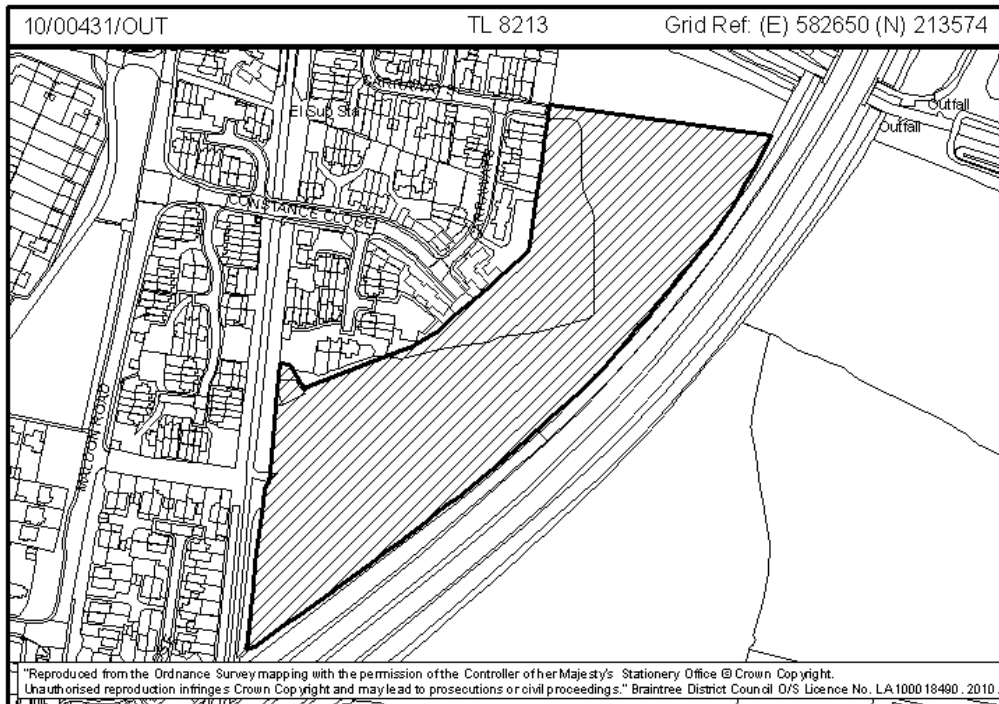


**AGENDA ITEM NUMBER 5**

**PART A**

**APPLICATION NO:** 10/00431/OUT      **DATE VALID:** 29.03.10  
**APPLICANT:** J S Bloor (Sudbury) Ltd  
Will Trowse, Marauder House, Skyliner Way, Bury St Edmunds, Suffolk, IP32 7YA  
**DESCRIPTION:** Hybrid application for detailed planning permission for 32 no. dwellings (social units) access from Carraways and outline planning permission for 73 no. dwellings (private units) accessed from Constance Close  
**LOCATION:** Sunday Market Site, Maldon Road, Witham, Essex, ,

**For more information about this Application please contact:**  
**Mrs N Banks on:- 01376 551414 Ext. 2545**  
**or by e-mail to: natalie.banks@braintree.gov.uk**



## SITE HISTORY

88/01326/P	Construction Of Access And Continued Use Of Land For Retail Market On Sundays And Bank Holidays	REF	21.09.88
88/01758/P	Erection Of Pavilion, Car Park Astroturf Floodlit Playing Surface & Part Of Pavilion To Be Used As Class B1	WDN	08.11.88
89/00616/P	Variation Of Condition No.3	REF	16.05.89

## POLICY CONSIDERATIONS

### Government Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG24	Planning and Noise
PPS25	Development and Flood Risk

### Braintree District Local Plan Review

RLP1	Housing Provision
RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP5	Affordable Housing in New Developments
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage and Land Drainage
RLP72	Water Quality
RLP73	Waste Minimisation

<b>RLP74</b>	<b>Provision of Space for Recycling</b>
<b>RLP83</b>	<b>Local Nature Reserves, Wildlife Sites and Regionally Important Geological/Geomorphological Sites</b>
<b>RLP84</b>	<b>Protected Species</b>
<b>RLP90</b>	<b>Layout and Design of Development</b>
<b>RLP163</b>	<b>Infrastructure and Community Facilities</b>

### **Supplementary Planning Guidance**

**The Essex Design Guide and Urban Place Supplement**

**Affordable Housing May 2006**

**ECC Parking Standards – Design and Good Practice September 2006**

### **PROPOSAL AND SITE DESCRIPTION**

**This proposal takes the form of a ‘hybrid’ application for detailed planning permission for 32 No. dwellings (social units) accessed from Carraways and outline planning permission for 73 dwellings (private units) accessed from Constance Close on the Sunday Market Site, Maldon Road, Witham. The site is allocated for residential development at Inset 2 of the Braintree District Local Plan Review. The Council’s Housing Enabling Officer has agreed that the 32 dwellings will be 100% social rented accommodation. The application is supported by a registered social landlord and has Board approval.**

**The site comprises an area of land approximately 3 hectares in total on the south-eastern side of Witham. There is a 12m water main easement running through the site. It is bound to the north by a designated informal recreation area which separates the site from the sewage treatment plant further north. (This recreation area is linked to the Whetmead Nature Reserve on the other side of the A12). To the south and east of the site is the A12 which has an existing tree screen running parallel with the site barrier. To the west of the site is an existing residential estate accessed via Carraways, and Constance Close. There is also a public footpath which runs in a north to south direction along the western boundary. The site sits at a lower level than the A12 which runs in a south west to north east direction.**

**The land is relatively flat with a slight cross fall across the site mainly towards the northern edge. There are no significant landscape features other than an open ditch which runs in a north-east to south-west direction just beyond the end-stop to Constance Close. There is an existing tree located in the ditch itself and numerous trees and scrub on the western and southern edges of the site. To the south-west corner of the site is a public footpath and cycleway that offers access to the wider area.**

**The application is accompanied by various documents including a Site Investigation Report, Design and Access Statement, Housetype Portfolio, Transport Assessment, Air Quality Assessment, Noise Impact**

## **Assessment, Drainage Strategy, Statement of Community Involvement, Ecological Assessment and Desk Based Archaeological Assessment.**

### **The Proposal**

**It is proposed to access the 32 dwellings from Carraways, a cul-de-sac, situated to the north-west corner of the site as part of the 'full' application. This section of the site measures approximately 10,745.8sqm (0.3ha). Carraways is classed as a minor access road, which currently serves 95 dwellings. ECC design guidance suggests that usually only 100 dwellings can be served by a minor road, therefore it intended that a link road through to Constance Close will be constructed, which will eventually form the access to the 73 private dwellings, which is the outline part of this application.**

**The 32 affordable dwellings have been designed in a variety of styles comprising seven different designs and house types consisting of 2 x 4 bedroom houses, 14 x three bedroom, 5 x 2 bedroom houses, 3 x 1 bedroom 2 person flats, 6 x 2 bedroom 3 person flats, 2 x 2 bedroom 4 person flats in a range of formats with associated parking spaces. All dwellings have private or communal gardens. The dwellings also meet Life Time Home standards internally, however, two units do not meet the standards in terms of external layout.**

**The layout has been dictated in part by the easement that runs through the site. This has resulted in the road width, building line, and landscaping being able to take advantage of the fact that the development will face towards a 'green' corridor, which will create a pleasant vista for both the potential occupiers and existing residents and assist in providing natural surveillance to the street. The parking spaces have been sited away from the main street to discourage on-street parking.**

**The house types generally follow the massing, form and use of materials typically used on adjacent sites in the locality. The 3 storey buildings have been sited towards the rear of the site (Plots 4-12) to act as a landmark from both within and outside the development. The dwellings have been positioned to maximise views into the public realm for the benefit of both the residents who will occupy the dwellings, and pedestrians. The dimensions of the dwellings range from approximately 4.85m wide by 8.75m deep for a two-bed 2 storey unit up to 7.15m wide by 7.9m deep for a four bedroom 2 storey unit. The main apartment block measures approximately 19.55m along the main frontage to the green corridor and 7.1m in depth. Ridge heights vary generally between 8.3m and 11.6m in height. The use of traditional brickwork and simple detailing is proposed which will aid integration into the existing urban fabric. The units will feature casement windows with a horizontal bar in keeping with the local context. Roof pitches are generally 35 degrees, with the 3 storey building having a pitch of 40 degrees.**

A noise bund and acoustic fencing are required to the eastern boundary of the site adjacent with the A12 providing a buffer zone. The layout has been set out so that those properties closest to the A12 are side onto the road with no habitable rooms facing towards the noise source. Negotiations are continuing with the Council's Environmental Health Officer to agree the final layout, bunding and acoustic fencing, the results of which will be reported to Members at the Committee.

### **Landscaping**

Planting has been designed to allow passive surveillance, to create defensible spaces and define boundaries between public and private areas. The green corridor in the centre of the site will create a focal point which aims to provide a sense of identity and place. The overall character of the proposed planting is contemporary with shrubs to add scale within borders using flowering, evergreen or deciduous species, to provide year-round interest.

Hard landscape has been designed utilising a range of surface materials. Enclosures will be a combination of 1.8m high timber fences and brick walls. Additional planting has been proposed adjacent to the noise bund using a mixture of native thicket with additional planting to the gardens along this boundary. It is also proposed to provide additional landscaping along the boundary with the existing dwellings in Carraways.

### **Ecology**

The Ecology Assessment acknowledges that there are two natural areas beyond the site, one of which has a statutory designation as a nature reserve, the other, being allocated for informal recreation. It points out that the site itself has low conservation value and minimal diversity, however, there are areas that have potential reptile potential and the likely presence of nesting birds in the existing planting. Therefore, mitigation is suggested in the form of surveys and appropriate landscaping.

### **Sustainability**

The developer aims to maximise the use of recycled materials and/or materials from renewable resources in the development design and construction. In addition, the built form is orientated where possible to benefit from passive solar gain. Mature vegetation will be retained to ensure minimum impact on bio-diversity.

## Drainage Strategy

### SUDS (Sustainable Urban Drainage Strategy)

The Drainage Strategy Report indicates that it is unlikely that the additional volume of water generated to the ground for the critical 1-100 year rain event, plus 30% requirement for climate change (PPS25), can be accommodated by discharging to the ground. Source control measures for the first phase of the development (ie the 32 dwellings) in the form of permeable hard-standings, together with rainwater harvesting from the collection of roof water are suggested. In addition, it is proposed that a large attenuation soakaway will be constructed, which will be connected to the surface water drain in the new road in order to take on additional discharge to the River Brain in an extreme event if the soakaway becomes full. For the second phase permeable hard-standings are again suggested, with stone blanket attenuation underneath. It is also likely that further underground attenuation storage will be required, such as cellular crates.

### Foul Drainage

With regard to foul drainage arrangements, it is intended to connect to the existing sewers, supplemented by a small pumping station.

### Noise Impact Assessment and Air Quality

There are outstanding issues regarding the Noise Impact Assessment of Road Traffic and Air Quality Assessment reports accompanying the application which are being clarified with the Council's Environmental Health Officer. Further details will be provided to Members at the Committee.

### Transport Assessment

The Transport Assessment indicates that traffic generated by both phases of the proposed scheme is likely to have a minimal impact on the local highway network. It has been designed in accordance with inclusive mobility guidance aiming to provide good pedestrian links to tie in with existing cycle-pedestrian infrastructure in the area. A Sustainable Travel Pack will be distributed to new households.

## CONSULTATIONS

- Highways Agency – no objections.
- Essex and Suffolk Water – draws attention to mains pipe within site area.
- The Environment Agency – no objections and advises that planning permission should only be granted on condition that a

surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context.

- ECC Children and Families Directorate – no objections, subject to Education Contribution under the S106 Agreement.
- BDC Landscape Services – no objections, subject to conditions and a contribution of £30,000 towards Witham River Walk, Whetmead Nature Reserve and Witham Town Park.
- BDC Housing Enabling Officer – supports the application.
- Anglian Water – objects to the development as it is within a 400m cordon sanitaire of Witham Waste Water Treatment Works.
- BDC Planning Policy – no objection as it is an allocated residential site. A financial contribution of £70,000 is requested towards the construction of a cycle/pedestrian bridge and continuation of a cycle link towards Witham Town Centre, industrial estates and the Whetmead Nature Reserve.
- ECC Highways – no objection, subject to the above-mentioned contribution towards the cycle link and conditions relating to drainage, highway safety and sustainability.
- BDC Environmental Health – concerns are expressed regarding the Noise Quality and Air Quality Assessments which are being investigated and will be reported to Members at the meeting.
- Witham Town Council objects to the proposal on the grounds that it constitutes over-development of the site, there will be a loss of neighbouring amenity, unacceptable levels of traffic and insufficient infrastructure.

## **REPRESENTATIONS**

An extensive neighbour notification was undertaken to neighbouring properties in Benton Close, Carraways, Clayshotts Drive, Constance Close, and Sauls Bridge Close. 65 residents have objected and a petition containing 92 signatures received. The concerns expressed by the objectors are summarised as follows:-

- Impact on wildlife and the Whetmead Nature Reserve;
- The area is actively used by the public as an open space which joins onto the Blackwater Rail Trail;
- The Statement of Community Involvement is flawed;

- **The Ecology report is flawed – there is no possibility that further reptile investigations can be undertaken before development;**
- **Inability of the sewage treatment plan to cope – sewage seeps into gardens and nuisance is caused by smells;**
- **Impact on schools and infrastructure;**
- **Affordable housing should not be sited in one location, it should be ‘pepper-potted’ or positioned away from existing development. PPG3 states that there should be mix of housing to create and maintain a sustainable and inclusive mix of communities – putting the houses in one group will not result in a mixed community contrary to PPG3 and RLP7;**
- **There should be a master plan for the whole site;**
- **There is no vehicular access to the open space for BDC or Anglia Water;**
- **There is no guarantee that the rest of the development will be built;**
- **Excessive noise, vibration, dust and pollution during construction;**
- **Loss of an area of natural beauty;**
- **Highway safety during and post construction;**
- **Existing parking problems in the locality will be exacerbated – visitors to the development will park in Carraways;**
- **Impact on Maldon Road junction;**
- **The development is too close to the A12 which is a source of noise to potential occupiers – it falls within section D of the Noise Exposure Category outlined in PPG24 ‘proposing noise sensitive development in an area of high ambient noise. The report of MLM Environmental does not assess the predicted noise levels if vehicles on the A12 are travelling at 70 mph, ie, the national speed limit, therefore the report understates the noise issue;**
- **PPG24 states that local planning authorities should ascertain forecast noise levels over the next 15 years with the assistance of the local highway authority. Mitigation in terms of sound attenuation in dwellings which, whilst they meet the World Health Organisation’s (WHO) requirements do not take account of the report being based on 66pm not the national speed limit, or the predicted increase in vehicles;**

- The MLM report concludes that noise in amenity areas does not meet WHO criteria which indicates that this is not an appropriate location for residential development, even with a noise bund;
- An additional 32 properties served from Carraways is not acceptable, as a minor road, it is designed to serve only the existing development;
- There is no open space provision, contrary to RLP138;
- The design of the dwellings is not in keeping with Carraways, they look cheap and are a clear indication that they are affordable houses, contrary to RLP7. The scale is also inappropriate to a crowded locality;
- Wimpey and BDC have maintained the land as public open space circa 10 years;
- There is no guarantee that if the loop road is constructed that new residents will use Constance Close and not Carraways – it could also encourage ‘boy-racers’;
- Part of the site is in a flood plain;
- There are growing incidents of drug manufacture in Carraways, further development will exacerbate this problem;
- The land has moderate potential for ground instability;
- The proposal is contrary to RLP135 as it represents a loss of public open space;
- Loss of emergency landing for the Essex Air Ambulance which lands on the site when accidents occur on the A12;
- Anglian Water object to the proposal – cordon sanitaire;
- Development of the site would impinge on potential widening of the A12;
- It is close to a landfill site.

## **REPORT**

### **Principle of Development**

The site is within the Witham Town Development Boundary and is allocated for residential development at Inset 2 in the Braintree District Local Plan Review, therefore the proposal is in accordance with policies

RLP2 and RLP3 and provided that it satisfies the criteria set out in other relevant policies encompassing amenity, design, environmental and highway safety is acceptable in principle.

As stated above, this is a hybrid application for 105 homes. It is proposed to construct the affordable housing required in accordance with Policy RLP5 'up-front', with the remainder being in outline form. This is considered appropriate in the current economic climate as the developer will be able to access various grants and provide much needed affordable housing for the district. Government Guidance set out in PPG3 has been superseded by PPS7. This document, together with the Council's Supplementary Planning Guidance on Affordable Housing and the adopted Plan is not prescriptive on how affordable housing should be integrated in terms of where it is sited on a development. Policy RLP7 indicates that new residential development should seek to achieve mixed communities. It goes on to state that where appropriate a mix of different house types and tenures, which are compatible with the amenity of existing and proposed dwellings should be included having regard to size, location and, the economics of provision. The timing and siting of the affordable housing in this part of the site is therefore acceptable.

### **Scale of Development**

Policy RLP10 of the Plan indicates that density and massing should be related to the location of the site in relation to public transport accessibility, shops and services, the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved, the adequacy of the access and adjacent road system and the need to provide landscaping. Policy RLP90 indicates that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness.

The site is in a sustainable location reasonably close to the town centre and its amenities. It is within a short walking distance to bus stops on Maldon Road and there are bus links to the railway station. A contribution towards the construction of a cycle/pedestrian bridge and continuation of a cycle link towards Witham Town Centre, industrial estates and the Whetmead Nature Reserve has been agreed. The Transport Assessment indicates that the development can be accommodated into the existing wider road network.

The layout for Phase 1 and the indicative layout for Phase 2 seeks to demonstrate that the provision of 105 dwellings is an appropriate scale for this site. This amount of development would achieve a density of 35 dwellings per hectare, which is in accordance with the amended PPS3 which removed the reference to minimum density requirements of 30 dwellings per hectare.

The Essex Design Guide recommends a minimum provision of 50sqm private amenity space for a 2-bed dwelling, 100sqm for a 3-bed and above and 25sqm for flats. Whilst it has to be acknowledged that the amenity provision is below the recommendation for some dwellings but exceeds it for others, the guidance within the Urban Place Supplement is also relevant. This indicates that the character of the surrounding area can be taken account when assessing private amenity space provision in new development and it noted that development in the immediate locality is characterised by smaller than average gardens. Given the additional land now required for car parking spaces in the adopted ECC Parking standards, which now require that the standards applied are 'minimum', this inevitably will have an impact on developable space. In addition, the landscaping proposals and the close access to the informal recreation area is likely to ameliorate this shortfall. It is therefore concluded that the amount of private amenity space provided is acceptable.

### Design

The design approach for the development has been to provide some variety in style, mass, height and choice of materials in order to reflect the character of this area of Witham. The designs are relatively clean and simple, utilising traditional brick and render, avoiding fussy and unnecessary detailing. The variety of building heights and roof-scapes will assist in identifying spaces within the public realm and provide visual interest and is thus acceptable. The landscaping scheme submitted with the application will be the subject of conditions to incorporate the landscape officer's comments.

### Highway Considerations

The Transport Assessment submitted with the application indicates that the road network in the locality can accommodate the development. The County Surveyor does not object to the proposal in terms of highway safety and capacity, subject to a S106 contribution and various conditions, including details for the drainage scheme for the entire site.

Policies RLP49 and RLP50 indicate that development will only be permitted where the design and layout incorporates routes for pedestrians and cyclists. The site layout indicates a 3m wide cycle/pedestrian link to the Black Water Rail Trail to the south and the open space to the west of the site. This will eventually link to the west across the open space, over a proposed bridge across the River Brain to link again with the Black Water Rail Trail at Black Water Lane. This will then provide off-road linkages to the Whetmead Nature Reserve, the Town Centre and the industrial estates. In addition, a contribution of £70,000 has been agreed towards the link and bridge. It is understood that the reserved matters application for the 73 dwellings will include construction of a cycle/pedestrian link to Maldon Road set out on the proposals map of the Local Plan Review.

Policy RLP56 of the Plan requires that vehicle parking is provided in accordance with the ECC adopted standards. The car parking proposed is a total of 60 and 2 disabled. The layout plan indicates 2 spaces per dwelling, with the three 2-bed flats being provided with 1 space. A revised plan has also been submitted in accordance with the ECC recommended bay sizes, which is acceptable to the County Surveyor. Policy RLP51 requires that new development includes cycle parking facilities. The layout plan indicates that a cycle shed will be provided for the flats with rear garden access with bin store and shed for all the dwellings. The amount of vehicle and cycle parking provision is therefore acceptable in accordance with the adopted standards and will not impact on existing access to the informal recreation area/Black Water Rail Trail.

### **Noise and Air Quality**

PPG24 indicates that the impact of noise can be a material consideration in the determination of planning applications and wherever possible, the local planning authority (lpa) should site noise sensitive development (such as residential) away from major noise sources such as a road. Development plans provide the policy framework within which these issues are weighted. Where it is not possible to achieve such a separation, lpas should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise through the imposition of conditions or planning obligations. Annex 1 of the Guidance sets out 4 recommended noise categories as set out below:

#### **Noise Exposure Categories (NEC)**

- A** Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.
- B** Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
- C** Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
- D** Planning permission should normally be refused.

As stated above, Noise and Air Quality Assessment reports and revisions have been submitted and reviewed by the Council's Environmental Health Officer (EHO). In terms of Air Quality, the EHO considers that the World Health Organisation's guidelines will not be exceeded, therefore, she has no objection. The initial Noise Assessment report submitted with the application indicated that the site is in Category D where planning permission would normally be refused,

therefore, the EHO objected to the proposal. Revised information submitted by the applicant, involving more detailed readings taking account of the site's contouring indicated that the NEC category of the actual site ranged from A to D, with the majority of the site being in C. In view of this information, the EHO carried out a noise survey on 2<sup>nd</sup> July 2010 during the day time which concluded that the majority of the developable part of the site was in NEC B to upper C, with one residential unit being in NEC D. A revised layout and report has since been submitted. In the report internal noise levels have been predicted to typical plots across the site and if the measures, which include thermal double glazed units, acoustic airbricks and appropriate ventilation outlined in the revised report are included in the development, the criteria for limiting exposure to noise in habitable rooms internally could be met. External noise levels within the amenity space of the development have been based on average levels measured during the day. A 7m high barrier comprising a bund/close boarded fence combination is recommended in the report. The nearest façade would be 26m from the A12. The EHO's opinion remains that whilst it may be possible to secure adequate sound attenuation measures through the use of planning conditions, a significant proportion of the site is within NEC C where PPG24 recommends that planning should not normally be granted unless there is justification. The advice in PPG24 states that development plans should give developers and local communities a degree of certainty about the areas in which particular types of development will be acceptable and those in which special measures may be required in order to mitigate the impact of noise. It was recognised by the Inspector during the Local Plan Inquiry when agreeing with the Council's recommendation to allocate the site that sound attenuation/acoustic bunding would be required. Therefore, it is considered that it will be possible to agree measures to attenuate noise at the site via the use of appropriate conditions and that to refuse this application on the basis of noise alone would be difficult to sustain. Discussions between the developer's Noise Consultant and the EHO are continuing and any further updates or changes will be reported to Members at the meeting.

#### Anglian Water Cordon Sanitaire

The concerns expressed by Anglian Water and the residents are noted. However it is pointed out that Anglian Water stated that they had no objections to the site during the allocations stage or the examination in public of the proposals in the Core Strategy of the current adopted Plan. Anglian Water have informally acknowledged this issue and have been in discussion with the developer regarding mitigation.

#### Public Open Space Provision

Policy RLP138 of the Plan requires that in new developments land should be made available for open space. This is likely to take the form of space for play areas and formal recreation. In view of the site's

closeness to existing open space, a contribution of £30,000 has been agreed in lieu of designated land.

### **Land Drainage and Flooding**

The land is within Flood Zone 1 (area least likely to flood), therefore a Flood Risk Assessment has been submitted to and reviewed by the Environment Agency who have recommended a condition regarding surface water drainage.

### **Sustainability Principles**

The proposed scheme includes measures for water resource management, energy efficiency, pollution minimisation and therefore accords with the environmental resources and protection policies in the Plan.

### **Impact on Residential Amenity**

Policies RLP3 and RLP90 of the Plan require that there should be no undue or unacceptable impact on the amenity of any nearby residential property. The dwellings sited nearest to the existing development on Carraways are orientated so that rear elevations face onto existing gardens, creating a separation distance of approximately between 20-30m. Additional planting is also proposed along that boundary. Therefore in terms of overlooking, overshadowing or over-bearing, it is unlikely that the development will have an adverse impact.

Whilst disruption during construction is not a material planning consideration, in view of the concerns expressed by residents, the Developer has submitted a revised traffic management plan indicating that the site will be accessed via Constance Close rather than Carraways.

In response to other issues raised:

Impact on wildlife - whilst it is noted that the site has a low ecological value, being mostly laid to grass, conditions are recommended regarding mitigation for reptiles and nesting birds.

Potential widening of the A12 – the Highways Agency has not objected to the proposal.

The Statement of Community Involvement is flawed. The Statement indicates that, prior to the submission of the application, a meeting was held on 16<sup>th</sup> February 2010 with Witham Town Council, to which the Saul's Bridge Residents Association was invited. An exhibition was also displayed at the Town Council's offices. In addition, a letter outlining the proposal was sent to residents on 12<sup>th</sup> March 2010. The Council is required to have a Statement of Community involvement in

accordance with the LDF process as part of The Planning and Compulsory Purchase Act 2004, which amended the Town and Country Planning Act 1990. At the present time, there is no requirement for Developers to submit a Statement or prescriptive guidance as to how this should be undertaken. In addition to the pre-application consultation, the Council also wrote to affected neighbours as set out above.

Other matters raised in the objections are either covered by condition or are not matters that can be considered material planning considerations.

### **CONCLUSION**

The site is allocated for residential development in the Braintree District Local Plan Review, and whilst the concerns of the objectors are noted, the proposal accords with the relevant Government Guidance, Regional Planning Policy, Braintree District Local Plan Review and Supplementary Planning Guidance. Subject to there being no further adverse material comments from the Environmental Health Officer, it is recommended that:

### **RECOMMENDATIONS**

Subject to the applicant entering into a suitable agreement pursuant to S106 of the Town and Country Planning Act 1990 to secure the following matters the Head of District Development be authorised to grant planning permission, subject to the conditions and reasons set out below:

#### **Heads of Terms**

Affordable Housing  
Education Contributions  
Cycleway Contribution of £70,000  
Contribution of £30,000 towards the River Walk, Whetmead and Town Park  
Considerate Contractor Code of Practice  
Transport Information and Marketing Scheme Pack  
Amenity Areas

- 1 Approval of the details of the:-
  - (a) scale, appearance and layout of the buildings in Phase 1 (the 'full' application) for the 32 'affordable' units to take account of any further recommendations made by the Environmental Health officer;
  - (b) scale, appearance and layout of the buildings in Phase 2 (the outline application);

**(c) landscaping of the site**

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.**
- 3 In addition to the measures set out in the Noise Report dated 6th July 2010, development shall not be commenced until a scheme for protecting the proposed noise sensitive development in Phase 1 (full) and Phase 2 (outline) from noise from the A12 has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before any part of the (noise sensitive development is occupied.**
- 4 Development shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority.**
- 5 Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.**

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

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

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

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

- 6 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.**
- 7 Development shall not commence until a surface water drainage scheme has based on sustainable drainage principles and an assessment of hydrological and hydrogeological context of the development has been submitted and approved in writing by the local planning authority The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**
- 8 Details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. Such details should accord in all respects to the recommendations and conditions set out in the Essex Design Guide.**
- 9 The provision of suitable access arrangements to the application site in connection with the demolition/construction operations, to include wheel washing facilities, turning and off loading facilities for delivery/construction vehicles within the limits of the site, before and after survey of the condition of the existing estate roads together with an adequate parking area for those employed in developing the site. Details to be submitted to and agreed in writing with the Local Planning Authority.**
- 10 Prior to the commencement of the development, details shall be submitted to and agreed in writing with the local planning authority of the 3 metre wide footway/cycleway**

shall be provided through the site as shown on drawing No. S2234\_01.

- 11 **The layout of the development shall be designed to provide for a 20 mph speed limit and shall include full details of the signage, lighting and traffic calming measures necessary to ensure a 20 mph speed limit. Such details shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.**
- 12 **No occupation of the development shall take place until such time as the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport, approved by Essex County Council, for every residential household.**
- 13 **No occupation of the development shall take place until such time as all independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.**
- 14 **No occupation of the development shall take place until such time as the completion of a estate/loop road connecting Carraways and Constance Close. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwellings and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.**
- 15 **Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All**

**proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed in writing with the Highway Authority.**

- 16 Prior to the occupation of the development there shall be a bollard or other physical feature between the 10 parking spaces and the 3 metre wide footway/cycleway, details to be agreed in writing with the local planning authority.**
- 17 All 1 bedroom units shall be provided with 1 parking space and all 2 bedroom or more units to be provided with 2 parking spaces.**
- 18 An additional 4 visitors parking spaces to those shown on drawing No. S223\_01 shall be provided in the Phase 2 of the development.**
- 19 All vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.**
- 20 All vehicular parking spaces which are bounded by walls or other construction shall have minimum dimensions of 3.9 metres x 5.5 metres.**
- 21 Details of the number, location and design of cycle parking facilities for the apartment building shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.**
- 22 Details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.**
- 23 Development shall not be commenced until a survey of the application site has been carried out to establish the presence of any protected species or any other ecological implications which could be affected by the proposed development. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within one month of the completion of the survey.**

**Should the results of the survey indicate that protected species are present within the application site, then details**

**of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:-**

**(a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on protected species;**

**(b) a scheme of translocation to be submitted if necessary;**

**(c) a programme of timings for the works referred to in a) above.**

**Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.**

**Where protected species are not present, details of the means of enhancing biodiversity of the site by mitigation / compensation works to include a method statement shall be submitted to and approved in writing prior to the commencement of development.**

- 24 The screen walls and/or fences as indicated on the approved layout plan shall be erected before the dwellings are occupied and shall be permanently maintained as such.**
- 25 All new dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved and a copy of the Certificate has been submitted to the Local Planning Authority.**
- 26 Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.**
- 27 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height,**

aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

**28** Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**29** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 28; and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 28, which is subject to the approval in writing of the Local Planning Authority.

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 28.**

- 30 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.**
- 31 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.**
- 32 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.**

#### **REASONS**

- 1 The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.**
- 2 To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.**
- 3 To protect the amenities of the occupiers of the residential properties hereby permitted.**
- 4 Development shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority.**
- 5 Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.**
- 6 To enable full investigation and recording of this site of archaeological importance.**
- 7 To prevent the increased risk of flooding.**

- 8 To ensure roads/footways are constructed to an acceptable standard and in the interests of highway safety.
- 9 In the interest of highway safety.
- 10 In the interest of highway safety.
- 11 In the interest of highway safety.
- 12 In the interest of sustainability.
- 13 To ensure that paths are constructed to an appropriate standard suitable for the passage of pedestrians in the interest of highway safety.
- 14 To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.
- 15 To avoid the interference with visibility splays and lighting of the highway in the interest of highway safety.
- 16 To prevent vehicles driving over the footway/cycleway, In the interest of highway safety.
- 17 To ensure that on street parking of vehicles does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Parking Standards Design and Good Practice (EPOA/ECC) September 2009.
- 18 In the interests of highway safety and that appropriate parking is provided in accordance with Parking Standards Design and Good Practice (EPOA/ECC) September 2009.
- 19 To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Parking Standards Design and Good Practice (EPOA/ECC) September 2009.
- 20 To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Parking Standards Design and Good Practice (EPOA/ECC) September 2009.
- 21 To ensure appropriate cycle parking is provided in the interest of highway safety.
- 22 To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 23 In order to assess whether there are protected species in the locality.
- 24 In order to secure the satisfactory development of the site and in the interests of visual amenity.
- 25 In the interest of promoting sustainable forms of development.
- 26 In the interest of promoting sustainable forms of development.
- 27 In the interest of promoting sustainable forms of development.
- 28 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 29 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 30 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 31 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 32 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

### **APPROVED PLANS**

Location Plan Plan Ref: S223/ENG/SK8

Landscaping Plan Ref: CSA/1579/100

Version: A

Street elevation Plan Ref: SK10

Concept Plan	Plan Ref: SK200
Concept Plan	Plan Ref: SK201
Concept Plan	Plan Ref: SK202
Concept Plan	Plan Ref: SK203
Concept Plan	Plan Ref: SK204
General Plans & Elevations	Plan Ref: PLOT 13 TYPE 2B4P
General Plans & Elevations	Plan Ref: TYPE 06.4B6P
General Plans & Elevations	Plan Ref: PLOTS 1-3 & 14-21 TYPE 06.3B5P
General Plans & Elevations	Plan Ref: PLOTS 23 & 30 TYPE 06.3B5P
General Plans & Elevations	Plan Ref: PLOT 25 TYPE 06.3B5P
General Plans & Elevations	Plan Ref: PLOT 26 TYPE 2B4P
General Plans & Elevations	Plan Ref: PLOT 27 & 28 TYPE 06.2B4
General Plans & Elevations	Plan Ref: PLOT 24, 31 & 32 TYPE 06.2B4P
Ground Floor	Plan Ref: 1 & 2 BED APARTMENT TYPE 06.9304
First/Second Floor Plan	Ref: 1 & 2 BED APARTMENT TYPE 06.9304
Elevations	Plan Ref: 1 & 2 BED APARTMENT TYPE 06.9304
Elevations	Plan Ref: 1 & 2 BED APARTMENT TYPE 06.9304
Traffic Management Planning Layout	Plan Plan Ref: S223/200/TR1 Plan Ref: S223_01 REV DVersion:

### **INFORMATION TO APPLICANT**

- 1 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 2 The areas directly adjacent to the carriageway in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.
- 3 In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be

planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

- 4 Prior to occupation, each dwelling shall be served by a system of operational street lighting between the dwelling and an existing highway which shall thereafter be maintained in good repair.
- 5 Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of at least Size 3.
- 6 Although a street lighting scheme has not yet been submitted for approval, the Applicant should be made aware, before land adjoining the proposed highway is disposed of, that further area(s) may be required to accommodate the lighting columns.
- 7 The requirements contained above should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- 8 Prior to any works taking place in the public highway the developer shall enter into any agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- 9 It is noted that there is a potential for a pedestrian link from the development to Maldon Road on the second phase of this development.
- 10 A revised traffic management plan has been submitted showing access directly off of Constance Close, but the drawing number has not been revised from the previous plan and this would be required in connection with condition 4 above.
- 11 All works within the highway to be laid out and constructed and completed to the satisfaction of the Area Highway Manager, details to be agreed before the commencement of works.
- 12 Lighting

**P MUNSON**

**DEPUTY DIRECTOR – HEAD OF DISTRICT DEVELOPMENT**