

# PLANNING COMMITTEE AGENDA

**Tuesday, 02 July 2019 at 7:15pm**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
*(Please note this meeting will be webcast and audio recorded)*  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

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

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

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

### **Public Question Time – Registration and Speaking on a Planning Application/Agenda Item**

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

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

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

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

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

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

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

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

## **PUBLIC SESSION**

## **Page**

### **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 23rd April 2019 (copy previously circulated).

### **4 Public Question Time**

(See paragraph above)

### **5 Planning Applications**

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

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

#### **PART A**

#### **Planning Application**

- |           |   |               |
|-----------|---|---------------|
| <b>5a</b> | <b>Application No. 15 01319 OUT - Land West of Panfield Lane, BRAINTREE</b> | <b>6 - 82</b> |
|-----------|---|---------------|

#### **PART B**

#### **Minor Planning Applications**

- |           |  |                  |
|-----------|--|------------------|
| <b>5b</b> | <b>Application No. 18 01758 FUL - 50 Broadway, SILVER END</b>            | <b>83 - 91</b>   |
| <b>5c</b> | <b>Application No. 19 00520 FUL - White Hart, Newland Street, WITHAM</b> | <b>92 - 101</b>  |
| <b>5d</b> | <b>Application No. 19 00521 LBC - White Hart, Newland Street, WITHAM</b> | <b>102 - 110</b> |

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

**Page**

**8 Urgent Business - Private Session**

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

PART A

APPLICATION NO: 15/01319/OUT DATE 22.10.15  
 VALID:  
 APPLICANT: Mersea Homes Ltd and Hills Residential Ltd  
 C/o Agent  
 AGENT: Phase 2 Planning & Development Ltd  
 Majesty House, 200 Avenue West, Skyline 120, Great  
 Notley, Essex  
 DESCRIPTION: Hybrid planning application for a mixed-use development  
 for up to 825 Residential Units, with part submitted in  
 outline (with all matters reserved) and part submitted in  
 detail, where: The Outline Component of the application  
 seeks approval for: i. Up to 636 Residential Units (Use  
 Class C3); ii. Up to 0.95ha of land for Business Use (Use  
 Class B1, B2, B8); iii. Up to 2.38ha of land for the provision  
 of a Neighbourhood Centre with possible uses including  
 Retail, Commercial, Residential Care, Health, Veterinary  
 and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a,  
 C2, D1a, D1b); iv. Up to 2ha of land for a Primary School; v.  
 Up to 2.88ha of land for Community Sports Facilities; and  
 vi. All associated open space, landscaping, parking, utilities,  
 drainage and infrastructure The Detailed Component of the  
 application seeks approval for: vii. 189 Residential Units  
 (Use Class C3) including parking and utilities; viii. New link  
 road between Panfield Lane and Springwood Drive and  
 new roundabout at junction of Panfield Lane and Churchill  
 Road.  
 LOCATION: Land West Of, Panfield Lane, Braintree, Essex

For more information about this Application please contact:  
 Christopher Paggi on:- 01376 551414 Ext. 2548  
 or by e-mail to: [christopher.paggi@braintree.gov.uk](mailto:christopher.paggi@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NWMMPXBF07J00>

## SITE HISTORY

13/00014/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Mixed use development for residential purposes, business purposes, provision of a neighbourhood centre, 2ha of land for educational purposes and all associated open space, landscaping, parking, utilities, drainage and infrastructure, including a link road from Panfield Lane to Springwood Drive	Screening/ Scoping Opinion Adopted	02.01.14
13/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Mixed use development for residential purposes, business purposes, provision of a neighbourhood centre, 2ha of land for educational purposes and all associated open space, landscaping, parking, utilities, drainage and infrastructure, including a link road from Panfield Lane to Springwood Drive		03.02.14
14/00012/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion	Screening/ Scoping Opinion Adopted	05.08.14



15/00009/SCR	<p>Request - Installation of new water main between The Chase, Bocking and the junction of Panfield Lane and Porters Field Braintree</p> <p>Town &amp; Country Planning Act 1990 (as amended), Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion</p> <p>Request - Mixed use development for (i) Residential purposes C3; (ii) Business purposes B1, B2, B8; (iii) The provision of a neighbourhood centre with possible uses including retail, commercial, community residential care, and residential uses A1, A2, A3, A4, A5, B1, C2, C3, D1, D2 and creche/veterinary surgery; (iv) up to 2ha of land for a primary school; (v) up to 4ha of land for community sports facilities; and all associated open space, landscaping, parking, utilities, drainage and infrastructure, including a link road from Panfield Lane to Springwood Drive.</p>	Screening/ Scoping Opinion Adopted	08.09.15
15/01320/FUL	Hybrid Application - see 15/01319/OUT	Application Returned	
18/01316/FUL	Extension of Springwood Drive, including construction of new highway and footways, alterations to existing bunding and erection of gates and fencing to Civic Amenity site.	Granted	21.12.18

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed-Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed-Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting

RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
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
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

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

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
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 Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP21	Strategic Growth Location – North West Braintree.
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment

LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

#### 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

#### DESCRIPTION OF DEVELOPMENT

##### Original

Hybrid planning application for a mixed-use development including 600 Residential Units, with part submitted in outline (with all matters reserved) and part submitted in detail, where: The Outline Component of the application seeks approval for: i. 411 Residential Units (Use Class C3); ii. Up to 8.73ha of land for Business Use (Use Class B1, B2, B8); iii. Up to 2.36ha of land for the provision of a Neighbourhood Centre with possible uses including Retail, Commercial, Residential Care, Health, Veterinary and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a, C2, D1a, D1b); iv. Up to 2ha of land for a Primary School; v. Up to 4ha of land for Community Sports Facilities; and vi. All associated open space, landscaping, parking, utilities, drainage and

infrastructure. The Detailed Component of the application seeks approval for:  
vii. 189 Residential Units (Use Class C3) including parking and utilities; viii.  
New link road between Panfield Lane and Springwood Drive and new  
roundabout at junction of Panfield Lane and Churchill Road. | Land West Of  
Panfield Lane Braintree Essex

#### Revised

Hybrid planning application for a mixed-use development for up to 825 Residential Units, with part submitted in outline (with all matters reserved) and part submitted in detail, where: The Outline Component of the application seeks approval for: i. Up to 636 Residential Units (Use Class C3); ii. Up to 0.95ha of land for Business Use (Use Class B1, B2, B8); iii. Up to 2.38ha of land for the provision of a Neighbourhood Centre with possible uses including Retail, Commercial, Residential Care, Health, Veterinary and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a, C2, D1a, D1b); iv. Up to 2ha of land for a Primary School; v. Up to 2.88ha of land for Community Sports Facilities; and vi. All associated open space, landscaping, parking, utilities, drainage and infrastructure The Detailed Component of the application seeks approval for:  
vii. 189 Residential Units (Use Class C3) including parking and utilities; viii.  
New link road between Panfield Lane and Springwood Drive and new  
roundabout at junction of Panfield Lane and Churchill Road.

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

This application is being reported to the Planning Committee due to the significant scale of development and the fact that it is a departure from the adopted Development Plan. In addition, the Council has received a total of 29 representations from local residents and interested parties (some constitute more than one letter from the same address), objecting to the application, contrary to the officer recommendation.

#### NOTATION AND PLANNING HISTORY

The application site is allocated as a Strategic Growth Location in the adopted Core Strategy (2011). The site, identified as '*Land to the north-west of Braintree - off Panfield Lane*' was allocated as mixed-use development site, including a minimum of 600 dwellings, in Policy CS1 of the Adopted Core Strategy – '*Housing Provision and Delivery*'. The site is shown on Inset Map 1a of the Core Strategy. In respect of the provision of employment land within the site, the table within Policy CS4 of the Adopted Core Strategy sets out the range of employment uses that the Council envisaged.

As will be discussed in this report the proposed mix of uses now proposed by the development is a departure from the Development Plan. The application has therefore been advertised as such, as well being a Major Development and a development that affects a Public Right of Way (PROW).

Prior to this planning application being submitted in October 2015, the applicant submitted a screening request under the Environmental Impact

Assessment Regulations (EIA). The request was for the Council to determine whether a proposed development should be subject to an EIA; 'Screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment.

In 2015 Officers concluded that with reference to the EIA Regulations that the scale, nature and location of the development were such that the planning application would not need to be accompanied by an Environmental Statement (ES), in addition to the normal information and supporting documentation that a planning application must contain, pursuant to both National and Local validation lists. In reaching this conclusion, the Council considered that features of the development would not have unusually complex or potentially hazardous environmental effects, and would not occur within a particularly environmentally sensitive or vulnerable location (Application Reference 15/00009/SCR).

In 2019 the applicant submitted revised plans and amended the description of development. Given the changes Officers have reconsidered the proposed development in respect of the EIA Regulations. The original Screening Opinion noted that the site is not a 'sensitive location' within the meaning of the EIA Regulations and this fact has not changed. The original Screening Opinion concluded that, whilst the development was of a scale that exceeds the thresholds for potentially requiring EIA, it was considered that the environmental impacts arising would not be at a level, or complexity, that could not be adequately considered under the terms of a standard planning application, and where the potential environmental effects are localised in extent and magnitude. As a result the Council has adopted a screening opinion that an Environmental Statement is not required as part of this planning application.

In July, the applicant submitted a separate planning application (Application Reference 18/01316/FUL) which sought planning permission to extend Springwood Drive. The proposed works included the construction of new highway and footways, alterations to existing bunding and the erection of new gates and fencing to the Braintree Recycling Centre for household waste (operated by Essex County Council), which is accessed just before the point where Springwood Drive currently terminates. That planning application was approved by the Council on 21<sup>st</sup> December 2018 and preliminary works have already been undertaken by the applicant. Officers understand that the S278 legal agreement with the County Council for the highway works is being progressed so that the highway works can be undertaken.

### SITE DESCRIPTION

The application site consists of 44.11 hectares of land on the north western side of Braintree. This is a 'greenfield' site, with the majority of the land being used for agriculture with arable crops being grown. Consistent with modern farming, the farmland has been managed and now consists of half a dozen quite substantial fields with the field boundaries consisting of hedgerows, also containing hedgerow trees and in places a small ditch. The site topography

falls generally in a north easterly direction with existing levels varying between 73.9mAOD in the south and 52.5mAOD in the north. The exception is a small part of the site, in the north-west corner of the site, which falls in a south-easterly direction, towards a ditch that bisects the north western field parcel. The most significant changes in levels are in the northern portions of the site where the ground slopes relatively steeply in places.

Within the site, in a fairly central location, there is a farmstead, 'Park Farm', which is accessed by a farm access track from Panfield Lane. In comparison to the majority of the site which consists of large open fields, the farm track is tree lined and constitutes a strong landscape feature. Park Farm occupies a relatively central location within the application site and contains half a dozen agricultural barns and storage buildings along with a farmhouse. In addition, a further dwelling - Hill Cottage - and a small low-key commercial site are located adjacent to the farm track, close to the eastern side of the site, near Panfield Lane.

On the western side of Panfield Lane the land is currently predominantly rural in character, featuring an established field hedgerow along much of the site boundary, with arable fields behind it. Whilst predominantly open countryside, there is some other built development on the western side of Panfield Lane. To the south of the farm track where a dwelling (formerly known as 'Kynance' and 'Sandon House') has been demolished and redeveloped with eight new dwellings (Application Reference 14/00919/FUL). Towards the southern end of the site there is a pair of one and a half storey cottages: April Cottage and Cambria Cottage.

To the east of the site is Panfield Lane, the eastern side of which is predominantly characterised by a continuous ribbon of existing residential development. The houses along Panfield Lane are predominantly two storey and semi-detached, along with some detached houses; there is no uniform building line, but a significant number are set back behind front gardens. There is a footway on the eastern side of the road and along part of the road the footway is behind a grass verge.

To the south of the application site there is a mix of commercial and institutional uses with the Tabor Academy (Secondary School), incorporating the Braintree Leisure Centre; the Edith Borthwick School; Bannatynes Health Club and the Braintree Recycling Centre. The bulk of the Springwood Industrial Estate is located to the south of these uses.

Agricultural farmland with woodland belts lies to the west of the site, with the village of Panfield lying approximately 1km from the western site boundary. Immediately to the north is the former Towerlands Golf Club, which is now overgrown, as well as small areas of woodland.

There are two PROWs within the site: PROW 68\_50 runs east to west through the centre of the site and links Panfield Lane in the east with both the Springwood Drive Industrial Estate and the countryside beyond to the west. A further PROW and cycleway extends across the southern site boundary and



also links Panfield Lane to the existing Industrial Estate. Another PROW is located outside the application site, to the north of the site and runs east/west, through the former Towerlands golf course.

There is a group Tree Preservation Order (TPO) on a cluster of trees along the farm access track (TPO ref.09/2013/TPO); and there is also a draft TPO Woodland (Reference 8/18) which covers a small woodland immediately north of the application site.

## PROPOSAL

The application has been the subject of lengthy discussions between Officers and the applicants concerning the mix of the uses and the delivery of the site as will be discussed in further detail within the body of this report. In January 2019 the applicants submitted revised plans and proposed an amendment to the description of development.

The application remains a hybrid planning application whereby the applicants have simultaneously applied for full planning permission for one part of the application site (phase 1 of the residential development) and outline planning permission for the remainder of the application site.

In summary the application seeks Outline Planning Permission, with all matters reserved, for the following elements:

- i. Up to 636 Residential Units (Use Class C3);
- ii. Up to 0.95ha of land for Business Use (Use Class B1, B2, B8);
- iii. Up to 2.38ha of land for the provision of a Neighbourhood Centre with possible uses including Retail, Commercial, Residential Care, Health, Veterinary and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a, C2, D1a, D1b);
- iv. Up to 2ha of land for a Primary School;
- v. Up to 2.88ha of land for Community Sports Facilities; and
- vi. All associated open space, landscaping, parking, utilities, drainage and infrastructure

Full planning permission is sought for phase one of development. Within this phase the applicants propose the provision of 189 Residential Dwellings, including parking and utilities and the provision of a new link road between Panfield Lane and Springwood Drive and new roundabout at junction of Panfield Lane and Churchill Road.

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

### Residential – 24.59ha

The application is for the provision of up to 825 dwellings, 30% of which would be provided as affordable housing.

The parameter plans provided show that the site has been divided into nine residential development parcels, of varying sizes. The parcels have largely been formed by virtue of the alignment of the Link Road and Primary Road network and by retained field boundaries/hedges.

#### Employment – Up to 0.95ha

The land use Parameter Plan identifies a triangular parcel of up to 0.95ha of land at the end of Springwood Drive. The land would be immediately to the west of the Link Road as it enters the site from what is currently the end of Springwood Drive, next to the recycling centre. The land would be available for 'Business Uses' which fall within Use Classes B1 (Business - Offices, research and development, and light industry appropriate in a residential area); B2 (General industrial); or B8 (Storage or distribution).

#### Mixed Use Centre – Up to 2.38ha

The description of development refers to the provision of a Neighbourhood Centre, but the Parameter Plans and the Design and Access Statement (DAS) refer to a Mixed-Use Centre, or Mixed-Use Local Centre. A broadly rectangular parcel of land is proposed immediately to the west of Panfield Lane and adjacent to the proposed Link Road that would form part of the initial link between Springwood Drive and Panfield Lane. An area of up to 2.38ha of land could potentially be used to provide a range of commercial facilities. The description highlights an extensive list of permissible uses which include retail, professional services, employment space, such as offices, restaurants and cafes, hot food take away, non-residential institutions, such as health centres, crèches, day nurseries, day centres, halls, places of worship. In addition, the Neighbourhood Centre could include residential institutions, such as a care homes.

The exact mix of facilities and services that would be provided would be determined through future Reserved Matters application(s), but the applicants' DAS states that is envisaged that the Centre would offer day-to-day facilities for the new community, such as a convenience store and local shops for 'top-up' shopping, offices and employment units for 'start-up' or local businesses, residential care home, health centre and pharmacy.

The DAS specifies maximum sizes for a number of elements and this is considered sensible to ensure an appropriate mix of uses to provide a centre which provides a range of facilities which could help provide for many resident's day to day needs.

#### Education Land – 2.0ha

It is proposed that land is allocated to allow the construction of a 2FE (Two Form of Entry) Primary School and an Early Years and Childcare Facility within the site. Whilst the applicants would be required to make a financial contribution towards the construction of these facilities that contribution would be proportionate to the size of the development proposed by this application.

The detailed design of the school/childcare facility would be the subject of a separate planning application by Essex County Council, or a Reserved Matters application to the District Council.

#### Community Sports Land – 2.88ha

On the western side of the site, to the north of the proposed employment land and to the west of the Link Road, an area of land of 2.88ha in size is proposed as Community Sports Land. The DAS and Planning Statement accompanying the application in 2015 referred to the provision of land for community sports. They stated that land was to be provided to the District Council which could then be used for such purposes. The actual use of the land is not specified, but the application explains that the land could be used for a range of uses. The provision of a new community sports facility would provide facilities for residents of this large new residential development, as well as also helping to meet growing demand as a result of the increasing population in the town and district.

#### Green Infrastructure – 7.07ha

The land use parameter plan refers to Green Infrastructure which would include Public Open Space and Landscaping.

The location of the areas of open space and landscaping have in part been informed by the existing natural features on the site, either retaining tree lines and hedges, or locating them close to woodland areas. The majority of trees and hedgerows are advised to be retained in situ, and in many cases would provide for green corridors and ecological routes.

It is proposed that there would be two equipped play areas within the development. The details for these play areas will be agreed through subsequent Reserved Matters applications but the Section 106 Agreement specifies the minimum size of the areas and specifies a minimum value of play equipment that will be provided, which is in accordance with the standards specified in the Council's Open Spaces SPD.

An area of 0.45ha of land is shown to be provided as allotment plots at a location to be determined within Parcel H8. This would be a dedicated allotment facility, securely fenced and served by a water supply and be provided with a central tool storage building for allotment holders, to negate the need for individual storage sheds.

It should be noted that in addition to the Green Infrastructure shown on the Land Use Parameter Plan, the applicants have stated that within the areas shown to be developed, land would also be provided for surface water drainage and incidental green space / open space uses.

## Highway Network

In addition to the normal requirement to provide safe and suitable access to serve the needs of the proposed development, it is intended that the site would provide a link road which would connect the northern end of Springwood Drive with Panfield Lane. It is anticipated that the link road would provide an alternative route for traffic (with the exception of HGV traffic) passing north/south through the town therefore having a more strategic role as well.

## Application Documentation

The application is supported by documents including:

- Apartment Plans & Elevations and associated service buildings;
- Arboricultural Impact Assessment;
- Archaeology Report;
- Construction and Environmental Management Plan (Draft);
- Design & Access Statement;
- Ecology Report & Updated Walkover survey;
- External Lighting Strategy;
- Flood Risk Assessment (including Foul Water Drainage Strategy and Surface Water Drainage Strategy);
- Geo-Environmental Desk Top Assessment;
- Highway Plans (including Springwood Drive extension; Link Road; Panfield Lane Access Junction & pedestrian crossing);
- House Plans & Elevations for Phase One;
- Landscape and Visual Appraisal;
- Noise Impact Assessment;
- Parameter Plans;
- Planning Statement;
- Street scenes for Phase One;
- Surface Water Drainage Strategy for Phase One;
- Transport Assessment and Framework Travel Plan;
- Sections showing the proposed layout /arrangement along Panfield Lane;
- Statement of Community Involvement; and
- Sustainable Construction and Design Checklist.

