

PART A

APPLICATION NO : 06/01143/OUT **DATE VALID :** 01.06.06

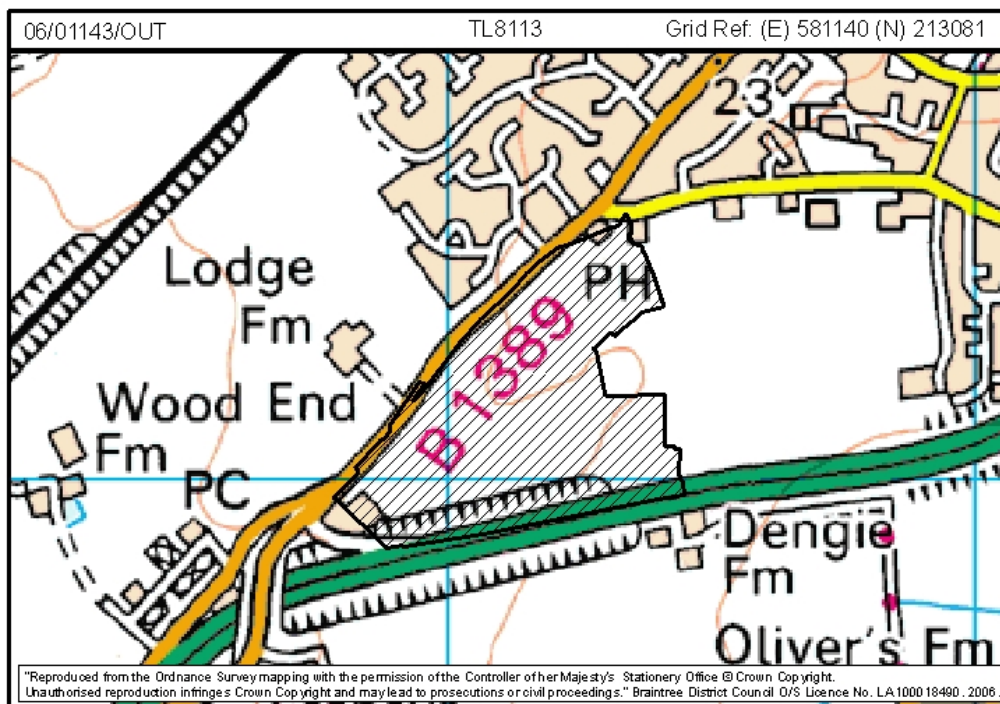
APPLICANT : The Landowners
C/o Agents

AGENT : Andrew Martin Associates
Croxton's Mill Little Waltham Chelmsford Essex CM3 3PJ

DESCRIPTION : Erection of approx. 268 Dwellings, B1 business park, primary school, neighbourhood centre, community facilities, open space, landscaping and ancillary infrastructure

LOCATION : Land South Of Maltings Lane Witham Essex CM8 3HU

For more information about this Application please contact: Mr C Paggi on:-
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SITE HISTORY

91/01563/OUT	Erection Of Approx. 800 Dwellings, Business Park, Primary School, Neighbourhood Centre, Community Facilities	PER106	08.08.2000
05/00597/FUL	Variation of condition 20 of outline planning permission (91/01563/POWS) to increase the	PCO	

number of units on the site

POLICY CONSIDERATIONS

Essex and Southend-on-Sea Replacement Structure Plan

CS1	Achieving Sustainable Urban Regeneration
CS2	Protecting the Natural and Built Environment
CS3	Encouraging Economic Success
CS4	Sustainable New Development
CS5	Sustainable Transport
NR6	Nature Conservation Sites
NR7	Promoting Biodiversity
BE1	Urban Intensification
BE2	Mixed Use Development
BE4	Sports Grounds and Playing Fields
BE5	Planning Obligations
BE6	Polluting, Hazardous or Noisy Development
H2	Housing Development – The Sequential Approach
H3	Location of Residential Development
H4	Development Form of New Residential Developments
H5	Affordable Housing
BIW1	Employment Land Provision
BIW3	Business Development – The Sequential Approach
BIW5	Business Location
TCR4	Retail Development
LRT3	Formal Countryside Recreation Facilities
EG2	Renewable Energy Schemes
EG3	Energy Efficient Power Schemes
EG4	Energy Conservation
T3	Promoting Accessibility
T6	Walking and Cycling
T8	Improvements to the Primary Route Network
T9	Roads in Urban Areas
T11	Traffic Management
T12	Vehicle Parking

Braintree District Local Plan Review

RLP1	Housing Provision
RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP5	Affordable Housing in New Developments
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP11	Changes of Use Affecting Residential Areas
RLP22	Accessible Housing and Lifetime Housing
RLP27	Location of Employment Land

RLP28	Employment Land Location
RLP29	Business Parks
RLP30	Diversity of Industrial and Commercial Premises
RLP31	Design and Layout of Business Parks
RLP32	Workplace Nurseries
RLP36	Industrial and Environmental Standards
RLP37	New Commercial and Industrial Activities within existing Residential Areas
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage and Land Drainage
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodlands, Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP111	Retail Development
RLP115	Accessibility
RLP116	Upper Floors in Shopping Areas
RLP126	Local Shopping Facilities
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance
RLP135	Floodlighting of Sports Facilities
RLP136	Formal Recreation Policy
RLP137	Open Space Standards
RLP138	Provision of Open Space in New Developments
RLP142	Country Parks
RLP149	Primary School Site, Witham
RLP153	Community and Village Halls
RLP158	Community Uses Site, Off Maltings Lane, Witham
RLP163	Infrastructure and Community Facilities

Government Guidance

PPS1	Planning Policy Statement 1 - Delivering Sustainable Development
PPS3	Planning Policy Statement 3 - Housing
PPG13	Planning Policy Guidance Note - Transport
PPG17	Planning Policy Guidance Note - Sport and Recreation
PPG25	Planning Policy Guidance Note - Flooding

Supplementary Planning Guidance

Essex Design Guide for Residential and Mixed Use Areas

Braintree District Council's Supplementary Planning Guidance on Affordable Housing

INTRODUCTION

The application seeks planning permission for a mixed use residential development comprising approximately 268 dwellings, B1 business park, primary school, neighbourhood centre and community facilities (including A1 and/or A2 retail, B1 office, community centre, children's day nursery, church, health centre and sports facilities), open space, landscaping and ancillary facilities.

The original Outline planning permission for the Maltings Lane development, which was granted on 8th August 2000 (91/01563/POWS refers) for the erection of approximately 850 dwellings, Business Park, Primary School, Neighbourhood Centre and Community Facilities. To date most of the eastern sector of Maltings Lane has been completed. The spine road, with the exception of the northern loop, has been constructed as part of the highway. This revised applications seeks planning permission to increase the number of residential units on the western side of the application site by 213 over the maximum number of dwellings allowed for under condition 20 on the original outline permission. Taking into account the completions and residential commitments on the site with reserved matters approval, the existing development comprises a total of 795 dwellings. Therefore, under the terms of the existing consent there are only 55 dwellings remaining to be built on approximately 5.96 ha of land identified for residential development, which would equate to a density of approximately 9 dwellings per hectare. As such, this application would increase the overall total number of dwellings on the Maltings Lane development to 1063.

A Master Layout Plan, Supporting Planning Statement, Landscape Strategy Plan, Urban Design Code, Transport Assessment, Flood Risk Assessment and Drainage Strategy and an Ecological Survey accompanied the submission of this application.

SUMMARY OF PROPOSALS

Although the application seeks planning permission to increase the number of residential units on the application site, the broad distribution of land uses remains largely the same when compared to the original outline approval. The

residential land parcels would still be located on the north and north east part of the application site. The Neighbourhood centre, including the Primary School site and Formal Sports Pitches would be located within the centre of the application site, north of the loop road, and the business park would still be located on the south and south west part of the application site.

The broad provision of land uses on the application site would also remain largely unchanged and would include the following: -

- The mixed use area within the neighbourhood centre would comprise, not less than inter alia: 0.5 ha for Class B1 Business Use; 0.5 ha site for residential development; 0.2 ha site for community centre; 0.2 ha site for church and not less than 0.4 ha site for a health centre;
- 9.2 ha of Business Park;
- Not more than 1,115m² of retail sales area (A1/A2) whether provided within one or more retail units;
- 1.7 ha primary school site; and
- 5% incidental amenity space to be incorporated within each housing phase

Under the terms of the extant planning permission there is a required for the developer to offer and if required, to provide a range of community facilities, including a site for a primary school, health centre, church and community centre, formal sports pitches, public open space and structural landscaping. The local planning authority has sought a number of other enhancements over and above the original outline planning permission, which include for example an enhanced requirement for affordable housing provision. These are described in more detail in the following sections of the report and within the Summary of the S106 Heads of Terms at the end of the report.

PUBLIC CONSULTATION

The original revised proposals for this western part of the Maltings Lane Development were first presented to the Maltings Lane Forum on the 16th December 2004 and then re-represented on 22nd February 2005. Subsequently, a formal application was submitted to the local planning authority for consideration (05/00597/FUL refers). However, following discussions with the local planning authority the application has been formally withdrawn by the developers.

This new application represents the outcomes of further discussions with the local planning authority and the Maltings Lane Forum to overcome the concerns raised. The detailed proposals were again presented to the Maltings Lane Forum on 20th January 2006. Following these consultations the proposals were again amended and formally submitted to the Council for consideration. The principle changes to the current submitted application are summarised as follows: -

Land Use

- A dispute over what constituted 9.2 ha of Business Park has resulted in replacing some residential areas with Business Park and therefore reducing residential numbers;
- Provision was made for an extra 0.5 ha of Business Park within the mixed-use area;
- Concerns over a lack of leisure facilities (especially for youths) have resulted in the provision of a tennis/basketball court. A separate changing facility could be provided if there are problems accommodating this within the proposed community centre.

Hatfield Road

- Concerns over development 'backing' onto Hatfield Road have resulted in re-designing the layout so that it now faces the road;
- Concerns that development does not enhance Hatfield Road as a 'green corridor' has resulted in re-designing the layout so that it is set back and 'mirrors' the setting of Witham Lodge;
- Business units fronting Hatfield Road have been set back and planting has been increased.

Design Issues

- Concerns that the business units did not sufficiently address the road frontage have resulted in redesigning the units lining the Spine Road so that they address the road;
- The relationship between certain buildings and spaces within the Neighbourhood Centre, have been enhanced e.g. a block has been added to plug the gap next to the Food Store and the Food Store and the block of flats next to it have also been redesigned to enhance the setting of the pedestrian street.

Landscaping

It was felt that the design would benefit from a separate landscape scheme. A landscape strategy plan now forms part of the application, indicating: -

- The retention of existing trees and hedgerows and how they have been incorporated into the scheme;
- Treatment of boundaries including the A12 and the enhancement of Hatfield Road;
- Treatment and character of the Spine Road;
- Treatment and character of the Public Square;
- The network of green routes, that links them all together.

Open Space

- Appropriate provision of open space has been re-calculated due to the uplift in housing numbers and in line with adopted standards;
- Children's play spaces have also been incorporated in line with adopted standards.

Parking and Drop-off

It was felt that there was further clarification needed with regard to sufficient parking for the facilities within the Neighbourhood Centre. All parking numbers meet the requirements set out in the Essex Planning Officers Association Vehicle Parking Standards and are allocated over 5 areas: -

- Parking provision for the food store is adjacent to the food store (56 spaces);
- Parking for the mixed-use block and all of its users/residents is provided internally (56 spaces);
- Parking for the Community Centre/Place of Worship, sports facilities and other nearby uses is provided next to the sports pitches (62 spaces);
- Lay-by parking has been provided for users of the small retail units (approximately 6 spaces);
- Concerns over the lack of drop-off areas outside of the school has resulted in the provision of restricted spaces which can also be used for other nearby uses (approximately 20 spaces).

The revised proposals were well received by members of the Forum, subject to a few further amendments. Changes to the final Master Plan following the Forum meeting include: -

- The strengthening of the landscape boundary strip along Hatfield Road;
- The reorientation of the proposed open space and balancing pond within the vicinity of the Maltings Lane, Hatfield Road junction eastwards to assist in the 'mirroring' of the open space at Witham Lodge;
- The reconfiguration of the proposed Place of Worship and Children's Day Nursery to separate out the Place of Worship from the Community Centre and proposed sports facilities; and
- The provision of a separate changing facility if such a facility cannot be satisfactorily incorporated into the proposed Community Centre. The applicants have also agreed to consider the provision of a youth shelter within the main sports facilities for protection at time of inclement weather.

A further meeting of the Maltings Lane Forum was recently held on 13th December 2006 to discuss the proposed Heads of Terms of the Section 106 Agreement.

CONSULTATIONS

Witham Town Council have objected to the proposed development on the grounds that the proposals would constitute gross over-development of the site and that the scheme would result in the area being out of balance with the rest of the development.

The Highways Agency has raised no objections to the proposed development, and considers that the application will not have an adverse affect upon the A12 Trunk road at this location.

Essex County Council Highways have raised no objections to the proposed development, subject to suitable conditions and a legal agreement to cover a plethora of highway related measures and improvements.

English Nature (now Natural England) and the Environment Agency have objected to the proposed development and have recommended that the application be refused on the grounds that the inadequate survey information has been provided to demonstrate whether or not the development would have an adverse impact upon protected species on the application site.

Environmental Services have raised no objections to the proposed development. Concerns have been raised in respect of the proximity of the Business Park to the A12, where exposure to traffic noise and air pollutants to those persons occupying commercial premises will be high.

The Environment Agency have objected to the proposed development on the same grounds as English Nature (now Natural England) with regard to Ecology. No objections have been raised in respect of the Flood Risk Assessment that was submitted with the application, subject to suitable conditions.

Anglian Water have stated that they are unable to comment upon the infrastructure availability for this increase in development as the main infrastructure sewers are not included in an adoption agreement with Anglian Water. They have commented that as the initial design strategy for the development, which has presumably been installed, would have been designed for the 850 dwellings proposed and therefore the proposed increase could have a significant impact upon the private drainage installed.

Sport England have objected to the current application in its current form until a number of issues are either considered or addressed.

Essex County Councils Schools Service has raised no objections to the proposed development, subject to a financial contribution towards additional secondary school places that would be required as a result of the proposed development.

Planning Policy raised no objections to the proposed development, subject to certain issues being covered either by way of suitable planning conditions or within the Section 106 Agreement.

Housing Services raised no objections to the proposed development.

REPRESENTATIONS

A total 23 letters of representation have been received in connection with the proposed development. The letters of representation raise a plethora of issues, which are summarised below: -

The Witham and Countryside Society have stated that they generally support the layout and provision of community facilities at the Maltings Lane development, but note that there appears to be proposals for a more intensive

development in density terms. As such, they have urged that the local planning authority seek further Section 106 provision for the funding of public transport facilities for the whole development area and ensure that community facilities on the development are provided at an early stage of the development.

The area designated for the community facilities is insufficient. Maltings Lane needs a full size hall complex of a decent, well-furnished standard.

Encouraged to see that the open space mirroring that of Witham Lodge has been incorporated in the plan. The Development Brief of 1996 made clear the importance of retaining the character of Hatfield Road as a 'green avenue' into Witham.

The provision and quality of public open space within the development needs to be given priority.

The cramming-in of as many houses as possible has always been a major concern for us and many other Witham residents.

The relocation of elements of the business park to the other side of the road and even down as far as being adjacent to the school is not welcomed by local residents and would give rise to possible disruption from the noise and the issue of fumes next to the play ground.

There appears to be no provision for Secondary Education.

The Braintree and Witham Raul Users Association have recommended that the developers fund a bus service to meet the needs of the existing and future residents of the Maltings Lane development for a minimum of 5 years.

The proposed application is over development, which will have a major impact on the area and the town and should be rejected.

The proposal would have further detrimental impact upon the A12, where the slip roads are already inadequate and extremely hazardous for road users.

The business park will increase the numbers of large heavy transport vehicles leaving and entering at the (south) Witham junctions (J23).

The business park will also increase the volume of traffic through the town centre.

The proposal would continue to have a detrimental impact upon the existing sewage system within the local area.

It is disappointing that there are currently no community facilities or employment opportunities on the site at present. These need to be provided on the site for the benefit of existing residents – Community facilities before more housing.

The proposed development will only lead to increased congestion within Witham.

Churches Together have considered the revised proposals for the provision of the Place of Worship within the Neighbourhood Centre, and thank the planners for amending the layout plan to separate out the Place of Worship from the Community Centre, they now consider that it may be beneficial to stay with a combined building incorporating a Place of Worship and a Community Centre. This was followed up by a subsequent letter, which advises the local planning authority that at a meeting held on 19th July, the following resolution was made and accepted unanimously: “If Braintree District Council decides to have a church separated from the community centre, Churches Together in Witham will support the Baptist Church. If the Council decides upon a joint church and community centre, Churches Together in Witham will support Bethel’s project”.

The proposed development and the increased levels of traffic that would result, would have a detrimental impact Maltings Lane and Howbridge Road, to the detriment of highway safety.

There are currently inadequate facilities proposed within the development and within the vicinity of the application site. These proposals would further exacerbate the existing problems on the application site.

There is a lack of renewable energy proposals within this application and should be addressed.

Improved and additional facilities for cycle parking should be provided within the development.

The density of the proposed development is too high and will place considerably more pressure upon existing facilities within the area.

The granting of planning permission will set a precedent for urban infill in other areas, which separate Witham from adjoining villages.

REPORT

1. PRINCIPLE OF DEVELOPMENT

Members should note that although planning permission was granted in August 2000 for the Maltings Lane Development (91/01563/POWS refers), the resolution to grant was much earlier. As such, the proposals were considered at a time that predates much of the current national and strategic guidance on the need to maximise housing densities, including the Essex and Southend on Sea Replacement Structure Plan (2001), The Braintree District Local Plan Review (2005), PPS1 (2005), PPG3 (2000) which has recently been superseded by PPS3 (2006) and PPG13 (2001).

These revised proposals therefore need to be considered against the current policy background and the need to maximise and make the most efficient use of land within existing urban areas and on allocated sites, in order to provide

sufficient housing land within the District to meet the Structure Plan provision. Specifically PPS1 outlines the overarching planning policies on the delivery of sustainable development through the planning system, which should aim for social progress which recognises the needs of everyone; the effective protection of the environment; the prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment.

PPG3 underlines the Government's commitment to maximising new housing opportunities on previously developed sites within town centres to compliment employment generating uses such as shopping, offices and leisure. PPG3 also states that local planning authorities should avoid developments, which make inefficient use of land (those less than 30 dwellings per hectare), and should encourage developments within the range of 30-50 dwellings per hectare.

With regard to Local Plan Policy, the site is an allocated site, within the Town Development Boundary for Witham wherein the principle of residential development is accepted subject to compliance with other development plan policies. Specifically, Policy RLP3, RLP9 and RLP90 of the Local Plan Review states inter alia that planning permission will only be granted for new development where it satisfies amenity, design, environmental and highway criteria and where the layout, height, siting, bulk form and design of any new building would be in harmony with existing surrounding development, be of a high standard, reflect local distinctiveness, and could take place without detriment to the existing character of the settlement. In addition, proposals for new development must also be sensitive to the need to conserve local features of architectural, historic or landscape importance and respect neighbouring amenities.

In addition to the abovementioned policy criteria, the design and layout of new development will be expected to be in accordance with the Essex Design Guide for Residential Areas to create a visually satisfactory environment, compatible with the character and appearance of the site, its surroundings and the locality. The importance of good design is also outlined within government guidance, and specifically in PPS1 (Delivering Sustainable Development) and PPG3 (Housing) along with the policies contained with the Essex and Southend on Sea Replacement Structure Plan and the Adopted Braintree District Local Plan Review.

Accordingly, it is considered that the proposals are satisfactory in principle providing that the development also satisfies the abovementioned criteria and other policies of the Development Plan.

2. DENSITY

In addition to the above, as regards to density, the original extant planning permission was considered at a time that predates much of the current national policy guidance and current development plan policy on making the most efficient use of existing sites.

The earlier phases of the Maltings Lane development, as you would expect, are significantly lower in terms of density, than the more recent Reserved Matters

approvals. The principle of increasing the housing numbers for the application site is considered to be acceptable and would comply with government guidance and local development plan policy. The detailed reserved matters applications would need to demonstrate that the proposals comply with all relevant development plan policy criteria, including ensuring that adequate amenity space and car parking is provided in accordance with the standards of the local planning authority. With the completed residential land parcels, committed land with Reserved Matters approval and the proposals within this application, the density across the Maltings Lane development would rise to approximately 40 dwellings per hectare which would accord with government guidance in the form of PPG3, which advocates densities of between 30-50 dwellings per hectare.

3. PHASING OF RESIDENTIAL DEVELOPMENT

At the request of the District Council the developer has agreed towards a phased approach towards the construction of the additional residential development on the application site, which would ensure that not more than 107 dwellings are occupied prior to 30th September 2010. This would enable approximately half of the uplift in residential numbers to count towards the next Local Plan period, post 2011.

4. AFFORDABLE HOUSING

At an early stage during preliminary discussions with the developer, officers accepted that any new requirement for affordable housing provision on the application site would only apply to the uplift in the housing numbers. In accordance with RLP5 there would be a net provision for 30% of the uplift of the residential development to be affordable housing, which would equate to 64 units.

5. MASTER PLAN LAYOUT

An Urban Design Code statement has been submitted with the application to support the revised proposals for the Maltings Lane Development. The Urban Design Code sets out quality parameters for the proposed Maltings Lane (West) development and has been submitted in conjunction with the revised Master Plan for the application site (89.161/56F refers).

A) Design Principles

The key principles behind the formulation of the Master Plan have been to: -

Incorporate a business park, residential development and a neighbourhood centre;

Provide a neighbourhood centre that is safe, accessible and diverse;

Create a public square and pedestrian street;

Incorporate a traffic-calmed link road that creates a pedestrian/cyclist friendly route through the neighbourhood centre;

Provide well-served and easily accessed sports facilities that are centrally located close to other amenities and residential areas;

Retain natural features such as hedgerows and trees and whilst complementing with new tree/hedgerow planting;

Create a development that is orientated towards pedestrians, cyclists and public transport users;

Provide links that follow desire lines and create permeability through the site;

Create a safe environment for people to live in and travel through; and

Ensure that buildings in prominent positions are of a high quality design and act as landmark and gateway features.

B) Circulation

From the outset the developers have tried to design the master plan with the needs of the pedestrian and cyclist in mind. A strategic circulation plan has been submitted with the urban design code, illustrating the design hierarchy for the development. The Urban Design Code emphasises the need to achieve a high level of permeability throughout the development, for pedestrians, cyclists and vehicular movement modes, to link the public open space and amenity areas with the residential and employment zones.

A comprehensive pedestrian and cyclist network is indicated within the proposals including dedicated surfaces and shared surfaces within the development for pedestrians and cyclists, the pedestrianised neighbourhood centre and important routes and green links through the development. Proposals for safe routes to the school and initiatives such as the walking bus also form part of the overarching concept for the strategic circulation of the development.

C) Places for People

The overall disposition of uses throughout the development have largely remained similar to the extant planning permission. The layout and design of the development has been devised in a way to enhance the public realm. Landmark Gateway buildings are indicated on the Master Plan, as terminating features at the end of key vistas. The Urban Design Code stresses the importance of design quality, variety and breadth of design styles, creating a strong local image and identity, and secured by design principles. The importance of utilising high quality materials throughout the development is also recognised, both within the built form and within the hard and soft landscaping and paving as well as street trees and planting, street furniture, signage and public art, to enrich the public realm, providing interest, variation and distinctiveness. Within the Urban Design Code, three main character areas have also been identified within the proposed development. These include the neighbourhood centre, the residential areas and the business park

and are discussed in more detail within the following three sections of the report.

D) Neighbourhood Centre

The Neighbourhood Centre would comprise a Community Centre, Day Nursery, Place of Worship, Health Centre, Shops, Local Food Store, a Local Equipped Area of Play (LEAP) Formal Sports Pitches, Tennis/Basketball Courts, and a large public square. The Neighbourhood Centre would be the focal point within the Maltings Lane Development for informal gathering, shopping, leisure, health and other community needs and would serve the entire Maltings Lane Development, including the Business Park.

The Master Layout Plan reinforces the importance and permeability of this area. The area has also been designed as a mixed-use area to ensure the area is used and remains vibrant during the day, evening and at the weekends. In order to achieve this, elements of residential apartments have been introduced above the ground floor commercial units and within a separate block in its own right adjacent the food store.

A quality, contemporary approach towards the detailed design of key buildings within this area is suggested within the Urban Design Code. The neighbourhood centre would be completely pedestrianised, allowing the free movement of pedestrians through this part of the development. The importance of high quality soft and hard landscaping is again stressed within the urban design code, which would again enhance the appearance of the public realm.

E) Residential Areas

The majority of the residential development within the scope of this application would be located within the north-eastern part of the site, but is also located within the mixed-use element of the development. The master plan has taken into account the existing features to the east, including the trees, hedgerows and newly built housing and infrastructure and has also been designed with connectivity and permeability along with height and density in mind.

As well as open space to the west, the northern frontage of this area will be set in front of a strip of open space. This buffer will set the development back from Hatfield Road and mirror the open space in front of the Witham Lodge residential area. This will reinforce the character of Hatfield Road and ensure that this approach into Witham remains unchanged. It is envisaged that in order to reduce the impact, low density housing will be placed to the north with flats built further south.

The densest zones would be situated to the south of the development along the spine road and running through the middle of the main residential area. In all cases the higher density areas would be situated around the main transport links and in the case of the main residential area, consideration has been given to the more sensitive northern boundary.

The general principles of the Essex Design Guide are evident within the disposition and layout of development in the Master Plan. Continuous street frontages close to or abutting pavements would still be promoted to mirror the existing pattern and character of the earlier phases of the Maltings Lane development. However, the Urban Design Code again suggests a more contemporary treatment to this western area although considers a 'transitional zone' between the existing and committed residential areas and the western area of the Maltings Lane development would be appropriate.

The developers have also recognised the importance of sustainability in terms of building technology and state that the building and performance of energy efficient housing will be promoted with opportunities for on site renewable energy generation, grey water recycling, ground source heat pumps and passive solar heating.

The urban design code suggests that the area of land to the north of the neighbourhood centre between the formal sports pitches and the existing hedgerows would be the location of a totally contemporary area of design within the scheme.

F) Business Park

A B1 Business Park would be accommodated on approximately 9.2 ha of land reserved for business uses in the southern half of the Maltings Lane development. A further 0.5 ha would be allocated for B1 use within the Neighbourhood Centre. The area of land (9.7 ha) indicated for employment uses would remain unchanged and the location of the Business Park on the Master Plan has only been slightly amended when compared to the extant planning permission for the site.

The design and layout concept for this area is a contemporary business park within a landscaped setting. As with the rest of the site, the urban design code emphasises that the same quality of the public realm and urban design principles would also apply to the Business Park. The disposition and spatial arrangement of the individual units on the Master Plan indicate that they would provide a positive street frontage. The end use of the buildings would allow for double-fronted buildings allowing them to address both the primary street frontage and also rear courts. The future detailed design and external appearance of the units are considered to be fundamental to the future success of the site. The Urban Design Codes envisages that the double-fronted buildings within the proposed business park would be able to present attractive facades to all sides and therefore can be architecturally prominent in style with key (landmark) buildings on important nodes and at terminal views, and gateway buildings located close to the entrance to the business park. In addition, the importance of the future landscape strategy and detailed design will be crucial to the success of the Business Park.

The importance of sustainability is also recognised within Urban Design Code, both in terms of sustainable design and construction, but also in terms of on-site renewable energy generation.

G) Summary

Overall it is considered that there are a number of significant enhancements to the Master Plan within this revised application, compared to the extant planning permission for the Maltings Lane development.

It is considered that the neighbourhood centre in particular, would be significantly enhanced within the revised layout. The introduction of the retail and residential elements along with the other community related uses proposed together with the revised design and layout of this area, should ensure that the area remains vibrant and is a central focal point for the community. Offices of the local planning authority share the overarching design philosophy and urban design principles contained within the urban design code, aimed at achieving a quality public realm. When considering future reserved matters applications for the site, it will be critical to ensure that the detailed proposals reflect the principles and design approach advocated within the urban design code.

6. HIGHWAY CONSIDERATIONS

The application is supported by a detailed transport assessment, which considers the transport implications of this current proposal to increase the number of permitted residential units on the Maltings Lane development by 213 dwellings, which would increase the overall number to 1063 in total. The transport assessment also takes into account the commercial development proposed, which would remain unchanged from the existing outline planning permission and includes the provision of a foodstore of 1,435m², a range of A1, A2 and A3 retail uses, a community centre, health centre, and a place of worship, alongside the primary school site dedicated in the existing consent, and formal sport pitch provision. The proposed B1 Business Park would occupy the same land area as previously approved within the existing outline planning permission. Overall the commercial uses proposed would not be of a greater floor area than the original outline consent.

Detailed discussions were undertaken by the developer with both Essex County Council Highways and the Highways Agency at an early stage in respect of both the current application and the previously withdrawn application which proposed to increase the quantum of development by 375 units on the application as opposed to the 213 currently proposed. During these discussions the vehicle trip rates for the different land uses, the distribution of trips from the different land uses and the traffic changes within Witham as a result of the existing approval, have been agreed with the County Council and consequently the transport assessment has been prepared in accordance with the agreed parameters.

The application has also been supported by a range of proposals to be implemented by the developer under a Section 106 Agreement. All of the proposed are summarised at the end of this report, however, in this regard the key proposals submitted by the developer can be summarised as follows: -

Provision of two additional bus routes to serve the development

It is proposed to provide two bus routes to serve the site providing 4 buses an hour direct to the town centre and 3 to Witham railway station. In this regard, the existing No. 72 bus service would be diverted into the site and in addition, a new service would be provided from the site to the town centre and railways station and off peak to Morrison's. Services shall be co-ordinated in order to provide even frequency to and from the site. A commuted sum towards the funding of these two services for a period of 3 and 5 years respectively has also been offered by the developer. This issue is covered in full within the proposed Heads of Terms of the S106 Agreement.

Walk and Cycle Facilities

The developer has indicated that a financial contribution shall be made towards the provision of improved cycle connections between the site and the centre of Witham. This issue is covered in full with the proposed Heads of Terms of the S106 Agreement.

Information Packs for Residents

The developer is proposing that all residents living within the development would be provide with initial free travel on the bus services, together with information packs updated every 6 months showing the times of their rail and bus services. The packs shall also include the availability of local amenities, how to book a car share, information in respect of works to services to allow people to pre plan their journeys, and walk and cycle maps.

Community Website

In addition to the above, a website would also be set up to provide information promoted within the Information Packs in more detail and would include interactive maps of the local facilities, links to real time train information, and transport information for the wider area.

A contribution towards an improvement to the Bridge Street/Howbridge Road/Spinks Lane/Hatfield Road Junction

Following discussions between the developer and Officers at the County Council, a capacity constraint has been identified at the above junction. The developers have undertaken a detailed analysis of this junction, which indicates that the junction would be at overcapacity without the development proposal and as a result of the non-car package proposed there would be a reduction in traffic. However the County Council has identified an improvement to this junction, which would be feasible to implement. As such the developer has suggested a financial contribution be given to the County Council towards the proposed improvements to this junction, to ensure that the junction would not operate any worse than its current operation.

The Transport Assessment submitted with the application demonstrates and advocates that the impact of the non-car package would allow the increase in the amount of development without materially changing the amount of car

trips, which was considered acceptable for the existing permission. A number of matters, including the above, would form part of the proposed Heads of Terms for the Section 106 agreement. The above proposals have been subject to detailed consultations with Essex County Council Highways and the Highways Agency, and no objections have been raised. It is therefore considered that subject to the provisions within the Section 106 agreement, the proposal can be considered to be satisfactory in this regard.

7. SUSTAINABILITY

It is important to recognise that this is an outline planning application and therefore no detailed proposals are contained within this application in respect of sustainability measures. The urban design code and other supporting documentation acknowledges the need to ensure that sustainability measures, including renewable energy measures are incorporated into the detailed design of the future Reserved Matters applications. As such, officers are recommending robust conditions to ensure that this issue is covered, but also to ensure that there is enough flexibility to ensure that future decisions can be based upon the most current adopted standards and Development Plan policies of the local planning authority. The same would also apply to issues such as external lighting design, landscaping proposals and other similar matters. In all cases, suitable conditions are recommended.

8. ECOLOGY

Although the application was supported by an ecological survey, Members will note from the Consultations summary, that both English Nature (now Natural England) and the Environment Agency have objected to the proposed development and have recommended that the application be refused on the grounds that the inadequate survey information has been provided to demonstrate whether or not the development would have an adverse impact upon protected species on the application site. English Nature (now Natural England) have further stated that it is likely that great crested newts, bats, and native reptiles are present within and/or adjacent to the application site. As such, they have requested that additional information is submitted by the developer, which should include proposed mitigation measures where appropriate, for further consideration.

In this regard, officers are mindful of the extant planning permission that exists on the application site and that this application is effectively an amendment to the previously approved application. In any case, Members will be aware that the granting of planning permission, does not absolve the developer from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV of the Circular 06/2005. As such, officers consider that this issue could be covered by way of a suitable planning condition, which would require the developer to submit a revised ecological survey for consideration. This would need to be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

9. FLOODING, DRAINAGE, SEWAGE INFRASTRUCTURE

The application was submitted by a full floor risk assessment. The flood risk assessment states that the development site is shown to lie within Flood Zone 1 on the Environment Agency's Flood Map and indicates that there is a 0.1% or less annual probability, risk of tidal or fluvial flooding affecting the site. The proposed development would comprise a surface water drainage strategy comprised of both traditional surface water sewers and Sustainable Drainage Systems (SUDS).

The Environment Agency was consulted on the application and raised no objections subject to suitable conditions. It is therefore considered that the proposal is acceptable and complies with the requirements of the Environment Agency and PPG25 in terms of flood risk and drainage.

A concern was raised by a local resident in respect of sewage within the letters of representation received in connection with this application. In this regard the original outline planning permission addressed the issue by the provision of a fully designed drainage infrastructure, which was subsequently approved by the local planning authority. In the absence of an objection from the utility company, it is considered that an objection to the proposed development on this basis cannot be substantiated. However, officers consider that given the proposed increase of the residential development that a condition can be added which would require the developer to submit further details to the local planning authority for consideration.

10. IMPACT UPON NEIGHBOURING RESIDENTIAL AMENITY

Many of the letters of representation raised concern in respect of more principle matters pertaining to developing this area of land on the application site. In this regard it is important to recognise that the principle of development on the application site has already been accepted and moreover the site benefits from an extant planning permission. Principle objections to the allocation of a business park on the application site and developing the site cannot be substantiated. It is also important to recognise that the application seeks outline planning permission and therefore many issues relating to potential impact upon neighbouring amenity such as overlooking, overbearing, overshadowing and loss of natural light, need to be considered within future reserved matters applications.

Therefore, in terms of assessing the impact of the proposed development, the consideration effectively becomes what impact the proposed uplift in housing numbers on the application site would have upon the local area. In this regard the main issues raised within the letters of representation are in respect of increased traffic congestion and inadequate local facilities and infrastructure to cope with the proposed development.

With regard highway related issues, as stated earlier in the report, the Highways Agency and Essex County Council Highways have carefully assessed the proposed development and have raised no objections to the proposals. In light of these consultations responses it considered that it is difficult to substantiate objections to the proposed development in this

respect. It is also worthwhile, reiterating that a plethora of highway improvements and other measures are proposed within the Heads of Terms of the S106 Agreement.

In terms of the provision and access to local facilities, while the comments are noted, the neighbourhood centre for the Maltings Lane development would facilitate the provision of a number of key local facilities, which would benefit existing and future residents on the Maltings Lane development as well as residents within nearby residential areas. The local planning authority recognises the need to expedite the completion of this part of the development and has sought provisions within the Section 106 Agreement to help achieve this.

In addition to the above, concerns have also been raised by local residents in respect of the proposed developments relationship to the Witham Lodge residential area. In this regard, the northern frontage of the application site and its relationship to Witham Lodge has always been a sensitive area of the Maltings Lane development. This has been recognised in the past within the original design briefs for the application site and also within the original outline planning permission. Within the original master plan, the formal sports pitches acted as the buffer between the built form of the development and Hatfield Road, in order to maintain a 'green avenue' as you enter into Witham. The revised proposals have effectively shifted the location of the formal sports pitches to the west, but have been replaced by a strip of open space. This buffer will set the development back from Hatfield Road and mirror the open space in front of the Witham Lodge residential area. Officers also consider that this revised arrangement would be more satisfactory than the original master layout plan, as the extent of the green wedge has been increased with the provision of both the formal sports pitches and the strip of open space alongside one another.

This revised approach will reinforce the character of Hatfield Road and ensure that this approach into Witham remains unchanged. It is envisaged within the urban design code submitted with the application, that in order to reduce the impact, low-density housing will be placed to the north with flats built further south.

11. NEIGHBOURHOOD CENTRE AND COMMUNITY FACILITIES

A range of facilities are proposed within the neighbourhood centre, including a health centre, place of worship, community centre, day nursery, local shops, a local food store, the formal sports pitches, changing facilities, tennis/basketball court and a local equipped area of play.

Place of Worship

The Place of Worship and Community Centre were originally shown on the draft Master Plan as one site within a combined building. Following representations from Churches Together earlier this year the draft Master Plan for the site was reconfigured, to separate out the two uses as well as the proposed changing facilities into three separate buildings. Churches Together have now indicated that it would be more beneficial to a combined Place of

Worship and Community Centre site. The letters of representation from Churches Together have indicated that there are there are at least two possible denominations that have expressed an interest in the site. The Place of Worship site was also subject to discussion at the most recent Maltings Lane Forum, which was held on 13th December 2006. Members will be aware that the Witham Area Committee has, already agreed the process of choosing which denomination will occupy the place of worship site on the Maltings Lane development. Officers consider that until such time as a denomination is chosen, it would be difficult to finalise the Master Layout Plan for the site. The provisions within the proposed Heads of Terms for the Section 106 Agreement would require the developer to submit a final Master Plan to the local planning authority for consideration.

Officers therefore consider that should members resolve to grant planning permission for this application, the prudent approach to resolve this matter would be to seek to get the process by which the denomination is to be chosen under way at the earliest opportunity. Depending upon the outcome, officers would then be in a better position to advise whether the Place of Worship should be combined with the Community Centre or remain separate.

In terms of the release of the land for the Place of Worship, numerous representations have been received from interested parties and Churches Together. The local planning authority will do all it can to ensure the release of the land takes place at the earliest opportunity. It is proposed under the Heads of Terms for the Section 106 Agreement that prior to the occupation of the 50th dwelling and in any event within nine months of commencement of development, the developer shall offer to transfer the church land to the Council or its nominee. The offer to transfer shall remain open for 6 months. The proposed timing provisions are considered by officers to be realistic and take into account the timetable for the Witham Area Committee to decide upon a denomination for the Place of Worship site and would allow time for the construction of the loop road, which would serve the neighbourhood centre, without which the transfer the land could not be completed.

Community Centre

In light of the above, the composition of the Community Centre site may be subject to amendment, depending upon what is decided over the Place of Worship site. However, with regard to the Community Centre, on the advise of the Councils Estates Department, officers are seeking an enhanced financial contribution towards the construction of the Community Centre over and above what was originally provided for within the original agreement. Whilst officers would maintain that the intention would be to construct a Community Centre on site, given the sound planning reasons for this, not only for the benefit of the residents on the Maltings Lane development, but also as the centre piece to the Neighbourhood centre, a Community Centre facility would be necessary to complete this part of the development, the Councils Estates Department have advised that should this situation change in the future, a provision is placed within the Section 106 Agreement to enable the Council to spend the contribution on off-site Community Facility provision as a last resort.

Primary School

Essex County Councils Schools Service has requested a financial contribution towards the additional secondary school places, which would be required as a result of the proposed development. The County Council have alluded that there is a lack of statistical data to support the need for additional primary school places at this time. With the increased numbers of dwellings the potential build period extends beyond the County Councils usual time frame for looking at potential additional school places. In order to ensure that there is a solution should additional school places be necessary, the County Council has requested that consideration be given to securing the retention of the primary school site for up to ten years rather than the five currently specified in the existing Section 106 Agreement. Agreement has been reached to enable the dual use of 1.1 hectares of playing fields for community benefit, which would also have to be retained in perpetuity if a primary school was not constructed on the site. In addition to the above and at the request of the County Council, the restrictive covenant within the existing Section 106 Agreement on 0.5 ha of the primary school site, is proposed to be lifted.

12. OPEN SPACE AND FORMAL SPORTS PROVISION

Sport England have objected to the current application in its current form until a number of issues are either considered or addressed. These are summarised below: -

- ***“An explanation is provided of how the quantitative outdoor sports requirements of the entire Maltings Lane development will be met in view of the shortfall in provision that would appear to exist in relation to the Council’s standards and the lack of clarity about how the proposed 3.1 hectares of provision is comprised”;***

In this regard, the proposed formal sports provision on the application site has been the subject to negotiation with officers and the proposals would comply with the standards of the local planning authority. No objections to the proposed development are therefore raised by officers in this respect.

- ***“The Master Plan (or separate plan of the formal recreation ground) indicates how a cricket pitch meeting the necessary dimensions could be accommodated on the proposed recreation ground”;***

The local planning authority considers that this specific issue could be addressed at the time the Master Layout Plan is submitted to the local planning authority for approval in accordance with the proposed Heads of Terms on the S106 agreement. An informative is recommended to advise the developer of this specific requirement.

- ***“Consideration is given to revising the dimensions of the proposed Multi Use Games Area (MUGA) to accommodate the full range of sports that a MUGA would be expected to accommodate. The siting of the MUGA should also be reconsidered in the context of potential residential amenity conflicts”;***

Officers consider that this issue should be addressed, when considering a detailed Reserved Matters application in the future. An informative is recommended to advise the developer of this specific requirement. In any case, the developer under the proposed Heads of Terms would have to agree a detailed specification for the setting out of all of the formal sports facilities on the application site with the local planning authority prior to the commencement of the development.

- *“Confirmation is provided of whether the proposed changing pavilion would be designed to accommodate four teams”;*

Similar to the above, officers consider that this specific issue is a point of detail. The location of the changing facilities could be subject to change, and the detailed design and internal layout of the changing facilities would be subject to a future Reserved Matters application, where the local planning authority can ensure that the proposals satisfy the relevant policy criteria.

- *“Provision is made (through planning conditions) for ensuring that sports facilities are designed to a high quality standard”;*

In this regard, officers expect that the design and layout of the whole development, including the sports facilities, would be of the highest standard in order to comply with the relevant development plan policies. A detailed Reserved Matters application would in any case have to be submitted to the local planning authority for consideration and at that time, officers, Members and statutory consultees would have to be satisfied that the proposals were acceptable.

- *“If appropriate, consideration is given to making provision for addressing the additional built sports facilities needs generated by the development and in addition, provision is made for appropriate maintenance contributions and details of management arrangements of the sports facilities to be submitted at reserved matters stage”;*

Officers are mindful that this application effectively seeks planning permission for the erection of an additional 213 dwellings on the application site. The original outline planning application was subject to a S106 agreement, and whilst in respect of the current application the local planning authority can seek to increase the planning obligations, any enhancements need to be of a scale that is commensurate with and sufficiently relate to the proposed development. In this case, the developers are required to lay out the formal sports pitches in accordance with a detailed specification to be agreed with the local planning authority, and pay a commuted sum to the Council for maintenance. As such, it is considered that the developer would have fulfilled their obligations in this respect.

- *“Provision is made for securing the community use of the proposed primary school’s sports facilities”;*

The proposed Heads of Terms of the S106 agreement would ensure that the playing fields at the proposed Primary School, equating to 1.1 ha, would be secured for community use. Officers are also seeking to safeguard this 1.1 ha

site for open space within the proposed S106 agreement, in the event that a primary school is not built by Essex County Council.

- *“The new sports facilities are phased so that they are provided at an early stage of the development”.*

As with all of the community facilities within or adjacent to the Neighbourhood Centre, officers by way of the proposed Heads of Terms for the S106 agreement are seeking to ensure that all of these facilities are completed as soon as possible for the benefit of existing and future residents of the Maltings Lane development, and for the benefit of the wider community.

In addition to the above, the application would also facilitate the provision of areas of incident open space along with local areas of play (LAP's) throughout the development and a local area of equipped play (LEAP) within the Neighbourhood Centre. The urban design code stresses the importance of these areas, and the need to ensure high quality soft and hard landscaping are utilised throughout the development. The detailed specification and location of these areas would have to be agreed with the local planning authority, under the terms of the proposed S106 agreement. The developer would also have to set these areas out to the satisfaction of the local planning authority and maintain them in perpetuity. As such and in summary, it is considered that the proposals are satisfactory in this regard.

13. SUMMARY OF S106 HEADS OF TERMS

Procedural Matters

As Essex County Council are a landowner they cannot covenant with themselves so all covenants are to be given to and are enforceable by Braintree District Council but once Braintree District Council has passed contributions to Essex County Council with its statutory function hat on Braintree District Council shall not be liable for any breach of covenant in relation to the particular contribution and how it is spent.

Unless otherwise stated timing provisions relate to dwellings to be constructed as part of this application as does commencement of development.

General

Prior to the submission of any reserved matters applications, the Master Layout Plan shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the Master Layout Plan and all applications for reserved matters shall accord with the Master Layout Plan.

No more than 107 dwellings to be occupied prior to 30th September 2010.

Prior to the commencement of development, the developer shall submit the Business Park marketing plan to the Council for approval and implement the plan from the commencement of development. In any event submit a

Reserved Matters application for 1 hectare of the Business Park within 12 months of the commencement of development.

Affordable Housing

30% of dwellings in excess of 850 already permitted shall be provided for affordable housing and of that, 80% to be rented and 20% to be shared ownership.

60% of all Affordable Housing shall be provided prior to the occupation of 40% open market dwellings and the remainder of the Affordable Housing shall be provided prior to the occupation of 80% of the open market dwellings.

Highway Works

Description: -

- a) New roundabout on Gershwin Boulevard**
- b) Bus stops on Gershwin Boulevard**
- c) Footway on Hatfield Road**
- d) Improvements to the junction of Hatfield Road/Bridge Street/Spinks Lane/Howbridge Road**

Highway Works a) b) and c) to be completed prior to the occupation of the 50th dwelling, d) to be completed prior to the occupation of the 101st dwelling.

Public Transport Contribution

A financial contribution shall be provided prior to the commencement of the development for Essex County Council Highways towards infrastructure works necessary as a result of the proposed Bus Service Improvements, including: -

- a) Relocation of bus stops on Gershwin Boulevard**
- b) New bus shelter**
- c) Traffic management to facilitate bus services to access the Site and the adjoining already developed land**

Traffic Management Contribution

A financial contribution shall be provided prior to the commencement of the development for Essex County Council Highways towards traffic management improvements within the vicinity of the application site, including: -

- a) Pedestrian crossing on Hatfield Road**
- b) Improvements to footways**
- c) Formal pedestrian/cycle crossing in the vicinity of the primary school**
- d) Traffic calming on Hatfield Road**
- e) Anti-skid surface on the Gershwin Boulevard/Hatfield Road roundabout**
- f) Highway signage for the Business Park**

Cycleway Contribution

A financial contribution shall be provided prior to the commencement of the development for Essex County Council Highways towards enhanced links and facilities for cyclists and pedestrians between the site, the town centre and the railway station.

Bus Service Improvements

Prior to the first occupation of any dwellings, the No. 72 bus service shall be diverted into the site. In addition, a new service shall be provided from the site to the town centre and railways station and off peak to Morrisons. Services shall be co-ordinated in order to provide even frequency to and from the site. In this regard, a maximum commuted sum payment of £600,000 shall be provided by the developer to fund the existing No. 72 service for 3 years and the proposed new services for 5 years.

Transport Marketing Strategy

The developers shall undertake a Public Transport awareness campaign for the benefit of all residents on the Maltings Lane development, which shall comprise an information pack updated every 6 months, including rail journey times, their bus journey times and route maps, the availability of local amenities, how to book a car share, information in respect of engineering works to services to allow people to pre plan their journeys, walk maps, cycleway maps and facilities, vouchers for all in household for free bus tickets, and access to a community web site. The effectiveness of these measures shall be monitored by the developer in consultation with Essex County Council highways.

Travel Plan

The developer shall provide a Travel Plan for the Business Park and pay a monitoring fee to Essex County Council Highways.

Education

A financial contribution shall be provided by 01/04/2010 equating to £14,055 per pupil place, for the Essex County Council's School Service towards the provision of additional secondary school places required as a result of the proposed development.

Essex County Council as the owner of the school site shall covenant with Braintree District Council to allow the school and the associated playing fields to be used by the community out of school hours. In addition, and in the event that the primary school is not constructed on the application site, 1.1 hectares of the primary school site shall remain in perpetuity for public open space.

The covenant preventing anything other than a school use being built on 0.5 ha of the school site shall be lifted.

Art Provision

Prior to the occupation of 50 dwellings, the developer shall either provide a work(s) of art to an agreed value or pay that a commuted sum to the Council as a financial contribution for the provision by the Council of a work(s) of art.

Community Recreation Contribution

Prior to the occupation of 60 dwellings on the application site, the developer shall pay a financial contribution towards community recreation improvements within the area. In this regard a request has been received from Essex County Council suggesting that Dannetts Country Park be the recipient of this contribution, although it may be more advantageous that any financial contribution goes towards enhancing existing facilities in Witham. An update in respect of this issue will be provided at the Committee.

Public Open Space

Prior to the commencement of development, the developer shall identify the areas of public open space and agree their location with the District Council. The developer shall also produce and submit a programme plan, specification plan and maintenance plan with each application for reserved matters to the local planning authority for consideration. The areas of public open space shall then be set out by the developer, and have them inspected and certified as complete by the District Council. The developer will then maintain the areas of public open space in perpetuity.

Community Land

Prior to the occupation of the 50th dwelling or in any event within nine months of commencement of development, the developer shall offer to transfer the community purposes land to the Council. The offer to transfer shall remain open for 6 months.

Prior to the occupation of the 50th Dwelling or in any event within 12 months of the commencement of development, or in any event upon the completion of the transfer of the community land the developer shall pay a commuted sum to the Council for the construction of a community centre on the application site or for the enhancement of existing community facilities in Witham.

Church

Prior to the occupation of the 50th dwelling and in any event within nine months of commencement of development, the developer shall offer to transfer the church land to the Council or its nominee. The offer shall remain open for 6 months.

Health Centre

Prior to the occupation of the 50th dwelling and in any event within nine months of commencement of development, the developer shall offer to

transfer the health centre land to the Council or its nominee. The offer shall remain open for 6 months.

Playing Fields

Prior to the commencement of development, the developer shall identify the site for the playing fields, tennis basketball courts and changing facilities and agree a specification for their setting out with the District Council.

Prior to the occupation of the 50th dwelling and in any event within 24 months of commencement of development, the developer shall lay out the pitches and courts and construct the changing facilities and offer to transfer them to the District Council. The offer shall remain open for 6 months. Prior to the completion of the transfer, the developer shall also pay a commuted sum to the Council for the maintenance of the pitches, courts and changing facilities.

Play Areas

Prior to the commencement of development, the developer shall identify the play areas and agree location with the District Council. The developer shall also produce and submit a programme, specification and maintenance plan with each application for reserved matters to the local planning authority for consideration. The play areas shall then be set out by the developer, have them inspected and certified as complete by the Council. The developer will then maintain them in perpetuity.

Considerate Contractor Clauses

Standard Considerate Contractor Clauses to also include prohibition on construction traffic using Hatfield Road or accessing site through the already developed land.

CONCLUSION

It is considered that the proposed development would comply with both current Local Development Plan Policy and Government Guidance for making the most efficient use of existing sites. It is further considered that the revised Master Plan would represent an enhancement to the existing extant planning permission. The proposed Heads of Terms for the S106 Agreement secure additional community benefits, over and above what was originally agreed within the existing agreement. Robust planning conditions are recommended in order to ensure all issues are covered within future reserved matters application. As such, while the concerns of local residents and the Town Council are noted, it is considered that the proposal complies with the policies of the Essex and Southend on Sea Replacement Structure Plan and the Adopted Braintree District Local Plan Review. The application is therefore recommended for approval.

RECOMMENDATION

It is RECOMMENDED that, subject to either the applicants entering into a suitable planning obligation pursuant to S106 of the Town and Country

Planning Act 1990 or, if considered appropriate by the Development Director, the imposition of a suitably worded condition to cover the matters within Section 13 of this report that the Development Director be authorised to GRANT planning permission under powers delegated to him, subject to the conditions and reasons set out below.

- 1 Approval of the details of the: - (a) Siting, design and external appearance of building(s), including a schedule of the types and colours of materials to be used in external finishes; (b) Means of access, including traffic calming measures and parking provision for such buildings. Such details shall comply with the standards of the local planning authority at the time of submission; (c) Landscaping of the site (d) Sustainability and renewable energy measures for the site (e) Lighting Scheme (f) Refuse and Recycling measures for the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision-notice. The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.**
- 2 As required by Condition 1, each Reserved Matters application shall be accompanied by a sustainability statement to detail the proposed energy-efficient construction materials and processes, including measures for long term energy and water efficient use, sustainable drainage, water conservation and proposed heating and power systems. The statement shall also include full details of proposed on-site renewable energy generation.**
- 3 As required by Condition 1, each Reserved Matters application shall be accompanied by a Lighting Scheme detailing the proposed external lighting to the site, including position, design, height, levels of luminance, hours of use and energy efficiency. Such scheme as approved shall thereafter be implemented and so maintained. No additional lighting shall be installed at any time without the prior approval of the local planning authority.**
- 4 As required by Condition 1, each Reserved Matters application shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.**
- 5 Prior to the commencement of the development, a Master Landscaping Plan shall be submitted to and approved in writing by the local planning authority.**
- 6 As required by Condition 1, and after the submission of a Master Landscaping Plan as required by Condition 5, each Reserved Matters application shall be accompanied by a Landscaping Plan for the application site, that updates the detailed landscaping proposals for the development, and (where appropriate) indicates approved landscaping proposals on adjacent land parcels.**
- 7 Prior to the commencement of the development a tree survey and**

hedgerow survey based on a topographic survey of the site to be submitted with details for tree and hedgerow protection in accordance with BS5837:2005. A management plan for each hedgerow shall be submitted detailing maintenance regime, planting of any gaps and future management.

- 8 Prior to the commencement of the development full details of the landscaping proposals for the Hatfield Road frontage shall be submitted to and approved in writing by the local planning authority.
- 9 Prior to the commencement of the development detailed proposals for the structural landscaping to the application site, including planting, meadow mix and maintenance regime shall be submitted to and approved in writing by the local planning authority.
- 10 As required by Condition 1, each Reserved Matters application shall be accompanied by a landscaping scheme, which shall incorporate: -A detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, tree pits, planting plans with size, density, and specification for planting, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, details of interpretation signs for the site, lighting, boundary treatments, paving and street furniture; Details of measures to increase biodiversity and ecology on the application site, including the provision of bat and bird boxes; The submission of a programme for implementation of the clearance, earthworks, services and landscape works to the site. Prior notice shall be given in advance of the commencement of the works to the site, including any clearance works. The programme should be detailed enough to identify the different areas of the development and their month-by-month progression. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier. Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.
- 11 As required by Condition 1, each Reserved Matters application shall be accompanied by detailed plans showing cross sections of the site indicating existing and proposed ground levels, both inside and immediately adjoining the site, and the slab levels of the dwelling(s), together with existing and proposed landscaping features.
- 12 Prior to the commencement of the development, a health and safety risk assessment for the balancing pond with recommendations for implementing any safety measures shall be submitted to and approved in writing by the local planning authority.
- 13 Each residential phase shall incorporate not less than 5% of the area of that phase as incidental amenity open space to be landscaped in accordance with the other relevant conditions on this application.
- 14 Prior to the commencement of development, a revised ecological survey

shall be submitted to and approved in writing by the local planning authority in consultation with Natural England and the Environment Agency.

- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any revoking Order and re-enacting that Order) no enlargement of the dwelling-house(s), as permitted by Classes A, B, C and D of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 16 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no provision of any building within the curtilage of the dwelling-house(s), as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road as permitted by Class A of Part 2 of Schedule 2 of that Order without first obtaining planning permission from the local planning authority.
- 18 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking and re-enacting that Order) no satellite antenna or dish shall be erected, constructed or placed within the curtilage of any dwelling house, as permitted by Class H of Part 1 of Schedule 2 of that Order without first obtaining planning permission from the local planning authority.
- 19 WAT8 Foul drainage
- 20 CONS4 Vehicular Movement Hours
- 21 CONS7 Construction Hours
- 22 CONS9 Piling
- 23 CONS10 No Burning
- 24 CONS11 Dust and Mud
- 25 CONS12 Wheel Washing
- 26 Prior to the commencement of the development the developer shall carry out a geotechnical survey in accordance with Section 6.4.4 of their Drainage Strategy. The design calculations of the Sustainable Urban Drainage System shall be submitted to the local planning authority and the Environment Agency, following the geotechnical survey.
- 27 The developers shall design the on-site surface water sewers to ensure that flooding will not occur up to and including 1-100 year return period, in accordance with Section 6.4.5 of their Drainage Strategy. In addition, given the size of the proposed development, attenuation shall also be applied, for rainfall up to the 1-100 year storm, to the 1-1 year Greenfield run-off rate.
- 28 Where it is intended that disposal be made to public sewer, a proposed scheme of works shall be submitted to the local planning authority and the Water Company or its agents in order to confirm that there is adequate spare capacity in the existing system taking future development requirements into account.
- 29 Where appropriate, all surface water drainage from parking areas and

hard standings susceptible to oil contamination should be dealt with using sustainable drainage techniques (e.g. porous paving). Where these methods are proved to be inappropriate, surface water run-off should instead be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. All washdown and disinfectant waters shall be discharged to the foul sewer (Any detergents entering oil separators may render them ineffective).

- 30 The development hereby permitted shall comprise not more than 1063 dwellings.
- 31 The buildings within the business park shall be used for business purposes as defined within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose.
- 32 The retail units on the application site, excluding the Food Store, shall comprise 1,115 sq m (12,000 sq ft) net sales area in 1 separate building for A1 use and 3 smaller units with a net sales area totalling 140 sq. m. (1,500 sq ft) for all uses within Use Class A1 to A5 uses.

REASONS

- 1 RTIM22 Time Reason
- 2 In the interests of promoting sustainable forms of development and to comply with Policies NR12 and EG4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP69, RLP70, RLP76, RLP77 and RLP90 of the Braintree District Local Plan Review.
- 3 To safeguard the amenity of the area to minimise pollution of the environment in order to comply with Policies NR1, BE6 and BE7 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP36, RLP62, RLP65 and RLP90 of the Braintree District Local Plan Review.
- 4 To meet the district council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability and to comply with Policies BE7 and WM1 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP73, RLP74 and RLP90 of the Braintree District Local Plan Review.
- 5 To enhance the appearance of the development, in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 6 To enhance the appearance of the development, in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 7 To ensure existing vegetation is protected, to enhance the appearance of the development and in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 8 To enhance the appearance of the development, to safeguard the

character and appearance of the locality and in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.

- 9 To enhance the appearance of the development, to safeguard the character and appearance of the locality and in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 10 To enhance the appearance of the development, to safeguard the character and appearance of the locality and in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 11 To enhance the appearance of the development, to safeguard the character and appearance of the locality and in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 12 To enhance the appearance of the development, to safeguard the character and appearance of the locality and in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 13 To enhance the appearance of the development, to safeguard the character and appearance of the locality and in order that the development is satisfactory in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review.
- 14 In order to ensure protected species are not prejudiced as a result of the proposed development in accordance with Policies NR6 and NR7 of the Essex and Southend on Sea Replacement Structure Plan and Policy RLP80 of the Braintree District Local Plan Review.
- 15 In order that the local planning authority may exercise control over any proposed future extensions in the interests of residential and/or visual amenity and to comply with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review.
- 16 In order that the local planning authority may exercise control over any proposed future outbuildings in the interests of residential and/or visual amenity and to comply with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review.
- 17 In the interest of visual amenity and to safeguard the character and appearance of the proposed development in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement

- Structure Plan and Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review.**
- 18 In the interest of visual amenity and to safeguard the character and appearance of the proposed development in accordance with Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review.**
 - 19 In the interests of Health and Safety and to minimise the risk of odour, noise and nuisance to comply with Policies CS2, H4, BE1 and BE6 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP62 and RLP90 of the Braintree District Local Plan Review.**
 - 20 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4 and BE6 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 21 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4 and BE6 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 22 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4 and BE6 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 23 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4 and BE6 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 24 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4 and BE6 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 25 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4 and BE6 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 26 To identify the geological characteristics of the site and determine the best design incorporating Sustainable Urban Drainage System (SUDS) in accordance with Policies CS2, BE1, BE6 and NR12 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP62, RLP67 and RLP69 of the Braintree District Local Plan Review.**
 - 27 To reduce the risk of flooding to both the development and surrounding area in accordance with Policies CS2, NR12, BE1 and BE6 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP62, RLP67 and RLP69 of the Braintree District Local Plan Review.**
 - 28 In order that the means of drainage is satisfactory and in order to reduce the risk of flooding to both the development and surrounding area in accordance with Policies CS2, NR12, BE1 and BE6 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP62, RLP67 and RLP69 of the Braintree District Local Plan Review.**
 - 29 In order that the means of drainage is satisfactory and in order to reduce the risk of flooding to both the development and surrounding area in accordance with Policies CS2, NR12, BE1 and BE6 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP62, RLP67 and RLP69 of the Braintree District Local Plan Review.**
 - 30 For the avoidance of doubt as to the scope of this permission and to comply with Policies BE1, CS2 and H4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP9 and RLP90 of the**

Braintree District Local Plan Review.

- 31 In order that the proposals are satisfactory and to comply with Policies CS2, BE1, BE6, BIW1, BIW3 and BIW5 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP27, RLP28, RLP29, RLP36, RLP37, RLP62 and RLP90 of the Braintree District Local Plan Review.**
- 32 In order that the proposals are satisfactory and to comply with Policies CS2, BE1 and TCR4 of the Essex and Southend on Sea Replacement Structure Plan and Policies RLP3, RLP111 and RLP126 of the Braintree District Local Plan Review.**

INFORMATION TO APPLICANT

- 1 With regard to Condition 1 (d) and Condition 2, the developer is advised that the details should be prepared in accordance with the standards and adopted planning policies at the time of submitting the reserved matters application.**
- 2 In respect of Condition 4 you are advised the details should include provision for the storage of two standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.**
- 3 With reference to Condition 14, the granting of planning permission, does not absolve the developer from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.**
- 4 The developer is advised that the Master Plan for the site, which is required to be submitted to the local planning authority under the terms of the Section 106 Agreement, should indicate how a cricket pitch meeting the necessary dimensions could be accommodated on the formal sports pitches .**
- 5 The developer is advised that prior to the Master Plan for the site, being submitted to the local planning authority under the terms of the Section 106 Agreement, that consideration is given to revising the dimensions of the proposed Multi Use Games Area (MUGA) to accommodate the full range of sports that a MUGA would be expected to accommodate.**
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