

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 15 September 2015

Time: 7.15pm

**Venue: Council Chamber, Braintree District Council, Causeway House,
Braintree, CM7 9HB**

Membership:

Councillor J Abbott

Councillor R Bolton

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S C Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor R Ramage

Councillor Mrs W Scattergood (Chairman)

Councillor G A Spray

Members are requested to attend this meeting, to transact the following business:-

Page

PUBLIC SESSION

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Planning Committee held on 18th August 2015 (copy previously circulated).

4 Public Question Time

(See paragraph below)

5 Planning Applications

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

PART A

Planning applications:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 14 01580 OUT - Oak Road, HALSTEAD | 4 - 39 |
| | | |
| 5b | Application No. 15 00430 OUT - Lodge Farm, Hatfiled Road, WITHAM | 40 - 81 |

PART B

Minor planning applications:-

- | | | |
|-----------|---|----------------|
| 5c | Application No. 15 00841 FUL - Normandie Way, BURES HAMLET | 82 - 87 |
| | | |
| 6 | Planning and Enforcement Appeal Decisions - August 2015 | 88 - 91 |

7 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.

8 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

9 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.

E WISBEY
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members team on 01376 552525 or e-mail demse@braintree.gov.uk

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Council's Governance and Members team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment

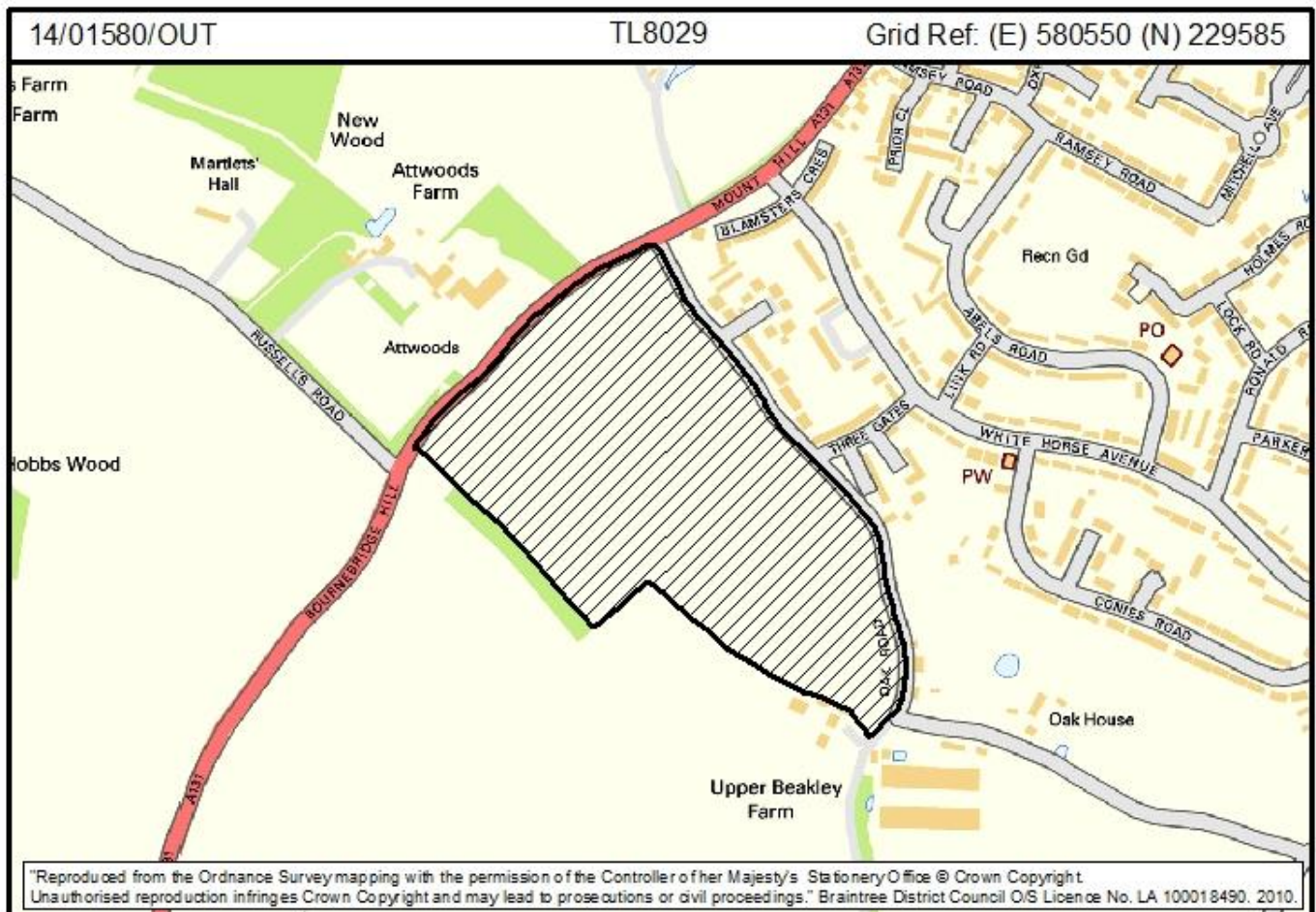
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Contact Details:

PART A

APPLICATION NO: 14/01580/OUT
 DATE: 16.01.15
 VALID:
 APPLICANT: Gladman Developments Ltd
 Mr Jason Lewis, Gladman House, Congleton, Cheshire, CW12 1LB
 DESCRIPTION: Outline application for the erection of up to 292 residential dwellings (including up to 30% affordable housing), convenience store, parking, structural planting and landscaping, informal public open space, children's play area, surface water attenuation, 3 no. vehicular access points from A131 (1) and Oak Road (2) and associated ancillary works. All matters reserved with the exception of site access.
 LOCATION: Land South Of, Oak Road, Halstead, Essex, ,

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



SITE HISTORY

14/00009/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Residential development of up to 300 dwellings and associated community infrastructure.	Screening/ Scoping Opinion Adopted	07.07.14
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within 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
RLP54	Transport Assessments
RLP56	Vehicle Parking

RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Site Allocations and Development Plan Policies

ADM1	Presumption in Favour of Sustainable Development
ADM2	Development within Development Boundaries
ADM3	Housing Allocations
ADM5	Specialist Housing
ADM8	Housing and Density
ADM19	Design and Layout of Employment Policy Areas and Business and Industrial Uses
ADM27	Town, District and Local Centre Improvements
ADM38	Education Provision
ADM41	Community Uses
ADM43a	Health and Wellbeing Impact Assessment
ADM45	Sustainable Access for All
ADM47	Parking Provision
ADM50	Landscape Character
ADM51	Protection of Biodiversity and Geodiversity
ADM55	Energy Efficiency
ADM57	Contaminated Land
ADM58	Development Likely to Give Rise to Pollution or the Risk of Pollution
ADM59	External Lighting
ADM60	Layout and Design of Development
ADM69	Archaeological Evaluation, Excavation and Recording

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
Essex Design Guide
External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Open Spaces Action Plan

Parking Standards – Design and Good practice

Other Guidance

Landscape Character Assessment 2006

Braintree District Settlement Fringes – Evaluation of Landscape Analysis

Study of Halstead, June 2015

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

Objections have also been received from Greenstead Green & Halstead Rural Parish Council and Halstead Town Council, as well as from members of the public.

NOTATION

The application site is located outside the Halstead town development boundary, as designated in the Braintree District Local Plan Review, 2005.

The application site was allocated for development in the Pre Submission Site Allocation and Development Management Policy Plan.

This application has been advertised as a departure from the Council's adopted Development Plan.

SITE DESCRIPTION

The application site lies on the southern side of Halstead adjacent to the residential properties on the eastern side of Oak Road which mark the edge of the Halstead Town Development boundary. The site is bordered by the A131 along its western boundary. This is the main route into Halstead from the south and Braintree. Whilst there are residential properties to the north of the site the predominant land use to the south is agriculture.

The 11.76ha site is currently in agricultural production and consists of two fields separated by a mature hedgerow. Much of the sites external boundaries are also delineated by hedgerows and trees, although this coverage is more broken along the boundary with the A131.

The site is relatively flat. Existing levels rise from the western boundary of the site at approx. 76m Above Ordnance Datum (AOD) to the crest of the valley slope at approx. 77m AOD. From here, the site falls towards the northern corner of the study site at approx. 72m AOD

PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of up to 292 residential dwellings; a convenience retail store; parking; structural planting and landscaping; informal

public open space; children's play area; surface water attenuation and associated ancillary works.

This application for outline planning permission seeks approval for the means of access to the site. The application states that access to the development will be gained via two entrances from Oak Road on the north eastern side of the site and a third access point from the A131 on the north western side of the application site.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward. Besides access all other matters regarding the development (appearance; landscaping; layout; and scale) are Reserved Matters.

The applicant has submitted in support of their application a 'Framework Layout Plan'.

The application is also supported by a suite of documents which include –

- Affordable Housing Statement;
- Air Quality Report;
- Arboricultural Report;
- Archaeological & Heritage Desk Based Assessment;
- Design & Access Statement;
- Ecological Reports;
- Flood Risk Assessment;
- Foul Drainage Report;
- Ground Conditions (Desk Top Assessment);
- Heritage Report;
- Landscape and Visual Impact Assessment;
- Noise Report;
- Planning Statement;
- Retail Sequential Assessment;
- Socio-Economic Report;
- Statement of Community Involvement;
- Transport Assessment & Stage 1 Road Safety Audit;
- Travel Plan

CONSULTATIONS

Anglian Water – No response received at the time of writing the report.

Environment Agency – Recommend conditions concerning sustainable construction and design; foul sewerage disposal

Education (Essex County Council) – Current data shows that there is insufficient capacity within existing providers of Early Years & Child Care provision and that there is a forecast shortfall in the capacity of primary schools. Financial contributions are sought from the applicant towards

increasing provision / capacity to meet the increase in demand that will arise from the development.

Essex County Council Library Service – The County Council are looking at relocating the library to the Community Centre being planned for the town. Would be interested in any contributions towards service improvements.

Environmental Services (BDC) – No objection subject to conditions controlling construction activity

Historic Environment Officer – No objection – recommends a condition requiring programme of archaeological work prior to the commencement of development.

Lead Local Flood Authority (LLFA), Essex County Council – No objection subject to conditions concerning surface water drainage.

NHS England – No objection, subject to a financial contribution being made towards meeting the demand for additional healthcare services arising from the development.

Public Rights of Way (Essex County Council) – No public rights of way are affected by the development. There are no identified opportunities for improvements to the Public Rights of Way network.

Ramblers Association – Request that consideration is given to segregated pedestrian and cycle paths around the site; create links through site to improve connection between Public Footpaths; consideration be given to improving Halstead Public Footpath 34 (runs north from Oak Road to White Horse Avenue & Oak Road)

Urban Design (Essex County Council) – Acknowledge that the applicant's analysis of the site's context has informed their Masterplan but consider that there is insufficient information to demonstrate how the development will harmonise with the local context and create an attractive environment.

Greenstead Green & Halstead Rural Parish Council – Objects to the application due to: (1) number of dwellings is too high – would be over development of the site and do not accept this is a 'highly sustainable location' given distance from town centre (500m) and bus stop (majority of the site +200m), (2) Insufficient open space provision on-site – should be 1/3rd of the application site, (3) Inadequate access off Oak Road.

Halstead Town Council – Object – would put pressure on infrastructure; application is premature as there could be more sustainable sites for development elsewhere in Halstead; adverse impact on roads. S106 money should be directed to Community Centre or children's recreation.

REPRESENTATIONS

Objections – 27 letters of objection have been received (several properties have submitted a number of separate letters).

Listed below is a summary of the main – material and non-material - reasons given by objectors:

Development of an unallocated site will result in loss of countryside and good quality agricultural land

Development of this size should be considered as part of a district wide plan to allocate land for new development. It would be premature to approve this application outside of that process

The A131 is a dangerous road and development would adversely affect highway safety

If access is to be formed onto the A131 then this should be through a new roundabout

Footway down Mount Hill towards the town centre is narrow

Roads do not have capacity to absorb increased vehicle movements – already difficult to turn right out of Oak road towards Halstead

Plan to widen Oak Road are not acceptable – access should only be from the A131

There will be inadequate parking within the development leading to cars parking in Oak Road

Development will result in deterioration of air quality, noise and light pollution for residents adjoining the site

Potential impact on archaeological remains thought to be on the site

30% affordable housing provision is not high enough

A smaller number of houses would be more acceptable – 292 is too many – and there is no need for so many new houses in Halstead

Play area could be dangerous

Water pressure is already low – so many new houses could reduce this further

The size and location of the estate will make it difficult to integrate into the town

Noise and disruption during construction

Convenience store is unnecessary given existing provision in the area

The council and local residents should decide where new housing development goes

No letters of support have been submitted by members of the public.

Disappointment with level of public engagement

Insufficient car parking in the town to accommodate future residents when they visit the town centre

Halstead does not have enough public services to support the residents of the proposed development – particular concerns over the existing provision of primary school places and GP medical services

Brownfield site should be developed before greenfields site such as this one

Concern about surface water run-off from site and increased risk of flooding

Would diminish the rural character of the area

Increased traffic along Oak Road would be dangerous for walkers and cyclists who currently use it

Loss of trees; harm to natural environment including wildlife

Pedestrian safety

The Council should obtain their own reports on the need for housing within the district rather than rely on the information supplied by the applicant and their consultants

Highway impacts will stretch well beyond the town – it will make congestion around Braintree worse

Insufficient employment opportunities in the town – residents will end up commuting

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). In addition the Council consider that the development management policies of the Pre-Submission Site Allocations and Development Management Plan (ADMP) are also relevant in the determination of planning applications as outlined in the interim planning statement which is available on the Council's website.

The National Planning Policy Framework (NPPF) states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF in 2012.

The proposed site is currently situated outside of the development boundary for Halstead, as defined on the proposals map of the Braintree District Local Plan Review 2005 and the Pre Submission Site Allocations and Development Management Plan 2014 (which forms part of the Interim Planning Policy Statement). The site is however adjacent to the current Halstead Town Development Boundary which runs along the northern site boundary on Oak Road. The application site has no specific designation / allocation in the current Development Plan.

Core Strategy Policy CS5 'The Countryside' states that '*Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside*'.

The applicant argues that the Council should not rely on Policy CS5 as it does not comply with current national planning policy. Officers do not accept that the situation is as clear cut as contended by the applicant. The main aim of Policy CS5 is to establish clear areas where countryside policies apply and where development is restricted to protect the character and appearance of the rural landscape. This policy aim is considered to be consistent with the NPPF which indicates the intrinsic character and beauty of the countryside should be recognised, while supporting thriving rural communities within it.

It is however acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council had been working on the Site Allocations and Development Management Plan (ADMP), to build on the strategic policies set out in the Core Strategy, since the adoption of the Core Strategy in 2011. This was to complete the suite of documents required in the Local Development Framework to guide development in the District. This Plan was to provide detailed land use allocations across the District, including settlement boundaries and policies used in the determination of planning applications. The Plan applied the minimum housing targets set out in the Core Strategy (approved 2011).

However, since work on the Plan began, national planning policy has changed substantially and the Regional Spatial Strategy, from which our housing target in the Core Strategy was derived, has been abolished. A key requirement specified in the NPPF is that local authorities should '*boost significantly*' their supply of housing.

As the Council began to gather evidence on what the new housing target would be, it became clear that it would be higher than that which is presently set out in the Core Strategy and Site Allocations and Development Management Plan.

As previously stated national planning policy has changed significantly in specifying how local planning authorities should plan for housing growth and delivery and the Council need to respond to this. Because of the requirement to meet an objectively assessed need for housing in full within Local Plans the Council took the decision in June 2014 to not submit the Pre-Submission ADMP for examination by the Planning Inspectorate. Officers instead begun work on a new Local Plan which will include all major planning policy for the District in a single document and will need to meet the requirements of the NPPF - including the need to '*boost significantly*' the supply of housing in the district. The Core Strategy stated that the Council would plan, monitor and manage the delivery of a minimum of 4637 dwellings between 2009 and 2026 – this equates to a minimum of 272 dwellings per annum. In accordance with national planning policy the Council has commissioned research to establish the Objectively Assessed Need for housing in the district. This research will form part of the evidence base for the new Local Plan. The Council's consultants advise that the Objectively Assessed Need for Braintree District is 845 dwellings per annum.

At this stage in the process the Council's position is that the district does have a 5-year supply of housing land, as set out in the Council's Annual Monitoring Report (2014). The work to identify the district's Objectively Assessed Need does not constitute an adopted housing target at this time as set out in a Ministerial letter to the Planning Inspectorate of 19th December 2014. Further assessment of how many homes could be delivered (including in neighbouring areas), how many new homes have already been built and affordable housing need must be taken into account before a Local Plan housing target can be established and set.

The Council is committed to working to create a new Local Plan as a matter of urgency which will be fully compliant with national planning policy. Good progress has been made with an Issues and Options paper being produced; a Call for Sites and work on updating the evidence base required to support a new Local Plan. Officers will shortly start presenting reports to the Local Plan Sub-Committee which will consider the spatial strategy that the Council should follow and assessing the 300+ sites that were put forward through the Call for Sites. Public consultation on a draft Local Plan is scheduled for early 2016 as part of the process required to get the new Local Plan adopted by early 2017.

Some local residents have argued that a development of this size should not be considered in advance of the new Local Plan. If the Council were to fail to determine the application the applicant would be able to appeal to the Secretary of State / Planning Inspectorate on grounds of non-determination. Officers do not recommend that the application is refused as being premature in advance of the new Local Plan being developed and adopted. A development of this scale is unlikely to be prejudicial to the spatial strategy of the new Local Plan and as such arguments regarding prematurity are limited. The NPPF is clear that local planning authorities can apply weight to emerging policy from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan with the more advanced the preparation, the greater the weight that may be given. Whilst the Council are working with urgency to draft and adopt a new Local Plan at this time there is no emerging plan that can be given weight. Officers recommend that the Council should determine this application on its merits.

The NPPF states in paragraph 14, *'at the heart of the NPPF is a presumption in favour of development... for decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'*.

Halstead is identified as a main town in the settlement hierarchy in the adopted Core Strategy. It is stated in Para.4.9 of the Core Strategy that, *'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to Greenfield growth in Halstead are its relatively isolated location and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham.'*

As one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that may be found in Witham and Braintree, it offers a good range of day to day

services and facilities and includes several large employment areas which offer residents the opportunity to meet their needs within the town.

The Core Strategy did however specify landscape sensitivity around the town as being a potentially significant constraint on future growth of the town and this matter is considered below.

Landscape Character Assessment

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

The Landscape Character Assessment undertaken in 2006 identifies that the proposed site is located within the '*F1 Gosfield Wooded Farmland*'. It states, '*sensitive key characteristics and landscape elements within this character area include the strong pattern of large and small woodland blocks and thick hedgerows, with frequent hedgerow trees (which are sensitive to changes in land management). The overall sense of tranquillity within the character area is also sensitive to change and potential new development, or increases in traffic flow associated with such development... Overall this character area has relatively high sensitivity to change...*'

The site is visible as you approach Halstead from the south along the A131 which is a factor which must be considered when assessing the capacity of the landscape to absorb new development.

The 2006 Landscape Character Assessment covered the whole district and the character areas often covered large land areas which means the recommendations must be assessed with care. For example the Landscape Character Assessment identifies the area as having high sensitivity to change, in part due to its '*sense of tranquillity*' however the application site is immediately adjacent the urban edge of the town and is next to the A131 – both factors which mean that the '*sense of tranquillity*' is *not* necessarily evident across much of this particular site.

As part of the development of the evidence base that will support the new Local Plan the Council has commissioned a more detailed analysis of the capacity of the landscape around nine key settlements within the District, including Halstead, to accommodate new development.

Over 30 parcels of land around the edge of the town were assessed and Parcel 5d / the application site was the only parcel identified as having Medium-High capacity to absorb new development. The Parcel of land is assessed as being relatively well contained in views from the wider landscape on approach to Halstead. The existing presence of development and potential access points are further considered to form a relatively strong relationship with the existing built edge of Halstead.

The Landscape Partnership identifies significant boundary planting to the south-west of the proposal site comprising pine and broadleaf trees and this belt helps to visually contain the site within the wider landscape setting. The analysis recommends that the hedgerow structure within the site should be retained and strengthened, and the strong planting belt to the southern boundary preserved to provide a contained edge to Halstead and screen views back towards the town from the landscape around the Bourne Brook valley. The report also identifies that development of the parcel would offer the opportunity to provide a landscape framework that softens the existing abrupt residential edge on Oak Road.

Having made their own assessment of the site and having considered the Landscape and Visual Impact Appraisal submitted by the applicant and the Council's Landscape Character Appraisal it is considered by officers that there is no objection to the residential development of the site on grounds of landscape impact.

In conclusion the proposed site is situated outside of the adopted development boundary for Halstead and has no specific allocation in the current development plan. It does however abut the urban fringe of Halstead; the landscape is considered to have the capacity to absorb the development; can make a significant contribution towards meeting the need for additional housing within the district; and offers the opportunity for housing to be developed in a relatively sustainable location.

The location of the site would enable access by foot/cycle/bus to facilities in Halstead such as schools, GP practice and the town. As this is an outline application, the detail of the development is limited. However, the proposal has appeared to consider matters relating to sustainability, with regards to the provision of the neighbourhood store to service the development, play provision, and cycle routes. Whilst not allocated for development and located in the countryside the site is located in a sustainable location adjacent to a main town where there are employment, community and leisure facilities and on balance, when assessed against the policies in the NPPF taken as a whole, development is considered acceptable.

A number of the representations that have been received refer to the applicant – Gladman Developments – and urge the Council to reject this application. The identity of the applicant is not material to the determination of this application – it must be assessed on its individual planning merits.

Convenience Store

Whilst the application is for a predominantly residential development this outline application also proposes a 400m² (280m² net) convenience store.

Paragraph 24 of the NPPF states, *'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.'*

They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

A retail impact assessment is not required for a convenience store of this size as the proposed floor space of the retail store is below the specified threshold size set out in the NPPF - if there is no locally set threshold, the default threshold is 2,500m² m. (ADMP policy 26 propose a threshold of 1,500sqm for Halstead but the proposal is still below that size)

The applicant has submitted a Retail Assessment in support of their proposal and this states *'The local convenience store would be located in a sustainable location within the context of the new development. The positioning of the local store in this location would reduce the need to travel long distances to access a local convenience store of this type. Similarly, existing residents living within close proximity of the new store would have greater opportunity to travel a short distance (i.e. a walking distance) to a local store that would meet their day-to-day convenience needs'*.

A convenience store of the size proposed would serve the new development and local residents for 'top up' shopping, reducing the need to travel by car. If a new convenience store were to be located within the town centre instead of on this site, then it would not serve its localised neighbourhood catchment. As a result Officers accept that there are no sequentially preferable sites available for the development of a convenience store to serve this development and the surrounding area and as such there is no objection to the grant of outline planning permission for the erection of a convenience store of the size specified.

Design, Appearance and Layout

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

The application includes a Development Framework Plan that indicates the key aspects of the design and layout, such as access, public open space and landscape features, SuDs features, and the convenience store. This Development Framework has then been used to create an Illustrative Masterplan.

The Illustrative Masterplan has been developed by the applicant to demonstrate to the Council that a development of the scale proposed could be accommodated within the site whilst adhering to relevant design principles and standards.

It is proposed that 8.53Ha of the 11.76Ha site is developed for residential uses. The applicant reports that a development of up to 292 dwellings, with a mix of dwellings ranging from 1 & 2 bed flats to 5 bed detached houses, would result in a density of approximately 34.2 dwellings per hectare.

The Illustrative Masterplan shows a road layout that is orthogonal in character, highly regular with most roads straight in alignment and buildings shown parallel to the streets.

The Council has consulted the Urban Design Team at Essex County Council regarding the information contained within the application. They acknowledge that the application includes a detailed analysis of the site's landscape character and edge conditions which has informed the masterplan diagram in parts, in respect of how the site's topography and natural features such as the hedgerows could be used to define a landscape structure and appropriate locations for attenuation ponds.

The Council's Urban Design adviser is however concerned that there is insufficient information to demonstrate how the site and development will harmonise with the local context and create an attractive and inclusive environment.

- Structured regular form of the layout would be too urban in character and as such out of place in this location adjoining the countryside
- Less sub-urban standardised solution is required to address the key frontage along the A131 and the external edges of the development
- The position of the convenience store and associated parking at the entrance to the site would present a poor approach into the development from the A131. The town square is identified on the master plan as a focal space, yet its character and edges are poorly defined
- Development along many streets is set back with on-plot parking in front which is a concern in design terms limiting opportunities to provide street trees, or tall hedges and produce a car dominated street scene and unattractive streets
- Concerns over the illustrative house types shown which do not reflect a distinctive Essex vernacular
- The development is advised to be predominantly two storeys in height but no details provided on height parameters

Officers acknowledge that there are a range of issues and concerns in respect of the illustrative layout and if this scheme were presented as part of a Reserved Matters application it may not be considered acceptable. This is, however, an Outline application where design and layout are reserved matters. The purpose of the illustrative masterplan is to try and demonstrate

the site's development capacity. The illustrative masterplan will not be an 'approved plan' and an informative could be added to the decision notice highlighting the concerns of the Council's Urban Designer Adviser and recommending that the applicant / developer discuss these concerns and the detailed design prior to submission of a Reserved Matters application for these matters.

The other significant issue which has had to be considered in regard to the design of the site has been the issue of the trees and hedges on the site. When it became apparent that the site was being promoted for development the Council's Landscape Officer secured Tree Preservation Orders to protect the significant trees on this site. When the Order was confirmed by Planning Committee Members were advised that the loss of trees on the road frontage was anticipated and not objected to on the basis that the greater amenity at this part of the site was provided by the mature belt of planting fronting the residential home on the other side of the A131 (Extract from committee report - *Confirmation of the provisional order does not restrict the consideration of suitable residential layouts as part of a future planning application and as such because of further discussion about a possible access to the site from the A131 between officers of the Council, Essex County Highways and representatives of the developer it is not proposed to include the following trees within the confirmed order - T1, T2, G3, G4, G5. The majority of these trees are ash and field maple trees. The former may well succumb to ash dieback in the future and the presence and scale of the mature pines and cedars on the boundary to Attwoods Manor Residential Care Home on the northern boundary to A131 are the more significant amenity feature and are not considered to be under threat of removal.*)

The position of the access onto the A131 has been revised since the original submission to overcome highway safety concerns. A revised plan and report has been submitted which identifies the trees that will need to be removed to form the access and achieve the required visibility splays.

A significant number of trees are identified (in the Arboricultural Report) for removal along with the removal or pruning of lower foliage and understory will also need to be removed and pruned to provide sufficient visibility. Some of the trees that are shown for removal are ash trees which would otherwise be at risk of succumbing to ash dieback. The proposed tree removal does however include English Oaks T2, T3 and T4. These trees are 3 of the 13 high quality Grade A trees identified on the site. The proposals do however allow for the retention of the group of trees near the junction with Oak Road.

With regards to the removal of these three trees the applicant proposes tree planting to help mitigate their loss, although it is accepted that it is difficult to directly mitigate for the loss of mature oaks. The proposed mitigation strategy is to deliver new tree planting close to the original position of the lost material within the site as part of the landscape buffer corridor of a range of sizes i.e. high quality "extra heavy" or "semi mature" specimens for more instant effect and smaller stock for future effect so that the new planting will have significant local impact in the future to recreate the tree lined approach to Halstead.

The Council's Landscape Officer has visited the site to assess the impact of the proposed tree works and he is satisfied that the proposed tree removals are not detrimental to the overall amenity in this locality subject to the proposed replacement planting.

The Highway Authority has recommended a condition which requires the widening of the Oak Road carriageway to 5.5m in width with a 2m wide footway. There is a mixed species maintained hedge along this boundary currently which is assessed as being of relatively poor quality (Grade C). The proposed highway works would involve the removal of a significant length of this hedge and a Category B English Oak (T36). The Arboricultural Report suggests that the hedge could be translocated within the site but as this is a difficult procedure with no guarantee of success it is not considered appropriate to require this. Instead it would be beneficial for a new native species hedge to be planted along this boundary which will provide a better quality, more sustainable hedge boundary. The report also identifies the need for particular care to be taken around trees T33 & T34 which stand outside the application site on Oak Road. It is recommended that a condition requiring submission and approval of a method statement for works around these trees is required.

Impact on Neighbour Amenity

Properties that front onto Oak Road are those which are closest to the development site. Whilst their outlook would change significantly as a result of the development views are not protected and the development would not result in an unacceptable loss of privacy.

There is the potential for the development to affect the amenity of residents of adjoining properties during the construction period, particularly as a development of this size would be built out over a number of years. Officers would recommend that the S106 agreement specify that a phasing plan is agreed to minimise the impact of construction on those properties. Conditions are also proposed controlling construction activity.

Highway Issues

The framework plan submitted by the applicant shows three points of vehicular access to the proposed development. Two potential points of access are shown onto Oak Road.

Oak Road is a predominantly residential road and forms the northern and eastern boundary of the site, connecting to the A131 at the north east corner of the site with a priority T-junction. It is advised to be approximately 5.5m in width to the North West of Three Gates Close; however this narrows to around 3m wide to the south east of this point. There is a footway along the north side of the road only.

The third proposed access is onto the A131 Mount Hill. This road is classified as a main distributor road and it connects Sudbury, to the north, with Braintree, Great Notley and the A130 / Chelmsford to the south. The speed

limit at this location is 60mph. There is no footway along the length of the site. The footway connecting to the town centre starts to the north-east of Oak Road.

The applicant highlights the fact that there are two primary schools within 2km of the site, along with the majority of the town's shops and town centre facilities. The secondary school is 2.2km from the site.

The Highway Authority objected to the original proposal presented by the applicant as they considered that the proposed access onto the A131 would provide inadequate visibility given the speed of traffic passing the site. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. The initial proposal by the applicant was that the speed limit be reduced passing the site. The Highway Authority advised that this was unlikely to be something that they would support.

Following prolonged discussions over the position and form of the proposed access onto the A131 the applicant has submitted revised plans amending the access arrangements which have addressed the concerns of the Highway Authority. The proposed access has been shown to:- allow the provision of a suitably engineered right hand lane; adequate visibility in both directions along the A131; allow safe access / egress from the site; and not obstruct the vehicular accesses on the opposite side of the A131. At the request of the Highway Authority a Phase 1 Safety Audit has been undertaken which has also shown the proposed access to be safe.

The Highway Authority has revised their recommendation and no longer object to the application subject to a number of conditions. These conditions specify access to the A131 to be formed in accordance with submitted plans; widening of Oak Road; installation of signage to highlight pedestrian / cycle links to town centre from the site; controls over construction activity and provision of travel packs for future residents.

Officers have highlighted the concerns expressed in some representations regarding the narrow sharp bend on Oak Road near the south east corner of the site. The applicant has not proposed any improvements or modifications to this area. To the east of this bend the road is relatively narrow and the Highway Authority has no plans to widen this stretch of road. Whilst occupants of the proposed dwellings could travel in this direction it is considered that the current narrow road width and bend make this an unattractive route. The Highway Authority Officers are concerned that if the bend were 'improved' then this could make the route more attractive and increase traffic along a route which is not intended to carry significant traffic volumes.

The Transport Statement (TS) states that 'Car parking numbers are proposed in line with parking standards as set out in the Essex County Council's guidance, Parking Standards Design and Good Practice'. The adopted parking standards require that new residential development include visitor

parking (1 space per 4 dwellings). Whilst the TS does not explicitly refer to visitor parking it does state that parking provision would accord with the adopted standards. The provision and layout of parking will be dealt with at Reserved Matters stage as part of layout and design and would be expected to include visitor parking at the adopted standard.

Concerns have been raised about the footway along Mount Hill which would provide one of the pedestrian routes between the site and the town centre. The footway is relatively narrow in places and the walking experience for pedestrians is not ideal. There are however alternative routes between the site and the town centre through the adjoining residential areas. It is recommended that a condition is applied requiring that the developer designs and installs signage highlighting alternative route(s) to the town centre for pedestrians and cyclists who prefer not to use Mount Hill.

The applicant has referred to potential enhancements to bus stops near the site. The Highway Authority has not requested enhancements as the stops closest to the site already have raised kerbs and adequate signage and shelters where land is available. Given the proximity of existing stops and the prevailing speed on the A131 it would not be appropriate to install new stops on the A131 adjacent to the site.

Landscape and Ecology

The impact on the trees along the A131 and Oak Road has already been discussed in the design and layout section of this report. The site contains other trees and hedgerows which are considered below.

As previously stated the site enjoys significant boundary planting to the south-west of the proposal site including pine and broadleaf trees established as a semi-mature shelter belt approximately 25 – 30 years ago adjacent the site. At reserved matters stage the landscape scheme would be expected to strengthen the screening potential of the existing features particularly along the south-west site boundary.

The Council's Landscape Officer has also advised that the design and layout at reserved matters stage will need to demonstrate sufficient space around the major protected trees to ensure that any development is outside the falling distance of these protected trees to avoid future conflict between householders and the retained large protected trees. Whilst the central hedgerow belt is shown to be retained within a linear public open space there is a concern that in places this could leave insufficient room to avoid future residents perceiving problems with large retained trees such as nuisance, shade and debris or the possible hazard, real or imagined, of dropping large branches onto property. The Development Framework would appear to retain a relatively narrow area of open space either side of the central hedgerow belt. However the indicative layout shows properties fronting onto the hedgerow belt with houses set back behind access roads. This approach demonstrates that the trees and hedge can be retained in an appropriate manner. The margin around the hedgerow and large retained trees and layout will be matters that would be dealt with at Reserved Matters stage.

The application contains a Phase I habitat survey undertaken by the applicant's ecologist assess the ecological value of the site and identify any ecological constraints on the proposed development. The use of the site for arable production, with limited field margins, results in a relatively poor ecological value.

The site does contain hedgerows and trees and the survey did highlight these as potential habitats for bats and dormice, both of which are protected species. Further surveys were undertaken to investigate the presence, or otherwise, of these species.

No evidence of dormouse was identified in these additional surveys. The bat activity surveys identified low levels of bat activity on site. The report concludes that the site does not provide a significant resource for this species; however the central hedgerow provides a minor "commuting" route. It is proposed that the central hedge is retained and that additional planting of hedgerows is recommended to ensure dark corridors are maintained across the site.

A number of recommendations are made regarding measures which should be undertaken during site clearance and construction to remove / reduce the potential for harm to birds and other creatures. Some further suggestions are made to enhance the ecological value of the site, including the provision of bird and bat boxes. It is recommended that these matters can be covered by conditions.

Socio-Economic Impacts

An assessment of the potential socio-economic impacts of the development has been submitted in support of the application by the applicant. This report highlights a number of positive benefits including the following:

Creation of jobs - both direct and indirect during construction of the development and indirectly through increased on-going demand for goods and services as a result of the occupation of the proposed dwellings
Additional income to the Council from New Homes Bonus - this is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is paid annually over the course of six years and is based on the amount of additional council tax revenue raised for new-build homes. The applicant estimates that Braintree District Council would receive £363,000 each year for six years - an overall payment of approximately £2.18m. In addition it is estimated that Essex County Council would receive £544,000 over the six year period. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of 'local financial consideration'.

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

make a decision based on the potential for the development to raise money for a local authority or other Government body’.

Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

Section 106

The following identifies those matters that the District Council would seek to secure through a planning obligation.

Affordable Housing – An Affordable Housing Statement has been submitted in support of the application. This confirms that the applicant proposes that 30% of the proposed dwellings will form ‘affordable housing’, that is housing that is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Based on a development of 292 dwellings this would equate to 88 dwellings.

Policy CS2 of the Core Strategy states that on developments of this size affordable housing will be directly provided by the developer on-site with a target of 40% affordable housing provision on sites in rural areas, or 30% affordable housing provision on sites in urban areas including Halstead.

The application site is located within the Parish of Greenstead Green and Halstead Rural, rather than Halstead. Policy CS2 indicates that 40% affordable housing should be provided as the Parish of Greenstead Green and Halstead Rural is a rural location.

The requirement for affordable housing was based on a district-wide viability appraisal undertaken by the Three Dragons consultancy. The appraisal considered the local housing markets where housing is sited and found that generally housing in village locations commanded higher prices than in the main towns. Although this site is outside the Halstead boundary, housing built there will clearly be priced to reflect the housing market in Halstead. On this basis Officers consider that it is appropriate that the Council seek 30% affordable housing.

Members will be aware that the Council secures affordable housing on new developments through S106 legal agreements however the applicant has suggested that the affordable housing provision is secured by a planning condition.

The applicant claim that a planning condition is preferable as it reduces complexity and delay associated with the S106 process. They also state that this can be advantageous to the Council as it allows the Council greater flexibility in the event that a developer subsequently claims they are unable to deliver the full burden of affordable housing.

This argument is not accepted by Officers and it is recommended that the affordable housing is secured through the S106 legal agreement.

The Council's Strategic Housing Team recommend that a 70 /30 tenure mix - rent over shared ownership is secured, although the S106 should include flexibility to allow more rented units if the market for shared ownership is unfavorable. The applicant has suggested a mix of dwellings consisting of 1 bed apartments and 2 & 3 bed 'mews', although the Council provided pre-application advice which detailed a wider mix of housing was required to meet local housing need.

This is an outline application where design and layout are reserved matters. The Council's Affordable Housing SPD states that the size and type of dwellings will reflect the prevailing housing need and issues such as changes in the benefits regime can impact on the type of affordable housing that is required to meet local need. It is recommended that the S106 agreement specify that an Affordable Housing Scheme be submitted to the Council for approval with the first application for Reserved Matters approval and not to Commence Development unless and until the Affordable Housing Scheme has been approved by the Council.

Community Building – Policy CS11 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include 'transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities'.

When discussing housing growth in Halstead the Council's Core Strategy further states that 'The expansion of existing employment locations and community services will be supported'.

Following work undertaken over several years plans are now well advanced for a new multi-purpose community building designed to serve the needs of existing and future residents of the town. The Halstead Community Centre Charitable Company has secured land for the building on land adjacent the car park in Butler Road and the District Council has also pledged a significant financial contribution towards the development costs. Planning permission has been secured for the buildings (15/00526/FUL).

The applicant's submission refers to a financial contribution towards the provision of the new facility in their draft heads of terms and this is considered appropriate given the size and location of the proposed development. Based on schemes of comparable scale, in the District, the contribution sought would be in the region of £135,000.

Education – The County Council have stated that there is insufficient capacity within existing providers of Early Years & Child Care provision within the town to meet the demand that would be generated by the new development. Primary school provision within the town already includes 70

places in temporary accommodation. There is also a forecast shortfall in the capacity of primary schools by year 2018/19. As a result the County Council requested a financial contribution is sought from the applicant towards increasing provision / capacity to meet the increase in demand that will arise from the development.

Currently the town's secondary school – the Ramsay Academy – has sufficient capacity to accommodate the demand arising from the development.

Since the original consultation response from the County Council the regulations governing the pooling of financial contributions has changed and the County Council would need to be able to specify a site and project where additional capacity would be provided following receipt of a financial contribution. This has led to the County Council not requesting financial contributions towards new Early Years and Childcare provision as there are not identified schemes to meet the increase in demand.

As a result a financial contribution is requested to allow the County Council to meet the level of demand arising from the development at the Primary Schools serving the site.

Health – NHS England advise that the town's existing GP Surgery (the Elizabeth Courtauld Surgery) has insufficient capacity to meet the demand arising from a development of this size within the town. As a result they recommend that a financial contribution be sought to mitigate the capital cost of providing additional healthcare services to meet demand arising directly from the development.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population). Parks and gardens - 1.2 ha; Outdoor sports provision 2.0 ha; Amenity greenspaces 0.8ha; Provision for children and young people 0.2ha; Allotments 0.23ha.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for informal and casual open space, children's play equipment and allotments. The applicant has proposed the provision of informal public open space and equipped play on-site covering 2.3ha. This level of provision would exceed the area of informal open space and equipped play that the Open Spaces SPD would require (1.51ha), although the framework plan submitted with the application shows that the majority of the open space provision will be around the perimeter of the site and along the central hedgerow corridor to reflect the specific site opportunities and constraints.

The Open Spaces SPD states that developments of over 250 dwellings should provide allotments on-site. The applicant states within their planning statement that there is a significant over supply of allotments within the area so no provision is proposed on-site, although no evidence is supplied to this effect. The Council's Open Space Action Plan contains information on the number of allotments within Halstead and confirms that there are already waiting lists for all the allotment sites within the town. A development of this size would reasonably be expected to increase the demand for allotment plots and as such it is considered that there should be allotment provision within the site. The area required to comply with the adopted standard is 0.159ha and this should be secured through the S106 agreement which will specify that the developer will provide an allotment site which will be cultivated; securely fenced and served by a water supply and central tool storage building for allotment holders, to negate the need for individual storage sheds.

The threshold at which developments are expected to provide formal outdoor sports facilities on-site is 300 dwellings. Developments of fewer dwellings are required to contribute towards off-site provision or enhancement. As the proposed development falls below that threshold Officers consider that a financial contribution towards off-site provision or improvements to existing facilities would be more appropriate. Based on the Open Spaces SPD a development of this size would be expected to make a financial contribution of approximately £249,418. This contribution should be secured through the S106 and the actual amount payable would be calculated on the number and size of dwellings constructed.

Other Matters

Archaeology – Records held by the County Council and referred to within the applicant's own desk based assessment identify the potential for the presence of medieval archaeology within the development site.

The proposed development could impact on any archaeological remains within the development site. As a result the County Council's Historic Environment Officer has recommended that a condition be applied which requires that an agreed programme of archaeological field evaluation should be carried out prior to the commencement of development to determine the nature and extent of the known archaeological remains.

Construction Activity – The Council's Environmental Services Team have been consulted regarding the proposed development. They have raised no objection, subject to a number of conditions to control construction activity (hours of working; permissible hours for deliveries; piling; dust and mud control).

Flood Risk & Surface Water Drainage – The proposed development is located within Flood Zone 1 (low probability risk).

Responsibility for advising on surface water drainage issues has transferred from the Environment Agency to the Lead Local Flood Authority (LLFA). In the Braintree District the LLFA is Essex County Council.

The introduction of large amounts of hardstanding to a greenfield site will increase the run-off rate for surface water. The applicant has stated that this will be dealt with through Sustainable Urban Drainage Systems (SuDS) which will restrict the rate of discharge from the site.

Officers of the County Council initially objected to the application as they considered that there was insufficient information to demonstrate how the stated aims of the Surface Water Drainage Strategy would be achieved and the capacity of watercourses to handle the discharge of water from the site.

The applicant has responded to the concerns of the LLFA and the County Council have confirmed that they have no objection to the proposal. As this is an outline planning application the conditions will require details of surface water drainage strategy be submitted at Reserved Matters stage. These details will include information regarding the condition and capacity of watercourses into which the site drainage will be discharged.

CONCLUSION

The site lies outside the current Halstead Town Development Boundary and as a result countryside planning policies would apply, which seek to control inappropriate development.

The applicant contends that the application should be approved due to the Council being unable to demonstrate a 5-year supply of housing land. Whilst this argument is not accepted, Officers do accept that the development would offer a range of public benefits including the development of a significant number of market and affordable dwellings.

However Officers consider that in this instance there is a need to assess the proposed development more widely. The NPPF states that *'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'*.

In this instance the applicant has submitted a comprehensive suite of documents which demonstrate to Officers that the site is free of any constraints, which cannot be resolved by way of conditions, S106, or further information at the Reserved Matters stage, which would prohibit residential development and is one which has the potential to deliver sustainable development in a sustainable location, as it is close to existing public transport, shops, employment and community services.

Whilst the development would not be without adverse impacts, most notably in respect of the loss of mature trees, the NPPF states *'Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.'* (NPPF, para. 14)

In addition to the site being in a sustainable location it has also been assessed as having the capacity to accommodate development without significant adverse impacts on the countryside / wider landscape. The applicant also lists a range of potential benefits arising from this particular development including the delivery of significant number of new homes, including up to 88 of the new dwellings could be provided as affordable housing which can help meet a pressing need for affordable housing in the area. The development will also provide socio-economic benefits for the town and district; create new areas of public open space and green infrastructure for use by the new and existing community and will contribute towards investment in local facilities and services including education and health. Having assessed the specific characteristics of this site and the benefits arising from this specific development, and having considered the proposals against the Council's policies and those in the NPPF taken as a whole, Officers recommend, that this application is approved.

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
- Allotments
- Education (financial contribution)
- Health (financial contribution)
- On-Site Public Open Space
- Phasing
- Public Open Space – on-site provision of equipped play and informal open space; management arrangements for on-site provision and a financial contribution towards off-site provision / enhancements to outdoor sports
- Residential Travel Plan

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below.

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

APPROVED PLANS

Location Plan	Plan Ref: 2017-001	Version: B
Site Masterplan	Plan Ref: 2017	Version: 1
Tree Plan	Plan Ref: RETENTION PLAN 6222-A-07	
	Version: A	
Tree Plan	Plan Ref: RETENTION PLAN 6222-A-05	
	Version: A	
Tree Plan	Plan Ref: RETENTION PLAN 6222-A-03	
	Version: A	
Access Details	Plan Ref: 010	Version: G

- 1 Approval of the details of the:-
 - (a) scale, appearance and layout of the buildings; and the
 - (b) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision-notice.

The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.

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 and to ensure that the submission of reserved matters takes place in acceptable timescale.

- 2 Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason

In order to comply with Section 92 of the Town and Country Planning Act 1990 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

- 3 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 292 dwellings, a convenience foodstore (use class A1) with a net retail area not exceeding 280sq.m., parking, public open space, landscaping, surface

water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 4 Prior to occupation of the development the access shall be implemented as shown in principle on drawing No. 010 revision G dated 21/04/2015. These works shall include but are not limited to right turn lanes and visibility splays of 4.5 metres by 160 metres in both directions as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access/junction. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

- 5 Prior to occupation of the development hereby approved Oak Road shall be widened to 5.5 metres and provided with a 2 metre wide footway, in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that the road/footway along Oak Road are constructed to an acceptable standard and in the interests of highway safety.

- 6 Prior to occupation of the development a signing package shall be implemented to direct new residents of the development to the town centre. The details of such signing package shall have been submitted to and agreed in writing by the Local Planning Authority and installed in accordance with the approved details.

Reason

In the interest of promoting sustainable forms of development by encouraging residents to make trips to the town centre by foot or bicycle and reduce reliance on the private car.

- 7 No development shall take place, including any ground works or site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the following all clear of the highway:
 - o safe access to/from the site
 - o the parking of vehicles of site operatives and visitors
 - o loading and unloading of plant and materials
 - o storage of plant and materials used in constructing the development
 - o wheel and underbody washing facilities

- o the safe guarding of the Public Rights of Way during construction

The approved Plan shall be adhered to throughout the construction period.

Reason

In the interests of highway safety and to ensure vehicles can enter and leave the highway in a safe and controlled manner

- 8 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, to include six one day travel vouchers for use with the relevant local public transport operator. Such Pack, shall have been submitted to and approved in writing by the Local Planning Authority and shall be provided to the first occupiers of each new residential unit on the development site.

Reason

In the interests of sustainable development.

- 9 No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason

The site may be of archaeological interest.

- 10 No part of the development hereby permitted shall be commenced on site unless and until:
 - a. A site investigation has been designed for the site using the information obtained from the desktop investigation previously submitted in respect of contamination. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on the site; and
 - b. The site investigation and associated risk assessment have been undertaken by competent persons in accordance with details submitted to and approved in writing by the Local Planning Authority; and
 - c. A method statement and remediation strategy, based on the information obtained from 'b' above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

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.

- 11 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

Reason

In the interests of sustainable development and to promote the use of public transport.

- 12 The Reserved Matters application shall include a scheme of improvement to public transport infrastructure in the vicinity of the site, on White Horse Avenue and the A131 which shall be approved in writing by the local planning authority prior to its provision. The scheme shall include details of the infrastructure to be provided; the timing of its installation including any proposed phasing of provision. The approved scheme shall be implemented, in accordance with the approved details.

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.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during

construction

g. a scheme for recycling/disposing of waste resulting from demolition and construction works

h. a scheme to control noise and vibration during the construction phase, including details of any piling operations

i. details of how the approved Statement will be implemented and adhered to

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interests of highway safety.

- 14 There shall be no vehicular movements relating to the construction of the development to, from or within the site outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no vehicular movements

Reason

In the interests of the amenity of residents of the locality.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

- 16 No development, including site clearance, shall begin until details of the means of protecting retained habitats on site, identified in the submitted FPCR ecology appraisal has been submitted to and approved in writing by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations.

Reason

In the interests of protecting and enhancing biodiversity.

- 17 No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified

above.

Reason

To ensure nesting birds are not disturbed during the development.

- 18 No development shall commence until a Landscape and Ecology Management Plan (LEMP), to specify long term habitat management prescriptions, and based upon the approved detailed landscape scheme, has been submitted to and approved in writing by the local planning authority. The LEMP shall include for the provision of nest/roost sites for bats and birds. The development shall be implemented in accordance with the approved details prior to the first occupation of any dwellinghouse and thereafter so maintained.

Reason

In the interests of protecting and enhancing biodiversity.

- 19 The development hereby approved, shall be carried out in accordance with recommendations of the tree mitigation strategy submitted in the Arboricultural Assessment submitted by fpcr dated August 2015. Development shall not be commenced until details of the means of protecting trees, shrubs and hedges within and adjacent to the site of the particular phase, including root structure from injury or damage prior to or during the development works have been submitted to and approved in writing by the Local Planning Authority. The means of protecting trees shall include a detailed method statement in respect of proposed highway works adjacent to trees on Oak Road (identified as T33 and T34 in the Arboricultural Assessment submitted by FPRC as part of this application).

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

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 20 The development shall be carried out in accordance with the Tree Retention Plan (Figure 3 within the Arboricultural Assessment) plan reference 6222-A-03 rev.B.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 21 The development hereby permitted shall not be commenced until such

time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

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 topsoil's during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 22 No development, other than the formation of the site access, shall begin until a surface water drainage scheme providing detailed information about the types of SuDs features that will be employed for attenuation and conveyance of water around the site, exceedance routes and treatment should be submitted to, and approved in writing by, the local planning authority. If required, such details shall be submitted and approved on a phased basis. The surface water drainage scheme will include a report detailing the current condition of the watercourse to which run off from the site will be discharged. The scheme shall be fully implemented and subsequently maintained and managed, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure a satisfactory method of surface water drainage and to avoid increasing the risk of flooding and to prevent harm to the receiving watercourses and local environment.

- 23 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment including areas of wildflower grassland, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details and to prevent the increased risk of flooding

- 24 Prior to first occupation of any dwellings hereby permitted, a Maintenance Plan detailing who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies there for required, including methods of reporting and logging such activities shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

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 for the lifetime of the development.

- 25 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by a Lighting Scheme. The details of the lighting scheme shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details prior to the occupation of the phase of the development to which the Reserved Matters application relates. There shall be no other sources of external illumination unless otherwise agreed in writing by the local planning authority.

Reason

In the interest of promoting sustainable forms of development and minimising the environmental, ecological and amenity impact.

- 26 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 27 A site-wide design guide for all areas of public realm and character areas, including the incorporation of public art, shall be submitted to and approved in writing by the local planning authority prior to the approval of any reserved matters. All reserved matters submissions shall accord with the approved site wide guidance, unless otherwise agreed in writing by the local planning authority. The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

Reason

In the interests of good design and ensuring a high quality and characterful development and promoting social and cultural well-being.

- 28 In respect of the approved plans listed above 'The Framework' (Plan reference 2017 Revision I, Issued Sept 2014) is only approved in respect of the means of vehicular access to the site - two new access points formed off Oak Road and one new access point formed off the A131.

Reason

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

INFORMATION TO APPLICANT

1 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 £28 for householder applications and £97 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

2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

3 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.

4 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

5 Your attention is drawn to condition 9 of this planning permission and that there may be archaeological remains on the site. A professional archaeological contractor should undertake any fieldwork. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

6 You are advised that trees on the site are the subject of a Tree Preservation Order. No tree, the subject of a Tree Preservation Order may be lopped, topped, felled or uprooted without permission under the Order. It is an offence to carry out any works to a preserved tree without such consent having previously been obtained from the local planning authority.

7 You are advised that the reserved matters application should include the proposed landscaping scheme. There will be a fee for the application.

8 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected

species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)

9 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.

10 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk , at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

11 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) 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'.

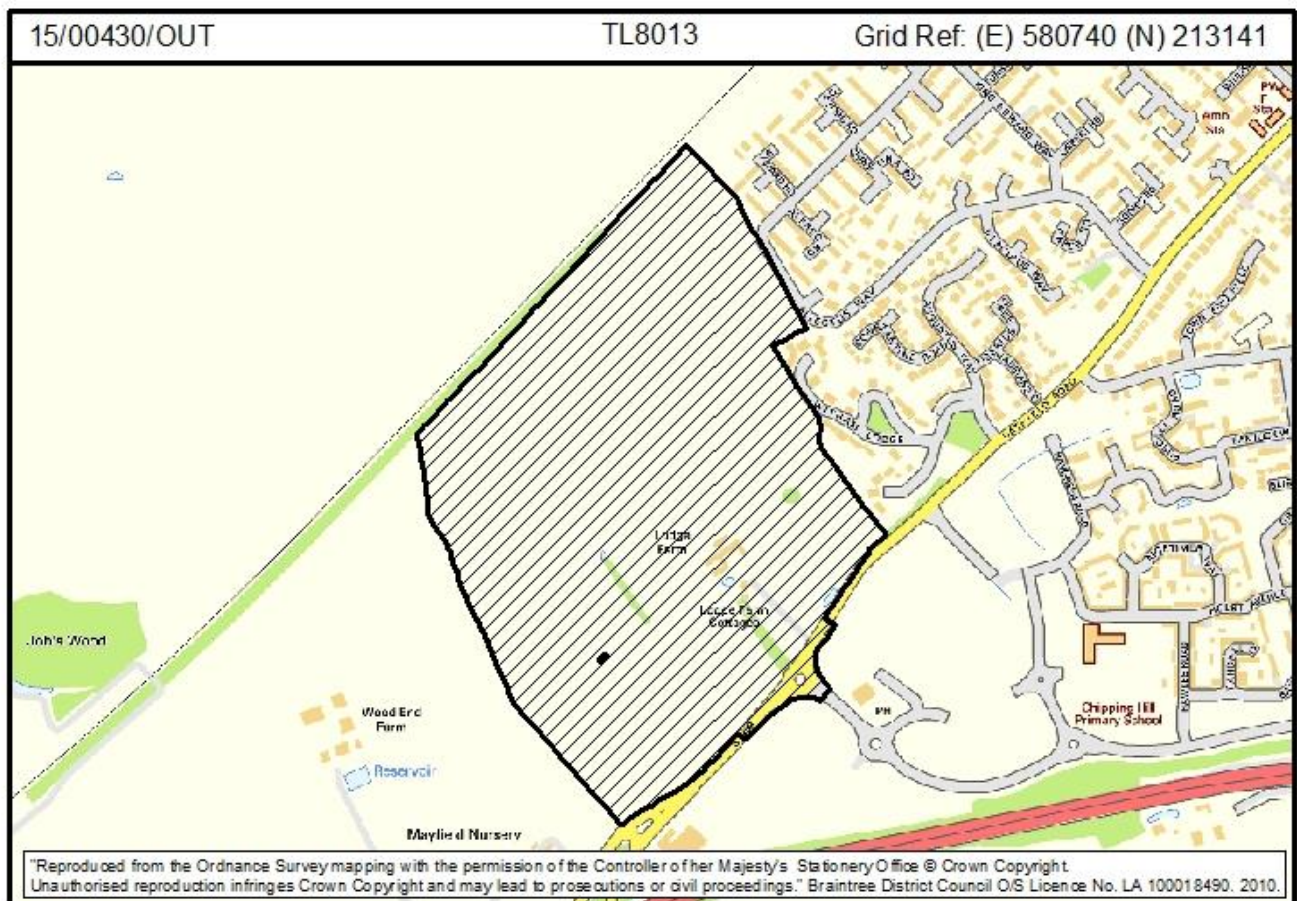
12 The applicants attention is drawn to the comments of the Council's Urban Design Adviser in their letter dated 19th January 2015 regarding the illustrative layout submitted as part of this planning application. Whilst it is accepted the layout was submitted for illustrative purposes the Council have concerns over a number of aspects of the layout and these would need to be addressed as part of Reserved Matters applications. With regard to those matters which require the submission of further details/particulars, you are invited to consult with the local planning authority, prior to formal submission.

13 You are advised that in relation to Condition 12 the improvement to the public transport infrastructure would include: the provision of new flag and poles; raised kerbs; new shelters; and the provision of Real Time Passenger Information.

PART A

APPLICATION NO:	15/00430/OUT	DATE VALID:	07.04.15
APPLICANT:	Redrow Homes Ltd & Messrs Hewitson & Squier 2 Sylvan Way, Laindon, Basildon, Essex		
AGENT:	Strutt & Parker FAO David Fletcher, Coval Hall, Chelmsford, Essex, CM1 2QF		
DESCRIPTION:	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 (use classes 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		
LOCATION:	Land Adjacent To Lodge Farm, Hatfield Road, Witham, Essex, ,		

For more information about this Application please contact:
Mr Chris Tivey on:- 01376 551414 Ext. 2539
or by e-mail to: chris.tivey@braintree.gov.uk



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
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
CS5	The Countryside
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within 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
RLP27	Location of Employment Land

RLP30	Diversity of Industrial and Commercial Premises
RLP31	Design and Layout of Business Parks
RLP36	Industrial and Environmental Standards
RLP38	Conversion of Rural Buildings
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP164	Environmental Impact Assessment

Site Allocations and Development Plan Policies

ADM1	Presumption in Favour of Sustainable Development
ADM2	Development within Development Boundaries
ADM3	Housing Allocations
ADM5	Specialist Housing
ADM8	Housing and Density
ADM19	Design and Layout of Employment Policy Areas and Business and Industrial Uses
ADM27	Town, District and Local Centre Improvements
ADM38	Education Provision
ADM41	Community Uses
ADM43a	Health and Wellbeing Impact Assessment
ADM45	Sustainable Access for All
ADM47	Parking Provision
ADM50	Landscape Character
ADM51	Protection of Biodiversity and Geodiversity
ADM55	Energy Efficiency
ADM57	Contaminated Land

ADM58	Development Likely to Give Rise to Pollution or the Risk of Pollution
ADM59	External Lighting
ADM60	Layout and Design of Development
ADM69	Archaeological Evaluation, Excavation and Recording

Supplementary Planning Guidance

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

Other Guidance

Landscape Character Assessment 2007
 Landscape Fringe Assessment July 2015

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the significant scale of development. It is also of note that objections have been received from neighbouring residents, contrary to the officer recommendation.

SITE DESCRIPTION

The application site comprises 36 hectares of predominantly arable farmland, known as Lodge Farm. 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.

The existing access into the site is an unmade farm track which leads to a pair of semi-detached cottages (Lodge Farm Cottages) and a range of redundant farm buildings and yard which stem from the Victorian period and later. There are quite 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.

Whilst the vast majority of the site falls within the ward of Witham South, some of the site falls within the Parish of Hatfield Peverel.

PROPOSAL

is sought for Outline planning permission, is sought with all matters reserved other than for a strategic access point onto Hatfield Road, for the erection of up to 750 dwellings; Primary School and early years centre, enterprise centre (use classes 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.

The application is accompanied by an Environmental Statement (ES), produced pursuant to the Town & Country Planning (Environmental Impact Assessment) (England and Wales Regulations) (2011) and which follows the issue of a Scoping Opinion (SO) by the District Council on 15 October 2014 under reference 14/00016/SCO). The SO concluded that the following issues should be covered, and which have been included as chapters within the ES: Economic & Social Assessment; Transport & Travel; Water Quality, Flood Risk & Drainage; Ecology; Arboriculture, Landscape & Views; Noise & Vibration; Air Quality; and Heritage.

In addition to the above, the application has also been accompanied by a suite of plans including: Site Location Plan; Illustrative Master Plan, 5no Parameter Plans covering Land Use, Access and Movement, Landscape, Building Heights & Urban Design; and Proposed Access Hatfield Road (new roundabout).

Other formal documents submitted in support of the application (but outside the ES) include: Design, Access and Landscape Statement; Planning Statement; Contaminated Land – Phase 1 Site Investigation; Statement of Community Involvement; Planning for Sustainable Design and Construction Checklist; and Heritage Statement.

The proposed mix and areas of the different land uses proposed are as set out below.

Residential

The application is for the provision of up to 750 dwellings, 30% of which would be affordable housing. As highlighted within the Planning Statement, the residential parcels are shown indicatively, to be provided throughout the application site and have been positioned having regard to the constraints of the site, including existing hedgerows and the railway line, as well as the location of the proposed school and Enterprise Centre (see below).

Enterprise Centre

In conjunction with pre-application discussions with Officers, the applicant has agreed to transfer serviced land up to 1.7 hectares within the south western corner of the site (fronting Hatfield Road) to the District Council for future development as an enterprise centre. Depending upon the ultimate area of land-take, any surplus land would give rise to an increase in public open space and residential land, although the number of dwellings on the site

would remain restricted to the maximum number of 750 as specified in the application.

The aim is to construct a bespoke enterprise centre, similar to the Ignite Centre in Springwood Drive, Braintree. The need for such a centre has been fully explored by specialist consultants DTZ, who were commissioned by Braintree District Council to carry out a full and thorough appraisal of the market demand, including mix and type of buildings and associated facilities to be provided.

It is envisaged that the Witham Enterprise Centre will be high quality complex set in an attractive landscape, offering office, workshop or studio space to local businesses & start-ups. The design will make sure that the Centre has sufficient parking and easy access for prospective businesses. The Centre will also benefit from training/meeting rooms and on-site business support and advice; the design and business plan will make sure that Witham Enterprise Centre is self-financing.

Precise details of the centre will be worked up in due course by the Council's Economic Development team, but the proposal anticipates a mix of uses, to include use classes A1 (Shops), A2 (Financial and Professional Services), B1 (Business), D1 (Non-residential Institutions) and D2 (Assembly and Leisure). It is most likely however that the majority of businesses would fall within the B1 use class, being either offices, research & development and/or light industry; or sui generis type uses such as plumbers, electricians or other trades.

The application originally allowed for up to 2 hectares of land to be transferred to the Council, but it has been agreed that the precise amount of land required to provide the centre will not exceed the aforementioned 1.7 hectares. Negotiations over the precise extent of land required are on-going and the applicant considers that less land is required. Further feasibility work will need to be undertaken to inform these negotiations, but Officers recommend that Members resolve to grant outline planning permission, subject to their satisfactory completion.

Farm Buildings

As recognised by the applicants, the existing farm buildings are simple, but attractive examples of 19th century rural architecture constructed in mainly red brick with some decorative courses under pitched roofs. The buildings are not listed but are considered to be worthy of retention.

A flexible range of uses is proposed, so as to attract a wide range of potential occupiers, including A1 (Shops), A2 (Financial and Professional Services), A3 (Food and Drink), B1 (Business), C3 (Dwellinghouses), D1 (Non-residential Institutions) and D2 (Assembly and Leisure). A café/community type use, which could also encompass craft workshops would be encouraged, so as to create a symbiotic relationship with the adjoining central park and anticipated children's play area.

Primary School and Early Years and Childcare Facility

Based upon Essex County Council's (ECC) pupil ratio guidance, it has been estimated that the proposal would give rise to an on-site requirement for a 1.5 Form Entry (FE) Primary School capable of accommodating 315 pupils. Consequently a 1.7 hectare site has been shown within the masterplan to meet this requirement.

Whilst the need for the school will be ascertained by ECC at an appropriate date in the future, they have requested that scope for potential expansion of the school site be accommodated within the proposal. Therefore the masterplan identifies an additional 0.3 hectares ie. up to a total of 2 hectares, as an area into which the school could expand in the event that its capacity needs to be increased to 2 FE either through greater demand from other developments in the future or demographic changes. In the event that in the future (by a date to be agreed), this additional land is surplus to requirements, it would be transferred back to the applicant, which, subject to planning permission could be utilised as additional residential land.

ECC have also advised that it is likely that an Early Years and Childcare Facility may need to be co-located within the school site, with a capacity of 56 places. It is currently envisaged that this would share an access with the school, which would lead off a proposed square. This square would provide a safe area for parents and guardians to congregate with their children before and after the school day; and would also provide a quiet pedestrian link to the farm buildings and the central park, away from the primary road network.

ECC's advisers have recommended a number of requirements to be included within the S106. Whilst future governance of the school site will be determined by its board, Officers will seek to encourage the potential for community use of the school building/s and its site, so as to facilitate a dual use. Community use could consist of, but not be limited to the use of the hall for meetings, local groups and societies, as well as the ability to hire the use of the outdoor sports facilities.

Public Open Space and Landscaping

Along with the proposed zones of operational development, the location of the areas of public open space and associated landscaping have largely been informed by the existing natural features on the site. The majority of trees and hedgerows are to be retained in situ, and in many cases would provide for green corridors and ecological routes, which include sustainable urban drainage features.

The central park would be the key focus of the scheme, and would also accommodate the farm buildings as well as a Neighbourhood Equipped Area of Play (NEAP). Other areas of landscaping are to be provided within the site, including smaller areas of public open space, and potentially Local Equipped Areas of Play (LEAP's) and/or Local Areas of Play (LAP's). Landscape

Services are currently liaising with the applicants, so as to secure appropriate facilities for future residents, these details will be confirmed through finalisation of the S106 agreement.

An area within the western corner of the site is also to be dedicated to allotments, the management of which will be clarified in due course. These will however be a dedicated facility, securely fenced and served by a water supply and central tool storage building for allotment holders, to negate the need for individual storage sheds.

CONSULTATIONS

External Responses

Anglian Water – No response received at the time of writing the report, any comments received will be reported to Members at the meeting.

Essex County Council (ECC) Education – The development can be expected to generate demand for up to 67 Early Years and Childcare; 224 Primary School and 150 Secondary School places. This level of demand is expected to result in a need to build a new 1.5 form of entry primary with commensurate early years and childcare facility. There should, however, be sufficient secondary school capacity in the area making expansion of current provision unnecessary.

In addition to the initial provision of the 1.7 hectares of land on which the Early Years and Childcare Facility (EY&C) and the Primary School (PS) would be built, the following financial sums are requested: EY&C - £1,240,039; and PS - £3,560,924.

ECC Flood and Water Management – As the Lead Local Flood Authority (LLFA), ECC provides informal advice on SuDS schemes for the larger sites (over 1ha). These require provision of site access; toucan crossing; cycleway connections; future link road; bus only link to Allectus Way; public transport infrastructure; parameter plan (Access and Movement); developer contributions for cycle parking at Witham Station; residential travel plan; travel packs; construction management plan.

Having reviewed the Drainage Strategy Proposals and Flood Risk Assessment and the associated documents which accompanied the planning application, they support the granting of planning permission, subject to the impositions of conditions (see below).

ECC Highways – They have undertaken extensive investigation and analysis of the highways and transportation information submitted with the planning application. This work has concluded that the proposal is acceptable to the Highway Authority in terms of its impact upon the local highway network, subject to the imposition of conditions and obligations.

ECC Place Services Historic Environment Officer (HEO) – The Desk Based Assessment (DBA) submitted with the application provides a summary of the known archaeological evidence in the surrounding area, but fails to consider the significance of some of that evidence. Within the DBA it is acknowledged that there is potential for archaeological evidence from the prehistoric period to the medieval period to be present within the development site, however this is considered to be of low significance or widespread.

It is considered that the nearby Ivy Chimneys site should be considered as 'highly significant' and that there is the potential for the application site to contain associated items of archaeological interest.

However, following detailed discussions with the applicants' archaeological consultants and BDC Officers it has been agreed that an evaluation can be carried out after outline planning permission is granted, and the evaluation fieldwork and reporting will need to be submitted in advance of the reserved matters applications. Appropriate planning conditions are recommended as set out below.

ECC Historic Buildings & Conservation – State that the site lies within the proximity of Old Ivy Chimneys and Blunt's Hall, both grade II listed, and to the south-west of the Witham Conservation Area. Given its relative proximity to these heritage assets, and the current extent of intervening housing, they are content to agree with the conclusion laid out in section seven of the Heritage Statement which accompanies the application, that the proposal will not adversely affect any designated heritage asset.

The development will also affect the barns at Lodge Farm, formerly known as Whitegate Farm, which are present on the 1881 OS Map and are of historic and architectural interest. However, they are pleased to see the scheme intends to retain these barns, and would want to see drawings in elevation showing the proposed repair and reuse scheme envisaged at a scale no greater than 1:50, as a condition on any approval.

Therefore no objection is raised to the development from a conservation perspective.

ECC Minerals and Waste Planning – Raise no objection to the proposal.

ECC Place Services (Urban Design) – Consider that it is important that any development has a clear sense of identity. Whilst the open spaces will provide legibility and contribute to a sense of place, the built environment will play a major part in creating this identity.

They note that the applicant is proposing to bring forward the first reserved matters application concurrent with site wide design guidance. The Council's Urban Design Adviser understands that there may be possible time constraints and the applicants are reluctant to submit this guidance in advance of the first reserved matters application, however it is important that

this guidance is submitted for approval prior to or with the first reserved matters.

The Adviser also states that it is unclear from the information submitted how the enterprise centre uses will relate to the housing areas in terms of scale, form, massing and street frontage. The site wide guidance will be expected to address this area as well as the school and local centre.

The general approach to the landscaping is supported, but along the south east boundary and through the green corridors pedestrian routes should be indicated. It would be acceptable if these routes are more informal in character i.e. not as an adoptable highway footpath that requires blacktop/lighting. This would encourage more recreational use of the green infrastructure and have potential health benefits.

OFFICER NOTE: Revisions made to the parameter plans have been submitted as a result of the Urban Design Adviser's comments.

Environment Agency – No objection raised, they state that climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities.

Highways England – Recommend that a condition requiring the implementation of a travel plan be imposed upon any grant of planning permission (see below).

Maldon District Council (MDC) – Understand that the site is included in BDC's adopted Core Strategy and does not object to the principle of the development. However MDC believes that in determining this planning application BDC should take into account the cumulative impacts on the highway network from both the proposed development and the emerging allocations in the Maldon District Local Development Plan (LDP), particularly allocations in the North Heybridge area (1,235 dwellings) where as much of 75% of all peak time trips from the garden suburb could be using Hatfield Peverel to access A12 and the wider area. In the absence of any comments from ECC Highway/Highway Agency, they state that it is not clear whether the applicant has fully considered such matters.

They state that during recent public hearings on the MDC LDP, ECC (as local highway authority) pointed out that the Hatfield Peverel B1019/B1137 junction is already at capacity and proposed growth in Maldon is likely to exacerbate existing congestion/queuing problem in Hatfield Peverel. It was reported that any queuing beyond 30m on the A12/B1137 junction could extend onto the southbound A12 off slip. While this may not necessarily prevent further growth, nevertheless cumulative impacts on the highway network need to be considered carefully and fully in determining major development proposals in the surrounding area.

MDC also state that the proposed development should also take into account the latest Route Strategy published by the Highways England which contains new information on the timetable for A12 widening. The Strategy indicates that works to upgrade the A12 at Hatfield Peverel could start as soon 2019/20.

They consider that BDC should therefore consider seeking a contribution from this development towards this new study.

Natural England – They are a non-departmental public body whose statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. They state that pursuant to the Wildlife and Countryside Act 1981 (as amended) there are no nearby Sites of Special Scientific Interest which would be affected by the proposed development. They have not assessed the application and associated documents for impacts on protected species, but refer to their Standing Advice.

Concerning Biodiversity enhancements they state that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Network Rail - The developer must ensure that their proposal, both during construction and after completion of works on site does not: Encroach onto their land; Affect the safety, operation or integrity of the company's railway and its infrastructure; Undermine its support zone; Damage the company's infrastructure; Place additional load on cuttings; Adversely affect any railway land or structure; Over-sail or encroach upon the air-space of any Network Rail land; or Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

NHS England – The following comments are on behalf of NHS England – Essex Area Team (NHS England) and NHS Property Services (NHSPS). The proposal is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area, and specifically the health catchment of the development. NHS England has recently carried out a review of GP services to identify capacity issues throughout Essex, and this development is likely to have an impact on the services of 4no GP Practices within the locality. These practices do not have capacity for the additional growth as a result of the proposed development and therefore Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area. The total capital required to provide for additional floorspace across all 4no GP Practices is £246,880.

Sport England (SE) - Object to the application due to the lack of contribution towards either on-site or off-site outdoor and indoor sport provision which is required in order to meet additional demand created by the proposed housing. They request that further consideration is given to the issues identified in their response and that if planning permission is forthcoming, planning obligations or conditions are used to address the issues that have been identified:

Outdoor Sports Provision - Playing Fields

They highlight that the development proposes school playing fields that would be provided as part of the primary school, and that the planning statement indicates that there is potential for these playing fields to have community use depending on the requirements of the end users. However, they have concerns over the fact that no other playing fields are proposed; the application states that it is not proposed to provide formal playing pitches as playing field land is to be provided at Maltings Lane.

In terms of assessing the adequacy of outdoor sports provision proposed in major new residential development, in accordance with Government policy (paragraph 73 of the NPPF), they states that it is expected that new provision to meet the needs generated by such development should be based on robust and an up to date assessment of needs. However Sport England (SE) understands that whilst Braintree District Council (BDC) is commissioning assessments/strategies for indoor/outdoor sport, there is currently no up to date Playing Pitch Strategy to inform whether or not additional playing pitches are required to meet the additional demand created by this application.

SE note that the most up to date development plan policy relating to open space standards is contained within policy CS10 of the Core Strategy (CS). The standard for outdoor sports provision is 2.0 ha per 1000 population which (assuming an average occupancy of 2.5 persons per dwelling) when applied leads to a requirement for 3.75ha of outdoor sports provision. The proposal does not meet those requirements on site nor does it propose to make any off-site contributions for such.

They state that as the nature of the playing field element of the proposed outdoor sports provision is considered unacceptable in principle for meeting the community needs generated by the development, it is considered that the development would not meet the additional outdoor sports facility needs that it generates. A scenario may therefore arise where the development places additional pressure on existing facilities in the area which may already be operating at capacity. An objection is therefore made to the planning application in its current form in relation to the outdoor sports provision proposals.

However SE states that to address their objection, consideration should be given to providing dedicated community playing fields on-site in accordance with the Council's standards. Alternatively, consideration should be given to the potential expansion and/or enhancement of an existing site for example the sports ground at Witham Sports Ground, Spinks Lane. They say that

expanding and/or enhancing an existing site would offer potentially greater community benefits to both the residents of the proposed development and the existing community in Witham.

Furthermore, the key infrastructure to support playing field use (parking, access, changing facilities) would already be in place, although there may be a need to improve the infrastructure if an existing playing field was expanded/enhanced. Comments from the Sports National Governing bodies indicate that an off-site solution, on sites such as Witham Sports Ground, may be preferable in this instance for the following reasons:

The Essex Football Association (FA) have stated that based on their mapping and team affiliation data, Braintree District requires an additional full size 3G (modern standard artificial pitch) to meet the planned housing growth in the District. Their preference would be for an off-site financial contribution to be invested into a hub site facility and/or 3G pitch provision as opposed to on-site stand-alone single grass pitches, which are less attractive to football clubs and create greater maintenance liabilities.

Indoor Sports Provision

With regard to indoor sports provision SE state that the proposed development will create additional demand for indoor sports facilities such as sports halls, swimming pools, health and fitness suites etc. It is therefore essential that the development makes appropriate provision for meeting these needs to avoid further pressure being placed on existing local facilities which may already be at capacity.

Consequently contributions should be provided towards off-site provision and informed by the strategic priorities identified in the emerging sports facilities strategy e.g. any proposals for new, expanded or enhanced sports halls and swimming pools etc. In view of the close proximity to the recently built Witham Leisure Centre and Maltings Academy. SE consider that focusing developer contributions towards maintaining /extending/enhancing these facilities in the long term would be a potential solution in advance of the strategy being prepared.

SE's Sports Facilities Calculator (SFC) provides an indication of the likely demand that will be generated by a development for certain facility types. This has been used to calculate the demand that could be generated by this development. The SFC indicates that the proposed development would create demand which equates to:

Pools: 19.79 sqm of pool space costing £299,739

Halls: 0.51 courts costing £345,765

Artificial Grass Pitch: 0.05 pitches costing £49,736 for 3G or £43,835 for sand

They state that as the planning application does not propose any on-site indoor sports facility provision or any off-site contributions, an objection is made to the proposal.

Witham Town Council - Recommends approval of the application, subject to the satisfactory resolution of the following:-

- Proposed housing density to be no more than 700 dwellings as allocated in the Core Strategy (increased from the original allocation of 600);
- A single access point for an estate of up to 750 dwellings is inappropriate and will inevitably cause delays exiting the development, especially as there is a school on site, and could give rise to issues in respect of emergency access. The proposed enterprise centre on site will also create additional traffic at peak times. Consideration should be given to the provision of a second vehicle access onto Allectus Way, near the railway line;
- They do not accept that there will be only a moderate impact on traffic flows along Hatfield Road as a result of this development. The Transport Assessment fails to take into account nearby developments which will also impact, viz the expansion of Chipping Hill Primary School, traffic from the Morrisons convenience store, the proposed development at Old Ivy Chimneys (20+ properties), the new ALDI Store on Gershwyn Boulevard, the proposed offices at the Bramston Leisure Centre Site at Bridge Street, and the impact of any retail/residential development on the rest of this site. An independent assessment of the cumulative impact of these developments on traffic is required. A second access point via Allectus Way might alleviate some of the traffic congestion along Hatfield Road;
- Hatfield Road is the allocated relief route, if the A12 is closed. Have the Highways Agency been consulted on these proposals? The single access point may lead to traffic trying to exit at J21 backing up onto the A12 and cause problems on a major arterial route;
- The lack of provision of medical facilities for such a large development is also of concern. Perhaps the barn buildings could provide a satellite surgery from one of the practices within the town, to serve both Lodge Farm and Maltings Lane;
- B2 use within the proposed Enterprise Centre is inappropriate for this largely residential location;
- They would like to see a formal play area with play equipment within the development perhaps near to the school;
- Wish to be closely involved in S106 negotiations, to ensure that the phasing of the development produces the promised community facilities throughout the development, rather than at the end;

- Members would like to see a significant proportion of the anticipated £6.34m New Homes Bonus which will accrue as a result of this development invested in infrastructure in Witham.

Internal Responses

BDC Drainage Engineer - The application will need to have the SUDS system approved by Essex County Council before proceeding further. As an advisory, there is also a borehole providing drinking water at Wood End Farm which is not marked on the plan of these near the site.

BDC Environmental Protection - note the conclusions of the noise, air quality and geotechnical reports. Their only concern is the number of large development proposals being put forward for the Witham area and the cumulative impact on the level of traffic congestion within the town centre area and roads in the vicinity. It is therefore important that the developer ensures that the proposals within the travel plan are implemented to encourage the use of public transport and to assess the travel routes post development. It should be ensured that low emission transport is promoted and facilitated so that the adverse effects in respect of air quality due to the development are minimized in accordance with NPPF. There should be careful assessment to demonstrate that the essential local amenities are sufficient for a development of this size so as to reduce the need for longer journeys across town. Conditions are recommended (see below).

BDC Housing Research & Development - In accordance with Core Strategy policy CS2 to seek affordable housing on schemes of 15 or more units, the proposal for a mixed development that includes up to 750 residential dwellings, requires provision of 30% affordable housing.

They state that it is acknowledged that details concerning the type and mix of dwellings will be subject to reserved matters applications. However, it would be expected in a detailed application that the mix for affordable housing should be broadly reflective of the open market dwellings. They cite that housing need is very high in Witham for all sizes of accommodation and additional factors concerning affordable housing that should be taken into account are as follows:

Affordable dwellings should be deliverable without reliance on public subsidy; Should conform to Homes and Communities Agency Standards, as at the point of construction and be designed to achieve Secured by Design Certification. House type units and ground floor flats should also meet the Lifetime Homes Standards.

They are supportive of the application which will provide opportunity to bring forward much needed new affordable homes in Witham.

REPRESENTATIONS

Seven letters of representation have been received which raise the following issues:

- 750 houses will generate at least 1000 additional cars in Witham, most people will use their cars, even for local trips;
- Traffic generated would impact upon the health and safety of the residents of Hatfield Peverel where there are already significant 'tail-backs' at certain times, before the developments at Maldon are built;
- There is inadequate road infrastructure for the current number of cars, with traffic congestion at morning and evening peaks, particularly to/from the railway station, commuter parking and also access and parking within the town centre;
- No further large scale development should be permitted in Witham until this issue is addressed;
- There should be a Northern Relief Road linking the B1018 from Braintree with either (or even both) of the A12 junctions;
- Ideally, the A12/Maldon Road bridge should also become a junction (especially if previously rumoured developments South of the A12 are to be considered);
- The promotion of traffic free walking/cycling routes to the station should be encouraged, with public transport to the town centre to facilitate carrying shopping, children and facilities for the elderly/disabled can be better catered for;
- Free bus services should be provided to new residents for a period of one year; as well as travel packs and coordination of bus and train services;
- Concerns raised over the original parameter plan identifying up to 3 storey heights adjacent to Witham Lodge; although would support the proposal if this were amended to up to 2 storey in this location;
- Care should be taken to ensure that development takes place in a way which is sympathetic and considerate to the homes and way of life for Witham Lodge residents;
- Concern with regard to the proximity of new houses and the field hedge adjacent to Witham Lodge, as close as 4m in some places;
- The hedges provide important wildlife habitats and must be protected;
- There should be public open space of at least 5m abutting the whole of the boundary with Witham Lodge. All houses built along this boundary should then back onto this;
- The number of dwellings proposed is too high, along with resultant density;
- There should be no industrial use on the site, but there should be provision of medical facilities which are already stressed;
- Witham Watch Group highlight that Redrow have engaged with them, for completeness they also refer to other matters to be considered at the Reserved Matters stage(s);
- The western gateway into the town is important and there is a need to enhance this approach;
- A quality solution in terms of design and landscape is required, along with the need to acknowledge the impact of the proposal upon the amenity of residents within Witham Lodge, through the creation of a

- soft landscape buffer and sensitivity in terms of density, house style and height;
- Concerns raised over loss of hedges in the locality, and request that the hedgeline across the site's Hatfield Road frontage to Augustus Road is restored;
- Concerns raised over the provision of up to 2 hectares of land for an enterprise centre, and the visual impact that 'working' areas can have upon the character and appearance of surrounding residential areas, including the gateways into the town.

REPORT

Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

The site is identified in the adopted Core Strategy (2011) as a growth location. Policy CS1 (Housing Provision and Delivery) as set out therein states that a minimum housing provision of 600 dwellings is proposed at the Witham South West growth location, north of Hatfield Road.

The Pre Submission Site Allocations and Development Management Plan Document (Table 1) proposed an amendment to Policy CS1, to increase the provision by 100 dwellings at this growth location to 700 dwellings. Members will note that the proposal is for the erection of up to 750 dwellings. This is based upon the applicants' testing of the site's capacity, although the precise number of units to be built will become apparent on the grant of the Reserved Matters on the final phase of the development.

The Council's Interim Planning Policy Statement states: *"The Council believes that the site allocations and policies contained within the Pre Submission ADMP are based on robust and credible evidence and have undergone a significant amount of public consultation and Member engagement. The Council therefore consider these are acceptable in principle. The Council accordingly adopts the land allocations and development management policies detailed within the ADMP for use within development management decision-making. The Council is of the view that these robust and clear statements should be given appropriate weight in all matters under consideration and that these are material considerations for the Council. The Council actively encourages the development of sites and allocations in accordance with these principles and will seek to support those who conform to the requirements of the NPPF and other statutory development plans. The Council recognises that the emerging local plan will gain weight as it is developed, however this statement provide a clear indication of the Council's position in the interim period."*

It is considered that the proposal is broadly in accordance with the adopted Core Strategy and Pre Submission Site Allocations and Development

Management Plan, and would provide an appropriate land use mix (commercial and residential) and indicative (average) density of 35 dwellings to the hectare on the site. Consequently the scheme is considered to be acceptable in principle.

The application is made in outline form, with all matters bar access to be determined at a later date. Key issues are however discussed below where appropriate.

Access and Highway Matters

Part 4 of the NPPF indicates that all development that could generate significant amounts of movement should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Saved Policy RLP54 and RLP55 require that a Transport Assessment is submitted with all proposals for major new development.

The Transport Assessment (TA) submitted with the Environmental Statement concludes that the site is in a location that can be accessed by sustainable means, and that the traffic generated by the proposed development would not have a severe impact on the surrounding highways network, in accordance with the National, Regional and Local Transport Objectives and Policies.

The TA does however recommend a package of measures to be put forward, to encourage trips to be made by means other than by private car and these include the following:

- Encouraging journeys by Bus;
- The Implementation of a Cycle Strategy;
- The implementation of a Residential Travel Plan, including the provision of information for residents in the form of Travel Packs and a Community Travel website; and the
- Implementation of a pedestrian crossing point on Hatfield Road.

The comments from Witham Town Council and local residents regarding traffic impacts are noted, however neither Highways England nor ECC in its capacity as local highway authority raise an objection to the proposal, subject to the imposition of reasonable planning conditions. Members will note that some of their recommended conditions do specifically seek to engender more sustainable travel patterns associated with the future occupation of the scheme. Furthermore, the submitted Parameter Plan on Access and Movement has been amended to provide a pedestrian link along the full length of the south west boundary, a connection to this path from the primary street network (where adjacent to the south western corner of the central park. Other changes include a realignment of the footpath/cycleway that runs from the Maltings Lane development to the school square.

During preparation of the Core Strategy an 'Assessment of Impact of Potential Core Strategy Sites on Existing Junctions' was completed by transport consultants Mouchel on behalf of the Council. It summarised that improvements to the Hatfield Road/Gershwin Boulevard roundabout would be required as part of the Lodge Farm development.

It further stated that the impact of development traffic on the A12 is unlikely to be significant, as the combined impact of the two developments around or adjoining Witham would lead to a maximum increase of 2% in 2-way traffic on the mainline carriageway, even with 900 dwellings at Lodge Farm.

The proposals incorporate the widening and realignment of the roundabout onto Hatfield Road to satisfy this requirement. In addition, taking into account the above consultation responses, and the fact that any impact upon the B1019/B1137 junction in Hatfield Peverel from the proposed development is unlikely to be material, it is considered that MDC's request for a financial contribution towards a study of options for a new link road and junction with the A12 (ie a Hatfield Peverel by-pass) would not be necessary to make the development acceptable in planning terms.

The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres.

It is not possible to be specific about the number of spaces required without more details on bedrooms per dwelling and precise details of the depth of each front garden, but such matters will be dealt with at the appropriate phase and its respective Reserved Matters application.

Finally Members should note the recommendation made by ECC Highways that a condition should be imposed that requires the provision of internal estate road(s) up to and including the south western boundary of the site so that the road can serve potential future areas of local growth ie. into Wood End Farm. Whilst that land has been promoted through the Council's 'Call for Sites' which closed earlier this year, to aid the preparation of the new local plan, this land is not currently allocated, nor is there an extant planning permission for residential development.

Officers have sought legal advice on this matter, which concluded thus:

"The imposition of a condition on a planning permission is to make this development (i.e. the development to which the planning permission relates) acceptable, and not to support future development elsewhere.

In my view, the NPPG does not expect a condition of the type proposed by the County Council to be imposed. It does not meet the 6 tests (for imposing conditions), particularly that the condition has to be "relevant to the

development to be permitted". In the NPPG under Key Questions (to be considered when applying that test), the NPPG goes on to say:

Does the condition fairly and reasonably relate to the development to be permitted?

- *It is not sufficient that a condition is related to planning objectives: it must also be justified by the nature or impact of the development permitted.*
- *A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development."*

Therefore the imposition of such a condition would not be necessary, or fairly and reasonably relate to the proposed development.

Other measures recommended to be included within the development by ECC Highways such as the provision of a toucan crossing over Hatfield Road and footpath/cycleway access into and through the Allectus Way estate, in addition to a bus gate thereto, would facilitate a reduction in the reliance on the private motor car for journeys, whilst minimising the impact of existing neighbouring residents. Witham Council's suggestion that a second full vehicular access be provided through Allectus Way is not considered to be necessary and ECC Highways are satisfied that the proposed new roundabout junction would facilitate appropriate access to and from the site.

In summary, in terms of accessibility, the proposal would amount to a suitably sustainable form of development, and would not have an unacceptable impact upon highway safety.

Design Matters

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

Matters of appearance, layout and scale, along with landscaping are reserved for future determination. However, as highlighted above, the application has been submitted with an illustrative masterplan; and parameter plans covering building heights & urban design. The former drawing, along with the parameter plans show the site accessed via the proposed enlarged Hatfield

Road/Gershwin Boulevard roundabout the spur road from which would lead into a main distributor road that would form a continuous loop within the site.

The alignment of this road is essentially determined by both the existing and proposed features and land uses on the site, including hedgerows/landscape corridors, areas of public open space, the location of the new school as well as the site's relationship with dwellings within Witham Lodge.

Comments originally received from Urban Design have resulted in some amendments to the plans as originally submitted. Officers are in the early stages of discussion with the applicants regarding the detailed design of the first phase of development. It is anticipated however that Officers will be able to present to Members (at the Committee meeting) some indicative elevations/three dimensional visual representations of phase 1 that are currently being worked up by the applicants' architects. It is envisaged that the first phase will follow the local Essex vernacular, and the applicants are in the process of drafting a Site-wide Design Guide, to be submitted prior to the first reserved matters application. One of the aspects that Officers are advising the applicants on is the layout of the development, and a greater variety in density, so as to ensure that areas have their own distinct character are created.

More work is required on the detailed layout and the area of the Enterprise Centre, and again is something that Officers are working on with the applicants prior to the completion of the S106 agreement. However, this is not a reason to defer seeking a resolution to grant planning permission with layout being a reserved matter for future determination. It is however imperative that the Enterprise Centre sits comfortably with adjacent housing, with appropriate landscape buffers created, whilst ensuring that it forms a high quality development at one of the key gateways into the town and demonstrates to passers-by that Witham is a place of enterprise.

Combined with this, the design and appearance of other primary frontage and marker buildings will be determined after the grant of outline planning permission. However, the maximum height of dwellings proposed along the north eastern boundary shared with Witham Lodge has been reduced down to 9m. Matters of views into and out of the site will also be determined as part of the phase 1 proposals.

Therefore, it is considered that subject to detailed design matters being agreed at the Reserved Matters stage/s, the proposal would provide an appropriate form of development that would preserve the character and appearance of the area.

Impact on Neighbouring Residential Amenities

One of the Core Principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Local Plan Review which states that 'there shall be no undue or unacceptable

impact on the amenity of any nearby residential properties'. The emerging Site Allocations Development Management Policies have similar objectives as those set out in the Local Plan Review.

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

Concerns have been raised by third parties with regard to the proximity of new houses and the field hedge adjacent to Witham Lodge; and have stated that there should be public open space of at least 5m abutting the whole of the boundary with Witham Lodge, with the houses built along this boundary then backing onto this. However, from a maintenance and liability perspective, to create a narrow and publicly accessible landscape strip in this location could give rise to management and security issues, where rear garden boundaries are left relatively exposed.

This is an issue however that Redrow Homes are seeking to resolve with local residents; and a detailed layout of phase 1 (to be adjacent to the boundary with Witham Lodge) is yet to be finalised. Officers will however ensure that the development complies with the above standards, and in terms of garden lengths where abutting Witham Lodge ideally exceeds them, in order to accommodate the existing hedge.

Therefore, whilst it is acknowledged that the proposal will change the outlook and have an effect upon the living conditions of local residents, it is considered that such impacts would not be significant, or a reasonable reason to withhold granting outline planning permission. By developing the area adjacent to Witham Lodge and Allectus Way first the impact of construction will be minimised within the first phase providing a buffer between neighbouring properties and construction activity.

Furthermore, as recommended by Environmental Protection, conditions should be imposed that control the hours of working and noise for site clearance and construction activities; dust management; the provision of an external lighting scheme; and provision of noise and vibration levels prior to the commencement of any piling. Such measures will ensure that the living conditions of the occupants of surrounding residential properties are protected during both the construction and occupational phases of the development.

Landscape and Ecology

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

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

The Council's Landscape Character Assessment identifies Lodge Farm as being situated within the Boreham Farmland Plateau. It is recognised that the A12 is a dominant feature of the landscape as the traffic noise carries across large swathes of the area reducing tranquillity. The Council's Landscape Fringe Assessment recognises that the area provides a distinctive rural approach and setting to western Witham, with its medium to large arable fields, scattered blocks of woodland and farmstead clusters. In summary, the Landscape Fringe Assessment recommends that the visual impact that the new residential development could have on the surrounding agricultural fields should be taken into account. Any development would need to ensure that it conserves and enhances the existing hedgerow pattern and strengthens through planting where appropriate to the local landscape character.

The submitted plans illustrate green corridors and a central parkland area which will reflect the existing hedgerow patterns which are to be retained. The plans also indicate strengthened areas of planting, and following the comments from Urban Design, attention has been given to the south western boundary and the masterplan has been amended to incorporate a minimum 2.2 metre buffer along its full length, to incorporate a continuous (in-filled) hedgeline and verge.

Enhancements to the Hatfield Road boundary are also planned, with the intention to inter-plant between existing trees and hedging. An additional tree and hedge planting buffer is also proposed, and is to be designed by the applicants' Landscape Architect in consultation with BDC's Landscape Services, who are also liaising with regard to wider details on soft landscaping and the quality of the public realm in general. Formal play is proposed to be located within the central park, close to the school square and accessed via safe pedestrian routes.

The ecology chapter of the ES highlights that arable land dominates the site and that this is a common and widespread habitat that is intensively managed

and contains a low diversity of plant and animal species. The area of land used for arable crops is not of significant ecological value. However, several habitats at the margins of the arable fields are considered to be of ecological value, comprising hedgerows, trees, ponds, ditches and semi-improved grassland margins. These habitats, together with the existing farm buildings are known to support several animal species/ groups of ecological value which have been confirmed through specific survey, namely: bats (common and soprano pipistrelle bats in the farm cottages and brown-long eared bats in some of the farm buildings), breeding birds and reptiles (slow worm and common lizard).

On the basis of the desk study and extended Phase 1 survey, the site is also likely to support other notable mammal species comprising brown hare, hedgehog and harvest mouse, and also notable invertebrate species associated with deadwood in trees.

Therefore, notwithstanding the fact that the form of development will be largely shaped by the existing natural landscape features, and that with respect to ecology the ES concludes that the impacts for protected species can be mitigated, it is necessary to impose reasonable planning conditions with respect to the preservation and enhancement of biodiversity.

Such conditions cover the following:

- Construction Environmental Management Plan to specify measures to manage the effects of site clearance and construction operations on the environment;
- Detailed landscape scheme, shaped by ecological requirements, in accordance with the principles of the landscape masterplan presented within ES Chapter 11: Landscape & Visual;
- Landscape and Ecology Management Plan based upon the detailed landscape scheme, to specify long term habitat management prescriptions;
- Bat Mitigation Strategy to detail appropriate mitigation measures to be implemented as part of the phases of development that impact upon trees and the farm buildings that support bat roosts. The Bat Mitigation Strategy would subsequently form the basis of an EPS licence application to Natural England post-planning consent; and
- Reptile Mitigation Strategy to detail mitigation measures for reptiles for all development phases that impact upon reptile habitat.

Open Space and Sports Provision

Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

In terms of the quantum of open space to be provided the application proposes a total of 8.36ha of open space, including the allotments which exceeds the Council's adopted standards by 0.44 hectares. This largely consists of the previously referred central park and green corridors through the site, informed by constraints of significant existing trees and hedgerows. There is also a green corridor/buffer along the existing railway line which leads to the allotments in the north western corner of the site.

As highlighted by SE, there is no formal indoor or outdoor sports provision on the site, however they acknowledge that in this instance it would be more logical to enhance existing sports facilities in the locality. To this effect the applicants have agreed to provide financial contributions towards a new 3G AGP at Witham Sports Ground of £225,000; and a new community hall which would provide indoor sports facilities at Maltings Lane of £350,000. Taking into account the fact that Witham Leisure Centre has only recently been built, it is considered that it would not be necessary to require a contribution be made towards swimming pool provision.

From this basis, it is considered that the proposal would provide adequate open space and sports provision to meet the needs of future occupiers of Lodge Farm.

Drainage and Flood Risk

Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Core Strategy states that 'the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk'.

The proposed development is located within Flood Zone 1 (low probability risk), and having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.

Heritage/Archaeology

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

As highlighted above, archaeological features are identified close to the site and therefore Policies RLP105 Archaeological Evaluation (ADM 69) and Policy RLP106 Archaeological Excavation and Monitoring also apply. These state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

The Heritage Environment Advisor has agreed that an evaluation of the site can be carried out after outline planning permission is granted, but that the evaluation fieldwork and reporting will need to be submitted in advance of the reserved matters applications. This will allow the detailed layout to be amended, if necessary, to reflect the outcomes of the evaluation.

Furthermore, the application indicates that the existing barn buildings are to be maintained with a view to refurbishment for future use as community/café/mixed use subject to demand.

Although the buildings are not listed, their retention reflects the previous historical uses of the site and would contribute towards the character and setting of the new development. It is considered prudent to facilitate flexibility in terms of their use, so as to appeal to as wide a range of future occupiers as possible, and so as to create a focal point for future residents of Lodge Farm and the wider area.

Affordable Housing

Policy CS2 Affordable Housing of the adopted Core Strategy (2011) states that '*a target of 30% affordable housing provision on sites...including the proposed growth locations*' shall be provided.

The application indicates 30% affordable housing provision, providing a range of dwelling types and therefore accords with policy CS2. Policy RLP 3 of the Local Plan Review 2005 requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. RLP 7 and RLP 8 of the Local Plan Review require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

The mix of affordable housing proposed is 25% 1 bed units, 50% 2 bed units, 15% 3 bed units and 10% 4 bed units, which is broadly in accordance with the Council's current Strategic Housing Market Assessment. The exact percentages may change slightly depending on the precise form of housing need at the time that the reserved matters applications are submitted.

Enterprise Centre

The NPPF highlights that there are three dimensions to sustainable development. With respect to the economic role, this involves contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right

time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

Furthermore, pursuant to paragraphs 18-20, the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, which should operate to encourage and not act as an impediment to sustainable growth.

It also states that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

The District will see significant housing growth in the years to 2026, with some 14,000 new homes likely to be built and much of this will be growth focused on our towns, including Witham. This growth needs to be fully matched by employment, as this will strengthen the local economy, improve services for residents, ease congestion and reduce the high levels of people commuting to jobs outside the District.

The Council expects around 20,000 new jobs for local people will need to be created through existing businesses expanding and new businesses locating or starting up. New business start-ups survive longer and grow faster if they are supported in their first few years of trading. Currently, Witham does not have an Enterprise Centre that would provide space for new companies and support them in those early years.

Based on a preliminary assessment of demand, the DTZ report commissioned by the Council concludes that the minimum size of buildings that would be sustainable in operational terms, and meets nationally accepted benchmark sizes has led to the production of an outline specification: A net internal area (NIA) of 20,000 sq ft / 1,858 sq m which would consist of 3,000 sq ft / 279 sq m of shared working space ('co-working' space), 9,000 sq ft / 836 sq m of office space, and 8,000 sq ft / 743 sq m of small workshop/light industrial units.

They have assumed that single storey building are preferable, but note that a partial two storey solution is also feasible. To consider costs and land requirements, they have assumed a gross: net floorspace ratio of 80% (slightly lower than a standard office business park, due to the nature of the centre), resulting in a gross floorspace of 25,000 sq ft (2,323 sq m). The gross floorspace would allow for meeting and networking space for occupying companies, as well as for toilets, changing facilities, corridors etc.

The Enterprise Centre would contribute to the District's strategic and economic development aims and help the development of businesses in the sub-region. Enterprise and innovation centres play important roles in

supporting local businesses. Centres offer flexible accommodation such as open plan shared workspace, different sized offices and/or workshop space, have more flexible lease terms than commercial space, and offer business support. These factors are specifically designed to accommodate the needs of entrepreneurs and start-up businesses and, as such, are targeted at creating environments to support and stimulate the local economy – factors that are in line with the Councils' strategic aims for Witham and its surrounding areas.

It is estimated that based on the foregoing a total of 130 gross permanent full-time equivalent would be created and sustained through the centre (based on HCA density guidance 2010) – 2 jobs through its management and 128 through the businesses letting space. On the basis that the Centre achieved 90% occupancy in 24 months, 66 jobs would likely be created in the first year, with a further 66 jobs created by the end of the 2nd year of operation. Assuming that businesses stay an average of 3 years, a further 128 jobs would be created in years 4-5 as the first cohort of businesses move out and are replaced with new enterprises. This would therefore result in an estimated 258 jobs created over the initial 5 years. DTZ estimate that an additional ongoing 38 indirect FTE jobs will be created by the Witham Enterprise Centre.

Therefore the provision of land for an Enterprise Centre is fully supported by National planning policy and makes a significant contribution towards monitoring this a more sustainable development.

Planning Conditions & Obligations

Policy CS11 Infrastructure Services and Facilities of the Core Strategy states that the Council will work with partners, service delivery organisations and the development industry to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered in a timely, efficient and effective manner.

Paragraph 9.6 of the Core Strategy states that a list of key facilities and infrastructure that will be required to support development up to 2026 is set out in Table 2. The infrastructure identified therein as 'Critical' include a sewerage network capacity upgrade and capacity improvements at the Hatfield Road/Gershwin Boulevard roundabout. The latter has been covered in the Access and Highway Matters section above and can be controlled by planning condition.

With regard to the former, whilst a response had not been received from Anglian Water at the time of writing this report, it is understood from the submitted ES that whilst there is a need to upgrade the existing sewerage network to provide capacity for the growth location, a satisfactory solution (subject to funding) exists. This would consist of the construction of an offline tank sewer of 460 cubic metres, just upstream of the Witham Wastewater Works. It is anticipated that a suitably worded 'Grampian' condition could prevent first occupation of the any dwellings until the sewerage network has been upgraded.

Concerning the areas of key facilities and infrastructure that are highlighted as 'Required' within Table 2, these include: a new Primary School with Early Years and Childcare places; an extension of GP surgery provision; Public Open Space, Play and Recreation Areas; and Allotment provision. These will be secured either by the S106 agreement or by condition (see below).

There are also a number of key facilities and infrastructure that are highlighted as 'Desirable', all of which will be met by the proposal, they include: Public Transport Improvements; Public Realm Improvements; Footpath and Cycleway provision, both on site and links to the existing network; a Neighbourhood Centre (most probably provided for by the barn buildings); and a contribution to a Community Centre (on Maltings Lane).

Whilst some matters concerning planning obligations have been covered above; the following summary comprises the complete list of heads of terms that will be included within the S106 agreement:

- **Affordable Housing** - 30% provision, Mix & tenure to include 2 x 3 bed; and 3 x 2 bed (4 person) bungalows – all to Lifetime Homes standards;
- **Allotments** - 0.41ha land to be cultivated, fenced with water supply and communal storage building. To be governed by a Redrow management company, unless Town Council agree to manage them (to be confirmed), in which case a financial contribution towards maintenance for 25 years will be sought;
- **Community/Indoor Sports Hall** - £350,000 financial contribution towards provision of new facility on Council owned land at Maltings Lane development;
- **Cycling** - Proposed cycle path through the Allectus Way estate (identified on Local Plan Review Proposals Map) to facilitate improved links to Maltings Academy/Witham Leisure Centre/Station/Town Centre;
- **Education** - Serviced land for new 1.5 FE Primary School & EY&C – 1.7 Ha (+ 0.3 Ha if need to expand school to 2FE), in addition to financial contribution of £4,800,963;
- **Enterprise Centre** – up to 1.7 hectares serviced land fronting Hatfield Road to be transferred to BDC;
- **Health Facilities** - £246,880 towards capacity improvements in GP provision;
- **Public Open Space** – 7.95 hectares to be landscaped/serviced as required with play equipment, on-going maintenance by Management Company with POS strategy to be submitted with each reserved matters application;
- **Public Transport Scheme** – To facilitate the provision of public transport (bus) infrastructure within the development site, and at Allectus Way in the vicinity of the north east site boundary. To include, but not be limited to bus stops, real time passenger information signs; and a bus gate from the development onto Allectus Way;
- **Railway Station improvements** - Financial contribution to be sought for, or works to be undertaken by applicant to realign kerb and

- widening of footway at junction of Albert Road with Braintree Road, so as to provide for additional cycle parking;
- **Outdoor Sports Provision** – Financial contribution of £225,000 towards provision of new 3G AGP at Witham Sports Ground;
 - **Town Centre Improvements** - £20,000 financial contribution towards new town centre signage.
 - **Residential Travel Plan** – to include the provision of a Travel Plan co-ordinator to give advice to residents to encourage trip reduction and modal shift to reduce reliance on the private car. Implementation of the plan to be monitored, at the developers expense, by Essex County Council.

The Town Council have highlighted that they wish to be closely involved in S106 negotiations, to ensure that the phasing of the development produces the promised community facilities throughout the development, rather than at the end. Depending on whether or not they would wish to take on the management of the allotments, it may be necessary for the Town Council to be party to the S106 agreement. However, if this is not the case, a copy of the draft document can be forwarded onto them for their information and general comment, provided that it is within a mutually agreed timescale.

Other Issues raised by Witham Town Council

The Town Council have stated that a lack of provision of medical facilities for such a large development is of concern, and suggest that the barn buildings could provide a satellite surgery from one of the practices within the town, to serve both Lodge Farm and Maltings Lane.

NHS Property Services have stated that the proposal is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area, and specifically the health catchment of the development. Existing GP practices do not have capacity for the additional growth as a result of the proposed development and therefore a developer contribution of £246,880 towards capital funding to increase capacity within the GP catchment area is required. Officers agree that a new satellite surgery within the barn buildings might be appropriate, and would fall within the mix of uses sought (D1 use class).

Members will be aware that land was secured as part of the Maltings Lane development for the provision of a new healthcare facility. To date, despite the land being available neither NHS England or any of the Witham GP practices have expressed any interest in developing a new surgery, or a satellite surgery in this part of the town.

The District Council is not in a position to force either the relocation or development of a satellite surgery at either Lodge Farm, or at Maltings Lane, but Officers will continue to work with NHS England as part of this and other proposals coming forward within the Town with a view to securing new healthcare facilities to help meet existing and future needs.

It has been stated by the Town Council that a B2 use within the proposed Enterprise Centre is inappropriate for a largely residential location; Officers agree with this view, and Members will note that such a use does not fall within the list of uses proposed (use classes A1/A2/B1/D1/D2). The NPPF does however state in paragraph 9 that '*making it easier for jobs to be created in cities, towns and villages*' is a positive improvement to pursue sustainable development, and it is considered that the uses proposed would be acceptable in principle, supporting the vitality and viability of the local economy.

The Town Council have also stated that they would like to see a significant proportion of the anticipated £6.34m New Homes Bonus which will accrue as a result of the development invested in infrastructure in Witham. It is currently premature to be allocating funds to specific projects, and such a matter is not a determining factor in this application. Decisions regarding the expenditure of the New Homes Bonus will be taken by Members of Braintree District Council at Full Council.

Conclusion

The site is identified in the adopted Core Strategy as a growth location therefore the proposal is acceptable in principle. The application has taken into consideration the findings of the Landscape Character Assessment and subsequently sought to retain the existing hedgerow patterns and incorporate them into the design and layout of the new development which will contribute to the overall open space provision. With the imposition of suitable planning conditions, the proposal would protect identified protected species and enhance biodiversity.

The application proposes to widen the existing roundabout as indicated in the highway assessment which was carried out for the Core Strategy; and both Highways England and Essex County Council have determined that the development would not give rise to a significant rise in vehicle movements on the road network or be unacceptable in highway safety terms. Further measures to encourage sustainable transport connections to and from the site would also be secured and provided by the scheme.

The application also proposes to retain the existing barns which will reflect the historic character of the previous uses and along with the Enterprise Centre will amount to sustainable economic development. The scheme proposes a new 1.5 form entry primary school which will contribute towards education provision and will provide 30% affordable housing contribution which accords with Core Strategy policy, along with other planning obligations of public benefit.

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;
- Allotments;
- Community/Indoor Sports Hall;
- Cycling;
- Education;
- Enterprise Centre;
- Health Facilities;
- Public Open Space;
- Public Transport Scheme;
- Railway Station improvements;
- Outdoor Sports Provision;
- Town Centre Improvements.
- Phasing Plan
- Residential Travel Plan

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the terms set out above and the conditions and reasons set out below.

Alternatively, in the event that a suitable planning obligation is not agreed within 6 calendar months of the resolution to approve the application by the Planning Committee, the Development Manager may use her delegated authority to refuse the application.

RECOMMENDATIONS

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

Site Masterplan	Plan Ref: 13 904-SK03	Version: L
Parameter Drawing	Plan Ref: 13 904-SK12.1	Version: D
Parameter Drawing	Plan Ref: 13 904-SK12.3	Version: E
Parameter Drawing	Plan Ref: 13 904-SK-12.5	Version: D

Other	Plan Ref: FLOOD RISK ASSESSMENT	
Tree Plan	Plan Ref: 140712-P-10-01	Version: A
Tree Plan	Plan Ref: 140712-P010-02	Version: A
Tree Plan	Plan Ref: 140712-P-11-01	Version: D
Tree Plan	Plan Ref: 140712-P-11-02	Version: D
Tree Plan	Plan Ref: TREE WORK SCHEDULE 140712-PD-12A	
Tree Plan	Plan Ref: 140712-P-12-01	Version: B
Tree Plan	Plan Ref: 140712-P-12-02	Version: B
Location Plan	Plan Ref: 13 904-SK02	Version: B
Access Details	Plan Ref: RH.LODGEFARM.(ACCESS01)	
Parameter Drawing	Plan Ref: 13 904-SK12.2	Version: I
Parameter Drawing	Plan Ref: 13904-SK12.4	Version: I

- 1 With the exception of the strategic access point onto Hatfield Road, details of the access routes within the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the local planning authority before any development is commenced within that phase. The development shall be carried out as approved.

Reason

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

- 2 Application for approval of the reserved matters for the first phase of the development shall be made to the local planning authority no later than 3 years from the date of this permission.

Applications for approval of all remaining reserved matters shall be made to the local planning authority before the expiration of ten years from the date of this permission.

Reason

In order to comply with Section 92 of the Town and Country Planning Act 1990 as amended and to ensure that the submission of reserved matters takes place within an acceptable timescale.

- 3 The development to which this permission relates shall begin within-:
 - i) 5 years from the date of this permission; or
 - ii) 2 years from the date of the approval of the final reserved matters to be approved, whichever is the later.

Reason

In order to comply with Section 92 of the Town and Country Planning Act

1990 as amended and to ensure that the submission of Reserved Matters takes place within an acceptable timescale.

- 4 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for up to 750 dwellings, Primary School and early years centre, enterprise centre (use classes 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 and demonstrate compliance with the approved plans listed above.

Reason

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

- 5 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the following all clear of the highway:
 - Safe access to/from the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel and underbody washing facilities
 - The safeguarding of the Public Rights of Way during construction
 - The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours.

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

Reason

In the interests of highway safety.

- 6 No dwelling shall be occupied until the roundabout alterations and associated works as shown in principle on drawing RH. Lodge Farm (Access01) dated January 2015, have been implemented, in accordance with specific details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety.

- 7 No dwelling shall be occupied until a toucan crossing across Hatfield Road, linking the site with the footpath/cycleway network at the Maltings Lane development opposite has been provided, in accordance with specific details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of fostering sustainable travel patterns and the safety of pedestrians and cyclists.

- 8 No dwelling shall be occupied until a Residential Travel Information Pack for sustainable transport has been produced by the developer, the details of which shall have been previously submitted to and approved in writing by the local planning authority. The pack shall include 12 month travel vouchers for use with the relevant local public transport operator and shall be provided to the first occupiers of each new residential unit on the development site.

Reason

In the interests of fostering sustainable travel patterns.

- 9 No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the planning authority.

An archaeological mitigation strategy detailing a excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and prior to the submission of any reserved matters applications.

Furthermore, no development or preliminary groundworks shall commence on areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off in writing by the local planning authority.

Reason

The site may be of archaeological interest.

- 10 A post-excavation assessment shall be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority. This shall include a post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

To enable full investigation and recording of archaeological remains.

- 11 Works to convert the barn buildings shall not be commenced until proposed floor plan and elevational drawings, at a scale no greater than 1:50, showing a scheme of their repair and reuse, including details of any new external finishing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

Reason

To ensure the sensitive conservation of the non-designated heritage assets, which add value to the character of the development.

- 12 No works shall take place to the barn buildings or their curtilage, including any demolition, until a detailed contaminated land remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including a verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the barn buildings are occupied.

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.

- 13 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

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.

- 14 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 and shall be adhered to throughout the construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 15 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by a Lighting Scheme. The details of the lighting scheme shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details prior to the occupation of the phase of the development to which the Reserved Matters application relates. There shall be no other sources of external illumination unless otherwise agreed in writing by the local planning authority.

Reason

In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.

- 16 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 17 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment including areas of wildflower grassland, colour and type of material for all hard surface areas and method of laying, refuse storage and signage.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 18 The development shall be carried out in accordance with the Tree Survey, Proposed Layout _ Tree Removals, and Indicative Tree Protection plans; and Tree Works Schedule within Appendix I to the submitted Environmental Statement, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 19 Development shall not be commenced until details of a Construction Environmental Management Plan (CEMP) to specify measures to manage the effects of site clearance and construction operations on the environment, in addition to how the land will be managed in the future, and including a maintenance schedule and measures for biodiversity has been submitted to and approved in writing to the local planning authority. All works shall be carried out in accordance with the approved scheme and shall be so maintained at all times thereafter to the satisfaction of the local planning authority.

Reason

In the interests of protecting and enhancing biodiversity.

- 20 No development shall commence until a Landscape and Ecology Management Plan (LEMP), to specify long term habitat management prescriptions, and based upon the approved detailed landscape scheme, has been submitted to and approved in writing by the local planning authority. The LEMP shall include for the provision of nest/roost sites for bats and birds. The development shall be implemented in accordance

with the approved details prior to the first occupation of the dwellinghouses and thereafter so maintained.

Reason

In the interests of protecting and enhancing biodiversity.

- 21 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by a Bat Mitigation Strategy to detail appropriate mitigation measures to be implemented as part of the phase of development that impacts upon trees and the farm buildings that support bat roosts. The mitigation measures shall be provided prior to the commencement of the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

In the interests of protecting bats on the site.

- 22 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by a Reptile Mitigation Strategy to detail mitigation measures for reptiles for all development phases that impact reptile habitat, as identified in Appendix H to the Environmental Statement. The mitigation measures shall be provided prior to the commencement of the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

In the interests of protecting reptiles on the site.

- 23 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment dated February 2015 produced by Mayer Brown and their letters dated 6th July and 16th July 2015 to Essex County Council Flood and Water Management. Runoff rates shall be restricted to no more than equivalent rates and 50% betterment over 1 in 100 year rates. The mitigation measures shall be fully implemented prior to first occupation of the phase of development that the reserved matter relates.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 24 The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. 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 topsoil during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 25 Prior to first occupation of any dwellings on the phase of development that the reserved matter relates, a Maintenance Plan detailing who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies thereof required, including methods of reporting and logging such activities shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

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 for the lifetime of the development.

- 26 A site-wide design guide for all areas of public realm and character areas, including the incorporation of public art, shall be created across the whole site and be submitted to and approved in writing by the local planning authority prior to the approval of any reserved matters. All reserved matters submissions shall accord with the approved site wide guidance, unless otherwise agreed in writing by the local planning authority. The agreed strategy shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

Reason

In the interests of good design and ensuring a high quality and characterful development.

- 27 Prior to the first occupation of dwellings a scheme to deal with the disposal of foul sewage, including phasing, has been submitted to and approved in writing by the local planning authority. No dwellings or buildings within each phase of the development shall be occupied until the works relating to that phase of the development have been carried out in accordance with the approved scheme.

Reason

In the interests of good design and ensuring a high quality and characterful development.

INFORMATION TO APPLICANT

1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.

2 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3 For the avoidance of doubt although there have been some pre application discussions regarding the internal road layout no conclusions have yet been reached by the County Council who will have specific requirements of road layout in the vicinity of the school and where roads are to be used by buses in particular.

4 With regard to those matters which the submission of further details/particulars are required, you are invited to consult with the local planning authority, prior to formal submission.

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 £28 for householder applications and £97 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

6 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work

of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

7 Your attention is drawn to condition 10 and 11 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council Historic Environment Team (Teresa O'Connor, 01245 437638).

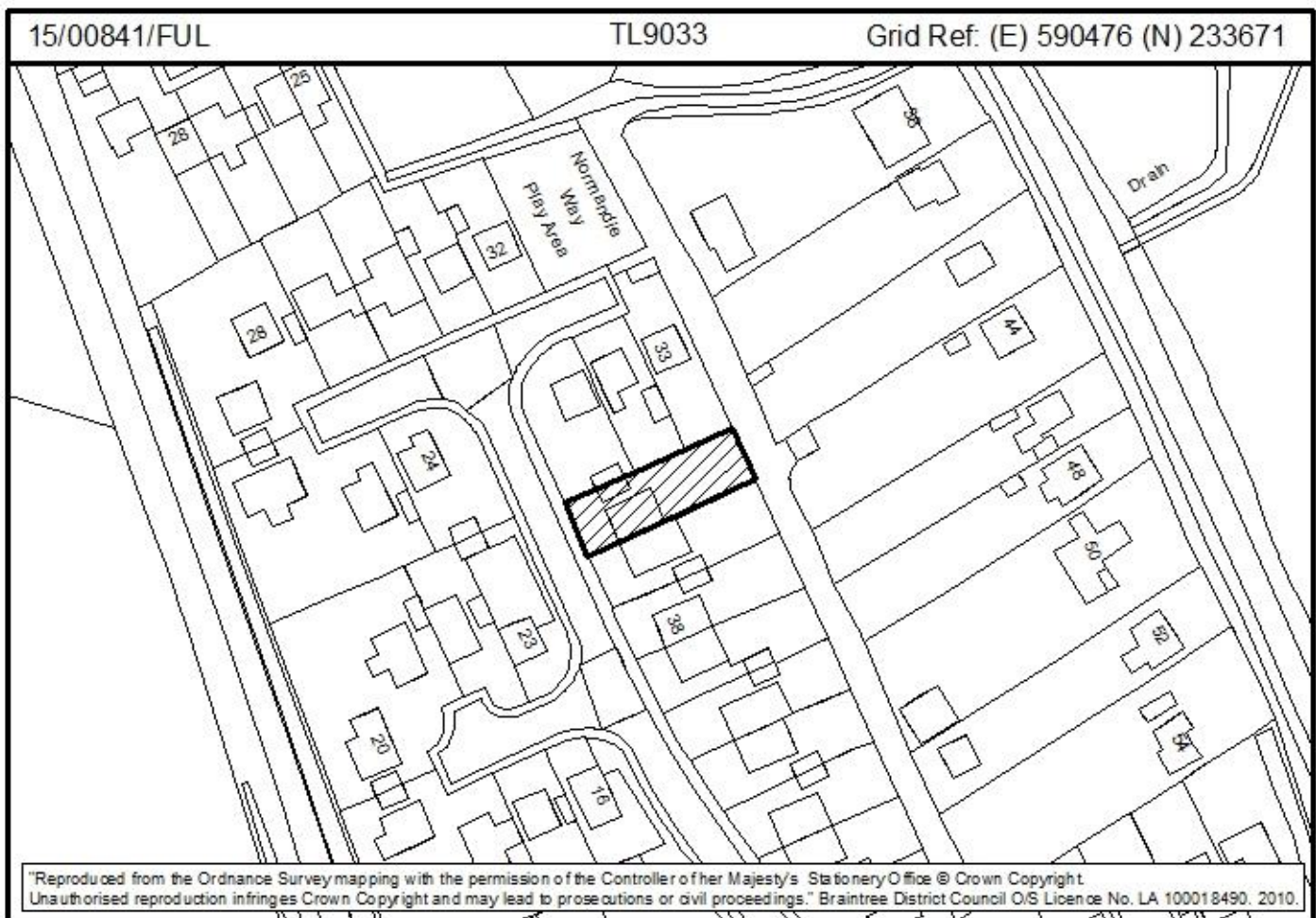
8 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)

9 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk , at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

PART B

APPLICATION NO: 15/00841/FUL
 DATE: 01.07.15
 VALID:
 APPLICANT: Mr A Rogers
 36 Normandie Way, Bures Hamlet, Colchester, Essex, CO8 5BE,
 AGENT: Mr Leslie Head
 1 Domsey Bank, Marks Tey, Colchester, Essex, CO6 1NG
 DESCRIPTION: Erection of two storey side extension
 LOCATION: 36 Normandie Way, Bures Hamlet, Essex, CO8 5BE,

For more information about this Application please contact:
 Mrs H Reeve on:- 01376 551414 Ext. 2503
 or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

98/01466/FUL	Erection of two storey extension to existing dwelling	Granted	14.12.98
11/01553/FUL	Erection of single storey rear extension	Granted	05.01.12
12/00005/NMA	Application for a non-material amendment 11/01553/FUL - Alteration to the rear fenestration (to the openings)	Granted	29.02.12

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The Parish Council have raised an objection to the proposal, contrary to the Planning Officer's recommendation.

SITE DESCRIPTION

The site is located within an established residential estate towards the southern end of Bures Hamlet, within the village envelope.

The dwelling itself is a chalet style 1.5 storey semi detached house with a box dormer on the frontage, spanning both properties – a typical design for the era (circa late 1960's/early 70's). A large proportion of the adjacent properties are of the same design, or two storey with same materials – light brown brick and cladding.

A detached single garage exists within the site, close to the side flank wall of the property, which is itself attached to a neighbouring garage (No. 35).

Adjacent properties which bound the site include the adjoining property, No. 37 Normandie Way; 3 properties bound the northern side boundary of the application site and are sited at right angles – No's 33, 34 and 35 Normandie Way.

The site is bounded by standard garden fencing and ground levels slope downwards from the road to the property frontage. Although not investigated on site, plans appear to show a path/access directly to the rear of the site, which runs along to the rear of the adjacent properties.

PROPOSAL

Planning permission is sought for the erection of a 2 storey side extension to 36, Normandie Way, Bures Hamlet. The proposal would have a slightly reduced ridgeline to the main dwelling, be stepped back from the front building line by 1 metre and would project back to be in line with an existing single storey rear extension.

The extension would result in the removal of the existing single garage and would abut the rear boundaries of No's 34 and 35 Normandie Way.

Revised plans have been submitted showing additional parking on site – 2 no. spaces on the existing front garden and driveway, to mitigate the loss of the garage and to ensure that off street parking provision meets current adopted Essex County Parking Standards.

CONSULTATIONS

None.

REPRESENTATIONS

Parish Council have raised an objection to proposed extension, it should be noted that the first objection was received on the 14th July 2015 and this was further endorsed via email on the 12th August 2015. Concerns summarised as follows:-

- Development right up to boundary and loss of garage appears to be over development of the site
- Application should address remedial works required to adjoining garage of No. 35
- Proposed roof lights on frontage are out of keeping
- Loss of garage would result in parking issues
- Additional objection to any vehicular entrance being created into the private road to the rear of the property and there should be a condition preventing this as such

REPORT

Principle of Development

Policy CS9 seeks to promote and secure the highest standards of design and layout in all new development and the protection and enhancement of the historic environment.

RLP 17 allows for the extension of an existing dwelling provided that there is no over-development of the plot, taking into account the footprint of the existing dwelling and the relationship to plot boundaries; the siting, bulk, form and materials of the extension are compatible with the original dwelling, there should be no unacceptable adverse impact on the amenities of adjoining residential properties and there should be no material impact on the identity of the street scene, scale and character of the area.

RLP 90 requires development to recognise and reflect local distinctiveness and be of a high standard of design and materials.

The principle of development in this location within the development boundary is an acceptable one. The concern raised by the Parish Council in terms of over development is noted, however it is considered the site would still retain the majority of its garden space. In terms of relationship to plot boundaries, this will be commented on below.

Design and Appearance

The proposal is considered to be acceptable. The extension would appear as a subordinate addition to the host dwelling, with a reduced ridgeline and being stepped back from the main frontage. The overall design is one which is considered to be in character with the existing dwelling and although visible within the street scene, it is not considered that it would appear overly prominent or be harmful to the character of the area. Again the Parish Council's concern over the roof lights are noted, however these are fairly minor features and can generally be inserted on the front roof slope of a dwelling without the need for planning permission. It is not considered that the roof lights features are objectionable enough to require their omission from the planning permission. A condition will be imposed to ensure matching materials are used.

Impact on Neighbouring Residential Amenity

It is accepted that the proposal would result in a two storey extension almost directly on the boundary with adjacent neighbouring properties. However, given that this forms the rear boundary for neighbours at No's 34 and 35, it is not considered to have any great impact on outlook, neither would it be considered to be overbearing, given the distance from the side wall of the proposed extension and the rear wall of neighbouring properties is 14 metres. It is considered there is sufficient separation between them. In addition, the

existing side wall of the application property has first floor windows looking directly into the rear gardens of both neighbouring properties – no windows are proposed in the extension and therefore overlooking would in fact be reduced.

It is therefore considered that the proposal is acceptable and would not impact on neighbouring residential amenity in terms of overbearing, overshadowing or overlooking issues.

Highways – parking

The revised proposal sees 2 no. off-street parking spaces made available in the front garden area and existing driveway, both of which meet current dimensions in line with the adopted Essex County Council Parking Standards.

Other Issues

Adjoining garage

The remediation works to the neighbouring, adjoining garage – as a result of the extension falls outside the planning jurisdiction and cannot be a consideration. However it is considered appropriate to place an informative on the decision notice drawing the applicant's attention to the Party Wall Act.

Access to private road at the rear of the property

The case officer is not aware of any proposal to create a vehicular entrance to the site from the private road to the rear – there is no indication as such on the submitted plans and therefore no comment can be made in this respect.

CONCLUSION

The proposal is considered to be acceptable and meets the necessary policy criteria.

RECOMMENDATIONS

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

Proposed Plans Plan Ref: LH/15/34 REV C SHEET 2 OF 2 Version:
RECEIVED ON 05.08.15

Proposed Plans Plan Ref: LH/15/34 REV B SHEET 1 OF 2
Location Plan

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

Reason

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

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

Reason

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

- 3 The materials on the external finishes of the extension hereby approved shall match those on the existing dwelling

Reason

To ensure that the development does not prejudice the appearance of the locality.

INFORMATION TO APPLICANT

1 Your attention is drawn to the provisions of the Party Wall etc Act 1996, which relates to work on existing walls shared with another property or excavation near another building. An explanatory booklet is available on the Department for Communities and Local Government website at <http://www.communities.gov.uk/publications/planningandbuilding/partywall> or can be inspected at the Council offices during normal office hours

Monthly report on Planning & Enforcement Appeal decisions received		Agenda No: 6
Corporate Priority:		
Report presented by:		
Report prepared by: Liz Williamson – Validation Officer/appeals co-ordinator		
Background Papers:		Public Report
Appeal decisions summary		
Options:		Key Decision: No
Information only		
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Decision:		
Noting Only		
Purpose of Decision:		
N/A		
Corporate implications [should be explained in detail]		
Financial:	N/A	
Legal:	N/A	
Equalities/Diversity	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	

Risks:	N/A
Officer Contact:	Liz Williamson
Designation:	Validation/Appeals co-ordinator
Ext. No.	2506
E-mail:	lizwi@braintree.gov.uk

PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **August 2015** .

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	Application No/Location	BDC application ref: 14/01268/FUL – Orchard Cottage, Petches Bridge, Finchingfield
	Proposal	Formation of dropped kerb and crossover for new driveway
	Council Decision	Refused under delegated authority (05.11.14) – CS5 & 8 and RLP 2 & 80
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the proposal on highway safety and on the character and the appearance of the area
	Inspector's Conclusion	<p>The Inspector began his report by stating that although the proposal would not appear to intensify overall vehicular movements in the vicinity, he considered that it would give rise to the slowing and turning of vehicles on the B1053 at an additional access point in close proximity to the Petches Bridge junction.</p> <p>A tall, unmanaged hedgerow runs alongside the B1053 adjacent to the appeal site. The hedgerow screens the site and contributes to the rural character and appearance of the area. In the Inspectors view and in the absence of details concerning available visibility splays, cutting back of vegetation would be necessary to provide visibility particularly to the south-east. The removal of a substantial amount of vegetation which would open up the site when viewed from the road and be detrimental to the character and appearance of the rural area.</p> <p>The appellant refers to the National Planning Policy Framework mainly in relation to its promotion of sustainable economic development. Whilst the Inspector agrees that the holiday accommodation supports tourism and the economy, this does not convince him of the necessity for the new access when weighed against the highway safety and landscape objections.</p> <p>Whilst the Inspector notes the other planning cases cited, where such exceptions have been made, and the fact that other properties in the area have direct access onto the B1052, these are outside of his control and therefore the Inspector has assessed this proposal on its own merits.</p>

2.	Application No/Location	BDC application 14/01315/FUL – Land adj 63 Church Road, Hatfield Peverel
	Proposal	Erection of a one bedroom bungalow for a disabled person
	Council Decision	Refused under delegated authority RLP 2, 3, 9, 10, 56, 69, 70, 74, 77, 81 and 90
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the proposal on the character and appearance of the area and the living conditions of future and existing residence
	Inspector's Conclusion	<p>The Inspector began his report by describing the site as an estate that has a relaxed and spacious feel, characterised by modestly sized semi-detached bungalows, which provided a degree of uniformity in the appearance. Part of the former curtilage of 63 Church Road is already occupied by a small detached bungalow originally granted planning permission as an annexe to this property and later as an independent dwelling.</p> <p>The new bungalow would be created by a side extension to 63 Church Road to occupy existing garden and car parking space fronting Willow Drive. Visually it would form a matching continuation of the existing property, however, it would place further development within a relatively restricted garden space. The effect would be an unduly cramped and visually prominent development out of keeping with the general character of this area.</p> <p>He noted that the bungalow was intended for an occupant that no longer drives and that his partner, who only has one car, would occupy the existing bungalow, but he was mindful that circumstances may change.</p> <p>The proposal would remove the current two parking spaces accessed from Willow Crescent and that currently serve 63 Church Road. In its place would be a single space for the proposed new bungalow currently proposed next to the small bungalow to the rear. 63 Church Road would be provided with a new single parking space with access directly onto Church Road via a verge cross-over.</p> <p>The appellant accepts that the parking space shown for the proposed bungalow is sub-standard in size which would result in the appellant needing to use up another part of the already restricted garden space for an adequately sized parking space.</p> <p>The Inspector recognises the intention to provide independent accommodation, suitable for the needs of a specific occupier next to where his carer would reside. However, the Inspector continues by stating that he has to have regard to the wider public interest and this case the personal needs do not outweigh the harm he has found to the character and appearance of the area</p> <p>The Inspector concludes by saying that the proposal would result in a cramped and over-intensive form of development out of keeping with the general density of the surrounding area.</p>