When the applicant amended the description of development and the proposed mix of uses they submitted a revised set of parameter and highway plans. Further updated technical details were also submitted regarding Highways and Drainage.

## CONSULTATIONS

### External Responses

#### **Anglian Water**

No objection subject to conditions: The foul drainage from this development is in the catchment of Bocking Water Recycling Centre and this facility has available capacity for these flows. However, the existing sewerage network has insufficient capacity to receive all the flows from the development without the need for mitigation, although the flows from the first phase (around 110 dwellings) would not require mitigation. A condition is recommended requiring the agreement of a foul water drainage strategy and for the development to be in accordance with this strategy.

Reconsultation 2019: The Council is advised that the development will lead to an unacceptable risk of flooding downstream. Work has previously been undertaken to identify reinforcement works for 600 new dwellings on this site. As the development size has increased, it is recommended that the developer enter into discussions with Anglian Water in order to determine a strategy to serve the development to ensure any infrastructure improvements are delivered in line with the development. Anglian Water recommend a condition requiring phasing plan and on-site drainage strategy.

#### **ECC Education**

No objection subject to recommended mitigation being secured through the Section 106 Agreement: The proposed development is projected to generate demand for an additional 180 primary school places and 120 secondary school places. In addition, the development would create additional demand for Early Years and Childcare places, but the level of demand cannot be determined until the mix of employment uses within the development are known.

To meet the demand for primary school places, the applicant would be required to provide 2 hectares of land to the Education Authority for the construction of a 2-form entry Primary School with Early Years & Childcare facilities. In addition, a financial contribution would be required to help fund the construction of the new school. The level of contribution would be determined by the number and size of dwellings, and the size and types of employment uses that would be constructed.

There is sufficient capacity within existing Secondary Schools to meet projected demand and consequently no financial contribution would be required. In addition, ECC request that 'Youth facilities' are provided as part of the development – namely a 'youth shelter' and a skateboard park.

Reconsultation 2019: No formal response received, however Planning Officers have been involved in detailed discussions with ECC Education throughout the application and in relation to the drafting of the Section 106

Agreement, which is at an advanced stage. Conformation of the agreed position with ECC Education is included within the body of this report.

### **Health & Safety Executive**

No objection. The presence of a biomethane pipeline running under the application site was identified. The advice provided is that the Council should consult the pipeline operator – National Grid.

### **ECC Highways**

No objection subject to planning conditions and obligations contained in a Section 106 Agreement: Based on the 2019 Consultation Response, the following highway works / improvements are deemed necessary:

Prior to first occupation of the development:

- Installation of a right-hand turn lane in Panfield Lane to serve the link road;
- Development and implementation of a travel plan (by way of a suitable planning condition).

Prior to first occupation of the 51st dwelling:

- Completion of a link road between Panfield Lane and Springwood Drive;
- Improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout as shown in principle on the planning application drawings OR a £565,000 index-linked contribution towards improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout. If taken the contribution to be retained for a maximum of 3 years from the date of receipt after which any unspent monies plus interest to be returned to the applicant.

Prior to first occupation of the 66th dwelling:

- Installation of a zebra crossing on Panfield Lane;
- Upgrading of the footpath between Panfield Lane (located between no's 240 and 242) and Bailey Bridge Road to a footpath/cycleway.

Prior to first occupation of Parcel H7 or H8:

- Construction of a roundabout at the Panfield Lane/Churchill Road junction prior to occupation of parcel H7 and/or H8.

The Highway Authority also recommends that each phase of development be carried out in accordance with a construction traffic management plan.

### **Highways England**

No objection. Following confirmation that the Highway Authority (Essex County Council) have agreed that the proposed highway mitigation measures within the town are appropriate, Highways England confirm that they have no objection to the proposed development as they are satisfied that the development would not have an unacceptable highway impact on the Strategic Road Network. They take this position subject to the required mitigation measures being secured.

Reconsultation 2019 – Highways England confirmed that the proposed amendments have no further impact on the Strategic Road Network, again subject to conditions to secure highway mitigation.

**Historic Environment Adviser (Place Services for BDC)**

No objection subject to the imposition of a planning condition: The site has already been subject to an initial archaeological and some trial trenching to evaluate the sites archaeological potential. Further archaeological investigation is required of the remainder of the site, including a potential medieval industrial area. This investigation can be undertaken on a phased basis ahead of development commencing in each phase.

The Council's Historic Environment Adviser was reconsulted in 2019 and has confirmed that their recommendation remains unchanged.

**Lead Local Flood Authority (LLFA) (ECC)**

No objection subject to recommended conditions: The LLFA initially registered a holding objection for the application, but following receipt of additional information the objection was withdrawn as adequate arrangements for surface water drainage can be provided.

Reconsultation 2019: The LLFA confirm that they remain satisfied with proposals, subject to standard conditions for the approval of detailed surface water drainage and management arrangements.

**National Grid**

No response received.

**Natural England**

No objection as the development would not affect statutorily protected sites: Comments provided in respect of soils (need to consider the principle of using agricultural land that may include Best & Most Versatile agricultural land and recommend a soil management condition); protected species (need to follow Natural England's standing advice) and biodiversity enhancements (opportunity to enhance character and local distinctiveness).

Reconsultation 2019 – Since the initial response from Natural England, and as explained in the body of the report, it was necessary to reconsult Natural England as this residential development is located within one of the Zones of Influence of one of the European Protected Habitat sites. In accordance with the Habitat Regulations the Council have completed an Appropriate Assessment and this has been submitted to Natural England to be assessed. No updated response has been received at the time of producing this report.

**NHS England**

No objection subject to payment of a financial contribution to mitigate the impact: Existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development and a financial contribution is sought for improvements to capacity by way of a new build

facility for the patients of Mount Chambers surgery. The level of payment would depend on the number of dwellings that are developed. As a guide, a development of 600 dwellings would result in the level of contribution required to be £227,102. It was requested that payments were made at the following trigger points:

- 50% prior to occupation of the 50th dwelling and
- 50% prior to occupation of the 180th dwelling.

Reconsultation 2019 – Officers have discussed the increase in housing numbers with the NHS and have been advised that the NHS will not object subject to the financial contribution being increased pro-rata. The updated consultation response from the NHS requests a financial contribution of £312,271 based on the revised housing numbers to be spent on a new build facility to serve the town of Braintree.

### **Sport England**

Object to the application. It is noted that the application indicates that the Masterplan includes approximately 4ha of land that can be used to relocate Braintree Town Football Club, but it is not clear how this land would be used. In addition, it is not clear how playing fields that are proposed within the site would be used; why the playing fields do not show any changing facilities; and how the applicant proposes to address the increased demand for indoor sports facilities arising from the development.

Sport England go on to identify a number of questions around the contribution that the development would make towards meeting demand for indoor and outdoor sports facilities within the town and set out how the demand for sports facilities arising from the development might be mitigated. Therefore, they registered an objection to the application on the basis that insufficient information had been provided to assess whether on-site/off-site sports proposals are suitable.

May 2017 – Noted that the quantity of community sport land has been reduced without explanation. Objection to the application is maintained.

Reconsultation in 2019 – Objection is maintained as not satisfied that the development makes adequate provision for indoor and outdoor sports facilities.

### **ECC Waste & Mineral Planning Authority**

No response to original 2015 application.

Reconsultation in 2019 – Initially a holding objection was submitted. ECC Planners referred to the proximity of the recycling centre/Civic Amenity Site operated by ECC on Springwood Drive: A small part of the site is within a Waste Consultation Area (WCA) which requires applicants to assess the potential impact of development on the continued operation of the Civic Amenity Site.



Following receipt of the applicant's assessment of the potential impact on the Civic Amenity Site, or potential for conflict between the new development and the site, ECC removes its holding objection and has no further comment to make in respect of this application.

#### Internal Responses (BDC)

##### **BDC Environmental Services**

No objection subject to conditions. The Noise Report submitted with the application identifies that dwellings facing Panfield Lane would be exposed to peak night time noise levels which are above guideline values to achieve an acceptable standard of amenity. Noise mitigation would be required and details should be submitted and approved by condition.

Reconsultation 2019 – Having assessed the revised Masterplan and Land Use Parameter Plans the Council's Environment Services team advise that they have no further comments to add to those provided in 2017.

##### **BDC Housing Enabling Officer**

No objection. In accordance with Policy CS2 of the Adopted Core Strategy to seek affordable housing on schemes of 15 or more units, the proposal for a mixed-use development of this scale requires provision of 30% affordable housing on-site. They highlight that there is very high housing need in the town of Braintree for all sizes of accommodation.

Affordable dwellings should be deliverable without reliance on public subsidy; the Affordable Housing provided must include 2 x 3 bed wheelchair adapted bungalows that comply with Building Regulations 2015 Part M (4) Category 3; all Affordable House type and ground floor flats must be constructed to meet with Building Regulations 2015 Part M (4) Category 2 to provide accessible and adaptable dwellings.

The Housing Enabling Officer acknowledges that details concerning the type and mix of dwellings would be subject to reserved matters applications, however they provide an illustrative mix of units from the Council would like to see delivered across the site, based on current housing need.

##### **BDC Leisure Services**

No comment to make at this stage. As the application only seeks outline consent for the Community Sports Facility the Leisure Services Officer has no comments at this stage but would expect to be consulted again when further details of this facility are brought forward.

##### **BDC Refuse Collection**

No response received.

##### **BDC Surface Water Drainage**

No comments.

## REPRESENTATIONS

The application has been publicised on three occasions – when the original application was submitted; when revised plans were submitted in 2017; and in January 2019 when the description of development was amended and revised plans were submitted.

Between 2015 & 2018 the Council have received letters objecting to the application from the residents of nine properties. A summary of the main issues raised in these letters is set out below:

### **Ecology**

- Badgers and woodpeckers are found on the site and the development should retain sufficient habitats for their continued use;
- The site provides habitats for kingfishers; owls; kestrels; snakes; rabbits; hare; game birds and deer.

### **Highways**

- The local road network could not cope with the level of traffic that this development will generate;
- The proposal will increase the number of heavy goods vehicles on the local road network and specifically the proposed 'link road' will result in an increase in Heavy Goods Vehicles accessing the Springwood Industrial Estate from the north;
- The development will increase traffic using the already congested Springwood Drive roundabout. Planning permission for the redevelopment of the Broomhills Estate by Sainsbury's were rejected due to concerns over the highway network;
- The proposal to relocate the Football Club to the site would have adverse implications for the town's road network on match days;
- The physical method to prevent HGVs from using the Primary Link road to travel between Springwood Drive and Panfield Lane, that were originally proposed, should be installed as relying on signage and police enforcement will not be effective. If the development proceeds without the physical barriers being installed then it is suggested that the developer be required to pay a bond that will allow the physical barriers to be installed at a later date if HGVs ignore signage and use the route;
- Panfield Lane currently suffers from parking issues during working hours with workers from the Springwood Estate parking and walking through to avoid congestion at the Springwood roundabout. This causes dangerous traffic bottlenecks and higher levels of pollution. Extra traffic and parking as a result of the new development will make living conditions worse for existing residents;
- Transport surveys and assessment have been inadequate;
- The 'link road' will reduce pressure on Springwood Drive, but not on Panfield Lane;

- Panfield Lane is relatively narrow and ill-suited to accommodate additional traffic which will enter the road from the two vehicular accesses that are proposed.

### **Layout / Design**

- Concerns over the increases in density of development.

### **Living Conditions**

- Inadequate consideration of health and well-being of local residents in light of increases in traffic or the construction activity;
- The new Primary Link road will be built approx. 1m above the ground level of properties opposite the entrance. Concern that headlights will project directly into the lounge window of the property opposite – No.242 and No.244. By moving the junction approximately 5m the headlights would shine directly down the pedestrian passageway to Meadowside and against the garages of No.240 and No.242 Panfield Lane. This modification would reduce the impact of the new junction on existing residents;
- Occupant of April Cottage is concerned about the proximity of development to their property and potential loss of privacy.

### **Mix of Uses**

- The additional land proposed for commercial use is not required as the existing Springwood estate and Skyline Business Park are more than adequate;
- The mix of uses for the site has changed several times since 2012 during the planning process which has left residents feeling it is difficult comment on the proposals;
- The proposed Employment Land would make the residential element of the application less attractive to prospective future residents;
- It is unclear whether the development will provide 1-bed dwellings and Affordable Housing – both of which are required in the town;
- The development should include a new secondary school to meet increased demand;
- Impacts of this development need to be considered along with proposals for the redevelopment of the Towerlands site;
- Building more industrial units makes no sense when the Springwood Estate already has empty units. The new employment land won't generate enough jobs for the 600 new homes.

### **Other Matters**

- Archaeological investigation of the site should be required before construction work commences;
- Surface water - the brook already floods and concern that there will not be enough provision for the surface water running off the site;
- Insufficient capacity at GP Surgeries to meet increased demand;
- Local residents have found it difficult to engage with the planning process and there is a suspicion that the process has managed / manipulated to dilute opposition to the proposals;

- Train services to London are already over-crowded;
- The development of the site will result in the loss of countryside which will reduce access to the countryside for the town's residents;
- Concerns about the impact of artificial lighting (street lighting and at the Football Stadium). The Council should ensure that there will be no light spill into properties on Panfield Lane.

### **Principle of development**

- Brownfield sites should be used to meet housing need before greenfield sites are used;
- The site occupies an isolated corner of town with poor links to allow residents to travel back and forth;
- Housing demand will reduce as a result of population growth slowing post Brexit;
- The infrastructure improvements proposed are inadequate – no new GP facilities; no completely new ways of access / transport.

### **Trees**

- The Arboricultural Impact Assessment appears to be misleading. On p21, the legend states "Canopy of tree to be removed - no TPO" for both Blue & Green shading. Away from the Primary Link road, the existing hedgerow is shaded Green - indicating "Retained". At the junction, there is Blue shading but this is the area where the existing hedgerow has to be removed and so cannot be "Retained". According to the SCI, the hedgerow will be re-instated and so perhaps the legend should say "Re-instated".
- The submission claims that the existing hedgerow along Panfield Lane will be preserved; however, the proposed layout will require partial removal to form the new junction of the Primary Link road to Panfield Lane. The replacement of the hedge needs to be secured for ecological and visual amenity reasons.
- The new hedgerow should be re-established as early as possible in Phase 1 so that it screens the residents from the Phase 1 construction activities and will have grown higher so that Phase 2 activities - at a greater height - will also be screened. The hedge should be allowed to grow to a height that the 12.5m buildings proposed for the Local Centre will be screened, but no higher so that sunlight is blocked.

Since the amended description of development and revised plans were publicised in January 2019 fifteen letters objecting to the application have been received.

Some of the issues raised repeat those submitted in earlier representations, but a summary of the key issues raised in the 2019 representations are set out below:

### **Highways**

- Concerned about the effect of increased traffic on Springwood Drive;

- Increased traffic on Panfield Lane remains a concern as it is already dangerous with so many cars parked in the highway, narrowing the available carriageway width;
- The increase in dwellings means a vast amount of extra traffic on local roads;
- The new access road at the Panfield Lane and Churchill Road junction will also encourage road users to use this road as a cut through to avoid congestion in Rayne Road and Braintree Town Centre;
- Proposals will worsen conditions on Panfield Lane which make it harder for emergency vehicles who use the road regularly;
- No development should be allowed until the Springwood Drive/Rayne Road roundabout and the A120 are improved;
- Highway plans will increase traffic on Bocking Church Street which is already suffering congestion and high traffic volumes;
- Transport Assessment is flawed and makes no allowance for the afternoon school run;
- An underpass or flyover is required to alleviate problems at the Springwood Drive / Rayne Road roundabout;
- Existing residents parking should be protected by issuing parking permits;
- Controls required concerning construction traffic and parking arrangements for construction workers.

### **Services & Infrastructure**

- Question whether enough provision been made within the town's infrastructure (i.e. doctors' surgeries, pharmacies, educational and sports facilities, policing, refuse disposal etc.) to meet the demand from the increased numbers of homes.

### **Ecology & Landscape**

- There are not enough hedges on the perimeter to support existing wildlife;
- The original masterplan indicated a green buffer zone along the full length of Panfield Lane and behind the cottages opposite Panfield Lane Post Office. Retention of all the hedgerow and trees. A fairly large area of green space opposite Pegasus Way and close to No.226 Panfield Lane. This has now been reduced. Plans now appear to indicate substantial removal of hedge row which is unacceptable;
- The proposed new road and junction opposite No.240 & No.242 Panfield Lane, show that Panfield Lane is to be widened on the western side of the road, necessitating the removal of the hedgerow along this section which was originally proposed to be retained. If the existing hedgerow is to be removed, it must be replaced.

### **Design**

- The layout with insufficient street size; inadequate parking provision, particularly for large houses; garages that are too small to park a car and tandem parking bays;

- The plans for the houses show no originality. They are unattractive and do not relate to existing properties on Panfield Lane;
- Density of dwellings is too high;
- Landscape buffers around existing properties on Panfield Lane were added to the Site Masterplan in 2013 in response to concerns of residents. These have now been removed but should be reinstated.

### **Living Conditions**

- The hedges shown on the Masterplan are not sufficient to block out the extra noise for existing residents;
- Construction traffic must not be allowed to use Panfield Lane – it must be routed via Springwood Drive;
- There is a bin collection point immediately behind the garden area of April Cottage which is unacceptable;
- The field behind April Cottage is higher than the property – concerned that relationship between new and existing property will be unneighbourly. There are no levels details – unclear how change in levels will be dealt with. Potential overlooking of house and garden – loss of privacy;
- 1.8m high fence potentially provides inadequate barrier around April Cottage – a wall would be preferable;
- Phasing of development – Phase one ends halfway along April Cottage's boundary. No indication when Phase two will be built or what it will look like, but there is no good reason for extending uncertainty and the period when construction activity will take place near their property. I would agree – good practice with the phasing plan would be to minimise disruption to existing residents.

### **Towerlands Park**

Three letters have been submitted by the owners of the Towerlands site and their agents/consultants:

- They consider the fact that the Towerlands site has a draft allocation and that they are engaged in pre-application discussions with the Council means that their site is a material consideration in the determination of this application;
- An outline planning application will be submitted soon for up to 600 homes on the Towerlands site;
- A road providing vehicular, cycle and pedestrian links should be provided to the boundary of the Towerlands site and the Council should ensure that there is no ransom strip that prevents the sites being connected;
- The Panfield Lane Parameter Plan should show connections to the PROW that runs east-west immediately to the north of the site and the PROW should be upgraded;
- Links between the sites are crucial to allow residents of both sites to access the full range of facilities being provided – this includes the primary school that will be built on the Panfield Lane site;

- The only realistic way to ensure that an attractive and viable bus service can be provided to both sites is to allow bus operators to route services through both sites;
- The Council are promoting housing on both sites so they have a duty to ensure that suitable connections are provided to connect sites, free of charge;
- The proposed roundabout at Churchill Road should be designed and constructed to accommodate not only traffic from the Panfield Lane development but also other sites that are allocated in the Local Plan;
- A condition is recommended to overcome their objection, requiring the highway connection be provided which provides an unhindered connection between the sites.

### **Other Issues**

- The vast increase in traffic would make existing properties in this part of the town less attractive and this could affect property values;
- Loss of employment land - where are new residents going to work? Development will be a dormitory – something that was supposed to be avoided;
- No development should be allowed in this area at all - Braintree does not have the infrastructure to cope;
- Braintree is expanding and the gap to surrounding villages is narrowing;
- It was thought that the land was Green Belt;
- Application contains no details of the number of 1 bed dwellings or the level of Affordable Housing that are to be provided;
- Peak time trains are badly congested and Braintree Branch Line service is poor with no plans in place to improve services.

The Council has received representations from three parties supporting the proposed development. The main reasons cited for supporting the application are:

- The link road from Springwood Drive to Panfield Lane is a priority for businesses on the Springwood Industrial Estate who regularly experience long delays going to/from the Estate. The Council should require that the link road is constructed and open prior to any new houses and building works;
- Providing the infrastructure is in place before construction of the development commences, the neighbouring Edith Borthwick School supports the application;
- The Unex Group - owners of Towerlands Park in an earlier representation were broadly supportive of the application. The Towerlands site is immediately to the north of the application site and it has been identified as a Strategic Growth Location in the Publication Draft Local Plan. Part of that allocation process has identified a need to provide a road link between the two sites. The Unex Group want to see this road link between the two adjoining growth locations secured by the Council as part of this planning application and suggest that the

proposed extension to Springwood Drive be continued up to connect into the Towerlands Park site.

## REPORT

### Principle of Development

The site is identified in the adopted Core Strategy (2011) as one of the three mixed use strategic growth locations within the District. Mixed use means that the sites should be used for a variety of purposes including housing, employment, community facilities and other development that may be required to support the infrastructure. As such there is no objection to the general principle of developing this site, however it is necessary to consider the mix of uses that the Council seek on the site and compare this to what is proposed.

Policy CS1 of the Adopted Core Strategy stated that the development of the mixed-use growth locations will be in accordance with Masterplans to be approved as supplementary planning documents by the Council. The uses will include community facilities, open space and infrastructure requirements. The requirement for there to be a Masterplan is discussed later in this section of the report.

Policy CS1 also stated that a minimum housing provision of 600 dwellings is proposed at *“Land north-west of Braintree – off Panfield Lane”*.

The Core Strategy policy also states that the development will be phased between 2018 and 2026. However that policy was drafted at a time when the District’s housing target was significantly lower. Policy ADM3 of the Pre-Submission Site Allocations and Development Management Plan (ADMP) set out the Council’s intention to remove the phasing restrictions on the Core Strategy Strategic Growth Locations to allow these sites to come forward more quickly and support housing delivery in the District. Although the ADMP did not reach examination stage and subsequently was never adopted, the Council clearly intended to lift the phasing restrictions and given the NPPF’s renewed emphasis on the supply of housing land and the delivery of housing, Officers support the principle of the site coming forward unhindered by the Core Strategy’s phasing restrictions.

Policy CS4 of the Adopted Core Strategy states that the Council will, with partner agencies, support the economy of the District and will aim to provide a minimum of 14,000 net additional jobs in the District between 2001 and 2026. The policy sets out how the Council will seek to ensure that there is sufficient land available for employment purposes and this includes the allocation of 15ha of the north-west Braintree Strategic Growth Location, with the land being developed for the following uses: *“General employment B1-B8 Site for housing, football stadium, educational provision, health care provision, services and community use”*.

Whilst not referred to within the text of Policy CS6 of the Adopted Core Strategy, the preamble to the policy states *“Local centres are also planned as*



*part of the new growth location at Panfield Lane and at the Maltings Lane new neighbourhood, Witham. Shops and services in the new growth locations should be on a scale compatible with the local catchment” (Paragraph 6.34).*

Policy CS7 of the Adopted Core Strategy states that the Council will work with relevant agencies to improve accessibility and to reduce congestion and the impact of development upon climate change. The policy also lists the planned provision of key transport projects and two of the nine listed projects are directly relevant to this application, namely: *“Capacity improvements at Pods Brook Road/Rayne Road roundabout in Braintree”* and *“Spine road from Springwood Drive to Panfield Lane, Braintree designed for local traffic only”*. Both these schemes are listed as ‘critical’ for this development within Core Strategy Table 2 ‘Infrastructure Requirements’.

In addition to being allocated through the adopted Development Plan, the Publication Draft Local Plan continues to identify the site, pursuant to Policy LPP21 of the Draft Local Plan – ‘Strategic Growth Location – North West Braintree’. The policy continues to specify the anticipated development parameters, still referring to 600 new homes; the link road; and most of the same community facilities. The amount of employment land has been reduced to 10ha, from 15ha in the Core Strategy) and the draft plan also refers to a community sports facility, as opposed to a football stadium. Finally, the policy specifies that there should be links from the site to the PROW network.

This policy has a number of outstanding objections so can only be given limited weight at this time. The main issues raised by third parties, that are specific to this site, are: the inclusion of 10 ha of employment land; support that the policy does not include access to Towerlands; new PROW should include bridleways for horse riders; policy should require no net loss in bio-diversity; need to clarify education requirements; the need for a heritage impact assessment to be undertaken; support for a route through from the A120 to Deanery Hill for through traffic to mitigate noise and pollution upon the residents of Panfield Lane; and healthcare mitigation will be required through Section 106 Agreement for the site.

As referred to within the introduction to this report, the description of the development, and specifically the mix of uses proposed, has changed significantly during the course of the application. For ease of reference the following table summarises the site allocation in the Development Plan; the mix of uses proposed in the 2015 application and the revised mix of uses for which planning permission is now sought following the latest revisions to the scheme:

	<b>Residential Dwellings</b>	<b>Employment and other land</b>
<b>Allocation in Core Strategy (2011)</b>	Minimum 600 dwellings	15ha of Employment Land - General employment B1-B8. Site for housing, football stadium, educational provision, health care

		provision, services and community use.
<b>Original Planning Application (2015)</b>	600 Dwellings	<p>Total of up to 17.09ha, consisting of:</p> <p>Up to 8.73ha of land for Business Use (Use Class B1, B2, B8);</p> <p>Up to 2.36ha of land for the provision of a Neighbourhood Centre with possible uses including Retail, Commercial, Residential Care, Health, Veterinary and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a, C2, D1a, D1b);</p> <p>Up to 2ha of land for a Primary School;</p> <p>Up to 4ha of land for Community Sports Facilities</p>
<b>Revised Description of Development for which approval is sought (2019)</b>	Up to 825 dwellings	<p>Total – up to 8.21ha, consisting of:</p> <p>Up to 0.95ha of land for Business Use (Use Class B1, B2, B8);</p> <p>Up to 2.38ha of land for the provision of a Neighbourhood Centre with possible uses including Retail, Commercial, Residential Care, Health, Veterinary and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a, C2, D1a, D1b);</p> <p>Up to 2ha of land for a Primary School;</p> <p>Up to 2.88ha of land for Community Sports Facilities</p>

The mix of uses now proposed follow extensive discussions between the applicant and Planning Officers. There are a number of reasons that have led to the changes from the approved Masterplan for the site and the original proposals in the original application in 2015. When the site was allocated as a Growth Location in the Core Strategy (2011) the Council anticipated that along with the other Strategic Growth location the Council would not need to be considering further significant urban extensions within the plan period. The publication of the NPPF significantly changed the way that housing need in

the District was assessed and the Council has been required to plan for a number of significant urban extensions on the edge of the District's principal settlements. This has included proposals to allocate the Towerlands site – immediately to the north of the application site. It is proposed that Towerlands is redeveloped with a residential led scheme. The original proposal would have seen 8.73ha of land developed for employment uses. When it became apparent that the adjoining site is likely to be redeveloped for housing Officers revisited the mix of use on the Panfield Lane site and concluded it was not sensible for a significant employment area, including B2 and B8 uses, to have housing wrapped around much of the area. As a result Officers and the applicant have been involved in protracted discussions around the optimal mix of uses for the site in light of the changed circumstances. The results of those discussions are set out below.

*The amount of employment land (B1, B2 & B8) reduced to 0.95ha from 8.73ha*

The Publication Draft Local Plan proposes the allocation of significant areas of land for employment uses as part of the Council's strategy to create the jobs in the District that will be needed to provide employment opportunities for the District's growing population. Policy LPP2 of the Draft Local Plan states that the Council intends to allocate 32.1ha of industrial land and 19.5ha of office land in the District to support this objective.

The policy identifies 51.1ha of land for these purposes. There are allocations extending existing industrial areas in Witham and Halstead. 18.5ha is allocated on Land to the west of the A131 at Great Notley (Horizon 120) and employment areas within three proposed Strategic Growth locations (Land East of Broad Road; Land East of Great Notley and Feering). It also includes 10ha of land on the Panfield Lane/North West Braintree Growth Location.

With a Plan target of 51.6ha of new employment land the Publication Draft Local Plan has identified 51.1ha of land, but this does not include the provision of any employment land in either of the proposed new Garden Communities. Those communities will be developed with significant areas of employment to help increase their sustainability credentials. With the land that will come forward within the Garden Communities the Council would have allocated significantly more land than it is projected will be required during the plan period.

Following discussions with the developer it was agreed that 0.95ha is allocated for B1, B2 & B8 uses. This would provide some employment opportunities for new and existing residents and would add to the employment offer available on the Springwood Drive estate. The Council's Planning Policy team are satisfied that there remains sufficient land allocated through the Draft Publication Local Plan to meet the Districts employment needs.

### Number of dwellings increased from 600 to 825 dwellings

With less land required to accommodate employment uses and additional small reductions in the amount of sport facilities it was possible to allocate more land for residential use. The site has been identified by the Council as being suitable for development and is located on the edge of the District's main town, with opportunities for promoting sustainable transport measures and having relatively good access to shops, employment and services. The provision of a higher number of residential homes on the site is considered to be in accordance with the Council's spatial strategy, promoting residential development in the most sustainable locations.

### Football Club/Community Sports Land

In 2015 the application proposed 4ha of land for use as a football stadium. The current proposal is for the provision of 2.88ha of land for use for Community Sports Facilities.

The mix of uses proposed in the Core Strategy included a football stadium. As the applicants' Planning Statement sets out, prior to submission of the planning application in 2015, the Council had been looking to identify opportunities to support the relocation of BTFC. The Club has been looking to relocate to a modern purpose-built facility that would allow it to enter the EFL, if the Club were successful on the pitch. The capacity of the Cressing Road Stadium is currently 4,222 and the facilities would not currently allow the Club to enter the Football League.

The Council supported the Football Club to improve its current facilities at Clockhouse Way with a £150,000 loan at a low interest rate and also helped to fund an options appraisal for a new stadium at a cost of £75,000. Part of the appraisal work included exploring how the stadium and associated facilities could be used throughout the week by the community, making it a community sports facility rather than just hosting league football matches.

On completion of the appraisal work and following extensive discussions with the Club, the Council took the decision that there was no realistic or viable way that the Club could develop a new 6,000 capacity stadium that would meet EFL standards, in a way that it was entirely self-funding and at no cost to the taxpayer.

As a result, in January 2017 the Council announced that whilst it remained supportive of the club, the decision had been taken that the Council had gone as far as it could in trying to help the Club relocate.

Whilst the Masterplan submitted in 2015 showed an area of land that was large enough to accommodate a Football League standard stadium, it was never the Council's intention that this land should only be used for that purpose. Following the Council's announcement in 2017 that it would not be

possible to relocate the Football Club to this site, it became apparent that a smaller area of land for Community Sports uses would be required. When the Land Use Parameter Plan was revised in January 2019 an area of 2.88ha was identified for this purpose. The potential uses for the Community Sports Land and how this would contribute towards meeting the sporting needs of the residents of the development is discussed in the Open Spaces section of this report.

### Masterplan

Policy CS1 of the Adopted Core Strategy required that the development of the mixed-use growth locations be in accordance with Masterplans that would have been approved as supplementary planning documents by the Council.

A 39-page Masterplan document was submitted to the Council for approval in 2013 and this was approved by the Full Council at their meeting on 10th December 2012.

Whilst the document was informed by various technical studies that had already been carried out at that stage, there was still significant work to be undertaken to assemble the information required to support a planning application covering the whole site. The 2012 Masterplan also reflected the mix of uses that the Core Strategy had set out and the Football Club was included following discussions with Officers.

The application now before Members is significantly different to the approved Masterplan, not least in respect of the mix of uses and objectors to this application have highlighted variances between the approved Masterplan and the plans submitted as part of this application. The Masterplan was intended as a guide for the general principle of development on the site in terms of layout, design and composition of development.

The approved Masterplan is now over 6 years old and circumstances have changed in a number of key respects since it was approved, these changes include:

- The aforementioned plans to relocate BTFC to the site being abandoned and land for a stadium no longer being required for such purposes;
- Relocation of the education land - The Education Authority decided that the Tabor Academy no longer needed to be extended, but a new Primary School is required. The new school does not need to be located adjacent to the Tabor site and relocating this next to the Local Centre would be preferable in planning terms;
- Local Planning Authorities being directed by Government to significantly boost housing supply;
- Land being allocated in the Publication Draft Local Plan for employment uses above the level that is required to support the District's growing population;
- The proposed allocation of the Towerlands site to the north of the site for further residential development means that there is a need to ensure

appropriate links can be achieved between the Panfield Lane and Towerlands sites.

These changes have led Officers to accept the need to revisit the Masterplan, as events had overtaken it. Officers note concerns from some local residents that the parameter plans that are now before the Council do not exhibit the same length and strength of landscape buffers along the site boundaries – most notably along Panfield Lane and along the western boundary. In respect of the Panfield Lane boundary the applicant has confirmed that there is no intention to remove the hedge that runs along the road boundary, other than where it is proposed that new vehicular access are formed to the site. Just as this application has done with the first phase of the development, each reserved matters application will need to show how that boundary will be treated and it will be within the Council's control as to how built development relates to the retained hedge and how the area is landscaped. This could include new planting to reinforce the hedge if this is considered necessary. Officers have discussed the specific concerns of the occupants of April and Cambria Cottages and this is discussed later within this report. With regards the western boundary whilst there is no landscape buffer shown on the parameter plan again this is a matter that can be dealt with through reserved matters, where the details of the proposed development will be understood and where suitable planting can be undertaken to mitigate the visual impact, where it is required. Consequently, the scheme is considered to be acceptable in principle.

#### Access and Highway Matters

Part 9 of the NPPF '*Promoting sustainable transport*' indicates that transport issues should be considered from the earliest stages of plan making and development proposals in order that the potential impact of development on transport networks can be addressed. It goes on to say that this should include consideration of how existing and proposed transport infrastructure are realised. The NPPF acknowledges that new development can often have an impact on road networks, but states that this alone is not a reason for refusal. Development should only be prevented where the residual cumulative impacts on the road network are likely to be severe.

Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, through the promotion of walking, cycling and public transport use.

The NPPF also states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

Saved Policy RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment is submitted with all proposals for major new development.

The Council's approach throughout the process of allocating this site and assessing the planning application has been to consider the potential impact of the development on the strategic and local road networks and plan to ensure this impact can be mitigated.

The Core Strategy states *“An assessment has been undertaken of the highway improvements that will be required to provide for the future development of Braintree and Witham up to 2026. This has identified the need for a new link road between Springwood Drive and Panfield Lane, in Braintree to provide for the traffic movements associated with the proposed Panfield Lane growth location.*

*The principal aim of the link road is to provide a local connection to enable residential traffic from the potential development to travel to and from the south and west via the B1256 Pods Brook Road and A120, without having to travel through Braintree Town Centre.*

*The highways assessment states that this link road will need to be designed to ensure that any heavy goods vehicle trips are discouraged from travelling to and from the north of Braintree via the new link road, Panfield Lane and Deanery Hill. It should also prevent other traffic from diverting from the strategic road network to use this link. It should therefore be provided as a local road, incorporating traffic management measures, to prohibit HGV movements to the north”.*

The highway studies undertaken by ECC Highways to support the development of the 2011 Core Strategy found that there were constraints on the Rayne Road/Aetheric Road junction which limit the extent to which the junction capacity can be improved. This was what led to the idea of a new local link road between Panfield Lane and Springwood Drive to provide an alternative route for traffic to access the proposed Panfield Lane development as well as some existing local traffic. The modelling undertaken by ECC Highways indicated that this would lead to a reduction in traffic at the Rayne Road/Aetheric Road junction thereby easing congestion.

The Transport Assessment (TA) submitted with the application assessed traffic conditions in the morning and afternoon peak hours. This is standard practice as these are generally held to be the worst traffic conditions during the day. It was not considered to be necessary to carry out a further assessment at the time when the school finishes in the afternoon. The TA acknowledges that at peak times there are delays and congestion at a number of key junctions near the application site – most notably at the Springwood Drive/Rayne Road roundabout as well as the Aetheric Road/Rayne Road junction.

Although the TA acknowledged the need to provide the link road from Springwood Drive to Panfield Lane within Phase 1 of the development it suggested that they should be able to occupy 66no dwellings within Phase 1 before the road had to be provided and available for use. The Council and

Highway Authority considered it important that the link road and Springwood Drive Roundabout improvements be undertaken as soon as possible. Following extensive discussions and negotiations, it has been agreed that these works will be undertaken prior to occupation of 50 dwellings.

Access to Phase 1 would initially be provided at two points – from the northern end of Springwood Drive and from Panfield Lane. Members will have noted within the Planning History section at the start of this report that the applicants have already secured planning permission (Application Reference 18/01316/FUL) to extend Springwood Drive in a northern direction into the site of this application. In addition to extending Springwood Drive, the planning permission also covers other minor highway works including associated changes to the road layout and engineering works. That application contains an explanation for making a separate application – they state that the separate application was made to allow them to “*proceed with early implementation of these works*”, which is something that the Council would support in its efforts to increase the delivery of much needed housing for the District. The applicant has undertaken preliminary works in advance of the highway works which shows a commitment to undertaking the works. The S278 legal agreement between the applicant and the County Council has been drafted and being progressed and once this is completed the applicant will be able to undertake the approved highway works.

It has been agreed with the Highway Authority that access off Panfield Lane would be through the provision of a ghosted right turn access into the site. As subsequent phases of development are brought forward there will be a need to further improve the link road by extending it north and connecting to a new roundabout at the junction of Panfield Lane and Churchill Road. The developer would be required to undertake the works prior to occupation of any dwelling in the phase adjoining the location of the new roundabout.

The site is located on what is currently the north-western edge of the town. There are a range of services within 800m of the site, including secondary school, convenience food store, post office, sports centre and employment at Springwood Drive. Other key amenities are located with a 2km catchment, with town centre being 1.6km from the eastern edge of the site.

The TA provides some detail on how the development would seek to promote more sustainable transport methods, to encourage trips to be made by means other than by private car. Alongside the extensive discussions about the highway impacts, a package of measures has been agreed that promotes sustainable transport and these include the following:

- Encouraging journeys by bus with a financial contribution of £150,000 to ECC for improvement works to public transport facilities in the town of Braintree;
- Upgrading the existing public footpath between Panfield Lane and Bailey Bridge Road to a 3-metre-wide footway/cycleway;
- Provision of a zebra crossing on Panfield Lane; and



- The implementation of a Travel Plan, including the provision of information for residents in the form of Travel Packs.

The TA concludes that the site is in a location that has the potential to be accessed by a range of sustainable means, and that the traffic generated by the proposed development would, with the mitigation proposed, not have a severe impact on the surrounding highways network, in accordance with the National, Regional and Local Transport Objectives and Policies.

The TA that was submitted with the original application in 2015 assessed the vehicle trip rates associated with that mix of uses and assessed the impacts at key junctions around the site/town. As the mix of uses now proposed following submission of revised plans in 2019, the applicant has produced a 'Development Update' to the TA.

The update report provides a comparison of the vehicular trip movements associated with an alternative development, specifically, the potential replacement of 20,000sq.m B1/B2/B8 employment floor space with 3,800sq.m B2/B8 floor space and 225 residential dwellings. The report concludes that the new mix of uses is assessed as generating fewer vehicular trips in the morning and evening peak periods, and all of the key junctions in the local network would experience a similar or reduced traffic impact.

The Highway Authority and Highways England have assessed the revised Transport Statement. They have both confirmed that they do not object to the application, subject to an agreed package of works and mitigation to reduce the impact on the town's highway network, but also to reduce reliance on the private car and increase the use of more sustainable modes of transport.

A summary of the agreed measures and highway works, and the triggers for their implementation are listed below:

Prior to first occupation of the development:

- Installation of a right-hand turn lane in Panfield Lane to serve the link road;
- Development and implementation of a travel plan.

Prior to first occupation of the 51<sup>st</sup> dwelling:

- Completion of a link road between Panfield Lane and Springwood Drive;
- Improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout as shown in principle on the planning application drawings OR a £565,000 index-linked contribution towards improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout.

Prior to first occupation of the 66<sup>th</sup> dwelling:

- Installation of a zebra crossing on Panfield Lane;
- Upgrading of the footpath between Panfield Lane (located between number 240 and 242) and Bailey Bridge Road to a 3m wide footpath/cycleway.

Prior to first occupation of Parcel H7 or H8:

- Construction of a roundabout at the Panfield Lane/Churchill Road junction prior to occupation of parcel H7 and/or H8.

The Highway Authority also recommend that each phase of development is carried out in accordance with a construction traffic management plan.

A number of residents have raised concerns about parking on Panfield Lane. It is reported that lengths of the road suffer extensive parking in the carriageway. In some cases, this will be where properties do not have off road parking, but in other cases this is due to the staff and parents parking for nearby schools (John Bunyan & Tabor) or for local businesses. The developer cannot be required to address existing problems, but the development should not make the situation worse. In respect of construction traffic, a Construction Management Plan would be required by condition and this can also require the provision of appropriate car parking for contractors and other construction traffic.

Whilst it is noted that some residents are sceptical about the level of parking proposed to serve future residents, the scheme would be expected to meet the Council's adopted parking standards for residential and commercial development. Phase 1 of the development complies with the minimum standards and as such it would be expected that there would be sufficient parking for residents within the development and that there should be no need for them to park on Panfield Lane. It is noted that some residents refer to workers from Springwood Drive parking on Panfield Lane to avoid evening congestion getting off the estate. As set out above, the developers would be required to improve the Springwood Drive/Rayne Road roundabout, or contribute towards its improvement. If access on and off the industrial estate is improved then it is likely that fewer employees would choose to park on Panfield Lane, as they could more easily access their place of employment via the new link road.

Concerns have also been raised in representations about heavy goods vehicles using the proposed Spine Road and requested that physical barriers / restraints be installed to prevent this. Officers has discussed this concern with the Highway Authority and they have advised that this would not be appropriate. It is intended that there will be Traffic Regulation Orders (TRO) prohibiting HGV through traffic and the applicant will be required to provide appropriate signage as part of the highway works agreement. The TRO will allow enforcement action to be taken if the route is abused. The Highways Officer also notes that it is anticipated that the route will be used by bus services. The type of physical barriers that local residents suggest would prevent this.

### Phase 1

In addition to considering whether the proposed development is acceptable in principle, in highways and transportation terms, as this is a hybrid application

it is also necessary to consider whether the detailed plans for Phase one of the development are acceptable. The Highway Authority has been consulted and no technical issues were raised by their Engineers concerning the submitted planning drawings.

The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1no bedroom dwellings and a minimum of 2no spaces per dwelling should be provided for 2no 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 (where to be counted towards parking provision) should measure 7 metres by 3 metres. The submitted plans show these standards being applied.

The layout incorporates a number of measures intended to promote short journeys being undertaken by walking or cycling. Pedestrian/cycle measures include the provision of a 3m wide shared pedestrian/cycle path, in part adjoining the carriageway and running broadly north/south and east/west through the phase; the provision of a toucan crossing across Panfield Lane; and a number of pedestrian connections through onto Panfield Lane to aid permeability and access to bus stops on Panfield Lane. All dwellings should also be provided with appropriate cycle parking, in accordance with the Council's Parking Standards. These measures would help facilitate a reduction in the reliance on the private motor car for journeys, whilst minimising the impact of existing neighbouring residents and can be secured by planning condition.

ECC Highways are satisfied that the proposed new access points, from Springwood Drive and Panfield Lane have been designed to provide suitable access for this phase, but also to serve subsequent phases of the development.

In summary, in terms of accessibility, the proposal can be designed so that it can offer opportunities to be a suitably sustainable form of development, and would not have an unacceptable impact upon highway safety.

### Towerlands

The former Towerlands golf, equestrian and conference centre closed a number of years ago and has remained largely redundant since that time. The site is therefore in part, previously developed.

The Towerlands site, which is immediately to the north of the application site, is identified as a Strategic Growth Location in the Publication Draft Local Plan (Policy LPP 17 '*Housing Provision and Delivery*' and Policy LPP 20 '*Strategic Growth Location - Former Towerlands Park Site*' refers). The Publication Draft Local Plan assumes a development of 600 dwellings on the site.

In addition to having a draft allocation in the emerging plan, during 2017 the landowner submitted a 'Screening Request' under the EIA Regulations (Application Reference 17/00006/SCR). The request for a screening opinion

was based on a mixed-use development comprising: 600 dwellings; a new primary school; early years and childcare nursery; local retail facilities; public open space.

Whilst the main vehicular access was proposed from Deanery Hill/Panfield Lane, a potential additional vehicular access from the Panfield Lane Growth Location to the south of the site was also referred to by the applicant.

As both sites have been put forward for development by landowners and as the Council has identified them as providing suitable sites to form an urban extension to the north-west of Braintree it is important that this application addresses the Towerlands site in an appropriate manner; and that an access can be achieved between the sites for vehicular traffic (including buses), as well as pedestrians and cyclists. The owners of the Towerlands have submitted representations which claim that it is the Council's responsibility to deliver vehicular, pedestrian and cycle links from the Panfield Lane site to their site and that they are able to connect their development at no cost to themselves. The Towerlands owners claim that facilitating such a connection is part of the Council's responsibilities in exercising its strategic planning function. They have referred to the imposition of planning conditions by other Local Planning Authorities to achieve such connections, although have not been specific as to which authorities they are referring to.

Following lengthy discussions on this issue, Officers have agreed with the applicant that the layout of the Panfield Lane development should enable a highway connection to the Towerlands development to be achieved by safeguarding a route so that the Towerlands developer can connect over the route to the Panfield Lane estate roads. The revised Access and Movement Parameter Plan shows how the applicant can facilitate this, and this is covered within the heads of terms for the Section 106 planning obligations (see below).

Officers consider it is a legitimate Development Management function to Masterplan the Panfield Lane site so that the two developments can be connected. This is particularly important in encouraging residents and employees in both developments to have attractive and convenient walking and cycling routes. A road connection between the sites would also increase the likelihood of a commercial bus services operating within both sites.

However, whilst it is reasonable and an accepted planning function to plan for adjoining developments to be connected, it is not reasonable to expect the developers of the Panfield Lane development to invest substantial amounts of money to provide roads, pedestrian and cycle links to connect their site to the town and the existing highway network and for the developer of an adjoining site to be able to benefit from their investment without contributing towards the cost of that infrastructure. How that connection is achieved is a private matter between the parties and is beyond the scope of the planning system which acts in the wider public interest.

Notwithstanding the above, the draft Section 106 Agreement contains an obligation that as part of the Reserved Matters, for the north west parcel of land that adjoins the Towerlands site, it is designed to incorporate a road layout that has capacity to accommodate traffic from Towerlands development and that would allow for a potential connection to the adjoining site by safeguarding a route to enable the Towerlands developer to connect to the Panfield estate roads. Beyond that requirement the future connection of the sites would be a matter for the developers of both sites to agree financial terms to achieve this. In conclusion, whilst the representations from the Towerlands developer are noted, it is considered that Officers have secured an important provision to safeguard future connections between the two sites, having regard to current adopted and emerging policy and the CIL regulations in relation to the tests for the imposition of planning obligations.

### Design

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy CS9 of the Adopted 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 Adopted Local Plan. The Draft Local Plan also reflects these policy issues with regard to design and layout.

Matters of appearance, layout and scale, along with landscaping, for all but the first 189 dwellings, are reserved for future determination. However, as highlighted above, the application has been submitted with an illustrative Masterplan; and parameter plans covering Heights and Levels; Access and Movement; Land Use Parameter Plan and Residential Density.

The alignment of the link road and the importance and function of these roads have all influenced the Masterplan and Parameter Plans that have been submitted for approval. Both Officers and the Highway Authority are satisfied with this alignment and that it would relate well to proposed features and land uses on the site, including hedgerows/landscape corridors.

Although not required to accompany this application it is recommended that the applicant create a Site Wide Design Guide to establish relevant design standards and approaches to ensure that the development is designed coherently and incorporates a suitable variation in density and design so as to ensure that areas have their own distinct character. It is recommended that a Site-Wide Design Guide be submitted prior to the submission of the reserved matters application for Phase Two of the development.

The Masterplan locates the Neighbourhood Centre centrally within the site, and adjacent to Panfield Lane. This would provide a relatively accessible location which would encourage existing residents who live along, or near, Panfield Lane. By making the services and facilities readily available to existing residents this could help reduce some journeys that residents

currently make to access such facilities elsewhere in the town. The education/school site would be located immediately to the north of the Mixed-Use Area/Neighbourhood Centre and this is considered a logical location as it would provide a focal core to the development. The footfall that the school would generate would also make the Local Centre more attractive to prospective businesses.

With respect to the detailed design and layout of phase 1 Officers and the Council's Urban Design consultant have carefully reviewed the proposals now before the Council. It has been accepted that the first phase of the development will focus on housing and highway infrastructure to ensure that the development remains viable. The parameter plans and the Section 106 Agreement will ensure that the development as a whole will deliver the required levels of public open space.

In terms of design Officers were not satisfied with the initial proposals and following discussions the applicant submitted a suite of revised plans which sought to address the concerns set out by Officers. The changes that have been made include revisions to the road hierarchy; amendments to the layout, including parking courts and house types. The proposals comply with the relevant Council's relevant design standards in respect of amenity space, back to back distances and parking. Taken as a whole the layout and design of the housing within Phase 1 of the development is now considered to provide a good standard of amenity for future residents. It is also acceptable in terms of character and appearance, with high quality streetscenes. With conditions to secure the use of high quality materials and landscaping Officers are satisfied that the development will form an appropriate addition to the town.

Therefore, it is considered that subject to detailed design matters being agreed at the future Reserved Matters stage/s, overall the proposal would provide an appropriate form of development for this urban extension to the town.

#### Impact on Residential Amenities

The NPPF (Paragraph 127f) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is supported by Policy RLP90 of the Adopted Local Plan which states that "*there shall be no undue or unacceptable impact on the amenity of any nearby residential properties*". The Draft Local Plan Policies have similar objectives as those set out in the Adopted Local Plan.

This planning application should be considered at two levels. Firstly, in respect of the overall mix of uses that are proposed, i.e. can the site accommodate the mix and quantum of development proposed in a manner that would ensure that existing and future residents can enjoy a good standard of amenity. The second, more detailed level of consideration is whether the proposed layout of development within Phase one is acceptable.

### Outline Planning Application

Officers consider that the Land Use Parameter Plan shows how the proposed mix of uses can be set out within the site in a suitable manner in respect of residential amenity. The reduced area for employment has been located away from existing and future residents, to the north of existing commercial uses on Springwood Drive. The Community Sports Land has also been located within a parcel separate to proposed residential development.

In respect of the small number of dwellings immediately adjacent the site, on the western side of Panfield Lane, the Parameter Plan shows either new residential development, or the school site. In principle both these uses can be designed at the detailed stage/s to ensure that existing residents' do not suffer an unacceptable loss of amenity, for example by locating school buildings away from existing properties. Officers have considered the need to attach conditions the controlling hours of operation and deliveries for the commercial and community sports uses however this is considered premature. Because the exact nature of these elements is unknown at this stage and precisely what relationship these uses will have with noise sensitive uses (the housing and the education land) the imposition of controls would not be helpful and this matter would be better dealt with through the Reserved Matters applications for those parcels of land.

Third parties have expressed concerns about the impact that the development would have on local residents in respect of health and well-being, both during and after the construction period. The construction of a development of this size would inevitably result in some disruption, however conditions should be imposed that control the hours of working and require consideration of how noise and dust management measures limit disturbance. The phasing of the development should also be agreed as a means of mitigating impact on existing residents. Such measures would ensure that the living conditions of the occupants of surrounding residential properties are protected during the construction phase of the development.

Finally, concerns have been expressed about the density of development and the living conditions that it would provide. Officers consider the maximum number of dwellings proposed can be accommodated within the site in an acceptable manner. Although the density levels proposed are higher than the Council would typically see within developments of this scale, the densities shown within the Parameter Plan could still be achieved whilst applying the Council's relevant design standards. The NPPF and new Local Plan both state that it is important that planning decisions ensure that land is used in an efficient manner to ensure more sustainable patterns of development and reduce pressure for the release of more land for future development. The scheme would comply with the spirit of this policy context.

### Phase One

Several concerns have been raised by local residents about specific aspects of the detailed part of the application.

Representations have been received objecting to the arrangement of the proposed highway junction with Panfield Lane and specifically that the Primary Link road was shown to be located opposite No.242 and No.244. The objectors recommended that the junction be moved approximately 5m so that vehicle headlights shine directly down the pedestrian passageway to Meadowside and against the garages of No.240 and No.242 Panfield Lane instead. Discussions with Highway Officers have seen the junction redesigned and the proposal is now for a narrower junction. Any new access onto Panfield Lane would result in some change to the area's character, but Officers consider that the revised proposals would have an acceptable relationship with existing residents.

Concerns have also been raised by objectors with regard to the proximity of new houses to their properties at April and Cambria Cottages, which they fear would adversely affect the enjoyment of their property and result in a potential loss of privacy. They have stated that the approved Masterplan should be adhered to whereby a landscape buffer would be provided around their properties. The occupants have also questioned how the levels would be treated as the development site is at a higher level than their properties and no details have been provided to demonstrate what that relationship would be like and how their privacy might be maintained. Officers have carefully considered this issue and discussed this with the applicant. It has been agreed that the two plots adjoining these properties (Plots 30 & 31) are revisited as Officers believe that these buildings can be replotted so that the two units have a better relationship with April and Cambria Cottages. A condition is recommended in this respect. As is standard practice a condition is also recommended in respect of the levels for this phase of the development and this will allow Officers to consider the concerns that have been expressed regards levels by the occupants of these properties.

The majority of other properties near the site are slightly removed from it, being located on the eastern side of Panfield Lane. It is acknowledged that the proposal would change the outlook from some of these properties and that during the construction period it would have an effect upon the living conditions of local residents near the site. However it is considered that such impacts would not be unacceptable, or a reasonable reason to withhold granting planning permission, subject to the imposition of conditions that control construction activity.

### Landscape and Ecology

Part 15 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 Adopted Core Strategy states that *'the*



*restoration and enhancement of the natural environment will be encouraged through a variety measures'. These aims are supported by Policies RLP80 and RLP84 of the Adopted Local Plan.*

Policy RLP80 of the Adopted Local Plan 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 of the Adopted Local Plan 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'.*

### Ecology

The applicant submitted an ecological assessment of the site with the application. The report explains that site surveys were undertaken in 2011 and 2013. The 2013 survey work included a Phase 1 Habitat Survey; Badger Survey; Bat Survey; Great Crested Newt Habitat Suitability Index; Reptile Survey and Breeding Bird Survey. A further walkover survey was undertaken in 2015 before the application was submitted.

The Phase One habitat assessment identified that within the site there were a range of habitats including agricultural land, consisting of arable crops with rough grassland edges, small pockets of woodland and tree lines, areas of tall ruderal vegetation and scrub with ditches (both wet and dry) and hedgerows. The assessment intended to provide a preliminary view of the likelihood of protected species occurring on site, based on the suitability of the habitat and any direct evidence on site.

Arable farmland is a common and widespread habitat that is intensively managed and contains a low diversity of plant and animal species. The areas of greater potential ecological interest are the areas around the edges of the site and along tree lines and hedgerows around the field margins, some of which also contain ditches.

As a result of the assessment of habitats present, a number of species-specific surveys were undertaken to establish the presence or otherwise of protected species. The main points to note from those surveys are:

- Badgers - the presence of an active sett in the northern part of the site;
- Bats - Surveys were undertaken to ascertain whether any bat roosts existed within the application site, including the farm buildings within the centre of the site.

None of the farm yard buildings were found to support bat roosts, with internal surveys finding no evidence of these buildings being used by bats. The farm cottage supported an enclosed roof void and contained several very old bat droppings, which were covered in dust. No recent evidence (last few years) was located within the roof void. Emergence surveys of the cottage identified only one common pipistrelle emerging from the building. No bats were recorded emerging from any of the farm yard buildings.

Bats were recorded using the site for foraging, although it was found not to be widely used by a significant number of bats. Only two bat species (Common and soprano pipistrelle - the two most common UK bats) were widely heard. A brown long eared bat was also recorded foraging along a hedgerow edge.

- Great Crested Newts – Great Crested Newts were not recorded during the terrestrial habitat survey with none being found on site;
- Reptiles - The site was found to support a low population of grass snakes. No other reptiles were found during the survey period;
- Breeding Birds - The survey recorded a total of 49 bird species and, of this total, 36 were proven or considered likely to attempt to breed in habitats within the site. A total of six BOCC Red list species were found to hold one or more breeding territory within the survey area. These were skylark, song thrush, starling, house sparrow, linnet and yellowhammer; of these species only the skylark was found to be using the open fields as part of their territory.

The majority of the species were found to be using the scrub of site or the periphery of the site, along the hedgerow edges and tree lines of the site, which are largely to be retained.

- Brown Hares - several brown hares were recorded using the northern portion of the site in 2013, but none were recorded during the 2015 walkover survey. The brown hare is a UK BAP priority species which does not afford special protection it should still be afforded special consideration.

To ensure that adequate consideration is given of protected species and the need for ecological mitigation Officers recommend that a planning condition is applied which requires submission of updated ecological reports as part of each Reserved Matters application. Whilst Officers do not expect the conclusions of the updated surveys to be fundamentally different the updated reports are necessary to take account of any change in circumstances and any further mitigation that may be required.

In terms of the wider ecological context, the application site sits within the Zone of Influence (as identified by Natural England) of Special Protection Areas and Ramsar sites on the Essex Coastline/Estuaries, known collectively

as Natura 2000 sites. It is therefore necessary for BDC to complete an Appropriate Assessment under the Habitat Regulations, prior to determination, to identify the required mitigation to prevent the development causing a likely significant adverse effect upon these sites.

At the time of writing this report, the Council has submitted an Appropriate Assessment to Natural England in accordance with their standard guidance, but a response has yet to be received. Officers hope to be able to update Members on Natural England's response at the Planning Committee. The mitigation package, to be included within the Section 106 Agreement, would include an off-site contribution towards visitor management measures at the protected coastal sites. It would also likely include on-site mitigation measures that would encourage residents to stay on site, or near to the development, rather than travelling further afield to one of the protected sites to undertake leisure activities. The requirement for on-site mitigation measures has been included within the open space provisions in the Section 106 Agreement.

The Officer recommendation for approval is therefore subject to the outcome of this assessment process however Officers consider it unlikely that Natural England will have any objection to the mitigation measures proposed and if necessary the application is recommended for approval subject to the completion of the Section 106 Agreement AND confirmation from Natural England that they do not object following assessment of the Appropriate Assessment.

### Landscape

The Council took the decision to allocate the site for development through the Core Strategy in 2011. At that time the Council's Landscape Capacity Analysis (2007) by Chris Blandford Associates identified the site to be within an area that Low-Medium Landscape capacity to accommodate new development.

The Council commissioned a Landscape Fringe Assessment, carried out by The Landscape Partnership, to form part of the evidence base to support the new Local Plan. The Assessment, published in 2015, studied smaller parcels of land at a finer grain. The site was identified as parcel 16d and was classified as having Medium Landscape capacity to accommodate development. Medium capacity is a relatively high rating, as there are very few High capacity sites on the fringes of the District's towns, and this landscape assessment supported the Council's decision to allocate the site for development.

The Landscape Fringe Analysis characterises the site as occupying gently sloping land to the west of Braintree, enclosed to two sides by built development to the east and south. The northern boundary is defined by well-structured hedgerows and a woodland block, separating the parcel from the redundant golf course and equestrian centre. This defined hedgerow structure continues on the western boundary. Within the parcel of land there are good quality hedgerows and tree belt structures which contribute to the visual

containment of the parcel from the wider landscape. The analysis concludes that development within the parcel would form a natural extension to the neighbouring settlement fringe.

In addition, the analysis provides further commentary on landscape issues and sensitivities which the consultants considered should be considered if/when the site came forward for development.

The land contributes to a buffer separating the town of Braintree from the village of Panfield and development must be designed so as to minimise visual encroachment into this area. It is recommended that existing hedgerows are preserved and enhanced to provide visual containment to development and reduce the massing of built form in any potential views from the neighbouring open farmland. It is also recommended that the site should incorporate additional open space and that access to the countryside should be maintained / enhanced through the public rights of way network.

The group of trees, on the northern side of the farm access track, are considered to be of particular value and the Council has confirmed a Tree Preservation Order on the group, to make sure that they are not lost as part of the development process.

The Council has also made a provisional TPO in respect of a woodland block that straddles the northern site boundary with the Towerlands site. This Order has not been confirmed as the applicant (for this application) has objected to the Order on the grounds that the woodland group is not of a quality that is worthy of this protection and the effect of the Order would be reduce their flexibility in the future. Because there is an objection to the Order the Landscape Services team will report this matter to Planning Committee for determination at a later date.

The submitted Masterplan shows retained hedgerows within the site forming green corridors between development parcels and significant open spaces at the north of the site, adjoining an area of established woodland, and centrally within the site, between the link road and the road that would potentially link to Towerlands.

Notwithstanding the fact that the form of development has been influenced by the desire to retain existing natural landscape features, and that with respect to ecology it is considered 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 the landscape and biodiversity.

Such conditions should cover the following:

- Updated Arboricultural Impact Assessments, accompanied by Tree Protection Plans and measures to safeguard retained trees and hedges during the construction process. Tree protection and tree works to be overseen by a project arboriculturalist;

- Construction Environmental Management Plan to specify measures to manage the effects of site clearance and construction operations on the environment;
- Detailed landscaping scheme for Phase 1 of the development,
- Landscape and Ecology Management Plan based upon the detailed landscape scheme, to specify long term habitat management prescriptions;
- An Arboricultural Method Statement (AMS) to detail the methodology behind the protection of a development site's trees during construction;
- 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.

### Drainage and Flood Risk

Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Adopted 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). The application contains a conceptual surface water drainage strategy for the site, incorporating sustainable drainage principles. The strategy is designed so that the surface water runoff (from buildings, roads and hardstanding) is captured within the site and then discharged at a controlled rate. The strategy has been designed so as to attenuate the modelled runoff in the event of a 100-year flood event, including an allowance for climate change storm.

Having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that the strategy demonstrates that surface water can be managed within the site through the implementations of SuDS and other engineered hydrological measures. Conditions are recommended requiring approval detailed drainage design of each phase. Officers have agreed with the SuDS team that the wording of the recommended conditions be modified so that the information is submitted and approved in advance of each phase of the development.

## 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 and Policy RLP106 of the Adopted Local Plan also apply. These state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

The applicants' Heritage Consultants have undertaken a desk-based assessment of the archaeological potential of the site and this has revealed that there might be Roman and/or medieval industrial remains within the site. In addition to the desk-based assessment part of the site has been monitored for archaeological remains during the laying of a new water main by Anglian Water.

Having assessed all the available information, the Council's Historic Environment Advisor (HEA) has recommended a programme of archaeological investigation with trial trenching being undertaken. The HEA has agreed that it is not necessary for the required programme of archaeological investigation to be carried out before the Outline Application is determined and that this can be covered by planning condition.

The condition would require an evaluation of the site and reporting to be submitted in advance of the reserved matters applications. This would allow the detailed layout to be amended, if necessary, to reflect the outcomes of the evaluation.

The site does not contain any designated heritage assets (no listed buildings or Conservation Area designation) and Officers consider that the proposed development is well removed from any such assets. There are a number of listed buildings further to the north, nearer to the village of Panfield. Whilst these would need to be considered as part of the proposed development of Towerlands it is not considered that the development of Panfield Lane would adversely affect their setting.

## Other Matters

The Waste & Mineral Planning Authority, Essex County Council were consulted on the application and initially registered a holding objection to the proposed development.

ECC Planners identified the application site as being located within a Mineral Safeguarding Area. The Essex Mineral Local Plan states that planning applications for development within safeguarded areas should be accompanied by a Minerals Resource Assessment (MRA) to establish the existence, or otherwise, of a mineral resource and whether it would be viable for the resource to be extracted prior to the development to prevent the sterilisation of the resource.

On receipt of this objection, BDC Officers highlighted to ECC Planners that the site is allocated for development in the adopted Development Plan. The Essex Minerals Local Plan states that MRAs are not required for sites that are allocated for development in the Development Plan and ECC Planners have subsequently confirmed that the applicants were not required to submit an MRA.

ECC Planners also identified that parts of the application site are located within 250m of the Springwood Drive Civic Amenity Site, which is within the Waste Consultation Area that is specified in The Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).

Policy 2 of the WLP seeks to ensure that waste sites are protected from inappropriate neighbouring developments that may have the potential to adversely impact on the operation of the waste site. Inappropriate development can lead to complaints from residents about issues such as odour or noise emissions and vehicle movements.

ECC Planners required evidence from the applicant that to demonstrate that the proposed development was compatible with the continued operation the Civic Amenity Site. Where there is potential for adverse impact upon the waste development the new non-waste development should propose mitigation to address these adverse impacts.

The applicant provided a statement which seeks to address these concerns. It points out that the decision in principle to develop the site for residential purposes has therefore already been taken through the Local Plan, in the full knowledge of the relationship of the application site to the civic amenity site.

The applicant goes on to note that whilst the application site is adjacent to the civic amenity site, the uses that are proposed immediately adjoining the site are commercial, presenting the same relationship that currently exists between the civic amenity site and other adjoining commercial uses.

The Land Use Parameter Plan shows that the closest proposed residential use (site H4) would be separated from the civic amenity site by intervening proposed commercial uses and the existing leisure use. The civic amenity site is also already set at lower level and behind substantial earth bunding on its south eastern side, which serves to screen activity on the civic amenity site from adjoining uses. They do not consider that access to the civic amenity site would be affected by the proposed development.

ECC Planning Officers have reviewed this statement and confirm that they no longer object to the proposal.

### Planning Conditions & Obligations

Policy CS11 of the Adopted 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 Adopted Core Strategy states that a list of key facilities and infrastructure that will be required to support the development that was planned across the District up to 2026. This is set out in Table 2 of the Adopted Core Strategy.

The table contains specific lists for each of the Core Strategy Strategic Growth Locations. There are 3 items listed as being 'critical'; four which are 'required' and four which are 'desirable'.

#### *\*'Critical' facilities/infrastructure for the Growth Location*

- a sewerage network and waste water capacity upgrade;
- capacity improvements at Pods Brook Road / Rayne Road roundabout;
- Spine road from Springwood Drive to Panfield Lane, designed for local traffic only.

With regard to the former Anglian Water (AW) have confirmed that they have been working with the applicant to ensure adequate arrangements are made to handle foul sewerage. AW have confirmed that the Bocking Water Treatment Plant has capacity to accommodate the flows from this development, but they have identified a need to upgrade the existing sewerage network to provide capacity for the growth location. This is necessary to prevent the risk of flooding downstream of the site. They have advised that a satisfactory solution (subject to funding) exists and a condition is recommended requiring agreed upgrading works to the network prior to first occupation of the any dwellings.

The other critical items – improvements to the Springwood Drive roundabout and the provision of the Spine Road connecting Springwood Drive to Panfield Lane have already been discussed in the Highways and Transportation section earlier in this report. Members will note that following extensive discussions with the Highway Authority and applicant, Officers have sought to secure these two critical items as early in the development process as possible, reflecting their importance, not only to this development, but the wider highway network.

#### *\* 'Required' facilities/infrastructure for the Growth Location*

- Provision of land to enable educational provision (2ha);



- Expansion of existing or creation of new GP Surgery;
- Public Open Space, Play and Recreation Areas in line with standards set out in the adopted Open Spaces SPD;
- Allotment provision in line with standards set out in the adopted Open Spaces SPD.

*\* 'Desirable' facilities / infrastructure for the Growth Location*

- Quality Bus Partnership and Public Transport Improvement;
- Public Realm Improvements;
- Footpath and Cycleway provision, both on site and links to the existing network;
- Neighbourhood Centre (may include community, religious, retail and leisure facilities).

It is agreed with the applicants that all of the 'Required and Desirable' facilities/infrastructure items listed above are to be secured through the Section 106 Agreement, or in respect of the public realm within the development through planning condition. Further details are provided below.

- Provision of land to enable educational provision (2ha) – the Land Use Parameter Plan shows a 2ha parcel of land, located centrally within the site. The land would be serviced and offered to the Education Authority who can then use the land to provide a new educational facility – assumed a Primary School with Early Years & Childcare facility.
- Creation of new health facility – NHS England were consulted on the proposed development and they have advised that they have no objection to the development, subject to a financial contribution in accordance with their standard formula. The Section 106 Agreement will specify how the contribution will be spent within the town to provide additional capacity to meet the increased demand arising from the development.
- Public Open Space, Play and Recreation Areas – Policy CS10 of the Adopted Core Strategy and the Open Spaces SPD 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.

When the application was submitted in 2015 the Land Use Parameter Plan showed 5.88ha of land allocated as 'Green Infrastructure'. When the Parameter Plan was revised in 2019 this figure increased to 7.07ha.

The Section 106 specifies that a minimum of 1.56 hectares of land for use as natural or semi-natural green space providing opportunities for informal recreation (and which may include areas for sustainable drainage) plus not less than 0.39 hectares of play space land, including 2 x 400 square metre minimum sized Equipped Play Areas, are provided. This obligation meets the

Council's Open Space standards for Amenity Greenspace and provision for children and young people.

The situation in respect of outdoor sports facilities is less clear cut. The applicant proposes that no land is provided for outdoor sports facilities, but instead they are providing 2.88ha of land which will be gifted to the District Council to use/develop as a Community Sports Facility. For a development of this size the Council's Open Spaces standards would usually require that 3.96ha of land is provided for Outdoor Sports facilities.

Sport England has registered an objection to the proposed development in respect of the indoor and outdoor sports provision. SE identify a number of reasons for their objection, and these are summarised below:

- Sport England do not support the principle of generic outdoor sports facility standards, such as those set out in the Council's Adopted Core Strategy, being used for assessing proposals for new outdoor sports facility provision proposed in residential developments. They recommend that the Sport England's New Development Playing Pitch Calculator is a better way to assess the need for new sports pitches.
- Even if the Council relies on the adopted open space standards the outdoor sports provision currently proposed (2.88 ha) would be significantly below the level of provision required by the Council's Open Spaces standards - 3.96 ha. Sport England are concerned that a 2.88ha would be a sub-optimal size and would not be sustainable. As a result they recommend that this deficiency in provision would best be addressed through either financial contributions being secured to make off-site provision towards the delivery of new or enhanced facilities.
- In relation to indoor sports facilities, the development will increase the additional demand generated for indoor sports facility provision. Sport England recommend that the Council consider our Built Sports and Recreation Facilities Study (Needs Assessment) (2016) which covers indoor sports facilities such as swimming pools and sports halls and identifies a range of quantitative and qualitative deficiencies in indoor and sports facility provision and accounts for future population needs. Sport England's established Sports Facilities Calculator can help to provide an indication of the likely demand that will be generated by a development for the principal indoor sports facility types. The projected population from this development indicates that it would generate a demand for 0.14 sports halls (£345,549), 0.10 swimming pools (£373,473), and 0.02 indoor bowls centres (£56,039).

Sport England's position is that they object because there is insufficient and possibly inappropriate provision is made for meeting the outdoor sports facility needs and no provision is made for meeting the indoor sports provision needs.

The contribution that the development makes towards meeting the demand for sports facilities that will arise from a development of this size has been the subject of considerable discussion. The Council's Built Sports and Recreational Facilities Study identifies that there will be a need for additional indoor facilities within the District if standards are to be maintained for access and quality.

As a result the Council has been looking at how the additional need for facilities arising from new development can be met. A large amount of housing development is happening / planned around the two main towns – Witham and Braintree. To provide additional facilities within Braintree there will be a need for the Council to have land that is in a suitable location and condition, to be developed for this purpose. With a large amount of housing planned and with good connections to the rest of the town this area is considered to be a good location for such a facility.

Following extensive discussions between the applicant and Officers it has been agreed that the developer will gift to the Council 2.88ha of serviced land for the Council. The land will be serviced to an agreed specification (including levelling and clearance of the site and connections provided to utility, surface water drainage and highway networks) prior to it being transferred to the Council. The Council will then be able to design a new facility, which will be informed by responses to a public consultation exercise. The area of land is sufficient for the Council to have some flexibility over the facilities that will be provided but these could include indoor or outdoor facilities, or a combination of the two. Securing the serviced land for this purposes is considered to be very important in allowing the Council to plan and deliver improved facilities which will help increased demand for sporting facilities in the town, at a time when the population is growing as a result of increased housing development.

The objection from Sport England is noted but it is noted that the Council have no adopted standards which require developers to provide land on which Indoor Sports facilities can be built. If land is not secured for this purpose through a Section 106 Agreement then the Council would probably need to purchase land for the purpose which will add considerably to the cost of providing a new facility. It is also acknowledged that whilst the quantum of land for sport is lower than would be expected under the Council's adopted standards, the developer is being required to provide serviced land which is ready for the Council to develop. This is likely to be more expensive for the developer to provide than a grass sports field. Taking all these factors in to account Officers and the overall viability of the development with its heavy up-front highway infrastructure costs consider that the land secured through the Section 106 Agreement and the Land Use Parameter Plan is acceptable in this situation given the value and importance that the Council attach to securing land for a new community sports facility.

Each phase of development would be subject to an Open Spaces Strategy which would establish how the Open Space would be set out and subsequently be maintained by a Management Company funded by future residents. The minimum value of the play equipment to be provided within the

two equipped play areas would be calculated in accordance with the Council's Open Spaces SPD.

With regard to allotments, the Council's standard for the provision of allotments is 0.23ha of land per thousand population. The applicant has agreed to allocate 0.45ha of land within Phase H8 of the development, this being the amount of land required to meet the Council's standards for 825 dwellings.

The land would be set out as an allotment site, provided with a water supply and communal storage building. It would be offered for transfer to the District Council, but in the event that the Council does not wish to accept the transfer, the developer would be required to establish an allotment management company.

In terms of the 'Desirable' facilities / infrastructure for the Growth Location:

- Public Transport Improvements – the Highway Authority have agreed to accept £150,000 which would be paid to them to fund improvement works to public transport infrastructure in the town;
- Public Realm Improvements – the Council and developer both want to see a high quality development and the public realm will be an important factor in achieving this. A condition is recommended that will require the production of a site wide design guide which will include a strategy for the provision of public art.
- Footpath and Cycleway provision – the Access & Movement Parameter Plan establishes a network of footways and segregated foot/cycleways running through the site. Where connections are being made to existing Public Rights of Way these are also shown. In addition to the links to cycle paths to the south of the site, the Highway Authority has also recommended that the existing public footpath between Panfield Lane and Bailey Bridge Road, to the east of the site, is upgraded to a 3 metre wide footway/cycleway.
- Neighbourhood Centre – The application includes a Land Use Parameter Plan and a condition can be attached to the planning permission that the land allocated as a Neighbourhood Centre can only be used in accordance with a specified range of uses – A1 (Shops), A2 Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), A5 (Hot Food Takeaways), B1a (Offices – Business as an office other than a use within class A2 (financial and professional services); D1a, D1b (Non-residential institutions - for the provision of any medical or health services and as a crèche, day nursery or day centre) of the Use Classes Order.

The delivery of the services and facilities envisaged as populating the Neighbourhood Centre are important in allowing residents of the development to meet many of their day to day needs and to internalise

journeys and discourage private car use. A planning obligation would require the developer to implement an agreed Marketing Strategy, prior to occupation of the 180th dwelling and then to lay on the utility services and accesses that businesses would require. The intention is that by making sure these measures are taken there is a reasonable prospect that businesses would be attracted and build facilities.

In addition to the above, the following Heads of Terms have been agreed to cover other obligations that are required to ensure that the development is acceptable in planning terms.

**Affordable Housing** – Policy CS2 of the Adopted Core Strategy states that ‘a target of 30% affordable housing provision on sites...including the proposed growth locations’ shall be provided.

Outline planning permission is also sought for up to 636 dwellings but the mix of housing that comes forward through each phase (bar Phase 1) is unknown at this stage. The Section 106 Agreement would require that the mix of Affordable Housing in each phase be agreed by the Council as part of each Reserved Matters application. It has been agreed that the applicant provides 30% of units as affordable housing across the development as a whole, with the tenure of that housing split with 70% provided as Affordable Rent and 30% of the Affordable Housing Dwellings falling within the definition of ‘Other Tenures’; which includes, but is not restricted to, shared ownership.

Policy RLP3 of the Adopted Local Plan requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. RLP7 and RLP8 of the Adopted Local Plan require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures and a condition has been recommended which seeks to secure a suitable mix of housing across the development as a whole.

The mix of affordable housing proposed for Phase 1 has been the subject of extensive discussions between the applicant and Officers to ensure that there is an appropriate affordable housing mix that will match and address housing need. Because highways improvements are critical, not only to this development, but also to the functioning of the wider town, Officers have pressed for those works to be carried as early in the development process as possible. This means that the developer would be incurring significant capital outlay to complete works ahead of occupations. In recognition of this, it has been agreed that the Council would accept 20% of the units in Phase 1 as being Affordable Homes. This leaves a deficit in provision of Affordable Housing in Phase 1 of 18 Affordable Dwellings and should be made up no later than the phase of the Development that contains the 600th dwelling.

As the proportion of Affordable Housing within Phase 1 has been reduced, the detail of the mix of units will be subject to separate approval pursuant to the Section 106 Agreement. This approach has been adopted in this case given the unique circumstances pertaining to this application, and the Council's

desire to deliver key infrastructure improvements within the first phase of development.

In respect of accessibility, the applicant has agreed to provide two 3 bed bungalows designed for wheelchair users and complying with the Building Regulations Part M (4) Category 3. All houses and ground floor flats to be constructed to comply with Building Regulations Part M (4) Category 2.

**Education Land** – Having assessed the scale of the development proposed and the number of pupils this is likely to generate and having reviewed the number of existing primary school places in the area the Education Authority expect this to result in a need to build a new primary school with commensurate early years and childcare facility.

The Education Authority require the option to receive 2 hectares of serviced land, as shown on the submitted Land Use Parameter Plan, on which an Early Years and Childcare Facility (EY&C) and the Primary School (PS) could be built. An option to receive the land would be provided to ECC before occupation of the 180th dwelling. If ECC exercise the option then within 12 months the serviced land must be transferred to ECC.

**Education Financial Contribution** – The Education Authority advise that there is insufficient capacity at existing Early Years & Childcare facilities and Primary Schools to accommodate the projected demand or places arising from a development of this size.

Financial contributions are required towards the development of the new Primary School and Early Years & Childcare places, which could include the development of a facility on the Education Land being provided at the site.

In accordance with the County Council's standard policy the level of financial contribution sought will be calculated in accordance with the anticipated number of pupils that the development will generate, in accordance with ECC formula.

As there is sufficient secondary school capacity in the area there is no requirement for a contribution towards additional secondary school places.

**Employment Initiatives Contribution** – When the site was allocated for development it was for a mixed-use development with 15ha of land to be used for employment uses. The Council has agreed with the developer to reduce the quantum of employment land required on the site and in lieu of the employment land that is not now being provided a financial contribution has been agreed of £2,925,000. This would be paid to the District Council to spend on measures and initiatives to provide/promote employment opportunities within 5 km of the Edith Borthwick School. This is consistent with the Council's desire to see sufficient employment land come forward for development, in the right locations, to match the housing growth that the District will be experiencing over the plan period.

**Habitat Regulations** – A package of measures to mitigate the development's impact upon the Natura 2000 protected sites. The package would include a financial contribution of either £122.30 per dwelling (as that is the figure in the Rams Consultation), or In the event that the RAMS Strategy is adopted by the Council at date of commencement then the payment will be whatever figure per dwelling is included in the adopted RAMS Strategy. The financial contribution will be spent on measures to mitigate visitor pressures at the Natura 2000 sites, such as the provision of additional wardens, or additional warden resources at the Natura 2000 sites. In addition the Section 106 will require the provision of on-site mitigation measures, such as the provision of circular dog walking routes and dog waste bins, which are intended to reduce the likelihood of residents of the development traveling to designated sites to walk their dogs.

**Healthcare Contribution** – NHS England have confirmed that the existing GP Practices in the area have insufficient capacity to accommodate the demand for additional surgery places that a development of this size is likely to generate. They have requested a financial contribution towards capacity improvements in primary care provision in the town.

**Highway Contribution** – In the event that the County Council serve notice on the developer, in lieu of the highways works at the Springwood Drive/Rayne Road application, a £565,000 index-linked contribution towards improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout can be taken instead. If taken, the contribution shall be retained for a maximum of 3 years from the date of receipt after which any unspent monies plus interest shall be returned to the applicant.

### **Highway Works**

Prior to first occupation of the development:

- Installation of a right-hand turn lane in Panfield Lane to serve the link road.

Prior to first occupation of the 51<sup>st</sup> dwelling:

- Completion of a link road between Panfield Lane and Springwood Drive
- Improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout as shown in principle on the planning application drawings.

Prior to first occupation of the 66<sup>th</sup> dwelling:

- Installation of a zebra crossing on Panfield Lane;
- Upgrading of the footpath between Panfield Lane (located between number 240 and 242) and Bailey Bridge Road to a footpath/cycleway.

Prior to first occupation of Parcel H7 or H8:

- Construction of a roundabout at the Panfield Lane/Churchill Road junction prior to occupation of parcel H7 and/or H8.

### **Housing Phasing & Open Space Strategy**

Prior to submission of first Reserved Matters application the Council requires details of market and affordable housing provision and a phasing plan. The

strategy will allow the Council to control the sequence of phasing that the development will be built out in and to plan so that Affordable Housing and other elements such as Open Space are provided in a proportionate manner and not all left until the end of the development.

**Towerlands Link Safeguarding** – Since the Council originally took the decision to allocate the site for development the owners of the adjoining site (Towerlands), to the north, have put forward their plans for redevelopment of that site as well. The owners of Towerlands have submitted representations about the importance of being able to connect their development site to this site to allow vehicular access; allow bus services to run through and encourage pedestrians and cyclists.

The Section 106 Agreement shall contain an obligation to safeguard a route so as to enable the Towerlands developer to connect to the estate roads on the application site.

### Viability

As set out above, the development will be required to provide a significant number of planning obligations. These obligations are necessary to mitigate the impact of the development and make sure that the development is acceptable in planning terms.

During the course of the application the applicant submitted a Viability Assessment which substantiated that the development was unviable and could not deliver the full range of Section 106 obligations identified by Officers and statutory/non-statutory consultees. As such, the applicant sought a reduction in the scope and scale of the planning obligations which would be secured through a Section 106 Agreement.

In this regard, it is important to note that viability is an important material planning consideration. The NPPF states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case (Paragraph 57).

In response to the applicant's viability assessment, the Council engaged specialist consultants to review the viability assessment and advise the Council on its adequacy. Following the consultants review, extensive discussions and negotiations between Officers and the applicant, and the revisions to the range and mix of uses proposed within the application submission, the applicant agreed the full range of Heads of Terms identified within this report.

Whilst Officers concluded that the development is viable as a whole, it was accepted that there were particular pressures during the construction of Phase 1 because of the significant up-front cost of providing a number of key planning obligations, including most notably the link road. As a consequence



of this, Officers recommend that 20% Affordable Housing is delivered within Phase 1 of the development. This is a lower level of Affordable Housing than would usually be expected (30%). This leaves a deficit in provision of Affordable Housing in Phase 1 of 18 Affordable Dwellings, however the applicant has agreed that this deficit should be made up no later than the phase of the Development that contains the 600th dwelling. This will ensure a policy compliant level of affordable housing across the whole of the development site (30% Affordable Housing provision) and will ensure delivery of key infrastructure, most notably the link road, is constructed and available for use within Phase 1 of the development.

### 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.

In addition to forming access in to the site from the northern end of Springwood Drive and from two points on Panfield Lane, the application would assist in delivering improvements to the Springwood Drive/Rayne Road roundabout and would provide a Link Road through the site as part of the first phase of development, to connect Panfield Lane and Springwood Drive, as required by the Core Strategy. Both Highways England and Essex County Council have determined that the development would not give rise to an unacceptable increase in vehicle movements on the road network, such that there would be capacity issues that would warrant refusal, 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 scheme proposes land and a financial contribution towards the provision of a new primary school and early year's facility which would contribute towards education provision in the town and would provide 30% affordable housing on site which accords with the adopted Core Strategy policy. In addition significant financial contributions will be provided to enhance public transport infrastructure and health care facilities in the town and providing the Council with funds that can be used to deliver new and improved employment opportunities that can help provide jobs for the towns growing population. The development will provide a range of Public Open Spaces, including equipped play areas. 2.88ha of serviced land will also be transferred to the District Council so that a new Community Sports Facility can be developed, along with an allotment site. All these planning obligations will help mitigate the impact of the development as well as providing a wider public benefit. Officers support the increase in the number of dwellings that the site proposes to deliver and the proposals are considered to represent an efficient use of land

that will deliver housing in a sustainable location on the edge of the District's main town and close to a range of facilities that residents will require for day to day living and recommend a resolution to grant planning permission is approved, subject to the completion of the Section 106 Agreement.

## RECOMMENDATION

It is therefore RECOMMENDED that subject to:

1) The Habitat Regulations Appropriate Assessment report being agreed with Natural England; and

2) The applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing** – 30% of units on-site to be provided as Affordable Housing, with 70% Affordable Rent and 30% Other Tenures Routes;  
In respect of Phase 1, 20% of the units to be provided as Affordable Housing on a 70/30 split.
- **Allotments** – 0.45ha land to be cultivated, fenced with water supply and communal storage building. When set out the site to be offered to the District Council to manage the site. In the event that the District Council do not accept a transfer of the land then an Allotment Management Company to be established for the purpose;
- **Community Sports Facility Land** – transfer to the District Council, prior to occupation of the 100<sup>th</sup> dwelling, 2.88ha of land, shown on the Land Use Parameter Plan, for use as a community sports facility;
- **Education Contribution** – Financial contribution towards the development of the additional Primary School and Early Years & Childcare places.
- **Education Land** – Provision of a 2ha of serviced land for use by the Education Authority to provide Educational Facilities, such as a Primary School and Early Years & Childcare);
- **Employment Initiatives Contribution** – financial contribution of £2,925,000 index linked paid to the District Council to be spent on measures and initiatives to provide/promote employment opportunities within 5km of the Edith Borthwick school;
- **Habitat Regulations** – A financial contribution of £122.30 per dwelling, Or in the event that the RAMS Strategy is adopted by the Council at date of commencement then the payment will be whatever figure per dwelling is included in the adopted RAMS Strategy. The contribution will be payable for each phase prior to commencement of development of that phase. The contribution to be used to fund additional wardens and/or resources for wardens at Natura 2000 sites, to manage the impact of additional visitors. The Section 106 Agreement will also require on site mitigation such as 2.7km circular walk and dog bins and notice boards. (The mitigation is subject to approval by Natural England as part of the Appropriate Assessment process).

- **Healthcare Contribution** – A financial contribution of £312,271 towards capacity improvements in primary health care in Braintree;
- **Highway Contribution** – County Council can serve notice on developer requiring payment of £565,000 index linked towards improvements to the Springwood Drive / Rayne Road roundabout if they want to take the contribution instead of the developer undertaking the agreed works at the junction.
- **Highway Works:**
  - Installation of a right-hand turn lane in Panfield Lane to serve the link road prior to occupation;
  - Prior to first occupation of the 51<sup>st</sup> dwelling –
    - Completion of a link road between Panfield Lane and Springwood Drive;
    - Improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout as shown in principle on the planning application drawings.
  - Prior to first occupation of the 66<sup>th</sup> dwelling:
    - Installation of a zebra crossing on Panfield Lane;
    - Upgrading of the footpath between Panfield Lane (located between no's 240 and 242) and Bailey Bridge Road to a footpath/cycleway;
  - Prior to first occupation of Parcel H7 or H8:
    - Construction of a roundabout at the Panfield Lane/Churchill Road junction prior to occupation of parcel H7 and/or H8.
- **Housing Phasing & Open Space Strategy** - to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan.
- **Neighbourhood Centre** – preparation and implementation of an agreed Marketing Strategy to secure businesses to operate at the Neighbourhood Centre, prior to occupation of the 180<sup>th</sup> dwelling, and the provision of services to the 2.36ha Neighbourhood Centre site, as shown on the Land Use Parameter Plan, prior to occupation of the 250<sup>th</sup> dwelling;
- **Public Open Space** – a minimum of 1.56 hectares of land for use as natural or semi-natural green space providing opportunities for informal recreation, which may include areas for sustainable drainage plus not less than 0.39 hectares of play space land.  
An Open Spaces specification and management plan to be required for each phase of the development to establish how it would be set out and how the Open Space and Amenity Areas will be managed by a resident funded Management Company;
- **Public Transport Contribution** – Financial contribution of £150,000 for ECC to use for the improvement of public transport facilities within Braintree;
- **Towerlands Link Safeguarding** – obligation to incorporate a specified Estate Road design into the Reserved Matters application for the parcel of land adjoining the Towerlands site and an obligation to safeguard a

route so as to enable the Towerlands developer to connect to the estate roads on the application site.

The Planning 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 Planning Development Manager may use his delegated authority to refuse the application.

### Conditions

#### **A. Time Limits, Approved Plans / Documents and Content of Development**

##### **A1. Reserved Matters submission**

Details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as the Reserved Matters) shall be submitted to the Local Planning Authority. No development (other than the construction of the highway works and the residential properties specified on the approved plans listed at Condition A3 below) within any part of the application site shall commence until details of the Reserved Matters for that phase of the development have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 8 years from the date of this permission.

Each phase of the development shall be commenced not later than 2 years from the date of approval of the last reserved matters approval for that phase.

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.

##### **A2. Additional Reports to Accompany Reserved Matters submission**

Each Reserved Matters submission shall be accompanied by the following additional information:

- Any Reserved Matters application relating to layout and access shall be accompanied by an arboricultural impact assessment in accordance with BS5837:2012 Trees in relation to design, demolition and construction.

- Any Reserved Matters application relating to layout, access and landscaping shall be accompanied by further supplementary ecological surveys. The supplementary surveys shall be of an appropriate type for the habitats and/or species and survey methods shall follow national good practice guidance.
- Any Reserved Matters application relating to scale or layout for residential development shall be accompanied by a Noise Report demonstrating that the indoor ambient noise levels for the proposed dwellings will comply with the requirements of Table 4 of BS 8233 Guidance on Sound Insulation and Noise Reduction for Buildings (2014) and that the upper guideline noise level of 55Db(a) will be achieved for outside amenity space such as gardens and patios.

Reason: To ensure that adequate consideration is given to protected species and the need for ecological mitigation, existing trees and hedgerows and other landscape features, and noise to safeguard residential amenity for future occupiers of the development.

A3. Approved Plans / Time Limit (Phase 1)

The development within Phase 1 of the development shall be undertaken in accordance with the following approved plans:

Location Plan	4957-L-12 Rev I
Parameters Plans:	
- Access & Movement Plan	4957-L-16 Rev T
- Height & Levels Parameter Plan	4957-L-17 Rev U
- Land Use Parameter Plan	4957-L-25 Rev T
- Residential Density Parameter Plan	4957-L-27 Rev H
Highway Plans:	
- Highways General Arrangement	200 Rev V
- Panfield Lane T Junction	300 Rev M
- Panfield Lane R/Bt	301 Rev D
- Springwood Drive extension	302 Rev B
- Link Road	303 Rev G
- Panfield Lane Crossing	304 Rev E
Phase 1 Residential Plans:	
- Site layout plan (colour)	613 PH1. L. 001(J)
Presentation	
- Site layout plan	613 PH1. L. 001(J)
- Materials Layout	613 PH1. L. 004(A)
- House Type EL	613-PS. HR. L .011(A)
- House Type GL	613-PS. HR. L .013(A)
- House Type GL	613-PS. HR. L .014(A)
- House type K	613-PS. HR. L .017(A)
- House type K	613-PS. HR. L .018(A)
- House type K 1	613-PS. HR. L .019(A)

- House type K 1	613-PS. HR. L .020(A)
- Apartments	613-PS. HR. L .021[A]
- Apartments	613-PS. HR. L .022[A]
- Apartments	613-PS. HR. L .023[A]
- Outbuildings	613-PS. HR. L .038(A)
- Garages	613-PS. HR. L .039(A)
- Garages	613-PS. HR. L .040(A)
- Undercover vehicle store	613-PS. HR. L .041(A)
- House Type PH4	613-PS. MH. L .003[A]
- House Type PH4	613-PS. MH. L .004[A]
- House Type PH6	613-PS. MH. L .009[A]
- House Type PH6	613-PS. MH. L .010[A]
- House Type PH12	613-PS. MH. L .011[A]
- House Type PH12	613-PS. MH. L .012[A]
- House Type D	613-PS. MH. L .013(A)
- House Type D	613-PS. MH. L .014(A)
- House Type D	613-PS. MH. L .015(A)
- House Type D	613-PS. MH. L .016(A)
- House Type G	613-PS. MH. L .025(A)
- House Type G	613-PS. MH. L .026(A)
- House Type A1BF	613-PS. MH. L .027[A]
- House Type A1BF	613-PS. MH. L .028[A]
- House Type A2BF2	613-PS. MH. L .029[A]
- House Type A2BF2	613-PS. MH. L .030[A]
- House Type A2BF3	613-PS. MH. L .031[A]
- House Type A2BF3	613-PS. MH. L .033[A]
- Outbuildings	613-PS. MH. L .040(A)
- Garages	613-PS. MH. L .041(A)
- House Type PH4	613-PS. MH. L .043
- House Type PH4	613-PS. MH. L .044

The development hereby permitted within Phase 1 shall begin not later than three years from the date of this decision.

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended) and for the avoidance of doubt and in the interests of proper planning.

A4. Plot 30 & 31 (Phase 1)

Notwithstanding the approval of the plans listed in Condition A3 above, no development shall occur on the site of Mersea Homes Plots 30 and 31 as shown on plan 613.PH1.L.001(J) until revised details for the siting, layout and/or design of those plots have been submitted to the Council for written approval, pursuant to this condition. The construction of Mersea Homes Plots 30 and 31 shall only be undertaken in accordance with the approved details.

Reason: In the interest of neighbouring residential amenity.

## **B. Pre-Commencement Conditions**

### **B1. Archaeology**

No development or preliminary groundworks can commence within any phase of the development unless and until a programme of archaeological investigation for the relevant phase of the development has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable full investigation and recording of this site of archaeological importance.

### **B2. Arboricultural Method Statement**

Development shall not be commenced on any phase of the development unless and until an Arboricultural Method Statement (AMS) relating to that phase of the development has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

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

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority for the relevant phase of the development.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on that phase of the development to which the AMS relates, and shall remain in place until after the completion of the phase of development.

Reason: To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development and to safeguard the character of the area.

**B3. Construction Method Statement**

No development shall take place on any phase of the development, including any site investigation, ground works or site clearance, until a Construction Method Statement relating to that phase of development has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Safe access to/from the site including the routing of construction traffic, details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel and underbody washing facilities and their use;
- Measures to control the emission of dust and dirt during construction;
- Measures to manage surface water run-off during the construction period;
- A scheme to control noise and vibration during the construction phase;



- Provision of a dedicated telephone number(s) for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours;
- Details of how the approved Plan will be implemented and adhered to.

The approved Construction Method Statement shall be adhered to throughout the construction period for the respective phase of the development.

Reason: In the interests of residential amenity and to minimise and mitigate the impact of the development on the locality.

**B4. Ecological Management Plan**

Prior to the commencement of development on any phase of the development, an Ecological Management Plan shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats within that phase of the development. The Ecological Management Plan shall include:

- a) An appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Capturing and translocation of common lizards and slow-worms away from these areas will be implemented to mitigate injury or destruction. The plan will identify the receptor site. The capture and translocation of animals will be undertaken following best practice guidelines;
- d) Details of how development work will be planned to mitigate potential impacts on protected species, as informed by the project ecologist;
- e) A person responsible for:
  - (i) Compliance with legal consents relating to nature conservation;
  - (ii) Compliance with planning conditions relating to nature conservation;
  - (iii) Installation of physical protection measures during construction;
  - (iv) Implementation of sensitive working practices during construction;
  - (v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
  - (vi) Provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved Ecological Management Plan.

Reason: To safeguard any protect protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken into account and mitigated. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

**C. Conditions requiring the submission of further information**

**C1. Surface Water Drainage (excluding Phase 1 and detailed highway works)**

No development shall take place on any phase of the development, other than in respect of the highway works and Phase 1 residential properties specified on the approved plans listed in Condition A3, unless and until a detailed surface water drainage scheme for that phase of the development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development for the site, or that specific phase of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to an including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation of any development on the relevant phase of the development.

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

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

- C2. Noise – Properties with bedroom windows facing Panfield Lane  
Prior to construction above ground level of any dwelling that is adjacent to Panfield Lane and which has bedroom windows facing Panfield Lane, details of the means by which internal noise levels within those bedrooms achieve the requirements set out in the submitted Acoustic Report (Sharps Redmore, dated 6th October 2015) at paragraphs 5.15 and 5.16 shall be submitted for the approval of the Local Planning Authority. All works which form part of the approved scheme shall be completed and a verification report submitted in writing to the Local Planning Authority before such properties are occupied. The installed measures shall be permanently retained as such.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

- C3. Noise – Community Sports Land & Employment and Local Centre  
Prior to first use of the community sports land, employment land, or local centre, a supplemental noise assessment shall be undertaken and submitted to the Local Planning Authority for approval, which assesses the proposed usage of the site and identifies any necessary mitigation measures (including potentially hours of usage) necessary to ensure that the amenities of occupiers of the proposed residential properties on the Site and neighbouring residential properties are protected. The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

- C4. Landscaping  
Prior to the occupation of any building within any phase of the development (including within Phase 1 as defined by the Section 106 Phasing Plan), a scheme of landscaping shall be submitted to and approved in writing by the local planning authority relating to that phase of the development. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate and details of street furniture, walls and railings. The scheme of landscaping shall include details for the implementation of the landscaping scheme.

The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the

development, whichever is the sooner within that particular phase; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

All hard surface areas agreed as part of the scheme shall be carried out following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase.

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.

Reason: To ensure a satisfactory landscaped setting for the development, the retention of existing important landscape features and to enhance the appearance of the development and in the interests of amenity and privacy.

C5. Materials

Construction of any buildings above ground level shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that an appropriate palette of materials is used which will help produce a high-quality development, consistent with the Council's Planning policies.

C6. Finished Floor Levels

No building hereby permitted shall be commenced until details showing the proposed ground floor slab level of that building have been submitted to and approved in writing by the local planning authority. The details shall be provided in the form of site plans showing sections across the relevant part of the site with the finished floor levels of all relevant proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. This information is required at each stage of the development prior to the commencement of properties within that stage of the development as this needs to be agreed prior to levels potentially being altered within the application site.

C7. Gates, Fences and Walls

Prior to first occupation within Phase 1 of the development or first occupation within any phase of the development which is the subject of

future Reserved Matters approval, details of all gates / fences / walls or other means of enclosure within the relevant phase shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the relevant plot.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity.

C8. Refuse and Recycling

No building shall be constructed above ground level on any phase of the development (excluding Phase 1 as defined by the Section 106 Phasing Plan) until details of the location of refuse bins and recycling storage areas and the collection and setting out of refuse collection points for that phase of the development have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details with the bin stores, recycling materials areas, refuse collection points, as applicable, being provided prior to the occupation of each dwelling that it serves and thereafter so retained.

Reason: To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

C9. Cycle Parking

Prior to occupation of any building on any phase of the development, the details of the number, location and design of covered parking facilities for bicycles for that phase of the development shall be submitted to and approved in writing by the local planning authority. The relevant approved facility shall be provided prior to the occupation of each dwelling and retained at all times.

Reason: To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

C10. Lighting

Details of any proposed external lighting to the site (other than street lighting proposed to be adopted by the Highway Authority or incidental lighting to properties) shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. The details 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. There shall be no other sources of external illumination.

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

C11. Meter Cupboards

Prior to installation of any external meter cupboards on a principal elevation of any dwelling details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: In the interests of visual amenity.

C12. Aerials and Dishes

All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason: In the interests of visual amenity.

C13. Design Guide and Public Art

Prior to the submission of the first Reserved Matters application, a site-wide design guide for all areas of public realm, street hierarchy 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.

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

**D. Compliance Conditions**

D1. Construction – Vehicle Movements

There shall be no vehicular movements to, from or within the site relating to the construction of the development 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: To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

D2. Construction – Construction Hours

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

D3. No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

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

D4. Services – Intakes to dwellings

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

Reason: In the interests of visual amenity.

D5. Services – Soil and Waste Plumbing

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

Reason: In the interests of visual amenity.

D6. Car Parking – Provision

No dwelling shall be occupied until the car parking space(s) that are to be provided to serve it have been hard surfaced, sealed and marked out in parking bays (as applicable).

Reason: To ensure adequate parking is provided within the site in accordance with the standards adopted by the local planning authority.

D7. Car Parking – Retention

The approved car parking spaces shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the dwelling that they serve, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason: To ensure adequate parking is provided within the site in accordance with the standards adopted by the local planning authority.

D8. Permitted Development Rights – Car Parking

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no alteration or enclosure of covered parking areas or conversion of any garages to habitable accommodation as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason: To ensure that any covered parking areas remain available for use for the parking of cars and to ensure that the level of car parking available to future residents will comply with the Council's current car parking standards.

D9. Permitted Development Rights – Extensions / Alterations

Notwithstanding the provisions of Class A, B, and C of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement or alteration of the dwellinghouses hereby approved hereby approved shall be carried out without first obtaining planning permission from the local planning authority.

Reason: In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

D10. Surface Water Drainage – Maintenance Logs

The applicant must maintain yearly Maintenance Logs for maintenance of the approved surface water drainage scheme for each phase of the development which should be carried out in accordance with any approved Surface Water Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

D11. Foul Drainage Connection

No building shall be occupied until provision has been made for the connection of that building to the foul drainage network in accordance with the submitted foul water drainage strategy contained in Section 7 of the August 2015 Flood Risk Assessment.

Reason: To prevent environmental and amenity problems arising from flooding.



## 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 £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 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 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer

wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. In respect of these matters the applicant is advised to contact the Anglian Water Development Services Team on 0345 606 6087.

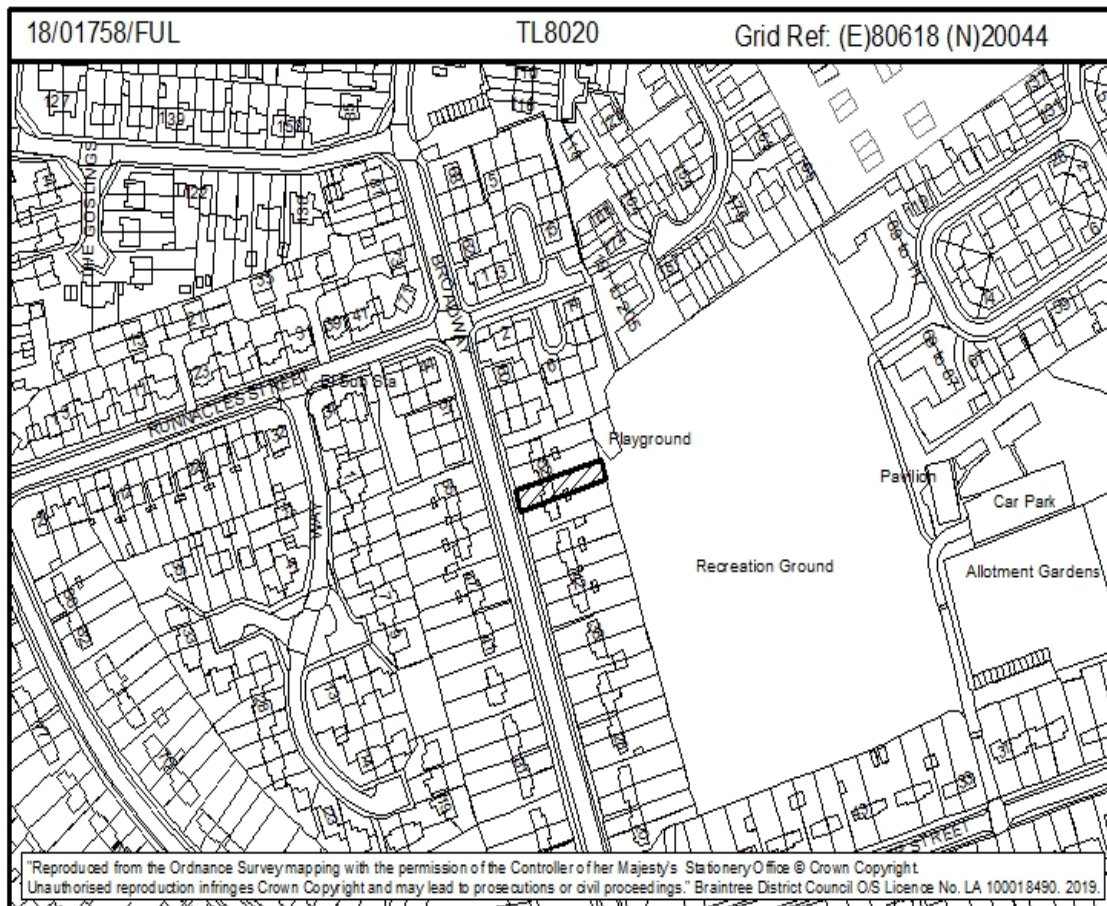
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART B

APPLICATION NO: 18/01758/FUL      DATE: 10.10.18  
VALID:  
APPLICANT: Miss Trott  
50 Broadway, Silver End, Witham, Essex, CM8 3RA  
AGENT: Miss Ruby Zammit  
Bluemanor Windows Ltd., 4 Chilford Court, Rayne Road,  
Braintree, CM7 2QS  
DESCRIPTION: Replacement of crittall windows with aluminium windows to  
front elevation only.  
LOCATION: 50 Broadway, Silver End, Essex, CM8 3RA

For more information about this Application please contact:  
Ellie Scott on:- 01376 551414 Ext.  
or by e-mail to: [ellie.scott@braintree.gov.uk](mailto:ellie.scott@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFNUXGBF01000>

## SITE HISTORY

19/00052/REF 92/00839/BDC	Proposed rear extension Construction of vehicular accesses and hardstandings	Deemed Permitted	25.08.92
18/01583/FUL 18/01717/FUL	Proposed rear extension Replacement of Crittall windows to aluminium windows to front only.	Refused	29.03.19

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP17 Extensions and Alterations to Dwellings in Towns and Villages  
RLP90 Layout and Design of Development  
RLP95 Preservation and Enhancement of Conservation Areas

## Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development  
SP6 Place Shaping Principles  
LPP1 Development Boundaries  
LPP38 Residential Alterations, Extensions and Outbuildings  
LPP50 Built and Historic Environment  
LPP55 Layout and Design of Development  
LPP56 Conservation Areas

## Other Material Considerations

Silver End Conservation Area Guide 1999

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Silver End Parish Council has objected to the proposal contrary to Officer recommendation.

## SITE DESCRIPTION

50 Broadway is a terraced property located in the village boundary of Silver End. The property sits within the Silver End Conservation Area and lies within the area which is subject to an Article 4 Direction. Amongst other things, the Article 4 Direction requires that planning permission is required for the replacement of windows.

## PROPOSAL

The application seeks planning permission for the replacement of four windows on the front elevation of the property.

## CONSULTATIONS

Historic Building Consultant: There have been several meetings with the Historic Building Consultant, applicant and agent since the first response received on the 2<sup>nd</sup> November which objected to the application. Reasons for the objection included that the proposed new windows were incorrectly detailed and no information was provided to support the conclusion that the windows were beyond reasonable repair. Following a series of discussions the latest response from the Historic Building Consultant is summarised below:

*The original Silver End Garden Village, which comprises the Conservation Area, was developed between 1926 and 1932 by Francis Henry Crittall to provide a new factory and housing for his workers. It was planned using some of the principles established by the Garden City Movement and the "Modern Movement" in architecture. It is unique in that it contains a complete estate of Modern Movement Houses as well as the more traditional designs associated with the period. It was a brave and bold experiment with the incoming community being directly involved in its construction. The Conservation Area is included within Historic England's Heritage at Risk Register, being identified as being in poor condition and highly vulnerable with no significant improvement.*

*48-54 (evens) Broadway is an example of a 'Modernist' terrace of four properties designed by J Miller. These are of a stark design of brick construction with a rendered finish and flat roof with simple detailing. These properties retain their original timber front doors though the original Georgian pattern windows were replaced in the 1950s. As the windows to the terrace were replaced in one phase, the building as a whole retains a strong sense of uniformity. This terrace matches three other blocks on Broadway (49-55 (odds) opposite and 20-26 (evens) and 21-27 (odds)) which act as 'bookends' to the street.*

*Given the massing and elevational treatment of terraced properties such as 48-54 (evens) Broadway were composed as whole entities, it is important to consider alterations holistically upon the whole block as a single entity.*

*It is accepted that there is growing pressure within Silver End to replace existing Crittall windows with double glazed alternatives. It is also acknowledged that there are numerous examples within the conservation area of inappropriate replacement windows which have had a detrimental impact upon the character and appearance of the conservation area as well as its significance as the home of Crittall windows.*

*Whilst the present windows are later 1950s replacements, the windows to the terrace were replaced in a single phase and as such the building as a whole retains a strong sense of uniformity. No.50 Broadway is a mid-terrace property and the replacement of windows has the potential to undermine the uniformity of the terrace to the detriment of local character and appearance.*

*Installing aluminium double glazed (28mm) windows will undoubtedly cause harm to the character and appearance of the conservation area by disrupting the uniformity of the terrace. This would be evident in the different proportions of these windows as a result of the larger double glazed unit, in the reflective qualities of the glazing as well as by the use of surface mounted 'flat' glazing bars.*

*Although an optimum solution has been identified for replacing the windows with steel Crittall style windows with slim-profile double glazed units it is understood that the local planning authority is unable at this moment in time able to pursue this option due to the absence of an up-to-date Design Guide as a robust evidence base. As such, it is acknowledged the present scheme, as amended, has reduced the level of harm caused as best possible at this moment in time though there will remain a level of harm within the realm of 'less than substantial'.*

#### PARISH / TOWN COUNCIL

Silver End Parish Council have stated that they object to the application as the proposals are in contravention of current Conservation Guidelines, as published.

#### REPRESENTATIONS

A site notice was displayed opposite 50 Broadway for a period of 21 days. No neighbour representations have been received.

#### REPORT

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan reiterate this, allowing for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of



architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP50 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The property falls within the Conservation Area of Silver End and where an Article 4 Direction is in place which requires planning permission for the replacement of all windows. Silver End was an intimately designed “garden village” with different sections designed by different architects, all of whom, went into meticulous detail when designing the houses, right down to the individual design of doors and windows.

48-54 (evens) Broadway is an example of a ‘Modernist’ terrace of four properties designed by J Miller. These are of a stark design of brick construction with a rendered finish and flat roof with simple detailing. These properties retain their original timber front doors, however the original Georgian pattern windows were replaced in the 1950s. As the windows to the terrace were replaced in one phase, the building as a whole retains a strong sense of uniformity. This terrace matches three other blocks on Broadway (49-55 (odds) opposite and 20-26 (evens) and 21-27 (odds)) which act as ‘bookends’ to the street.

This proposal looks to replace four 1950s windows currently at the front of the property with aluminium double glazed (28mm) windows which would mimic as closely as possible, the original Georgian pattern which would have been found on the original windows at the property.

The installation of aluminium double glazed windows with surface mounted ‘flat’ glazing bars would lead to larger units than existing and would disrupt the uniformity of the terrace. The optimum solution is considered to be Steel Crittall style windows with slim-profile double glazed units. It has therefore been concluded by the Historic Building Consultant that the proposals would cause ‘less than substantial harm’ as defined in Paragraph 196 of the NPPF.

In purely applying Paragraph 196 of the NPPF, harm to the significance of the heritage asset (Silver End Conservation Area) should be weighed against public benefits. It is considered that the proposal would have little public benefit. The proposal would generate jobs at the installation stage although this is considered to have significantly limited benefit due to the small scale nature of the work involvement. As such is it considered that the proposal would be contrary to Paragraph 196 of the NPPF and weighs against the proposal in the overall planning balance.

The use of double-glazed aluminium framed windows in Silver End however, has been established with many previous approvals within the Conservation Area in recent years. It has also been acknowledged by the Historic Building Consultant that there is growing pressure within Silver End to replace existing Crittall windows with double glazed alternatives due to their age, condition and current performance. The fact that this proposal looks to try and replicate

the Georgian style windows that were originally at the property is considered to be in keeping with the host dwelling and is positive. Whilst the Georgian style windows would disrupt the current uniformity across this terrace, it is considered that as future properties on this terrace and in the wider Conservation Area look to replace their windows, this style would be most appropriate. This would bring back uniformity and would ensure that the terrace and wider Conservation Area would be of an appearance that is more in keeping with how Silver End originally looked and was designed. The Historic Building Consultant also concludes as part of their response, that the current proposal has "*reduced the level of harm caused as best as possible at this moment in time*". It is therefore acknowledged by the Historic Building Consultant that what is being proposed, is the most appropriate solution in current circumstances. The most recent Silver End Conservation Guide published in 1999. In this context therefore every application should be considered on a case by case basis.

Therefore on balance, whilst it is acknowledged that there may be 'less than substantial harm' to the Silver End Conservation Area, it is considered that harm has been minimised as much as possible at this current time. The Georgian style windows are of a style that mimic as closely as possible the windows that were originally on this terrace of houses and therefore would be in keeping with original designs for this terrace. As such the proposal is considered acceptable in this instance.

### Conclusion

It is concluded that the proposals on balance are acceptable from a design, appearance and heritage perspective. It is considered that the proposals have minimised harm to the Silver End Conservation Area as much as possible at this current time and the Georgian style windows would be more in keeping with windows which were originally found at properties in this terrace.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan  
Window details  
Window details

Plan Ref: Location Plan

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

### Reason

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

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

Reason

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

- 3 Prior to the commencement of development, detailed drawings of all windows to be replaced shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

In order to ensure appropriate detailing in light of the sites position within the surrounding Conservation Area.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART B

For more information about this Application please contact:  
Mrs F Fisher on:- 01376 551414 Ext. 2503  
or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POM43DBFFNA00>

## SITE HISTORY

01/00476/LBC	Display of one internally illuminated menu case and 5 non-illuminated amenity boards	Granted	14.05.01
01/00477/ADV	Display of one internally illuminated menu case and 5 non-illuminated amenity boards	Granted	14.05.01
01/00845/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Remove 1 laurel and 1 elder	Granted	11.06.01
74/00769/	Extension to grill kitchen and building new boiler room	Granted	19.11.74
82/00021/A	Display of advertisements, including amenity boards, hanging sign, wall signs and fascia board	Granted	21.12.82
82/00453/	Alterations to elevations, including replacement of door by window, and lanterns, spot lights, blinds, amenity boards, hanging sign, wall signs and fascia board	Granted	21.12.82
85/00193/	To form new pedestrian link to courtyard at rear from the proposed pedestrian mall, link to be covered by small canopy, with timber structure and keymer clay roof tiles. Wrought iron security gates	Granted	04.06.85
86/00017/	Display of advertisement signs	Appeal In Progress	25.04.86
87/02125/	Proposed extension	Granted	23.02.88
87/02126/	Proposed extension	Granted	23.02.88
89/00542/	Display of external advertisements	Granted	26.06.89
89/00542/P	Display Of External Advertisements	Granted	26.06.89
89/00565/	Display of external	Granted	26.06.89

89/00565/P	advertisements Display Of External Advertisements	Granted	26.06.89
90/01415/	Display of illuminated signs to replace existing	Granted	11.12.90
90/01415/PFWS	Display Of Illuminated Signs To Replace Existing	Granted	11.12.90
90/01416/LB	Display of illuminated signs to replace existing.	Granted	11.12.90
90/01416/PFWS	Display Of Illuminated Signs To Replace Existing	Granted	11.12.90
93/01486/FUL	Proposed internal alterations and construction of a new entrance	Granted	28.01.94
93/01487/LBC	Internal alterations and demolitions including the provision of a new entrance and screen to the front corner.	Granted	28.01.94
94/01262/ADV	External signage	Granted	14.12.94
94/01263/LBC	External signage	Granted	14.12.94
95/01336/ADV	Proposed non-illuminated advertisements	Granted	01.02.96
95/01337/LBC	Proposed non-illuminated advertisements	Granted	01.02.96
97/00627/LBC	Re-building of existing wall	Granted	11.06.97
97/00838/FUL	Proposed re-building of wall using existing bricks	Granted	25.07.97
07/00629/FUL	Erection of permanent canopy on existing outside eating and drinking area	Withdrawn	24.04.07
07/00630/LBC	Erection of permanent canopy on existing outside eating and drinking area	Withdrawn	24.04.07
07/01499/FUL	Erection of free standing shelter	Granted	28.08.07
08/01903/ADV	Display of two advertisement banners - APPLICATION NOT PROCEEDED WITH	Application Returned	
08/02303/ADV	Retrospective consent for the display of 1 temporary vinyl advertisement banner	Refused	03.02.09
08/02304/LBC	Retrospective consent for the display of 1 temporary vinyl advertisement banner	Refused	03.02.09
19/00521/LBC	Removal of existing timber smoking shelter and replace with new metal framed smoking shelter with	Pending Decision	

	retractable awning. Insertion of bi-folding windows to rear elevation and replacement of damaged timber flooring in bar area.	
19/00748/ADV	Installation of replacement illuminated and non illuminated signs to the exterior of the building.	Pending Considerati on
19/00751/LBC	Installation of replacement illuminated and non illuminated signs to the exterior of the building.	Pending Considerati on

### POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

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The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

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- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

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The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.



## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP90      Layout and Design of Development  
RLP95      Preservation and Enhancement of Conservation Areas  
RLP100     Alterations and Extensions and Changes of Use to Listed  
              Buildings and their settings

## Braintree District Local Development Framework Core Strategy 2011

CS9          Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

LPP1        Development Boundaries  
LPP50       Built and Historic Environment  
LPP55       Layout and Design of Development  
LPP60       Heritage Assets and their Settings

## Other Material Considerations

Site Allocations and Development Management Plan  
Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Witham Town Council has objected to the proposal contrary to Officer recommendation.

## SITE DESCRIPTION

The White Hart Public House is a Grade II Listed Building, within the town centre of Witham and within the Witham Conservation Area. Located on the corner of Newland Street and Maldon Road the building is set over two storeys and includes a basement, ground floor trade areas, hotel bedrooms and managers accommodation to the first floor. There is an external seating area to the rear of the premises with parking accessible off Maldon Road.

## PROPOSAL

The proposal comprises 3 aspects. The first is the removal of a timber framed smoking shelter located at the rear of the building to make way for a powder coated metal framed smoking shelter with a retractable awning which will be used to cover the outside bar when in use. The new structure will incorporate new wall mounted heaters. This element of the proposal requires planning permission and listed building consent.

The second element of the proposal is the removal of 4no. fixed windows located in the ground floor rear elevation and their replacement with inward opening bi folding timber framed windows. This element of the proposal requires planning permission and listed building consent.

Lastly, it is proposed to replace areas of damaged floor boards in the main trade area at the front of the bar with like for like timber. This element of the proposal requires listed building consent.

A related application for listed building consent has been submitted under application reference 19/00521/LBC.

## CONSULTATIONS

Historic Buildings Consultant – There are no objections to the proposed replacement doors and awning which will not affect any historic fabric on the property; both the fixed windows and smoking shelter are later additions with little historic significance and their removal will not cause harm to the listed building. However, a complete replacement of the flooring at the front of the building has the potential to cause harm to the significance of the listed building and would not be supported. A patch repair of the affected area on a like-for-like basis is recommended, provided that as much of the existing flooring is retained as possible, with repair prioritised over replacement.

## PARISH / TOWN COUNCIL

Witham Parish Council object to the proposal on the grounds that the proposed design and materials would be inappropriate for the Conservation Area. Replacement materials should be on a like-for-like basis.

## REPRESENTATIONS

A site notice was displayed adjacent to the application site for a period of 21 days. No representations have been received.

## REPORT

### Principle of Development

Policy CS9 of the Adopted 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 in order to respect and respond to the local context, where development affects the setting of historic or important buildings, Conservation Areas and areas of highest archaeological and landscape sensitivity.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design in all new development. Similarly, Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

In addition to these policies, the proposal will also be considered in line with the relevant heritage policies, namely Policy RLP100 of the Adopted Local Plan and Policy LLP60 of the Draft Local Plan. These policies state that any development involving internal or external alterations to listed buildings will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building and do not result in the loss of or significant damage to the building or structure's historic and architectural elements of special importance.

In this case it is considered that the proposal is acceptable in principle subject to compliance with the abovementioned policies.

### Design, Appearance and Impact on Heritage Asset

In terms of impact on the heritage asset, Paragraph 184 of The National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 195 of the NPPF further states that where proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

In this case, there are no objections to the proposed replacement doors and awning as they will not affect any historic fabric on the building. The fixed windows and smoking shelter are later additions with little historic significance and as such their removal is not considered to cause any harm to the listed building. There are however, concerns raised by the Historic Buildings Consultant that the complete replacement of the flooring at the front of the building does have the potential to cause harm to the significance of the listed

building and as such could not be supported. It was recommended that a patch repair of the affected area on a like-for-like basis is preferable to ensure that as much of the existing flooring is retained. As a result of this concern, additional information has been submitted to address the concerns raised in relation to the flooring, and agrees to a like for like approach.

The proposal is therefore considered compliant with the abovementioned policies and guidance contained within the NPPF.

#### Impact on Neighbour Amenity

The above policies state that new development should not have any unacceptable or undue impact on neighbouring residential amenities by way of loss of privacy, overshadowing, loss of light or overbearing impact.

It is not considered that the proposal would impact on the residential amenity of the individual properties given the distance away from neighbouring properties and as such is compliant with the abovementioned policies in terms of impact on neighbouring residential amenity.

#### Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. In this case the off street parking provision is not considered to be affected by the proposal and as such would be compliant with the Councils adopted parking standards.

#### CONCLUSION

The alterations proposed and internal works to the building are not considered to be harmful to the designated Heritage Assets, namely the Grade II Listed Building and Witham Conservation Area. As a result the development would be compliant with the requirements of the NPPF and the abovementioned policies.

#### RECOMMENDATION

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

#### APPROVED PLANS

Location Plan	Plan Ref: 2280-008
Proposed Block Plan	Plan Ref: 2280-007
Proposed Elevations and Floor Plans	Plan Ref: 2280-004
Joinery Details	Plan Ref: 2280-005

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

Reason

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

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

Reason

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

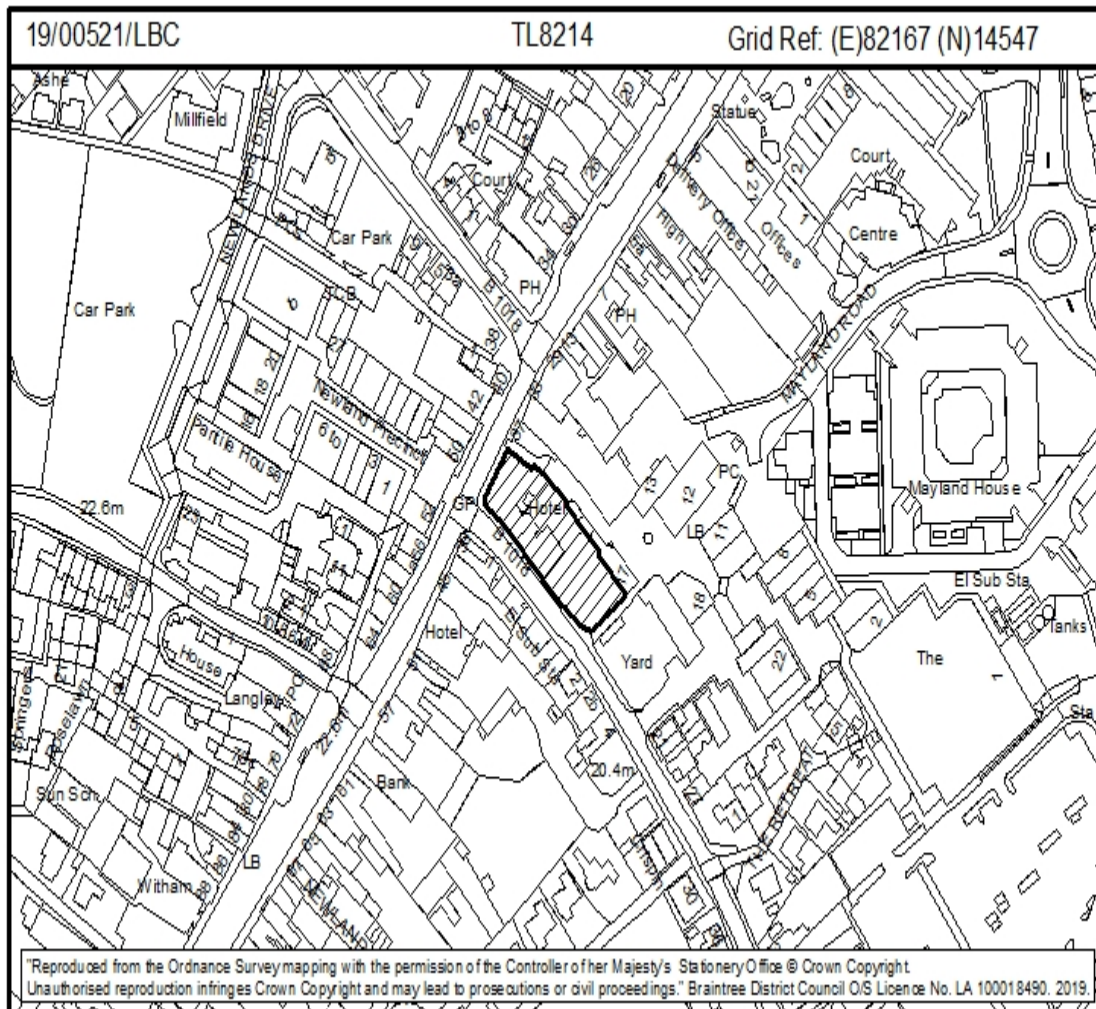
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 5d

## PART B

APPLICATION NO: 19/00521/LBC DATE: 19.03.19  
 VALID:  
 APPLICANT: Mr & Mrs Arnott  
 White Hart, Newland Street, Witham, Essex, CM8 2AF  
 AGENT: Gba Designs Ltd  
 Ms Z Horton, 70 Churchill Sq, Kings Hill, ME19 4YU, United Kingdom  
 DESCRIPTION: Removal of existing timber smoking shelter and replace with new metal framed smoking shelter with retractable awning. Insertion of bi-folding windows to rear elevation and replacement of damaged timber flooring in bar area.  
 LOCATION: White Hart, Newland Street, Witham, Essex, CM8 2AF

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: fayfi@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POM43SBFFNB00>

## SITE HISTORY

01/00476/LBC	Display of one internally illuminated menu case and 5 non-illuminated amenity boards	Granted	14.05.01
01/00477/ADV	Display of one internally illuminated menu case and 5 non-illuminated amenity boards	Granted	14.05.01
01/00845/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Remove 1 laurel and 1 elder	Granted	11.06.01
74/00769/	Extension to grill kitchen and building new boiler room	Granted	19.11.74
82/00021/A	Display of advertisements, including amenity boards, hanging sign, wall signs and fascia board	Granted	21.12.82
82/00453/	Alterations to elevations, including replacement of door by window, and lanterns, spot lights, blinds, amenity boards, hanging sign, wall signs and fascia board	Granted	21.12.82
85/00193/	To form new pedestrian link to courtyard at rear from the proposed pedestrian mall, link to be covered by small canopy, with timber structure and keymer clay roof tiles. Wrought iron security gates	Granted	04.06.85
86/00017/	Display of advertisement signs	Appeal In Progress	25.04.86
87/02125/	Proposed extension	Granted	23.02.88
87/02126/	Proposed extension	Granted	23.02.88
89/00542/	Display of external advertisements	Granted	26.06.89
89/00542/P	Display Of External Advertisements	Granted	26.06.89
89/00565/	Display of external	Granted	26.06.89

89/00565/P	advertisements Display Of External Advertisements	Granted	26.06.89
90/01415/	Display of illuminated signs to replace existing	Granted	11.12.90
90/01415/PFWS	Display Of Illuminated Signs To Replace Existing	Granted	11.12.90
90/01416/LB	Display of illuminated signs to replace existing.	Granted	11.12.90
90/01416/PFWS	Display Of Illuminated Signs To Replace Existing	Granted	11.12.90
93/01486/FUL	Proposed internal alterations and construction of a new entrance	Granted	28.01.94
93/01487/LBC	Internal alterations and demolitions including the provision of a new entrance and screen to the front corner.	Granted	28.01.94
94/01262/ADV	External signage	Granted	14.12.94
94/01263/LBC	External signage	Granted	14.12.94
95/01336/ADV	Proposed non-illuminated advertisements	Granted	01.02.96
95/01337/LBC	Proposed non-illuminated advertisements	Granted	01.02.96
97/00627/LBC	Re-building of existing wall	Granted	11.06.97
97/00838/FUL	Proposed re-building of wall using existing bricks	Granted	25.07.97
07/00629/FUL	Erection of permanent canopy on existing outside eating and drinking area	Withdrawn	24.04.07
07/00630/LBC	Erection of permanent canopy on existing outside eating and drinking area	Withdrawn	24.04.07
07/01499/FUL	Erection of free standing shelter	Granted	28.08.07
08/01903/ADV	Display of two advertisement banners - APPLICATION NOT PROCEEDED WITH	Application Returned	
08/02303/ADV	Retrospective consent for the display of 1 temporary vinyl advertisement banner	Refused	03.02.09
08/02304/LBC	Retrospective consent for the display of 1 temporary vinyl advertisement banner	Refused	03.02.09
19/00520/FUL	Removal of existing timber smoking shelter and replace with new metal framed smoking shelter with	Pending Decision	



	retractable awning. Insertion of bi-folding windows to rear elevation and replacement of damaged timber flooring in bar area.	
19/00748/ADV	Installation of replacement illuminated and non illuminated signs to the exterior of the building.	Pending Considerati on
19/00751/LBC	Installation of replacement illuminated and non illuminated signs to the exterior of the building.	Pending Considerati on

### POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8<sup>th</sup> June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

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Buildings and their settings

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CS9            Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

LPP60        Heritage Assets and their Settings

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## PROPOSAL

The proposal comprises 3 aspects. The first is the removal of a timber framed smoking shelter located at the rear of the building to make way for a powder coated metal framed smoking shelter with a retractable awning which will be used to cover the outside bar when in use. The new structure will incorporate

new wall mounted heaters. This element of the proposal requires planning permission and listed building consent.

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Witham Parish Council object to the proposal on the grounds that the proposed design and materials would be inappropriate for the Conservation Area. Replacement materials should be on a like-for-like basis.

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### REPORT

#### Principle of Development

Policy CS9 of the Adopted 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 in order to respect and respond to the local context, where development affects the setting of historic or important buildings, Conservation Areas and areas of highest archaeological and landscape sensitivity.

The proposal will be considered in line with the relevant heritage policies, namely Policy RLP100 of the Adopted Local Plan and Policy LLP60 of the Draft Local Plan. These policies state that any works involving internal or external alterations to listed buildings will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building and do not result in the loss of or significant damage to the building or structure's historic and architectural elements of special importance.

In this case it is considered that the proposed works are considered acceptable in principle subject to compliance with the abovementioned policies.

#### Design, Appearance and Impact on Heritage Asset

In terms of impact on the heritage asset, Paragraph 184 of The National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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As a result of this concern, additional information has been submitted to address the concerns raised in relation to the flooring, and agrees to a like for like approach.

The proposal is therefore considered compliant with the abovementioned policies and guidance contained within the NPPF.

#### CONCLUSION

The alterations proposed and internal works to the building are not considered to be harmful to the designated Heritage Assets, namely the Grade II Listed Building and Witham Conservation Area. As a result the development would

be compliant with the requirements of the NPPF and the abovementioned policies.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: 2280-008
Proposed Block Plan	Plan Ref: 2280-007
Proposed Elevations	Plan Ref: 2280-004
Joinery Details	Plan Ref: 2280-005

- 1 The works hereby permitted shall begin not later than three years from the date of this decision.

#### Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

#### Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER