01	Version: REV I
Parameter Drawing	Plan Ref: BW219-PP-02	Version: REV I
Parameter Drawing	Plan Ref: BW219-PP-03A	Version: REV G
Parameter Drawing	Plan Ref: BW219-PP-03B	Version: REV F
Parameter Drawing	Plan Ref: BW219-PP-04	Version: REV J

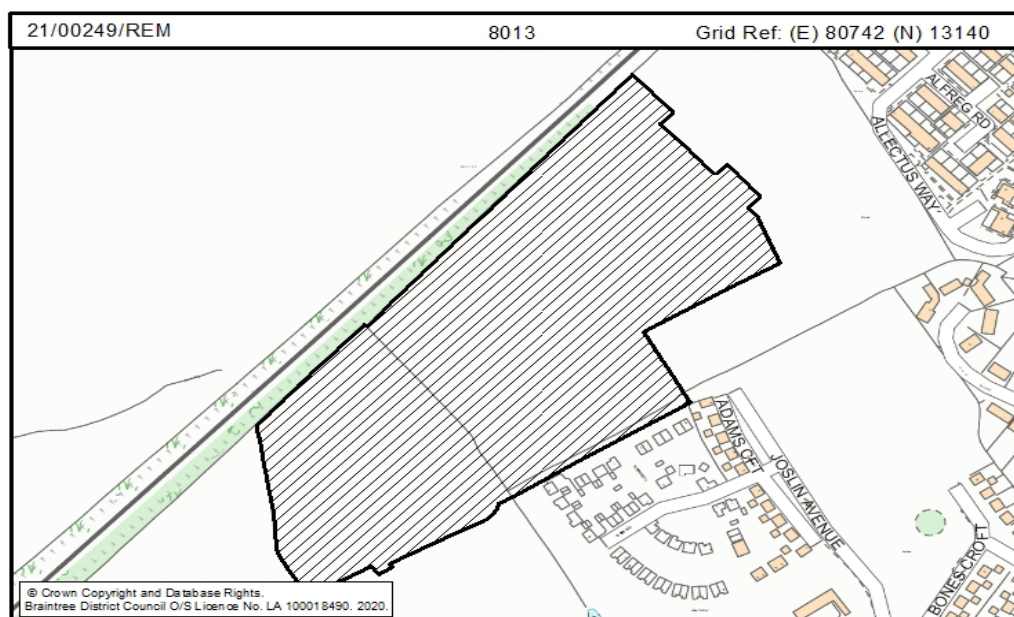
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 21/00249/REM DATE: 08.02.21  
 VALID:  
 APPLICANT: Redrow Homes Ltd  
 Mr Chris Gatland, Redrow Homes, 2 Aurum Court,  
 Southfield Business Park, Sylvan Way, Laindon, Basildon,  
 SS15 6TU  
 AGENT: Strutt & Parker  
 Mr David Fletcher, 66-68 Hills Road, Cambridge, CB2 1LA  
 DESCRIPTION: Application for approval of Reserved Matters for  
 appearance, landscaping, layout and scale for Phases 3b  
 and 4 comprising 216 dwellings with associated  
 landscaping, public open space (including allotments), and  
 parking, pursuant to outline planning permission  
 15/00430/OUT (Outline application with all matters reserved  
 other than strategic access point into Hatfield Road, for the  
 erection of up to 750 dwellings, Primary School and early  
 years centre, enterprise centre, (A1/A2/B1, D1/D2 uses)  
 and retention of existing barn buildings for mixed use  
 purposes (A1/A2/A3/B1/D1/D2 uses), with associated  
 infrastructure and landscaping, as varied by applications  
 16/02101/VAR and 17/02176/VAR and current application  
 20/01571/VAR.)  
 LOCATION: Land Adjacent To Lodge Farm, Hatfield Road, Witham,  
 Essex

For more information about this Application please contact:  
 Alison Rugg on:- 01376 551414 Ext. 2522  
 or by e-mail to: [alison.rugg@braintree.gov.uk](mailto:alison.rugg@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNCF8TBFJ1600>

## SITE HISTORY

14/00016/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Outline planning application for the erection of up to 850 dwellings, primary school, local centre and associated infrastructure	Screening/ Scoping Opinion Adopted	15.10.14
15/00430/OUT	Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.	Granted with S106 Agreement	27.05.16
16/01281/ADV	Application of consent to display two free-standing v-shaped stack boards with flags fixed to the top	Granted	12.09.16
16/01320/DAC	Application for approval of details reserved by condition nos. 20, 21 and 22 of approved application 15/00430/OUT	Part Grant, Part Refused	17.10.16
16/01538/FUL	Infrastructure application for the provision of primary road network for Phase 1 with associated footpaths, cycleways, necessary drainage infrastructure	Granted	28.04.17

	including a foul water pumping station, and other minor access roads where appropriate.		
16/01563/PDEM	Application for prior notification for proposed demolition of cottages and outbuildings	Permission not Required	10.10.16
16/01681/REM	Approval of site, appearance, landscaping, layout and scale reserved matters for Phase 1A to provide 91 dwellings with associated landscaping, public open space, access and parking. Please refer to accompanying cover letter and Design, Access and Landscaping Statement. An Environmental Impact Assessment was submitted alongside the outline planning application.	Withdrawn	02.08.17
16/01682/DAC	Application for approval of details reserved by condition nos. 5, 9, 19, 24 and 26 of approved application 15/00430/OUT	Pending Consideration	
16/02101/VAR	Application to vary condition no. 26 of planning approval 15/00430/OUT - to vary the condition so that the site wide design guide will be submitted to and approved by the Council prior to the submission of the first reserved matters application for the 92nd dwelling on the site.	Granted with S106 Agreement	29.06.17
17/00482/FUL	Temporary Construction Access onto Hatfield Road until the 31st December 2019.	Granted	10.07.17
17/00931/REM	Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout', and 'Scale' for Phase 1A comprising 91 dwellings with associated	Granted with S106 Agreement	18.09.17

	landscaping, public open space, access and parking, pursuant to outline planning permission 15/00430/OUT (Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.)		
17/02127/DAC	Application for approval of details reserved by condition no 6, 7, 8, 18 and 27 of approved application 15/00430/OUT	Part Grant, Part Refused	24.04.18
17/02163/DAC	Application for approval of details reserved by condition no. 2, 5, 11, 15, 20 and 21 of approved application 17/00931/REM.	Part Grant, Part Refused	16.09.19
17/02166/NMA	Application for a non-material amendment following grant of planning permission 17/00931/REM - Change position of units on plots 8, 12, 13 and 14. Introduce double garages in place of single garages to plots 8, 9, 10, 13, 14 and 15. Amendment to cycleway to allow for a safer and more convenient route for cyclists and it will avoid the need for a right angle turn as currently approved.	Granted	18.01.18
17/02176/VAR	Application for removal or variation of Condition 4 of planning approval 15/00430/OUT & 16/02101/VAR - Minor	Granted with S106 Agreement	25.07.18

	alterations to the Illustrative Masterplan and Parameter Plans		
17/02221/DAC	Application for approval of details reserved by condition no. 26 of approved application 15/00430/OUT	Granted	04.06.18
17/02314/VAR	Application for variation of Condition 2 of outline planning permission reference 16/01538/FUL - to incorporate a gas governor in the far west of the site and to reflect the updated drainage strategy	Granted	09.03.18
18/00258/DAC	Application for approval of details reserved by condition nos. 9 (Archaeology on Phase 1B and Part of Phase 2) and Condition 15 (Lighting on phase 1A) approved application 15/00430/OUT	Part Grant, Part Refused	24.05.18
18/00259/DAC	Application for approval of details pursuant to condition 6 (Lighting Phase 1A only) and Condition 9 (Archaeology Phase 1A/1B only) attached to application 17/00931/REM	Part Grant, Part Refused	22.05.18
18/00884/REM	Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout' and 'Scale' for Phase 1B comprising 84 dwellings with associated landscaping, access and parking, pursuant to outline planning permission 15/00430/OUT (Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre	Granted	04.09.18



	(A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping)		
18/01005/DAC	Application for approval of details reserved by condition no. 25 (relative to Phase 1) of approved application 15/00430/OUT.	Granted	12.09.18
18/01292/FUL	Infrastructure application for the provision of primary road network with associated footpaths, cycleways, necessary drainage infrastructure and emergency access for school and school drop off zone, within Phase 2 of the Lodge Farm development.	Application Returned	
18/01325/FUL	Infrastructure application for the provision of primary road network with associated footpaths, cycleways, necessary drainage infrastructure and emergency access for school and school drop off zone within Phase 2 of the Lodge Farm development.	Granted	18.10.18
18/01912/REM	Application for approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) for Phase 2 comprising 61 dwellings and associated landscaping, access and parking, pursuant to the grant of outline planning permission 17/02176/VAR - Application for removal or variation of Condition 4 of planning approval 15/00430/OUT & 16/02101/VAR - Minor alterations to the Illustrative Masterplan and Parameter	Granted	26.03.19

19/00065/DAC	<p>Plans - for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.</p> <p>Application for approval of details reserved by condition 14 of approval 17/00931/REM - Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout', and 'Scale' for Phase 1A comprising 91 dwellings with associated landscaping, public open space, access and parking, pursuant to outline planning permission 15/00430/OUT (Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.)</p>	Granted	16.09.19
19/00233/DAC	<p>Application for approval of details reserved by condition 9 of approval 15/00430/OUT - Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the</p>	Granted	05.07.19

	erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.		
19/00666/DAC	Application for approval of details reserved by condition 9 of approval 15/00430/OUT - Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.	Granted	21.06.19
19/00960/NMA	Application for a non-material amendment following grant of planning permission 18/00884/REM - To change plot 124 to an affordable dwelling and vice versa for plot 138 to become a market dwelling.	Granted	21.06.19
19/00995/DAC	Application for approval of details reserved by conditions 8, 15 and 19 of approval 18/00884/REM - Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout' and 'Scale' for Phase 1B comprising 84 dwellings	Granted	10.10.19

	with associated landscaping, access and parking, pursuant to outline planning permission 16/02101/VAR - Application to vary condition no. 26 of planning approval 15/00430/OUT (Outline application with all matters reserved other than strategic access point onto Hatfield Road, for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping) - to vary the condition so that the site wide design guide will be submitted to and approved by the Council prior to the submission of the first reserved matters application for the 92nd dwelling on the site.		
19/01040/FUL	Infrastructure application the provision of extension to primary road network with associated footpath, cycleway, necessary drainage infrastructure, access points and bus gate, within Phase 3 of the Lodge Farm Development, Witham.	Granted	31.01.20
19/01376/ADV	Retention of illuminated sign for a temporary period.	Granted	08.11.19
19/01689/REM	Application for approval of reserved matters following outline approval 15/00430/OUT - Application for approval of Reserved Matters for 'Appearance',	Withdrawn	09.12.19

19/02088/DAC	'Landscaping', 'Layout' and 'Scale' for Phases 3 and 4 comprising 292 dwellings with associated landscaping, access and parking Application for approval of details reserved by conditions 5 (External Lighting), 8 (Cycle stores) and 13 (Ground Surface finish) of approval 18/01912/REM (Phase 2).	Granted	06.07.20
19/02228/REM	Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout' and 'Scale' for Phases 3A comprising 72 dwellings with associated landscaping, access and parking, pursuant to outline planning permission 17/02176/VAR (Application for removal or variation of Condition 4 of planning approval 15/00430/OUT & 16/02101/VAR - Minor alterations to the Illustrative Masterplan and Parameter Plans - for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping).	Granted	10.03.20
20/00089/NMA	Non-Material Amendment to permission 18/01912/REM granted 26.03.19 for: Application for approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) for Phase 2 comprising 61	Granted	10.02.20

	<p>           dwellings and associated landscaping, access and parking, pursuant to the grant of outline planning permission 17/02176/VAR - Application for removal or variation of Condition 4 of planning approval 15/00430/OUT &amp; 16/02101/VAR - Minor alterations to the Illustrative Masterplan and Parameter Plans - for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping.         </p> <p>           Amendment would allow: Plot 217 to market ownership instead of shared ownership.         </p>		
20/00307/DAC	<p>           Application for approval of details pursuant to condition 5 (Lighting) and 14 (TV/Aerial &amp; satellite dish positions) of approved application 18/00884/REM (Phase 1B).         </p>	Granted	16.04.20
20/00637/DAC	<p>           Application for approval of details attached to Outline consent 15/00430/OUT (as varied by 16/02101/VAR and 17/02176/VAR) pursuant to conditions 5 (Construction Management Plan) Phase 1B, 2 and 3A only, condition 19 (Construction Environmental Management Plan) Phase 1B, 2 and 3A only, condition 20 (Landscape Environmental Management Plan) Phases         </p>	Granted	29.09.21

	1B, 2, 3, 4 and 5 only, condition 24 (Construction Phase Offsite Flooding) for Phases 1B, 2 and 3A only, condition 14 (Piling) for Phase 2 only and condition 27 (Foul water drainage) for Phase 1B only.		
20/01004/DAC	Application for approval of details attached to Outline consent 15/00430/OUT (as varied by 16/02101/VAR and 17/02176/VAR) pursuant to condition 27 (Drainage) for Phase 2 only.	Granted	16.09.20
20/01013/DAC	Application for approval of details attached to Outline consent 15/00430/OUT (as varied by 16/02101/VAR and 17/02176/VAR) pursuant to condition 25 (Maintenance plan) for Phase 2 only.	Granted	16.09.20
20/01324/NMA	Non-Material Amendment to permission 19/02228/REM granted 10.03.2020 for: Application for approval of Reserved Matters for 'Appearance', 'Landscaping', 'Layout' and 'Scale' for Phases 3A comprising 72 dwellings with associated landscaping, access and parking, pursuant to outline planning permission 17/02176/VAR (Application for removal or variation of Condition 4 of planning approval 15/00430/OUT & 16/02101/VAR - Minor alterations to the Illustrative Masterplan and Parameter Plans - for the erection of up to 750 dwellings, Primary School and early years centre, enterprise centre (A1/A2/B1/D1/D2 uses) and retention of existing barn	Granted	22.09.20

	buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping). Amendment would allow: - The removal of one parking space for plots 10, 12, 13, 15, 16, 28 & 32 to enable each dwelling to have an increased garden area.		
20/01434/FUL	Installation of Phases 3B & 4 infrastructure for the provision of secondary road network with associated footpaths, and necessary drainage infrastructure	Granted	13.11.20
20/01571/VAR	Variation of Condition 4 (Drawings) of the Outline planning permission reference 15/00430/OUT and subsequently updated by application 16/02101/VAR and 17/02176/VAR to allow the substitution of drawings relating to minor alterations to the illustrative Masterplan and Parameter Plans, namely the changes to public open space provision, removal of school lay-by and provision for an additional residential use to the north of the school land, amendments to secondary routes, height of buildings and urban design parameter plans (This application is accompanied by an addendum to the original Environmental Statement).	Granted with S106 Agreement	30.09.21
20/01573/DAC	Application for approval of details reserved by conditions 14 (External Lighting), 19 (Bird and Bat boxes) and 20 (Materials) of approval 19/02228/REM -	Pending Consideration	



20/01574/DAC	Phase 3A Application for approval of details attached to Outline consent 15/00430/OUT (as varied by 16/02101/VAR and 17/02176/VAR) pursuant to conditions 9 (Written Scheme of Archaeological Investigation) for Phase 4 and 5 only.	Withdrawn	15.10.20
20/00001/PPA	Pre-app for Phase 3A, 3B and 4, infrastructure application and S73 for Lodge Farm		22.03.21
20/00005/C19CWH	Proposed modification of Construction Working Hours approved under application reference 15/00430/OUT (and subsequent variation 17/02176/VAR) Monday to Friday 0800 to 2100 hrs, Saturday 0800 to 1700 hrs, Saturday 1700 to 2100 (No dumpers or 360 Machines are permitted during these hours) and Sunday and Bank Holidays No working permitted.	Granted	11.11.20
20/01990/DAC	Application for approval of details attached to Outline consent 15/00430/OUT (as varied by 16/02101/VAR and 17/02176/VAR) pursuant to condition 25 (Maintenance Plan) for Phase 3A.	Granted	22.03.21
20/02212/DAC	Application for approval of details attached to Reserved Matters 19/02228/REM pursuant to condition 4 (Tree Protection Plan) for Phase 3A	Granted	07.05.21
21/00876/CC	Confirmation that all conditions have been discharged relating to planning application - 15/00430/OUT	Application Returned	
21/01337/C19CWH	Proposed modification of Construction Working Hours	Granted	23.04.21

	approved under application reference 15/00430/OUT (and subsequent variation 17/02176/VAR) Monday to Friday 0800 to 2100 hrs, Saturday 0800 to 1700 hrs, Saturday 1700 to 2100 (No dumpers or 360 Machines are permitted during these hours) and Sunday and Bank Holidays No working permitted.	
21/01510/FUL	Application for a retrospective Temporary Construction Access onto Hatfield Road to be in place until 31st December 2026	Pending Decision
21/02914/DAC	Application for approval of details attached to Reserved Matters 19/02228/REM pursuant to condition 5 (Biodiversity Enhancement Plan) for Phase 3A	Pending Consideration
21/02915/DAC	Application for approval of details as reserved by condition 15 (Residential Travel Pack) of approved application 19/02228/REM	Pending Consideration
21/02922/DAC	Application for approval of details attached to 15/00430/OUT pursuant to condition 27 (Disposal of Foul Sewage Scheme) for Phase 3A	Pending Consideration

### POLICY CONSIDERATIONS

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. 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 some weight to the Section 2 Plan.

#### 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
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
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
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
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
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
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
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
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

#### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## DESCRIPTION OF THE SITE AND SITE CONTEXT

### Lodge Farm

The Lodge Farm site comprises of approximately 36 hectares of land, once predominantly arable farmland. It is situated on the south western edge of Witham, to the north of Hatfield Road (B1389) and opposite the Gershwin Boulevard/Maltings Lane development. Other site boundaries are demarcated by the mainline railway to the north east, residential estates of Allectus Way and Witham Lodge to the north east, and Wood End Farm and Mayfield Nursery to the south west. There are a number of natural features within the site, including veteran trees, hedgerows, ditches and a pond, some of which date from a time when the eastern section of the land formed part of the parkland and gardens to the former Witham Lodge.

The Lodge Farm site was granted outline planning permission with all matters reserved other than strategic access points to Hatfield Road, subject to conditions and a Section 106 agreement in May 2016 for 'the erection of up to 750 dwellings, primary School and early years centre, enterprise centre (A1/A2.B1/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2.B1/D1/D2) with associated infrastructure and landscaping'. The outline planning permission approved 5 parameter plans which underpin the design approach for all future Reserved Matters applications. A Site Wide Design Guide pursuant to Condition 26 of the outline planning permission was also approved by the LPA.

The outline planning permission was subsequently updated by the following variations: 16/02101/VAR (to amend the timing of the submission of the Site Wide Design Guide); and 17/02176/VAR (minor variations to the approved parameter plans and the illustrative Masterplan).

The most recent variation application to be granted was 20/01571/VAR which sought amendments to the approved parameter plans and the illustrative Masterplan to reduce the number of dwellings on site, along with an additional area of land north of the school to accommodate residential dwellings.

The first Reserved Matters application (Phase 1A) for 91 dwellings with associated landscaping, access and parking (17/00931/REM) was approved in September 2017. The Reserved Matters application for Phase 1B

(18/00884/REM) for 84 dwellings was approved in May 2018 and the Reserved Matters application for Phase 2 (18/01912/REM) for 61 dwellings was approved in March 2019. The most recent Reserved Matters application for Phase 3A (19/02228/REM) for 72 dwellings was approved in March 2020. Works have currently completed for all phases mentioned above.

### Phases 3B and 4

Phases 3B and 4 are located in the northern and north-western section of the wider Lodge Farm site and measure approximately 9ha in area. The site is enclosed to the north by the Great Eastern main railway line, beyond which is open countryside. To the east of the site lies Phase 3a and to the south is Phase 2 (including the main park / open space). To the west is agricultural land which is currently the subject of outline planning application 19/01896/OUT for 400 dwellings for the Wood End Farm site.

### PROPOSAL

The application for Phases 3B and 4 proposes a total of 216 dwellings with associated landscaping, public open space (including allotments) and parking.

Dwellings would be in the form of 2 and 3 storey houses, maisonettes and apartments and would range in size from 1 bedroom to 5 bedroom units.

The site provides 151 market dwellings and 65 affordable dwellings (30%), in a range of sizes, 49 of which are affordable rent and 16 of which would be shared ownership.

The design ethos of these phases is underpinned by the overall vision of the Masterplan, to provide an attractive gateway into the town with a mix of commercial, residential and open spaces along the northern side of Hatfield Road. The application is accompanied by a detailed set of plans, which cover site layout, car parking, gardens, enclosures, landscape and public open space, surface water drainage, highways and affordable housing, as well as house type floor plans and elevations for each dwelling, and key street elevations along the primary road frontages.

The layout of the proposed development has been subject to extensive pre-application discussions with Officers.

### SUMMARY OF CONSULTATION RESPONSES

Two main consultations were carried out, the second following the submission of revised plans which sought to address a number of design and layout concerns raised by Officers.

A summary of the consultation responses received is set out below.

### ECC SUDs

Initially submitted a holding objection. Following discussion with the applicant and the submission of further technical information, ECC SUDs raised no objection subject to a condition requiring further technical information and the submission and approval of a revised detailed surface water drainage scheme.

### BDC Environmental Health

The submitted overheating assessment is not robust enough to ensure that dwellings will be sufficiently ventilated. Further information also required in relation to the effectiveness of noise mitigation measures.

Conditions therefore required in relation to the following:

- 1) Requirement for the submission of an overheating assessment to confirm that dwellings will be sufficiently ventilated when ambient temperatures are high if windows need to be kept closed to reduce noise from the railway to acceptable levels.
- 2) Requirement for the submission of a verification report to ensure that the proposed noise attenuation measures to noise sensitive dwellings are installed and effective prior to occupation of those dwellings.

### BDC Waste

The access roads must be built to accommodate the waste and recycling collection vehicles, and must be adopted highway, or built to a standard equivalent to adopted highway. Also Braintree District Council require written indemnity to state that it will not incur cost for damages caused to the driveway/access road, as a result of using it to carry out waste and recycling collections. Any private driveways that serve multiple residencies, where we require access to waste and recycling, will need ensure that the place where the waste and recycling is presented on collection day must be within 20 metres from where our collection vehicle can stop.

Any flat blocks will need to have clear access, that is flat and not gravel surface and a bin store that is within 15 metres of where the waste collection vehicle can safely stop. The blocks will require equivalent bin storage to accommodate 45 litres per person in the block per week for refuse, and the same again for recycling.

### Essex Police Architectural Liaison Officer

We would welcome the opportunity to consult on this development to assist the developer to achieve a Secured by Design (SBD) 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.

### ECC Highways

No objection following the receipt of additional information and subject to a condition requiring the following:

1. Prior to commencement of the development planning application drawing 47020/C/3B4/09 Rev. D and 47020/C/3B4/10 Rev. D shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:
  - a) Revisions to the layout to prevent vehicles parking across a footway
  - b) A standard transition into the shared surface in front of Plot 220
  - c) Removal of the footway along the road between Plot 111 and 135 and a standard transition into the shared surface
  - d) Removal of the footway along the road between Plot 174 and 191 and a standard transition into the shared surface
  - e) Removal of the pink shading over the road between Plot 80 and 91
  - f) A consistent carriageway width and forward visibility shown as being part of the limit of highway adoption at Plot 77

### Natural England

This development site falls within the Zone of Influence of one or more of the European Designated Sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Under the provisions of the Habitat Regulations it is anticipated that without mitigation new residential development in this area and of this scale is likely to have a significant effect on these coastal European sites.

Braintree District Council must therefore undertake a Habitat Regulations Assessment in relation to this application prior to the grant of any planning permission in order to ensure that any necessary mitigation is secured.

### Essex Fire and Rescue

Access for Fire Service purposes is considered satisfactory subject to the following:

- Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 15 tonnes.
- Minimum turning circle between kerbs of 17.8 metres.
- Advised to ensure the turning circle for fire appliances has a parking restriction in place.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.



The Applicant is reminded that additional water supplies for firefighting may be required for this development.

The Applicant is also urged to utilise automatic water suppression systems for buildings.

### ECC Archaeology

The above site has had a full archaeological investigation completed and no further fieldwork will be required. No further conditions are required for this reserved matters application.

### BDC Landscape

Provided the following comments in relation to the scheme. The applicant then revised the scheme and responded to these comments:

- Applicant needs to revise some of their tree species to respond to National Grid's response. There is an element of retained vegetation that should provide a buffer and spacing from the railway corridor but I think this position should be clarified and amended if it goes against the guidance from Network Rail.
- Limited level of tree planting along the length of the green corridor – expectation to see a larger number of drought resistant species and an evergreen component – using largely native tree stock which would support the concept of the open space as a green corridor in its broader sense and in the interests of supporting biodiversity and addressing climate change.
- Landscape Drawing -17008-130 Rev. B shows corner points planted with Liquidamber which is a fine tree but doesn't establish well in this part of Essex unless sufficiently well-watered in the early years. Suggest a variety of pine is used as a replacement, which will also provide an evergreen counterpoint in the winter.
- Landscape Drawing – 17008-134 Rev. B shows the planting detail to support the planting strategy and includes tree planting along the southern boundary of the plots which would be more appropriate at the northern end of the plots so they shade the shed units rather than shading the growing area and removing soil moisture within this area.
- Landscape Drawing -1708-135 Rev. C - the tree planting along the frontages of units 204 -208 should be transferred to the other side of the service road where the verge will provide a better planting prospect to establish and provide greater spaces for the canopies.
- The level of seating provision on the Northern Green is a concern if this is to be an area where parents/carers will be encouraged to use the

area then sufficient seating and meeting areas would seem a prerequisite to its effectiveness as a usable space.

- We have supported the concept of natural play provision in previous discussions at the concept stage and this has been detailed within the scheme. Is this level of provision providing the quantity/value of play sufficient for a residential development of this size? It is appreciated that natural play revolves around design, modelling and surfaces but items such as the boulder provision should be of sufficient scale to have some play value and demonstrate that the financial input is equivalent to the spend on more orthodox play equipment elsewhere.

### BDC Housing Officer

No objection following revisions to the affordable housing mix.

This application seeks detailed approval for a scheme that comprises 216 residential dwellings including 65 affordable homes. I confirm we are satisfied the affordable mix generally accords with guidance provided to the applicant during this application and meets the requirements of Affordable Housing Policy CS2.

The affordable unit and tenure mix illustrated in the submitted Affordable Plan Drawing Number 013 Rev B and set out in the table below is considered appropriate to match evidence of housing need.

Unit Type	No	Affordable Rent	Shared Ownership
1 bed 2 person maisonette	4	4	0
1 bed 2 person flat	13	13	0
2 bed 4 person flat	12	12	0
2 bed 4 person GFF disabled unit M3	2	2	0
2 bed 4 person house	19	7	12
3 bed 5 person house	7	3	4
3 bed 6 person house	4	4	0
4 bed 7 person house	4	4	0
	65	49	16

We are supportive of this application because it provides the opportunity for a significant number of new affordable homes to be delivered which will compliment local existing social housing stock and assist the Council in addressing housing need.

### Network Rail

No objection subject to informatives relating to:

- The need for the developer to ensure that their proposal, both during construction and after completion, does not interfere with or encroach upon Network Rail assets/operations.

## Anglian Water

### **Foul Water:**

We have reviewed the applicant's submitted foul drainage strategy documentation and consider that the impact on the public foul sewerage network has not been adequately addressed at this stage. Anglian Water have found that this proposal may result in an increased risk of flooding in the downstream network.

### **Surface Water:**

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

## BDC Ecology

No objection subject to a condition relating to the requirement for a Biodiversity Enhancement Strategy to be submitted for these phases of the development.

The current lighting scheme detail is insufficient and further detail is required to address this which should be wildlife friendly (a condition is recommended to address this).

We are satisfied that the LPA has certainty of impacts upon Protected and Priority Species/Habitats for this application, subject to the requested mitigation measures being secured and implemented in full.

A Habitat Regulations Assessment has already been completed and relevant mitigation secured under the recent variation (Ref 20/01571/VAR) to the outline planning permission for the site.

We support the proposed landscaping scheme and plant specifications from an ecological perspective. Question whether a finalised Landscape Ecological Management Plan will be submitted as per Condition 20 of the outline Planning permission. Also encourage the developer to provide a Biodiversity Net Gain Assessment using the DEFRA Biodiversity Metric.

## PARISH / TOWN COUNCIL

### Witham Town Council

Objection. There should be connectivity with the adjacent Woodend Farm development to encourage cycling into the town centre and the railway

station. The Town Council therefore continues to recommend refusal until there is an assurance that rubbish and recycling would be collected from adjacent to all homes, that there would be an adequate cycle path connections to Woodend Farm and an assurance that LPP would be applied with regard to renewable energy.

## REPRESENTATIONS

The application has been subject to public consultation, however no representations have been received.

## REPORT

### Principle of Development

The principle of the residential development of the site has been established under the original outline planning permission (application reference 15/00430/OUT, which has been subsequently updated by 16/02101/VAR; 17/02176/VAR and 20/01571/VAR). The current application seeks approval for the reserved matters pursuant to the outline permission and its subsequent minor variations in relation to Phases 3B and 4 only.

These reserved matters consist of:

- Appearance;
- Landscaping;
- Layout; and
- Scale.

It is therefore these reserved matters which must be assessed in detail.

The application has been assessed in accordance with the approved Parameter Plans and Site Wide Design Guidance and is in general conformity. Therefore, the principle of this application for Reserved Matters on Phases 3B and 4 of the Lodge Farm development is considered acceptable.

### Appearance, Layout and Scale

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

At the national level, the NPPF is also clear in its assertion at Paragraph 126 that:

*'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better*

*places in which to live and work and helps make development acceptable to communities’.*

There is therefore 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. Furthermore, all Reserved Matters applications are bound by the outline Site Wide Design Guidance which again strives to secure a quality scheme.

The applicant proposes 216 dwellings over a gross site area of approximately 9ha. The developable area would measure approximately 7.23ha with 1.78ha of green infrastructure. Overall this gives a gross density of approximately 24 dwellings per hectare and a net density of approximately 29.8 dwellings per hectare, neither of which are excessive and both of which are considered appropriate for this location.

The proposed layout in general terms is broadly rectangular in shape and is centred around a tree lined spine road or boulevard which links to the remainder of the Lodge Farm development. A series of regularly shaped development parcels are proposed to the north and south of this road which are served by secondary roadways of different hierarchical standing leading off from the spine road. A large area of Allotments is proposed in the south-western corner of the site whilst a band of green infrastructure containing a bound gravel footway runs along the site’s northern boundary. A green corridor containing a retained ditch links to this and runs across the site in a north-south orientation before following the southern boundary. The layout also includes a pocket green or ‘pocket park’ on its eastern side and another on its western side.

All garden sizes are compliant with the Essex Design Guide requirements and all flatted blocks have been provided with carefully designed private amenity space.

In terms of scale, the majority of the development is two storey. Two plots are 2.5 storey dwellings due to their key location and all flatted blocks (5 in total) are 3 storey. Focal buildings have been carefully positioned to appropriately terminate views across the site.

Phases 3B and 4 are located within 2 key character areas as identified in the Site Wide Design Guidance for Lodge Farm. The northern part of the site lies within the Northern Railway Edge character area which is defined by its landscape buffer and built frontage consisting of 2 storey houses and 3 storey flats. Houses are accessed via private drives with on plot parking whilst the apartments utilise rear parking courts.

The majority of the site lies within the ‘Neighbourhood Setting’ character area. A strong, legible, formal street pattern is employed, with a tree lined spine road or boulevard playing a key role in defining the feel of the character area. Smaller areas of urban mews contrast with greener outer streets and spaces

and building typologies consist of detached and semi-detached dwellings in addition to mews and terraces.

Overall, house types are traditional in nature with dual pitched roofs and classically proportioned door and window openings. Internally, all house types meet the Nationally Described Space Standards (NDSS) which set out the required internal space standards for new dwellings of all tenures.

The development is also compliant with the Essex Design Guide in terms of back to back distances between new dwellings.

In terms of the proposed housing mix, the scheme consists of the following dwelling mix with 151 market dwellings and 65 affordable dwellings:

**Market Mix:**

6no. 1 bed  
41no. 2 bed  
37no. 3 bed  
65no. 4 bed  
2no. 5 bed

**Affordable Mix:**

17no. 1 bed  
33no. 2 bed  
11no. 3 bed  
4no. 4 beds

The dwelling mix 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 it meeting identified need.

Overall the layout, appearance and scale of the proposal are considered to be acceptable. Layout in relation to green infrastructure and landscaping is discussed in more detail below.

Landscaping

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 following a number of minor revisions.

The site's green infrastructure accords with the approved Parameter Plans for the outline planning permission.

The updated NPPF (NPPF 2021) states at Paragraph 130 that new streets should be tree lined and that opportunities should be taken to incorporate

trees elsewhere in Developments. The proposal benefits from extensive tree planting across the site with street trees forming an important part of both the landscape and townscape character of the proposed development.

The green corridor based around the retention of the existing ditch on the site, with additional tree and wildflower planting added, also plays an important role both in terms of character and in terms of providing a green link between the green infrastructure on the site's northern boundary, and the green infrastructure located within both this site and the wider Lodge Farm development.

In terms of tree loss, the proposal requires the removal of 9 low category trees (Categories C and U) and the removal of 2 sections of hedgerow. These are located within the mid-section of the site and their removal is necessary to facilitate features such as the site's spine road and cycleway in addition to one of the formal areas of public open space.

The proposal also includes 0.36ha of allotments which would be positioned in the south-western corner of the site and would sit comfortably within a dedicated area with their own access point. The full specification and details of the allotments would come forward by way of S106 obligation attached to the outline permission.

The sites hard landscaping varies, with footpaths/cycleways being constructed primarily from a mixture of tarmac and self-binding gravel.

Overall the site's proposed landscaping is carefully considered and is of an acceptable standard.

### Ecology

The Ecological impact of developing the overall site was assessed in full at the outline planning application stage and is not for consideration as a reserved matter. The applicant has however submitted an updated Ecological Appraisal which includes the following ecological enhancement measures for delivery within Phases 3B and 4 of the development:

- Incorporation of native plants and those of wildlife importance into the landscaping scheme to provide foraging opportunities for birds, invertebrates and bats
- Provision of new bat roosting opportunities within new buildings and retained mature trees
- Provision of bird nesting opportunities within new buildings and retained mature trees

It also sets out a bat and reptile mitigation strategy, as required by planning conditions attached to the outline planning permission. A comprehensive reptile translocation exercise has been completed to ensure that any reptiles which were living on the site have been safely re-located to nearby suitable habitat. With regard to bats, the site lighting scheme has been designed to

minimise its impact upon bat species, however a condition is recommended to ensure that further and full detail of the proposed lighting scheme is submitted for approval.

The Council's Ecology Officer has reviewed the application and raised no objection on ecology grounds, subject to a condition requiring a Biodiversity Enhancement Strategy to be submitted and approved.

### Habitat Regulations

In terms of the wider ecological context, the application site sits within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary and the Dengie Special Protection Area and Ramsar site and the Essex Estuaries SAC. It was therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

An Appropriate Assessment was completed under the latest variation to the outline planning permission (20/01571/VAR) which was approved by Natural England and the associated mitigation measures were secured.

### Highways

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.

With regard to site layout, ECC Highways have been consulted and following a number of minor revisions have no objection to the site's internal layout in highway terms.

In terms of parking, private provision would be made across the site and would exceed the requirements set out in the Essex Parking Standards (2009) which requires 1 space per 1 bed dwelling and 2 spaces per two or more bed dwellings. In total, provision would be made for 415 spaces and 10 size compliant garages (425 total) as opposed to the required 409 spaces. The site also makes very good provision for garages with 78 integral and 27 detached although these are excluded from the parking space count as they are sized for storage rather than for Essex Parking Standard compliance.

Visitor parking would be spread around the development with a slight shortfall of 7 spaces with 47 spaces rather than 54 being provided although this is not considered to be materially significant, particularly given the slight over provision of private spaces.

With regard to electric vehicles, Policy LPP44 of the Section 2 Plan requires developments to make appropriate provision for electric vehicles. The outline planning permission was however granted in May 2016, before there was a



policy basis for requiring such provision. Notwithstanding this, a condition is recommend requiring the submission and approval of an electric vehicle charging strategy prior to occupation of the dwellings.

Overall, parking provision on the site is considered to be acceptable.

#### Impact upon Residential Amenity

In terms of existing neighbouring amenity, the application site does not abut any existing residential development. The closest existing residential development is positioned to the east but this is on the opposite side of Phase 3A. It is not therefore considered that the proposal would have a detrimental impact upon existing residential amenity in the locality.

With regard to internal layout and compatibility with other Lodge Farm phases, the scheme is compliant with the requirements of the Essex Design Guide and meets the required back to back distances and garden size requirements.

In terms of noise, the impact of the mainline railway upon the occupiers of the new dwellings was assessed in general terms at the outline planning application stage. With regard to the current proposal, the Council's Environmental Health Officer has requested conditions relating to the verification of required noise attenuation measures for new dwellings and an overheating assessment to demonstrate that the new dwellings will have sufficient ventilation in place to facilitate cooling with noise mitigation measures in place.

Overall Officers do not consider that there are any grounds to recommend refusal of the reserved matters on the basis of residential amenity.

#### Heritage

The likely heritage impact of the proposed development of the overall site was assessed at the outline application stage. The application site is not located within or near a Conservation Area or listed building. The current phase sits within the wider Lodge Farm site and it is not considered that it would cause any specific harm to heritage assets.

#### Archaeology

The ECC Archaeology Officer has confirmed that a full archaeological investigation has been completed for the Lodge Farm site and that no further fieldwork is required. No further archaeological conditions are therefore required for this reserved matters application.

#### Flooding and Drainage Strategy

Flood risk and drainage were considered in general terms at the outline planning stage and relevant conditions were attached to the outline planning permission for the wider Lodge Farm site.

For Phases 3B and 4 the applicant proposes to utilise a SUDs system which would connect into the SUDs system for the remainder of the Lodge Farm development. Surface water would be directed into SUDs basins where it would be held before being gradually released at an agreed rate with the Lead Local Flood Authority (ECC SUDs) and Anglian Water into the existing Anglian Water sewer in Allectus Way (the site is unsuitable for direct infiltration).

ECC SUDs have advised that they do not object to the granting of the Reserved Matters for Phases 3B and 4 but require a condition seeking further technical detail in relation to this element of the proposed SUDs scheme. Anglian Water also require further technical information. A condition is therefore required which seeks this technical detail.

With regard to foul water, Anglian Water have stated that the applicant's submitted foul drainage strategy documentation does not adequately address its impact on the public foul sewerage network at this stage and may result in an increased risk of flooding in the downstream network. However, Condition 27 of the outline planning permission (20/01571/VAR) covers this matter and requires the submission and approval of a detailed foul drainage scheme prior to the occupation of any dwelling within each phase of the development. This matter could therefore be addressed comprehensively via this planning condition. In addition, Officers note that Anglian Water have a statutory duty to accommodate foul water flows from new development.

### Lighting

Policy RLP65 of the Adopted Local Plan indicates that external lighting should be designed as an integral element of the development and provides guidance on the design of lighting.

Condition 15 imposed upon the original outline planning permission (15/00430/OUT) and the subsequent variations, requires a lighting plan to be submitted with each reserved matters application.

In this respect, this application is accompanied by a preliminary street lighting plan, which includes details for the private access drives, as well as general details on the installation of 'bat friendly' lighting. However, a condition is required to ensure that further technical detail with regard to the above is submitted for consideration and approval.

### Refuse and Recycling

Condition 16 of 15/00430/OUT (and subsequent approvals) requires details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points; and this application includes details of such.

The details have been assessed by the Councils Waste Operations team who have advised of the following:

- The access roads must be built to accommodate the waste and recycling collection vehicles, and must be adopted highway, or built to a standard equivalent to adopted highway.
- Braintree District Council will require written indemnity to state that it will not incur cost for damages caused to the driveway/access road, as a result of using it to carry out waste and recycling collections.
- Any private driveways that serve multiple residencies where we require access to waste and recycling will need to ensure that the place where the waste and recycling is presented on collection day, must be within 20 metres from where our collection vehicle can stop.
- Any flat blocks will need to have clear access, that is flat and not gravel surface and a bin store that is within 15 metres of where the waste collection vehicle can safely stop. The blocks will require equivalent bin storage to accommodate 45 litres per person in the block per week for refuse, and the same again for recycling.

The proposed refuse strategy will require the Bin Lorry to access some private driveways. Therefore, it is noted that a written indemnity will be required by the Council as set out above.

#### Other Issues

Witham Town Council have raised objection on the grounds that they consider there should be connectivity between Lodge Farm and the adjacent Woodend Farm site to encourage cycling. However, there is a ransom strip between the two sites meaning that in planning terms it isn't possible to require a direct connection. Furthermore, Woodend Farm is the subject of a live outline planning application and does not at present have planning permission to be developed for residential use. The Lodge Farm layout provides the best possible connectivity given site constraints.

Objection is also raised with regard to waste collection on the site. The Council's Refuse Team have however reviewed the application and have no objection to the proposed waste collection scheme, subject to their above comments.

Finally, the Town Council seek assurance with regard to renewable energy on the site and reference a Draft Local Plan Policy. The outline planning permission for Lodge Farm was granted a considerable period of time ago and at a stage when Draft Local Plan Policies could not be applied to proposed development. The Reserved Matters application will however have to comply with all relevant Building Regulations requirements in relation to energy efficiency.

## CONCLUSION

The principle of the residential development of the site is established under the existing outline planning permission and the subsequent variations to this permission. The applicant now seeks approval for reserved matters pursuant to Phases 3B and 4 only of this outline permission consisting of the appearance; landscaping; layout and scale of development.

The proposal has been amended to respond to concerns raised during the course of the application and Officers consider that in its current form it now represents a well-considered and high quality scheme and that the proposal is acceptable in planning terms.

Accordingly it is recommended that the Reserved Matters are approved.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: A889 61	
Planning Layout	Plan Ref: A889 006	Version: REV H
Materials Details	Plan Ref: A889 007	Version: REV C
Massing Plan	Plan Ref: A889 011	Version: REV C
Other	Plan Ref: A889 012 REV C	Version:
Occupancy Plan		
Affordable Housing Plan	Plan Ref: 013	Version: REV C
Enclosures etc	Plan Ref: A889 24	Version: REV C
Refuse Information	Plan Ref: A889 25	Version: REV C
Other	Plan Ref: A889 26 REV D	Version: Garden
Area Plan		
Public Open Space Details	Plan Ref: A889 27	Version: REV C
Landscaping Specification	Plan Ref: 17008-128 REV D	Version:
Landscaping of 6	Plan Ref: 17008-129 REV D	Version: Sheet 1
Landscaping of 6	Plan Ref: 17008-130 REV D	Version: Sheet 2
Landscaping of 6	Plan Ref: 17008-131 REV D	Version: Sheet 3
Landscaping of 6	Plan Ref: 17008-132 REV D	Version: Sheet 4
Landscaping of 6	Plan Ref: 17008-133 REV D	Version: Sheet 5

Landscaping of 6	Plan Ref: 17008-134 REV D	Version: Sheet 6
Landscape Masterplan	Plan Ref: 17008-135 (West)	Version: REV E
Landscape Masterplan	Plan Ref: 17008-136 (East)	Version: REV E
Proposed Floor Plan C	Plan Ref: A889 18 REV D	Version: Block A-
Proposed Elevations C	Plan Ref: A889 19 REV D	Version: Block A-
Other	Plan Ref: Bin Store A889 107	Version:
Apartment Block A-C		
Proposed Floor Plan K/M/L	Plan Ref: A889 21 REV E	Version: Block
Proposed Elevations K/M/L	Plan Ref: A889 22 REV E	Version: Block
Parking Strategy	Plan Ref: 014	Version: REV C
Other	Plan Ref: Cycle Store A889 108	Version:
Apartment Block A-C		
Other	Plan Ref: Bin/Cycle Store A889 109	Version:
Apartment Block K-M		
Proposed Floor Plan	Plan Ref: A889 92 REV C	Version:
Apartment Block W-Z		
Proposed Elevations	Plan Ref: A889 93 REV C	Version:
Apartment Block W-Z		
Other	Plan Ref: A889 17 REV A	Version:
Apartment Bin Store W-Z		
Other	Plan Ref: 17008-138 REV D	Version: Northern
Green Concept		
House Types	Plan Ref: Phases 3B & 4 House Type Brochure	
	Version: May 2021	
Levels	Plan Ref: 47020/C/3B4/03 F	
Levels	Plan Ref: 47020/C/3B4/04 F	

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

Reason

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

- 2 No development shall commence until planning application drawings 47020/C/3B4/09 Rev. D and 47020/C/3B4/10 Rev. D have been revised and submitted to and approved in writing by the Local Planning Authority to show the following:
  - g) Revisions to the layout to prevent vehicles parking across a footway
  - h) A standard transition into the shared surface in front of Plot 220
  - i) Removal of the footway along the road between Plot 111 and 135 and a standard transition into the shared surface
  - j) Removal of the footway along the road between Plot 174 and 191 and

a standard transition into the shared surface

k) Removal of the pink shading over the road between Plot 80 and 91

l) A consistent carriageway width and forward visibility shown as being part of the limit of highway adoption at Plot 77

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

#### Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking. The details are provided prior to commencement of development to ensure that the development is constructed in accordance with them from the outset.

- 3 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates from Phase 3b and 4 to 1:1 Greenfield runoff rates 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.
- 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 and to provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to provide the above required information before commencement of development may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 4 No above ground development shall commence until a CIBSE TM59 or equivalent overheating assessment for the proposed site layout and internal layout design of the dwellings, and where necessary a scheme for alternative means of ventilation to enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions, has been submitted to and approved in writing by the local planning authority. Noise from any alternative ventilation system shall be demonstrated to not present an adverse impact on future occupants of the dwellings. The development shall only be implemented in accordance with the approved details.

Reason

To ensure that the new dwellings receive adequate ventilation and cooling.

- 5 The scheme of landscaping indicated upon the approved plans, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

- 6 The development shall only be carried out in accordance with the submitted Arboricultural Report and arboricultural protection measures detailed therein completed by Tim Moya Associates, Ref 140712-PD-101b dated August 2021.

Reason

To ensure the protection of the existing trees and hedgerows on the site which are to be retained.

- 7 No dwelling shall be occupied until the car parking space(s) that are to serve it, as indicated on the approved plans, have been hard surfaced. The car parking spaces shall be retained in this form at all times and 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 space is provided in accordance with the Council's adopted Parking Standards.

- 8 All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

- 9 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason

In the interests of visual amenity.

- 10 All roads/parking courts which are to be utilised by refuse collection vehicles, shall be constructed to take a load of 26 tonnes.

Reason

To ensure that roads are designed and constructed to a standard that will allow refuse collection vehicles to be able to traverse without damaging the surface.

- 11 Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify 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; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.



Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 12 Level access shall be provided to all residential units and the ground floor uses hereby approved.

Reason

To ensure the development is fully accessible.

- 13 Details of bird and bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any exterior cladding or brickwork commencing. The details shall include the exact location, specification and design of the habitats.

The boxes / bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes / bricks shall be installed strictly in accordance with the approved details, and shall be retained as such thereafter.

Reason

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 14 Notwithstanding the details shown on the plans and documents hereby approved, no above ground development shall commence until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) A sample board for all facing materials; to include window frames, ventilation screens and vent pipes, meter boxes, brickwork and mortar colour;
- b) Brick samples and specifications along with plans indicating location of bricks;
- c) Façade design and detailing;
- d) Details of all ground floor frontages including entrance doorways, canopies, post boxes (apartments only) soffits, lighting and areas allocated for signage;
- e) Window design: setting out specification of all typical windows including reveals, spandrels, flashing and frame thickness and the location of glazing bars;
- f) Roof detailing including tile samples and specification of all ridges and verges;
- g) Details of all ground surface finishes, including kerbs and manhole cover;
- h) Double glazing window specification for properties fronting Railway line to the north.

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

Reason

To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

- 15 The noise attenuation performance of the noise mitigation measures set out in the submitted Noise Report completed by Accon UK Environmental Consultants and dated 27 August 2021 shall be verified prior to the occupation of the identified noise sensitive properties to demonstrate that the noise mitigation measures as set out within the noise report have been implemented as part of the approved scheme. A Verification Report shall be submitted to and approved by the Local Planning Authority prior to the occupation of these dwellings.

Reason

To ensure that the proposed noise mitigation measures are both effective and properly installed.

- 16 Prior to occupation of the dwellings an electric vehicle charging strategy shall be submitted to and approved by the Local Planning Authority. The approved strategy shall be implemented prior to the occupation of the dwellings.

Reason

To ensure that sufficient electric vehicle charging provision is made.

- 17 Prior to occupation, a Biodiversity Enhancement Strategy 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).

- 18 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/provision of any building within the curtilage of the dwellinghouse / alteration of the dwelling-house, as permitted by Class A, B, C, and E 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 / outbuildings in the interests of residential and/or visual amenity.

**INFORMATION TO APPLICANT**

- 1 Your attention is drawn to the informatives contained within the Network Rail consultation response dated 9 March 2021 which can be viewed on the Council's website under the planning reference number 21/00249/REM.

**CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER**