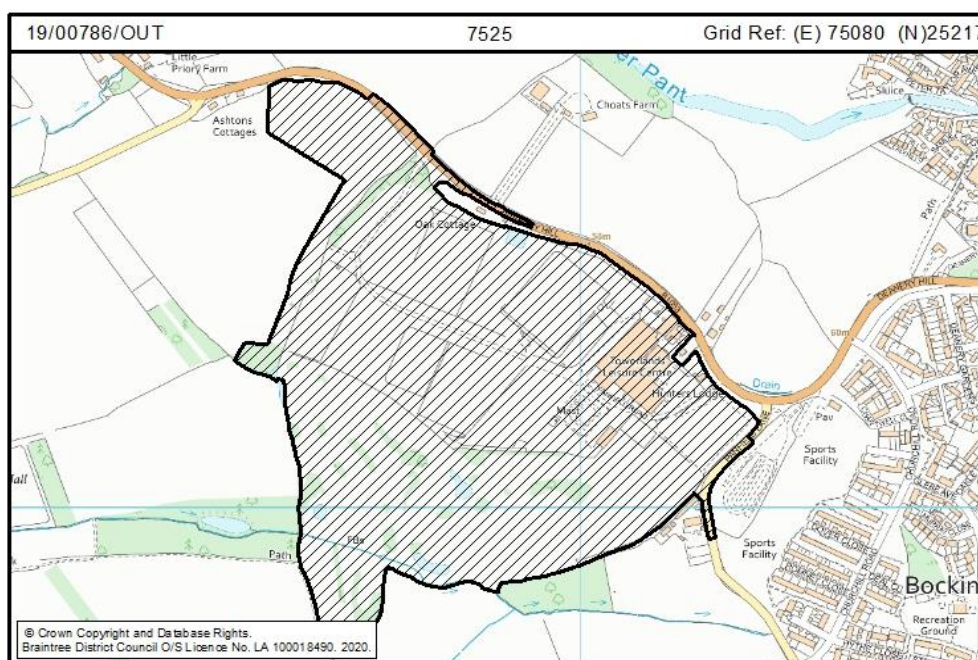


PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/00786/OUT DATE: 17.04.19
 VALID:
 APPLICANT: Mr Stephen Walsh
 C/O Agent
 AGENT: Mr Greg Pearce
 David Lock Associates, 50 North Thirteenth Street, Central Milton Keynes, Milton Keynes, MK9 3BP
 DESCRIPTION: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.
 LOCATION: Towerlands, Panfield Road, Braintree, Essex, CM7 5BJ,

For more information about this Application please contact:
 Timothy Havers on:- 01376 551414 Ext. 2526
 or by e-mail to: timothy.havers@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQTEYIBF0JD00>

SITE HISTORY

02/00207/T56	Erection of 15m lattice tower and equipment housing	Granted	25.03.02
04/00336/COU	Conversion of redundant buildings to two dwellings	Refused	02.08.04
04/00337/FUL	Construction of new manege	Granted	28.07.04
04/00348/OUT	Erection of new golf clubhouse	Refused	28.07.04
04/01702/FUL	Removal of condition 2 of Planning Permission P/BTE/0998/82 to allow premises to be used outside the currently permitted hours of 9.00 - 22.00 hours	Granted	19.10.04
04/01801/FUL	Extension to existing practice ring to main area of equestrian centre	Granted	13.10.04
84/01040/P	Alterations and extensions to changing rooms.	Granted	11.09.84
84/00226/P	Erection of extension to stable block.	Granted	05.04.84
82/00998/P	Proposed erection of building for indoor green bowling rink.	Granted	07.12.82
81/01177/P	Proposed building to house standby generator.	Granted	16.10.81
80/01483/P	Proposed retention of existing equestrian centre, with the removal of condition 8, relating to its use.	Granted	02.12.80
79/01052/P	Extension to main equestrian centre to provide additional seating.	Granted	15.08.79
79/01519/P	Extension to sports building.	Refused	24.01.80
79/00657/P	Erection of sports building.		24.07.79
77/01419/P	Extension of approved main equestrian centre building by the addition of one bay (20ft) to the practice ring.	Granted	12.01.78
77/00110/P	Proposed hay barn.	Granted	29.03.77
77/01119/P	Construction of an oxygest	Granted	25.11.77

77/00058/P	sewage disposal plant. Erection of a horses swimming pool building in connection with the Equestrian Centre.	Granted	15.02.77
76/01165/P	Equestrian centre and horse breeding establishment including managers house.	Granted	07.12.76
75/00558/P	Erection of managers house.	Refused	23.09.75
83/01349/P	Change of use of land from use in connection with equestrian activities to golf course and use in connection with equestrian centre.	Granted	06.02.84
89/01328/P	Erection Of Extension To Provide Golf Professional Shop, Workshop, Store & Office	Granted	01.08.89
90/00366/E	Proposed Signs		
91/00331/E	9100331e		
95/01225/FUL	Construction of access for emergency vehicles	Granted	10.01.96
97/00259/FUL	Proposed access for emergency vehicles - amendment to Planning Approval 95/01225/FUL	Granted	11.06.97
98/01416/FUL	Proposed internal alterations to form first floor gymnasium and new external fire escape	Granted	17.11.98
05/00484/FUL	Erection of extension to sports centre to provide swimming pool	Withdrawn	06.05.05
06/00788/COU	Change of use of land from agricultural to equestrian use and/or golf	Granted	25.07.06
07/00268/FUL	Erection of extension to sports centre to provide swimming pool and foyer extension	Granted	10.05.07
07/00643/FUL	Erection of 60-bed two storey hotel	Refused	02.07.07
08/01426/FUL	Variation of condition 4 of planning application 06/00788/COU to provide for the felling of 12 no. trees and partially remove boundary hedge/scrub	Refused	08.09.08

08/00108/DAC	Application for approval of details reserved by condition 2 of approval 06/00788/COU - Change of use of land from agricultural to equestrian use and/or golf	Granted	15.12.08
14/01033/HDG	Notice of intent to carry out works to a hedge - Remove 6 metres of hedge	Withdrawn	28.08.14
15/00007/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Outline application for the site clearance and development of up to 1,150 homes, up to 5,000sq.m of B1 employment, and up to 3000sq.m of other commercial uses including a local centre with retail	Screening/ Scoping Opinion Adopted	30.06.15
17/00006/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential-led, mixed-use development comprising: 1. Demolition of existing buildings and structures; 2. Construction of 600 new dwellings including affordable homes; 3. Primary school or contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal	Screening/ Scoping Opinion Adopted	08.08.17

	recreation including landscaping to the rural edge;		
	7. Main access from Deanery Hill/Panfield Lane		
	8. Potential additional vehicular access from the Growth Location to the south of the site;		
	9. Associated engineering, drainage, access and other ancillary works.		
18/00004/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - 1. Demolition of existing buildings and structures; 2. Construction of 700 new dwellings including affordable homes; 3. Contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal recreation including landscaping to the rural edge; 7. Main access from Deanery Hill/Panfield Lane 8. Potential additional vehicular access from the Growth Location to the south of the site; 9. Associated engineering, drainage, access and other ancillary works.	Screening/ Scoping Opinion Adopted	10.09.18

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing

RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP10	Retailing and Regeneration
LPP17	Housing Provision and Delivery
LPP20	Strategic Growth Location - Former Towerlands Park Site
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None.

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
Essex Design Guide
External Lighting Supplementary Planning Document

Open Spaces Supplementary Planning Document
Open Spaces Action Plan
Essex Parking Standards Design and Good Practice 2009

Other Guidance

Landscape Character Assessment 2006
Braintree District Settlement Fringes – Evaluation of Landscape Analysis June 2015
Site Allocations and Development Management Plan
National Design Guide

Essex Minerals Local Plan (2014)

Policy S8 Safeguarding Mineral Resources and Mineral Reserves

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest and represents a departure from the Adopted Development Plan. It is therefore an application which has significant policy implications.

NOTATION

The application site is located outside the Braintree Town Development Boundary as designated in the Braintree District Local Plan Review 2005.

The majority of the application site is proposed for allocation for a residential-led mixed use development (600 dwellings) in the Publication Draft Local Plan and is identified as one of the Council's proposed Strategic Growth Locations.

The application has been advertised as a departure from the Council's Adopted Development Plan.

SITE DESCRIPTION

The application site is located outside but adjacent to the Town Development Boundary of Braintree, sitting to the north-west of the existing settlement. It is currently vacant and in parts is derelict. Previously it operated as an equestrian facility; a conference centre and a golf course.

It measures approximately 35 hectares and consists of the following key components:

- A previously developed area containing a number of large buildings and two large car park areas
- A number of former paddocks and a former ménage

- A former golf course with associated trees and hedges
- Boundary trees and hedges

The site is bounded to the north by the B1053 (Deanery Hill). Panfield Lane is located to the east and abuts part of the site's boundary with the remaining southern and western boundaries abutting agricultural land and/or woodland. A stream runs through the south-western corner of the site where a small pond is also located. There are several other small ponds located across the site. There is also a gas mains which runs across the western side of the site in a north/south direction.

In terms of the wider context, further countryside is located to the north and west, with Panfield village also being located to the west. Braintree and Bocking sit to the east with Springwood Industrial Estate being located to the south.

The site sits adjacent to an area of land which is also identified as a Strategic Growth Location (Panfield Lane) in the Draft Local Plan which has planning permission for a residential-led scheme of up to 825 dwellings (Application Reference 15/01319/OUT).

There are 4 existing vehicular access points to the site, three secondary accesses, one from Panfield Lane and two from the B1053, with the main entrance also being taken from the B1053.

In terms of gradient, the site shows a maximum levels difference of approximately 11 metres. In general terms the land is higher to the north, falling down towards the eastern part of the site where the buildings are located and to the south where the stream crosses the site.

The applicant has also confirmed that there is an area of land within the site (approximately 5 acres) which they currently hold on a leasehold basis, with 35 years of a 500 year lease remaining. This area of land would form one of the latter phases of the development ensuring the applicant has time to resolve this and acquire the Freehold.

PROPOSAL

The applicant seeks outline planning permission with all matters reserved except access for:

Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as

necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The scheme proposes two detailed vehicular access points to the site, one from the B1053 (Deanery Hill) and the other from Panfield Lane. Appearance; landscaping; layout and scale are Reserved Matters.

The applicant has, in addition to the Site Location Plan and Parameter Plans, submitted an Illustrative Masterplan to demonstrate one way in which the site might accommodate the quantum of development proposed.

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

- Planning Statement
- Design Code
- Design and Access Statement
- Air Quality Assessment
- Arboricultural Impact Assessment
- Archaeological Report
- Ecology Reports
- Flood Risk Assessment and Drainage Strategy
- Contaminated Land Assessment
- Landscape and Visual Impact Assessment
- Noise Assessment
- Lighting Assessment
- Transport Assessment
- Utilities Report
- Heritage Statement

CONSULTATIONS

Two consultations were carried out, the second following revisions to the scheme relating to the site access points and the Design Code and Parameter Plans.

An overall summary of the consultation responses received is set out below.

ECC Archaeology

No objection. An archaeological evaluation has been completed for the above site and a report submitted and approved. The evaluation has enabled the degree of disturbance from the existing developments to be assessed and has also identified discrete areas of surviving archaeological remains in the south and western parts of the site. There will need to be further investigation

in these areas should they be impacted by the development, either through excavation or monitoring of groundworks. The areas will need to be identified and an appropriate method for their investigation will need to be outlined in a mitigation strategy once the application is approved.

Conditions relating to the submission of a mitigation strategy detailing the excavation/preservation strategy; the completion of fieldwork and the submission of a post-excavation assessment are required.

Health and Safety Executive

No objection. The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

CPRE Essex

We note that no space is allocated to employment on the development. There are no appreciable vacancies on the Springwood Drive Industrial Estate meaning that more than 700 new residents will be forced to travel further afield to work generating a substantial increase in road traffic.

The proposed cycleways within the development will be of limited use because they will not connect to the wider area. The Council should develop a network of cycleways using S106 obligation opportunities to encourage non car modes of transport.

The applicant indicated that the bus service would be re-routed through the development. A substantial improvement in the frequency of bus service provision is also required and also in the frequency of Braintree rail line.

The Transport Assessment is wholly unrealistic in its conclusions about the extent of reliance upon travel by car by future inhabitants and the number of vehicles and trips generated. The development will cause more pollution and have a greater impact upon road congestion than is predicted. If the road link between the site and the adjacent Panfield Lane site is built it will provide a rat run between Rayne Road and the A131 further increasing traffic volumes in Church Street, Bocking.

The Church Street, Bocking/A131 junction and the A131/Marks Farm roundabout junctions have not been assessed in the Transport Assessment.

No reduction in affordable housing should be permitted.

At the detailed design stage the Council should press for energy saving measures/renewable energy sources to be incorporated into the development.

Provision of allotments should be obligatory in a development of this scale.

Consideration needs to be given to the combined impact of proposed developments in the area which totals around 2,800 houses. These combined

developments make only limited provision for employment land for local job provision. Substantial additional demand for education and healthcare services will be generated. Non car modes of transport need to be co-ordinated via an integrated approach from the Council.

Not enough consideration is given to the adverse impact of these developments on all of the roads in the vicinity.

CPRE believe that permission should only be granted if the above matters are adequately dealt with.

ECC Historic Buildings Consultant

No objection. There are no designated heritage assets within the site boundary although there are numerous listed buildings within the vicinity of the site. The applicant's Heritage Statement concludes that the development would be largely imperceptible in long distance views from the Bocking Church Street Conservation Area and would have no impact upon key views into or out of it which I am agreement with.

It is identified that the development would be unlikely to impact upon the setting and significance of any designated heritage assets although it could result in slight harm to the setting of Oak Cottage, a non-designated heritage asset situated on the B1053.

The proposed Ecological Mitigation Area and lack of development to the north-east of the site is important in that it provides mitigation to heritage assets (relatively isolated farm buildings) to the north of the site by creating a buffer.

The development would encroach on the wider environs of the Grade 1 Listed Panfield Hall, however a green buffer between will be retained. The applicants Heritage Assessment concludes that the open nature of the western part of the site makes a neutral contribution to the setting of Panfield Hall. It would not be acceptable if this was downgraded to negative or intrusive by having development upon it.

Two of the surviving pathways within the site are shown on late nineteenth century mapping and their retention should be sought as non-designated heritage assets.

The detailed layout of the scheme should be an important consideration to limit the impact on nearby designated heritage assets and their setting. The Ecological Mitigation Area to the north of the site would reduce the impact of the development on nearby heritage assets and this approach can be adopted to ensure the same is achieved with regard to Grade I Listed Panfield Hall. Care should be taken in the design of the units within the scheme to ensure it makes a positive contribution to local character and distinctiveness.

Environment Agency

The Environment Agency confirms that as the site does not meet any of their consultation thresholds they have no comments to make on this application.

Anglian Water

No objection subject to conditions.

Assets Affected

Anglian Water has assets close to or crossing the site which the site layout will need to take into account.

Wastewater Treatment

The foul drainage from this development is in the catchment of Bocking Water Recycling Centre that will have available capacity for these flows.

Used Water Network

Development will (currently) lead to an unacceptable risk of flooding downstream. Anglian Water will therefore need to plan effectively for the proposed development and work with the applicant to ensure any infrastructure improvements are delivered in line with the development.

We therefore request a condition requiring a phasing plan and an on-site foul drainage scheme to be submitted.

Surface Water Disposal

The proposed method of surface water management does not relate to Anglian Water related assets. The Local Planning Authority should seek the advice of the Lead Local Flood Authority (ECC SUDs).

Required Conditions

- a) Requirement for a phasing plan for the development to be submitted for approval
- b) Requirement for a scheme for on-site foul drainage works to be submitted for approval and to be implemented prior to occupation of each phase

ECC Highways

No objection. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements being secured by way of S106 Agreement/planning conditions:

No occupation of the development to take place until the following have been provided or completed:

- a) Permanent closure and removal of any existing vehicular accesses to the proposal site except for any approved by the LPA as construction access points. These shall be closed after their construction access use is no longer required.
- b) No more than 200 dwellings to be occupied until a priority junction off Deanery Hill has been provided to provide access to the proposal site as shown in principle on planning application drawing number 70048176-WSP-TP-DWG-001 Rev. P10 produced by WSP.
- c) No occupation of any dwellings until a priority junction off Panfield Lane has been provided to provide access to the proposal site as shown in principle on planning application drawing number 70048176-WSP-TP-SK-010 Rev. P10 produced by WSP.
- d) A £395,000 index-linked contribution (plus Essex County Council S106 agreement monitoring fee) towards improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout.
- e) An index-linked contribution (plus Essex County Council S106 agreement monitoring fee) towards improved and/or new bus services at and/or in the vicinity of the proposal site and between the proposal site and Braintree town centre and/or railway station (details shall be agreed with the Local Planning Authority prior to commencement of the development).
- f) Upgrade to Essex County Council specification of those bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development).
- g) A footway/cycleway between the Panfield Lane proposal site access and Churchill Road to the north as shown in principle on planning application drawing number 70048176-WSP-TP-SK-013 Rev. P02 produced by WSP.
- h) A Travel Plan in accordance with Essex County Council guidance.

In addition the following is also required:

- Requirement for a Construction Traffic Management Plan prior to commencement of each phase of the development;
- No more than 50 dwellings shall be occupied until there is a link road (adopted as highway) between Panfield Lane and Springwood Drive (the same or similar to that which forms part of adjacent planning permission 15/01319/OUT);
- Requirement for details of the locations and specification of proposed bus stops within the proposal site and any required on site bus turn round and/or layover facilities to be provided prior to commencement of each phase of development. Agreed details to be implemented prior to occupation of each phase;
- The proposal site's spine road(s) carriageway shall be a minimum 6.75 metres wide, one of which shall be provided to the proposal site's southern boundary to allow for a potential connection with the spine road to be provided as part of adjacent planning permission 15/01319/OUT.

Natural England

The development falls within the Zone of Influence of one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

An Appropriate Assessment has been completed and submitted to Natural England for review. No objection subject to appropriate mitigation being secured as set out within the Habitat Regulations Appropriate Assessment.

The impacts of the proposal upon the landscape; protected species; local (biodiversity and geodiversity) sites and priority habitats and species should also be considered.

The LPA should consider securing measures for the biodiversity enhancement of the site such as bat and bird boxes and new native planting.

BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures and the securing of visitor management mitigation measures at the Blackwater Estuary and Dengie SPA and RAMSAR sites and the Essex Estuaries Special Protection Area.

We have reviewed the applicant's Ecology Reports including those which cover the Lighting Assessment and Strategy; Preliminary Ecological Appraisal; Great Crested Newt Survey; Reptile Survey; Barn Owl Survey; Bat Survey; Water Vole and Otter Survey and Grassland Survey.

We are satisfied that there is sufficient ecological information available for determination. The mitigation measures identified in the submitted Ecological documents should be secured and implemented in full to ensure the conservation of protected and priority species.

The site is located within the Zone of Influence of the Blackwater and Dengie Special Protection Area and RAMSAR site and Essex Estuaries Special Area of Conservation. An Appropriate Assessment has been completed and signed off by Natural England and the mitigation measures outlined within it should be secured by S106 Agreement or Planning Condition to ensure compliance with the Habitat Regulations 2017.

We approve of the proposed landscape design for this development and require the following to be secured by way of S106 Agreement or planning condition:

- Submission of a copy of the required EPS License for Great Crested Newts
- Submission of a copy of the required EPS License for Bats
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan

- Biodiversity Compensation and Enhancement Strategy
- Wildlife sensitive lighting design scheme particularly in relation to bats

Recommend that the proposed Biodiversity Compensation and Enhancement Strategy condition should also secure measurable net gains by the use of the Defra Biodiversity Metric (2.0). This is necessary to deliver an empirical means of measuring whether the proposed biodiversity enhancements listed by the applicant will result in a measurable net gain in biodiversity.

Police Architectural Liaison Officer

No concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures (at the Reserved Matters stage).

We would welcome the opportunity to assist the developer and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

NHS

No objection subject to the required financial contribution being secured through a S106 Agreement. The development is likely to have an impact upon 1 main surgery (Church Lane Surgery) operating within the vicinity of the site.

This existing GP practice does not have the capacity to accommodate the additional growth from the proposed development. The development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

The development would give rise to a need for improvements to capacity, in line with the emerging STP estates strategy, by way of a refurbishment and extension works for the benefit of patients of the Church Lane Surgery; a proportion of the cost of which would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £217,600. Payment should be made via a S106 Agreement before the development commences.

National Grid

No objection. Note that no buildings should encroach within the easement of the high pressure gas pipeline which crosses the northern part of the site.

Highways England

No objection subject to a condition relating to the requirement for a Travel Plan for the site.

BDC Refuse

The plans provided at the outline planning stage are not detailed enough for us to assess suitability for refuse collection with a dustcart and access to all properties. We will need to assess if we can access secondary and tertiary roads at the detailed layout stage.

Waste will be collected from the main roads. Properties on the other roads will have to take their bins/sacks to the junction with the main roads.

Historic England

Do not wish to offer any comments. Suggest that the LPA seeks the views of its own specialist conservation and archaeological advisors as relevant.

Sport England

An objection is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed provision. This position would be reviewed if it was confirmed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a section 106 agreement.

Sport England advise that there is a need for investment in a changing room/club house at the Sporting 77 football ground; improvements to Braintree Cricket Club and to the BMX Club.

With regard to Indoor Sport, Sport England identify a requirement for formulae based financial contributions towards the offsite provision of Sports Halls (circa £240,837); Swimming Pools (circa £260,299) and Indoor Bowls (£39,057).

Sport England is supportive of the proposals in relation to how they have considered Sport England's Active Design guidance with regard to the proposed layout and footpaths/cycleways/multi-functional green spaces.

BDC Environmental Health Officer

No objection subject to conditions relating to the following:

- Submission of a comprehensive Construction Management Plan to include demolition process; construction process; dust; noise; piling and contamination
- Standard conditions relating to Land Contamination
- Hours of working/vehicle movements
- Submission of piling details
- No burning of refuse
- Restriction on plant noise levels for commercial premises

ECC Flood and Water Management

No objection. Require standard conditions relating to the submission of a detailed surface water drainage strategy; the submission of a scheme to minimise the risk of offsite flooding during construction; the submission of a Maintenance Plan for the proposed SUDs system and a requirement for the keeping of a maintenance log of this system. Also require a condition relating to the clearing of the pipes within the site which will be used to convey surface water of any blockage and the restoring of them to a fully working condition prior to commencement of development.

ECC Minerals and Waste

No objection. Whilst the application site is partly located within land which is designated as a Mineral Safeguarding Area (MSA), the total proposed development site area which falls within a MSA is below the 5ha threshold set for applications in an MSA associated with sand and gravel.

The proposed application site is also not within 250m of safeguarded minerals and/or waste infrastructure or 400m of a Water Recycling Facility.

Essex County Council in its capacity as the Minerals and Waste Planning Authority therefore has no comment to make with regard to this application.

BDC Housing

In accordance with Policy CS2 of the Adopted Core Strategy, the outline proposal for up to 575 residential dwellings requires 30% to be provided as affordable housing which would equate to 172 affordable dwellings. The application acknowledges this in the submitted Planning Statement (part 8 Affordable Housing Statement).

It is acknowledged that this application mainly seeks approval for the principle of development and that details concerning the mix of affordable dwellings would be brought forward as reserved matters in a number of parcels/phases. However, based on housing need there would be a requirement for a 70/30 tenure mix of rented over shared ownership.

Additional requirements concerning affordable housing that should be considered are as follows:

- Affordable dwellings should be deliverable without reliance on public subsidy
- Accessibility requirement for bungalow type homes to meet Building Regulations Part M (3b)
- Accessibility requirement for all other affordable homes accessed at ground level to meet Building Regulations Part M (2)
- Affordable homes should be compatible with Nationally Described Space Standards

- Also a requirement for Design and Construction Certificates to be provided to the Council to demonstrate that affordable housing is designed and constructed to the required standards

Also a requirement for proportionate modest sized clustering of affordable units throughout the development.

BDC Landscape

No objection. The site contains a large quantity of trees, however it is considered to be open in character with the majority of trees situated around the perimeter giving it a sense of enclosure. There are a large percentage of trees located within the old golf course whilst to the north of the site tree cover reduces significantly. The sites landscape character is defined by its gently undulating land form and small irregular shaped field pattern. The existing PROW provides strong local connections west towards Panfield.

The applicant has submitted a full Arboricultural Impact Assessment.

A large number of trees would need to be removed (276 trees/groups of trees from the 539 trees/groups of trees on the site with the main tree removal taking place on the disused golf course) however most are assessed as having very limited public visibility due to their internal location within the site and the most important groups consisting of boundary trees and hedges would be retained.

Extensive new tree planting will be provided as part of the site's landscape proposals which will provide mitigation for the initial tree loss.

The TPO woodland located adjacent to the site's southern boundary was identified as being particularly sensitive and a substantial green buffer has been provided as requested.

The proposed access connecting the site to the adjacent Panfield Lane site should not cut across or near mature trees and has been designed to respect existing Category A trees in the locality.

The majority of the site's sensitivities have been effectively responded to.

Proposed open space provision on site is composed of a range of open space typologies and is considered to be acceptable. Consideration to effective retention of street trees must be given with sufficient planting space and future TPO's being employed. These trees should also be kept in the public realm and managed by a management company.

Consideration needs to be given to who will manage the community growing area.

Turkish street trees should be removed from the planting schedule due to likely resident complaints due to littering from their nuts.

Further tree specifications required for tree planting on tertiary and secondary streets.

Essex Swifts

Essex Swifts recommend integral nest bricks in 3's for new build conventional style houses as suggested on the Swifts-Method-Statement-Development-Rev B. The Ibstock integral swift nest bricks come in various colours to match the brick type used on a particular property.

Swift boxes need to be in 3's and very high up on the gable ends and need to be 5 meters above clear ground with no power or phone lines in front or nearby and no lean-to's or garage roofs below due to their flying patterns. The only land when they are nesting.

TOWN / PARISH COUNCIL

Panfield Parish Council

Objection on the grounds of the impact on road access to Braintree Town and Springwood.

- Application seriously underestimates number of vehicle movements it would generate and associated highway impact.
- Application understates the huge impact on the already congested Panfield Lane; Deanery Hill; Bocking Church Street and other local roads.
- Application underestimates the huge increase in peak-time traffic flow, the impact upon the Springwood Drive/Rayne Road Junction and the fact that proposed improvements could not accommodate additional vehicles.
- Application makes no provision for the 1,000+ residents employment; medical services or leisure pursuits.

REPRESENTATIONS

A total of 59 representations were received to the original consultation. At the time of writing a further 31 representations were received in response to re-consultation following the revision of the scheme.

All representations (other than four general comments) received were objections. For the purposes of clarity none of the objectors stated that they withdrew their original objection following the revised scheme and therefore all objections have been treated as objections to both the original and revised scheme.

The objections/comments received are summarised below:

- Insufficient highway capacity/congestion
- Highway safety concerns

- Commuters will be forced to cut through Panfield Village to the A120 to avoid congestion
- Not enough local jobs for new residents
- Site not safely accessible to cyclists
- No suitable access for construction traffic
- Development should have more than one road access
- Insufficient infrastructure (healthcare; dentists; schools; nurseries; leisure and sports facilities; emergency services; sewerage system; refuse collection and water supply; electricity supply; telecoms and broadband; retail facilities)
- Noise/vibration pollution during construction
- Noise pollution from the finished development
- Negative impact in terms of global warming/energy consumption
- Coalescence of Braintree/Bocking and Panfield
- Overdevelopment of the area
- Impact upon the quiet village of Panfield
- Impact upon Grade 1 Listed Panfield Hall
- Insufficient demand for new housing
- Houses will not be affordable to local people
- Contrary to the Panfield Village Design Statement
- Urban sprawl
- Lack of social facilities in the area
- Landscape impact
- Impact upon character of the area
- Development of 2.5 to 3 storeys high not appropriate
- Loss of trees and hedges
- Heritage and Archaeological impact
- Ecological impact
- Air quality impact during demolition/construction
- Air quality impact from traffic generated from new residents
- Light pollution
- Lack of cycle lanes/routes in the locality
- Water pollution during construction and from run-off from finished development
- Vibration
- Much land is available for smaller, less intrusive developments instead
- Inadequate public consultation by Developer
- New retail facilities on the site could cause existing facilities to have too close
- Cumulative impact with other new developments
- Existing development proposals meet/exceed housing need already
- Should be developed for leisure facilities or country park instead
- Covid-19 has shown how important green and wild areas are for peoples physical and mental well-being
- Flood risk
- Increased crime
- Development should contain 100% affordable housing
- Pedestrian safety

- Loss of a greenfield site
- Lack of local employment for new residents
- Public transport in the area is poor
- Loss of farmland
- Will the social housing go to local residents in need?
- Unsure why HSE consultation changed from objection to no objection
- Development should be reduced in scale
- Insufficient parking for the new houses
- Loss of existing valuable leisure facilities on the site
- Development would block public footpath from Panfield Village to Panfield Lane
- Development must be co-ordinated with and linked to the adjacent development at Panfield Lane
- Concerned that some matters are reserved
- All of Panfield Village should have received consultation letters
- Applicant owns additional land to the west which should be turned into a much larger ecology area as a condition of any planning permission
- Design and heights of proposed development not in keeping with the area
- Detrimental impact upon Towerlands Cottage (loss of privacy; loss of light; surrounded by development; noise; overlooking; odour; impact of adjacent demolition and construction; air pollution)
- Potential drainage issues and damage to retaining wall at Towerlands Cottage

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the

Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is not allocated for residential development and is located in the countryside outside the designated Town Development Boundary of Braintree.

The application is therefore contrary to and a departure from the Adopted Development Plan and the principle of development is contrary to Adopted Policy RLP2 which states that new development will be confined to areas with Town Development Boundaries and Village Envelopes and Core Strategy Policy CS5 which seeks to limit development outside such boundaries to uses appropriate to the countryside.

The majority of the site is however proposed for allocation for residential development in the Publication Draft Local Plan. The part which is not, is the applicant's proposed designated Ecological Mitigation Area at the north-western periphery of the site.

The Application Site and the Publication Draft Local Plan

The majority of the application site is proposed for allocation as a Strategic Growth Location under Policy LPP20 of the Draft Local Plan which expects the site to provide for:

- 600 new homes of a mixed size and type appropriate to the area
- Affordable housing in line with the Council's requirements
- A new primary school or contributions towards new primary school provision in the locality
- A new 56 place stand-alone early years and childcare nursery on 0.13 hectares of land
- Community facilities including contributions towards local NHS facilities
- Local retail facilities
- Public open space and formal and informal recreation including landscaping to the rural edge

Policy LPP20 also identifies that the main access to the site will be from Deanery Hill/Panfield Lane with an additional access sought from the growth location to the south.

The applicant's proposal is therefore in general accordance with Policy LPP20 of the Draft Local Plan with the exception of dwelling numbers. The applicant proposes 575 dwellings rather than 600, which is a result of a detailed and thorough Masterplanning and Design Code led approach which has allowed the maximum number of dwellings which can be appropriately accommodated on the site to be accurately identified.

The Publication Draft Local Plan is at a relatively advanced stage having been submitted for Examination with the Examination for Part 1 of the Publication Draft Local Plan (the strategic policies) concluding in January 2020. The Inspector outlining his findings on the Section 1 Local Plan and considers that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. As such some weight can be given to its policies.

It is also noted that the development of the site in accordance with the Draft Local Plan would result in the loss of the disused Golf Course. Notwithstanding the fact that this has been disused for a prolonged period of time, the Council's Open Spaces Study which forms part of the Draft Local Plan's evidence base is clear that there is sufficient provision for Golf courses within the District.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the

housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application. This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

The application site is located immediately adjacent to, but outside the Town Development Boundary of Braintree as identified in the Adopted Local Plan. Braintree sits at the top of the settlement hierarchy within the District, being identified in the Adopted Core Strategy as the largest main town, with Witham and Halstead sitting below it in the top tier of the settlement hierarchy. Key Service Villages (of which there are six) form the next settlement tier with 'other villages' sitting below.

The designation of Braintree as a main town has been carried forward into the Draft Local Plan. The overall settlement hierarchy is altered and expanded

from 'towns; key service villages and other villages' to 'towns; key service villages; second tier villages and third tier villages'.

It is therefore accepted that at the strategic level, the town of Braintree is identified as being the District's main centre and is one of the most sustainable locations within the District, acting as the main centre for its surrounding areas.

The site itself is located adjacent to the Town Development Boundary which lies approximately 150m to the east on the opposite side of Braintree BMX Club and the Sporting 77 Sports Ground. The applicant proposes to provide links to the existing footpath network within the town via Deanery Hill and via a connection through to the adjacent Strategic Development site to south. The proposed pedestrian access point onto Deanery Hill would be located approximately 2.7km from the northern side of the town centre. The centre of the site would be approximately 3.5km walking distance from the same.

The railway station is located approximately 3.6km walking distance from the site's Deanery Hill pedestrian access.

In terms of existing Primary Schools there are a number in the locality and it would be, for example, approximately 1.1km walking distance from the site boundary to Bocking Church Street Community Primary School; 1.9km to John Bunyan Infant School and Nursery; 2.5km to St Francis Catholic Primary School. However, a new Primary School is proposed directly adjacent to the application site on the adjacent Strategic Development (Panfield Lane).

In terms of secondary school access, the site's pedestrian access to Panfield Lane is positioned approximately 2km walking distance from Tabor Academy.

Distances to local facilities from the site pedestrian entrance vary with Bocking Church Street Co-op approximately 900m away; a small Neighbourhood Centre on Queens Road with Fish and Chip Shop, Barbers and a Newsagents approximately 1.4km away; Glebe Community Hall approximately 665m away and Tabor Gym and Leisure Centre approximately 2km away, in addition to the wide array of facilities and services located in the town centre.

There are therefore, a variety of services and facilities within the local area as would be expected from a site positioned on the edge of the District's main town.

However, given the size of the development and the fact that most of the above distances are longer the 800m walking distance set out in the CLG Department for Transport's Manual for Streets which is commonly accepted as defining a 'walkable neighbourhood', the proposed on site facilities and services are also critical to the sustainability of the proposal. These would include the following:

- On site Early Years and Childcare Facility

- Up to 250m2 of retail facilities (Use Class A1) and up to 250m2 of Community Facilities (Use Class D2) located on site in a mixed use Neighbourhood Centre

In addition, provision would be made for bus stops throughout the site and bus provision from/to the site providing the ability for easily accessible public transport for future residents to access both the town centre and the wider area. This would be in addition to a number of existing bus stops in the vicinity including outside the site's existing main entrance onto Deanery Hill and on Churchill Road to the east of the site (280m from the site pedestrian access onto Panfield Lane); which provide regular services to the town centre and the wider District.

Overall, the physical location of the site is considered to be sustainable when combined with the proposed on site facilities and additional bus services and would ensure that future residents would have access to both local services and facilities and to the wider area.

In addition, the approved strategic development on the adjacent site (Application Reference 15/01319/OUT) will make provision on site for a Neighbourhood Centre; Primary School and Community Sports Facilities. Although this development has not yet been constructed it has been formally approved and is a material planning consideration in the determination of the current planning application. Clearly these facilities on an adjacent site would also benefit the current proposal in terms of local accessibility to facilities and services.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (Paragraph 124) that 'good design is a key aspect of sustainable development' and that (Paragraph 127) developments should 'function well and add to the overall quality of the area...are visually attractive as a result of good architecture, layout and appropriate and effective landscaping....establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials'.

The current application is an outline application with all matters reserved except access. However, the applicant has submitted, in addition to a Site Location Plan the following documents in support of their application, which would fix a number of development parameters and provide significantly more certainty around the details and quality of development proposed. These documents would be for formal approval:

- Parameter Plan – Development Framework
- Parameter Plan – Density
- Parameter Plan – Building Heights

- Parameter Plan – Movement and Access
- Parameter Plan – Green Infrastructure
- Design Code

The submitted detailed site access drawings would also be for formal approval.

An illustrative masterplan has also been submitted which would not be for formal approval but demonstrates one way in which the application site could accommodate the proposed quantum of development whilst complying with the above documents.

The above plans were produced following an extensive pre-application process involving significant engagement with Officers from Planning; Landscaping, Ecology, Highways and Design specialisms. This included detailed Design Workshops, a number of pre-application meetings, design and layout critique's and regular discussions between the Local Planning Authority and the Applicant's Design Team.

Consequently, the level of detail submitted and the proposed quality of the proposal is considered by Officers to be very high and is underpinned by a carefully considered and detailed Design Code which future developers of land parcels on the site must adhere to. This will ensure both continuity and quality across the development and provides the Council with significantly greater certainty over what is being proposed than could otherwise be achieved.

Overall the applicant proposes a strategic scale residential-led development with the following key components:

- Up to 575 dwellings (policy compliant 30% affordable)
- Land for early years and childcare facility
- A local centre for up to 250m² of retail and 250m² of community facilities
- Vehicular access points from Deanery Hill (B1053) and Panfield Lane
- Informal and formal open space
- Dedicated ecological mitigation area
- Landscaping
- Network of cycle and pedestrian routes
- Sustainable Urban Drainage Systems

The proposed layout consists of a large developable area which sits fairly centrally within the site. A second, much smaller development parcel lies to the south-west. There are substantial green buffer areas located around the site's periphery many of which would form linear parks. In particular, to the north-west there would be a particularly expansive area of green space identified as a 'meadow' area beyond which would lie a large, dedicated ecological mitigation area. The meadow area would contain informal mown trails around the perimeter and would be planted with wildflower mixes along with new trees and native shrubs. Whilst suitable to function as informal public

open space with associated ecological benefit the meadow area is not suitable for development for residential, infrastructure or formal sports purposes due to the presence of a gas mains underneath part of it.

Substantial SUDs areas would be located along the site's southern boundary, linking into the existing river habitat there and also on the northern side of the site where the land falls at the site periphery.

The main development parcel is centred around a village green, with a local neighbourhood centre being located to the south-east. The two proposed vehicular access points would lead into the site from Deanery Hill to the north and Panfield Lane to the south-east and would be linked via a dual spine road which also branches off to the west and provides one of the main delineations within the developable area. A segregated pedestrian and cycle pathway around the site periphery is also a key part of the proposed masterplan parameters in addition to a dedicated community growing space.

The main spine roads and the smaller avenue which runs through the heart of the site from north-west to south-east are designated as 'green streets' where there would be a particular heavy focus on creating a sense of place through a regular and rhythmic street tree planting regime, with prominent tree species chosen to make these primary streets distinct and formal in character.

A number of different types of playspace are identified across the development, some formal and others less so including a woodland play area located to the south-west.

Overall, the site measures approximately 35 hectares, giving a gross density of approximately 16 dwellings per hectare and a net density of approximately 32 dwellings per hectare based on an approximate residential developable area of 18 hectares.

The illustrative masterplan, which directly informs both the Design Code and the Parameter Plans (which would be for formal approval) demonstrates how both the Essex Parking Standards and the Essex Design Guide Criteria (including garden sizes and back to back distances) could be met.

In terms of appearance, the submitted Design Code provides significant detail regarding proposed character areas, public realm and landscape details, details of the proposed local centre area and details of road, cycleway and footpath typologies. This includes factors such as proposed building materials and design types/principles, location and types of planting, street layouts and dwelling heights and typologies.

It also details character areas which form the building blocks for the site's proposed design and layout. These are briefly summarised below:

‘The Barns’ - Rural Edge

This character area is located on the western side of the site and the Design Code aims to create a soft built frontage to adjacent open countryside and meadow area. The materials palette incorporates materials found in rural Essex such as black timber boarding and red plain tiles and the built layout aims to create a more permeable fringe with small courtyard groupings opening out alongside the countryside edge. Building heights would be predominantly 2 and 2.5 storey.

Parkland Edge: South

Located along the southern fringe of the development and fronting onto the linear park area which forms the site’s southernmost green buffer. This is a more enclosed area of the site with a lower topography and some strong areas of existing mature woodland and hedge lines which shield the site. The built form would be denser and taller in this area with scope for some interspersed flat blocks and 3 storey buildings with lighter coloured materials.

Parkland Edge: North

Located to the north-east of the site, this character area forms the site’s frontage to Deanery Hill. It aims to create appropriate screening but with select views into the site with the developable area being set back from Deanery Hill with a large play space; footway/cycle route and new and existing planting being located in a green buffer zone in-between Deanery hill and the nearest new dwellings. Buildings would predominantly be 2 and 2.5 storey.

The Avenue and Village Green

The avenue and village green character area is located more centrally within the site and consists of the eastern arm of the main spine road which links the site’s vehicular access point from Deanery Hill to its access point from Panfield Lane. The village green and adjacent early years facility is located approximately halfway along the avenue and the Design Code seeks to create a central destination for the community, with a distinct red multi brick as the predominant material along the avenue street. The Design Code states that the built form in this character area is designed to create an active frontage and articulated primary street, complemented with high quality boundary treatments. The avenue itself is identified as a formal tree lined corridor which provides the primary road for vehicle movement and for (segregated) pedestrian and cycle movement through the site and would contain a mix of 2 and 3 storey houses which are appropriate for a primary route.

The Lanes

The lanes comprises the area of housing at the heart of the developable area and would be the inner core of the scheme. The Design Code proposes lighter building materials appropriate for the close-knit network of higher

density streets with some key buildings being articulated through natural timber boarding to provide a visual link to the more rural character at the edge of the developable area. Building heights would be up to 3 storey.

Conclusion

The applicant's team has worked constructively with Officers over a prolonged period of time and has striven to meet Officer requirements in terms of achieving a high quality scheme with a strong degree of certainty being provided at the outline planning stage as to what will be achieved on the site. Collectively, the submitted Design Code and Parameter Plans provide a carefully considered and detailed framework for the site, within which any future developers will be required to operate.

Impact Upon Neighbour Amenity

There are a number of existing dwellings located in the immediate area. The closest of these share a boundary with the application site (Oak Cottage and Towerlands Cottage) whilst a third (The Coach House) is located immediately adjacent to the site boundary with a public right of way situated in-between.

There are also a number of dwellings located in the wider area, the closest being two dwellings located immediately to the north of Deanery Hill.

The precise detail of the relationship between new and existing dwellings and compliance with the relevant Essex Design Guide criteria relates to the final detailed design and layout of the relevant development parcels and would be a matter for the reserved matters stage. This would include ensuring that the development would not have an unacceptable impact upon existing resident's privacy, outlook, sunlight or daylight.

However, the illustrative masterplan demonstrates the general principles of how proposed dwellings could be located adjacent to existing dwellings whilst ensuring that the amenity of existing residents was protected. Furthermore, in order to set clear parameters to ensure that the amenity of those dwellings which share a direct boundary with the application site are protected from the outset, the Design Code for the site includes 'zoomed in' drawings which set minimum distances between new and existing dwellings in addition to explicitly requiring other criteria to be fulfilled such as accounting for levels differences between new and existing dwellings and specifying requirements for landscape buffers of certain widths.

In the shorter term, potential noise impact from the construction phase of the development is discussed in more detail under the Construction Activity section of the below report. Conditions are also proposed to protect existing and future residents from plant noise from the proposed commercial buildings.

Overall, Officers do not consider that there are any grounds to recommend the application is refused in relation to impact upon existing neighbour amenity.

Landscape

Policy CS8 of the Adopted Core Strategy states that *‘development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment’*. Policy LPP71 of the Draft Local Plan also states that development must be suitable for its landscape context and should be informed by and sympathetic to the character of the landscape as identified in the Council’s Landscape Character Assessment.

The Council’s Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the application site as forming part of (roughly a quarter of) Land Parcel B16 which has a low-medium capacity to accommodate development (sites ranging from low to low-medium to medium to medium-high capacity).

Land Parcel B16 is then further subdivided into multiple parcels (6 in total) which range in landscape capacity from low to medium. The proposed parcel upon which the Towerlands development would be located is categorised as having ‘medium’ landscape capacity to accommodate development with the area to the north where the applicant proposes an ecology mitigation area being categorised as medium-low.

Overall therefore, the site is identified as having the landscape capacity to absorb development, although as with all developments of this scale in order to minimise landscape harm the site would need to be developed in a sensitive manner.

The development parcels would have their heights limited with the development being primarily 2 to 2.5 storey with elements of 3 storey at appropriate points in terms of townscape and development legibility. Combined with substantial areas of green buffering located around the sites periphery and extensive tree planting within the site, particularly along the spine roads, this would help to minimise the development’s landscape impact.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of their application. This finds that the actual visual envelope of the site is comparatively limited in its extent on account of the screening effects of established mature boundary trees and hedgerows around its perimeter, including well-established planting along Deanery Hill and Panfield Lane and the wooded character of the site’s western boundary. Nearby blocks of woodland and mature tree cover within the local landscape such as a woodland block to the south of the site assist with this containment.

Overall the LVIA concludes that the site could absorb new development without resulting in any unacceptable long-term landscape and visual harm provided that design and mitigation measures are embedded within the

masterplan such as compensatory planting for vegetation removed and a well-managed green infrastructure within the site.

The Draft Local Plan also includes two extensive green buffers, located to the north and west of the Towerlands site. These are specifically intended to prevent coalescence and the applicant's proposal does not encroach onto either of these buffers. Officers are therefore satisfied that the proposal would not have a harmful impact in this respect and is in accordance with the Draft Local Plan allocation.

The Council's Landscape Officer has assessed the application and has no objection to the proposal on landscape grounds. Specific comments are made in relation to the following:

- A large number of trees will need to be removed however most are assessed as having very limited public visibility due to their internal location within the site and the most important groups consisting of boundary trees and hedges will be retained.
- Extensive new tree planting will be provided as part of the site's landscape proposals which will provide mitigation for the initial tree loss.
- The TPO woodland located adjacent to the site's southern boundary was identified as being particularly sensitive and a substantial green buffer has been provided as requested.
- The majority of the site's sensitivities have been effectively responded to.
- Proposed open space provision on site is acceptable. Consideration to effective retention of street trees must be given.
- Consideration needs to be given to who will manage the community growing area.
- Turkish street trees should be removed from the planting schedule due to likely resident complaints due to littering from their nuts.
- Further tree specifications required for tree planting on tertiary and secondary streets.

The applicant worked with Officers during the Design Workshop process and sought to respond to concerns raised throughout the process. With regard to street trees, Turkish Hazel Trees are one of four types listed on the street tree planting schedule (Field Maple; Small Leaved Lime; Turkish Hazel and Norway Maple). The Landscape Officers comments are noted however there is benefit in having a portfolio of robust street trees and the exact mix and location can be considered in detail at the Reserved Matters stage as would the precise tree planting specifications/methodology.

Overall, and following a detailed landscape assessment of the application, Officers consider that the impact of the proposal is limited for a scheme of this size. The applicant proposes a net gain in tree planting against those lost and the site contains expansive areas of interconnected green infrastructure and buffer zones.

As with all such major residential developments there would be a degree of landscape harm and this must be assessed in the overall planning balance.

Ecology

Policy RLP80 of the Adopted Local Plan requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 of the Adopted Local Plan and Policy LPP69 of the Draft Local Plan encourages landowners to retain, maintain and plant native trees, hedges and woodlands. Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact upon protected species. Policy LPP68 of the Draft Local Plan also requires the impact of new development upon protected species to be considered.

The site currently consists of a variety of different habitat types including semi-improved grassland, scattered broadleaved trees and conifers, boundary hedgerows, scattered scrub and a number of waterbodies. There are also a number of buildings and associated hardstandings. The applicant's proposal includes a large ecological mitigation area to the north-west of the developable area, part of which would not be publically accessible other than for management purposes.

The applicant submitted an extensive Ecology Report in support of their application which includes a Phase 1 Habitat Survey; Bat Survey; Barn Owl Survey; Badger Survey, Great Crested Newt Survey, Water Vole and Otter Survey; Grassland Survey and Reptile Survey.

With regard to birds, the habitats recorded within the site were found to be typical of those in the wider landscape, suitable for supporting a similar assemblage of species including a small number of common and widespread species which are red or amber listed. Notably a Barn Owl was observed during the Phase 1 Survey and a specific Barn Owl Survey was subsequently carried out. This found that it is likely that one pair of nesting barn owl is present, utilising one of the buildings on site for nesting and another for roosting. These buildings are to be demolished and mitigation is therefore required in the form of at least two nesting boxes and the enhancement of habitat within the specified ecological mitigation area to provide foraging for Barn Owls. The Grassland Survey also identified the need for the ecological area to contain species rich grassland to replace areas lost under the proposed developable area.

No signs of water vole or otter were recorded during the relevant survey visits. The waterbodies surveyed were found to provide sub-optimal habitat for water vole and otter with limited foraging and sheltering features.

Two outlier badger setts were recorded at the site in April/May 2019. However, in September 2019 these were no longer active and there were no recent signs of badger activity on the site. A precautionary pre-development survey is therefore recommended prior to the commencement of any construction.

The habitats present within the site and the surrounding area were identified as forming suitable but sub-optimal habitat for hazel dormouse. The Ecology Report recommends that the site's boundary habitats are retained or enhanced with additional planting of native woody species of tree and shrub.

The Great Crested Newt (GCN) Survey identified that a small size population of GCN is present within two of the waterbodies on site, both of which will be removed as part of the proposed development under license from Natural England. Mitigation measures are therefore necessary and the dedicated Ecological Mitigation Area would contain a total of 8 new ponds specifically for this purpose with a total of 6ha of enhanced terrestrial habitat also being created.

A Reptile Survey was also completed which indicated that small numbers of grass snake and slow worm were present within the site. The Ecological Mitigation Area has therefore been designated to include the creation of new hibernacula, areas of wetland and wildflower habitats with habitat connectivity to the wider landscape being both maintained and enhanced. These provisions will provide basking and sheltering opportunities in addition to supporting invertebrates and small mammals which reptiles could feed on.

With regard to bats, the roost surveys identified three brown long-eared bat roosts present in three respective buildings within the site. The roosts are used as occasional day roosts and night time feeding roosts. Activity surveys also identified ten species which were recorded throughout the survey area, with the majority of activity recorded close to linear boundary features and a waterbody. Mitigation measures are therefore identified as being required, with a license to be secured from Natural England for the removal of the roosts prior to demolition of the buildings; provision of alternative roosting locations; retention of boundary habitat features used by commuting bats; implementation of a sensitive lighting strategy and provision of the Ecological Mitigation Area with enhanced foraging habitat for bats.

In addition to the above specifically identified mitigation measures, the applicant has submitted a detailed, Ecology Mitigation and Enhancement Strategy.

The provision of a substantial dedicated Ecological Mitigation Area also forms a central part of the applicant's ecology mitigation strategy. To the north of the site, a large area which currently forms part of an agricultural field (grazing land) would become an ecological habitat area. Public access would be limited to maintenance purposes only. The area would contain a total of 8 water bodies and 9 hibernacula with grassland and graded scrub habitats purposefully designed and actively managed to provide optimum ecological habitat. This area would be located adjacent to the large area of informal open space on the northern side of the developable area which in turn would consist of a large wildflower meadow area. The two areas would be linked by an existing tree belt which would be retained and would also provide a green link to the proposed green infrastructure running along the site's southern boundary. These areas would contain an additional 3 hibernacula.

Overall a minimum of 6 bat boxes and 5 bird boxes would also be provided within the green infrastructure areas with an additional requirement for swift nest box provision in developable areas.

During the construction phase mitigation measures are also identified based on avoidance measures including the timing of sensitive works to avoid harm to biodiversity features; identifying the times when specialists need to be present during construction and regulating construction activities and locations to minimise ecological impact.

The Council's Ecology Officer has reviewed the application in detail and has no objection to the proposal subject to a number of conditions to secure relevant ecology mitigation and precautionary measures as set out above.

Natural England have also reviewed the application and have raised no objection subject to the required mitigation measures being secured in relation to the Habitat Regulations Assessment which is discussed in more detail below.

Overall, subject to the required planning conditions Officers do not consider that there are any ecological grounds to recommend that planning permission is refused.

Trees

The applicant has submitted an Arboricultural Report in support of their application. This identifies a total of 539 trees/groups of trees on the application site. Eight of these are Category A trees. There are 35 different species identified in total although a large percentage of the overall tree population is made up of Leyland Cypress and Field Maple.

The development would require a worst case scenario of a total of 276 trees/groups of trees to be removed. None of these are Category A trees with some being Category B but the vast majority being Category C or U. The majority of the trees to be felled are located on the southern part of the site which forms the old golf course.

A TPO woodland is also located adjacent to the site's Southern Boundary. This would remain unaffected with a substantial green buffer being built into the Parameter Plans partly for this purpose.

When assessing proposed tree loss it is necessary to consider whether tree loss is proposed for justifiable reasons, if it is being kept to a reasonable minimum and where it is essential if appropriate replanting is secured.

The majority of the proposed tree removals are located on the old golf course. These trees are positioned in random locations across the entirety of the course and formed part of the landscaping scheme for the golf course. Due to the random and widespread nature of their positioning it is not possible to

retain them whilst achieving a high quality design and layout for a residential development.

Tree removal is also required where the two site access points would be located. Again, this is considered to be appropriate. Two access points are required for a site of this scale and in masterplanning and highway safety terms the access points are in the correct locations.

The precise and final details of tree removals would be considered under the various Reserved Matters Applications for the site when the exact position of internal roads and development plots would be considered. This would present further opportunities to minimise tree loss and in particular some of those located on the golf course may be able to be retained at the detailed layout stage. The Council's Landscape Officer has reviewed the applicant's Arboricultural Report and has no objection.

Overall, Officers consider that whilst the tree removal proposed must be weighed as harm in the planning balance, it is both necessary and proportionate to a scheme of this scale.

Importantly, a large number of existing trees and groups of trees on the site are being retained, particularly around its boundaries where well established mature tree cover exists.

In terms of tree planting, the scheme makes significant proposals. A commitment to net gain has been made across the site meaning that more trees would be planted than are lost and this commitment to net gain would be secured by way of condition (Condition 9). Substantial areas are identified on the green infrastructure plan for new tree planting which run around the periphery of the entire site. The proposed Ecological Mitigation Area provides further scope for dedicated new tree planting.

In addition, the Design Code sets out detail on how tree planting will be achieved both within the actual development parcels and character areas and along the Spine Roads where regular formal, rhythmic tree planting is an integral part of the Design Code's character approach.

All new planting areas and existing retained areas would be actively cared for under Landscape and Ecology Management Plans with tree stock being professionally managed.

Overall therefore, the proposed loss of trees and hedgerows on the site must be balanced against the retention of existing mature tree stock on the site and the large number of new trees which would be planted and professionally maintained with an overall net gain being achieved.

Habitat Regulations

In terms of the wider ecological context, the application site sits within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary

Special Protection Area and Ramsar site and the Essex Estuaries SAC. It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

An Appropriate Assessment has been completed in accordance with Natural England's standard guidance and submitted to Natural England for review. Natural England issued a formal response stating that they have no objection subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured and that these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the European designated sites.

The proposed mitigation measures would consist of both on-site and off-site components including:

- Recreational opportunities for a 2.7km daily walking route around the site and surrounding area for new residents
- Promotion of this walking route by way of leaflets to first occupiers and permanent notice boards erected on the site
- Connections to the existing public rights of way network
- A long term management plan to cover all open space on the site
- Financial contribution of £122.30 per dwelling erected towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site

These mitigation measures would be secured by way of S106 Legal Agreement and planning conditions.

Highways and Transport

The applicant seeks outline planning permission with all matters reserved, except access for which detailed permission is sought. Two vehicular access points to the site are proposed, one from Panfield Lane to the south and the other from the B1053 to the east. The existing main vehicular site access from the B1053 would be closed as would the other secondary access points to the site although the main access would initially be used for construction vehicle access prior to its closure.

Each of the proposed access points would consist of a standard priority T junction set at 90 degrees to the existing highway with a 6.75m carriageway. The Deanery Hill access would also have a 3m footway/cycleway on its northern side and the Panfield Lane access a 2.0m footway on its western side and a 3m footway/cycleway on its eastern side. The two proposed access points are linked via a spine road which also branches off to the south to provide the link to the adjoining Panfield Lane development site.

Policy LPP20 of the Draft Local Plan states that with regard to access *'the main access to the site will be from Deanery Hill/Panfield Lane, an additional*

vehicle access will be sought from the Growth Location to the south at North West Braintree’. The proposed main access points from Deanery Hill and Panfield Lane therefore accord with the Draft Policy.

In addition, the proposal makes provision for a connection to the adjacent North West Braintree (‘Panfield Lane’) proposal which already has an extant planning permission for residential-led development. Whilst it is beyond the scope of this current application to force a physical highway connection between the two sites, the Development Framework Plan shows a road leading up to the shared boundary which would be constructed in preparation for a connection to be put in place from the adjoining site.

A Transport Assessment has been submitted in support of the application which has been reviewed in detail by both Highways England and Essex County Council Highways.

The Transport Assessment (TA) is based on a development of 575 residential units, up to 500sqm² of local retail/or community facilities and an early years facility (accommodating 56 places). Modelling has been completed for the priority junctions within the proposed TA study area for the forecast year of 2028, with the full development of 575 dwellings in place by 2028. The development peak highway hours of 8am-9am and 5pm-6pm have been assessed.

The modelling shows that the proposed development would generate approximately 282 vehicle movements in the AM peak (213 departures and 69 arrivals) and 273 movements in the PM Peak (180 arrivals and 93 departures). By way of comparison, the existing lawful uses of the site (which represent the ‘fall-back position’) consist of a golf course, expedition centre and equestrian centre. These are predicted to generate up to 137 AM peak hour trips (112 arrivals and 25 departures) and up to 120 PM peak hour trips (35 arrivals and 85 departures).

The Transport Assessment finds that the proposed access points to the site would all operate well within capacity with the completed development in place, as would be expected.

The junctions modelled within the wider area were agreed with the Highway Authority and the findings are based on the position in 2028 with the proposed development and the adjacent Panfield Lane development with its associated link road to Springfield Way Industrial Estate completed. The results are summarised as follows:

B1053/Panfield Lane Junction	Operates within capacity
B1053 / CHURCH LANE	Operates within capacity
A131/BROAD ROAD ROUNDABOUT	Approaching capacity

CONVENT HILL / BRADFORD STREET	Approaching capacity
PANFIELD LANE / PORTER'S FIELD	Operates within capacity
SPRINGWOOD DRIVE / RAYNE ROAD / POD'S BROOK ROAD	Over capacity without the existing proposed ECC upgrade scheme. Within capacity with this.
AETHERIC ROAD / PIERREFITTE WAY / RAYNE ROAD	Over capacity following 60 new dwellings at the application site. Then within capacity following link road completion.
B1256 PIERREFITTE WAY / GEORGE YARD CAR PARK	Operates within capacity
B1256 PIERREFITTE WAY / B1256 HIGH STREET / CLARE ROAD / LONDON ROAD	Over capacity without the development. With the development plus adjacent link road in place no worse than the 'without development' and link road scenario

Overall, Essex County Council as the Highway Authority therefore consider that the following is required in order to ensure that the development's impact on the highway network would be acceptable:

- a) A £395,000 index-linked contribution (plus Essex County Council S106 agreement monitoring fee) towards improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout;
- b) No more than 50 new dwellings to be erected and occupied until there is a link road (adopted as highway) between Panfield Lane and Springwood Drive (the same or similar to that which forms part of adjacent planning permission 15/01319/OUT).

Highways England also have no objection to the proposal and do not require any specific mitigation over and above that required by Essex County Highways.

During the construction phase the highway impact of the proposed development would need to be carefully managed. The applicant would be required to submit a Construction Traffic Management Plan to cover each phase of the development which would include details of construction traffic routing and haulage routes.

In terms of pedestrian and cycle provision, the site specifically caters for both within the Design Code and associated Parameter Plans. The main spine roads, which provide the principle route through the site would provide

dedicated pedestrian and cycleway access which would be completely segregated from the vehicular road to ensure it was both usable and safe.

The existing public right of way which crosses part of the southern area of the site would be maintained with a minor diversion required and a network of new pedestrian routes created to ensure the permeability of the site. Multiple connection points from the site to this public right of way would also be created in addition to provision for connections to the local pavement network with its links to the wider area.

The applicant would also be required by ECC Highways to provide a footway and cycleway link from the development's Panfield Lane access to Churchill Road located to the east further along the B1053 (Deanery Hill). This would provide an important pedestrian and cycle link in this direction into Braintree Town.

There are a number of existing bus stops located in the locality including outside the site's existing main entrance onto Deanery Hill and on Churchill Road to the east of the site (280m from the site pedestrian access onto Panfield Lane); which provide regular services to the town centre and the wider District.

Braintree Railway Station is located approximately 3.6km from the application site and is accessible by foot, or more easily by bicycle or bus. It provides a mainline railway service to London Liverpool Street with an off peak service of 1 train per hour.

The applicant would be required to upgrade existing bus stops; provide bus stops within the new development and make a financial contribution towards bus service provision in the locality and to the town centre/rail station from the site (update to be provided to Members at Planning Committee). A Travel Plan would also be required.

Overall, in terms of highway impact, Officers do not consider that the development would be contrary to Paragraph 109 of the revised NPPF (February 2019) which states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Subject to the required conditions/planning obligations being secured, Officers do not therefore consider that there are any highway grounds upon which to recommend the refusal of planning permission.

Heritage

The application site is not located within a Conservation Area nor does it contain any listed buildings or designated or non-designated heritage assets. The applicant has submitted a Heritage Statement in support of their application and both Historic England and the Council's Historic Buildings

Consultant have been consulted. Historic England have advised that they do not wish to make any comment on the application.

The Bocking Church Street Conservation Area boundary is positioned approximately 500m away to the north-east. The Council's Historic Buildings Consultant concludes that the applicant's Heritage Statement is correct when it states that the development would be largely imperceptible in these long-distance views and would not impact on key views into or out of the Conservation Area.

The sites relatively strong boundary screening in the form of established trees and hedgerows is identified as a factor in limiting its visibility from and to heritage assets in the locality. The proposed Ecological Mitigation Area is identified as further limiting the visual impact of the scheme, ensuring the land at the north-western periphery of the site would remain undeveloped, creating an open area, with screens of vegetation and forming a visual buffer to the development from the north and north-west. The Historic Building's Consultant identifies that this would reduce the impact of the scheme on static and kinetic views to and from designated heritage assets in this area.

With regard to non-designated heritage assets, it is identified that slight harm would be caused to the setting of Oak Cottage, a non-listed building which is located adjacent to the site's northern boundary. Measures to limit the impact on Oak Cottage could however be undertaken through the design and landscaping aspects of the scheme and indeed the applicant's Design Code proposes a buffer zone to this existing property.

The Council's Historic Buildings Consultant has also identified that consideration should be given to the surviving pathways within the site, two of which are shown on late nineteenth century mapping. These may have been established well before the nineteenth century and provide a vestige of the historic landscape and as such, can be considered as non-designated heritage assets.

It is identified that one of these runs south-east to north-west across the site, though in the historic mapping it diminishes gradually to the south-east. This pathway appears to be retained on the site, visible as a route flanked by an avenue of medium sized trees, though it is not marked as a public footpath on current mapping. The remains of this path would be lost under the proposed development.

In contrast, the second path shown on the nineteenth century mapping is marked as a public footpath on contemporary mapping and would be retained, with a minor diversion being required for a short section of the path.

Overall, the Council's Historic Buildings Consultant raises no objection to the proposed development, concluding that:

'In principle therefore I do not object to the development at this site. However, the layout of the scheme should be an important consideration, in order to

limit the impact on nearby designated heritage assets and their setting. The Ecological Mitigation Area to the north of the site would reduce the impact of the development on nearby heritage assets and this approach can be adopted to ensure the same is achieved with regard to Grade I Listed Panfield Hall. Also, care should be taken in the design of the units within the scheme to ensure it makes a positive contribution to local character and distinctiveness.'

Given that slight harm has been identified to the setting of Oak Cottage and that the remains of one of the historic paths on the site will be lost, Paragraph 197 of the NPPF is applicable, stating that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The harm to the setting of Oak Cottage is identified as slight and can be partly mitigated by ensuring a buffer between the development and the cottage, which has already been written into the proposed Design Code for the site. The loss of the remains of one of the historic paths cannot be mitigated, however the pathway is not publically accessible, nor is it complete in terms of actually leading anywhere.

In contrast, the public benefits of the proposed development would be very significant, with substantial provision of market and affordable housing to meet the identified housing need within the District, with associated social and economic benefits.

In terms of the heritage balance, Officers therefore consider that these substantial benefits outweigh the limited heritage harm identified in terms of the developments impact upon non-designated heritage assets.

Archaeology

The applicant has submitted a Desk Based Archaeological Report and also an Archaeological Evaluation Report in support of their application, the latter following completion of extensive trial trenching across the site.

The Evaluation found dispersed features spanning the Late Bronze Age/Early Iron Age, medieval and post-medieval periods. A small concentration of prehistoric activity was identified in the western part of the site, while a group of intercutting pits containing medieval pottery was found close to the southern boundary. A series of ditches representing field boundaries was identified, several of which can be correlated with those shown on the first edition Ordnance Survey map.

The presence of medieval pottery in some of the ditches suggests that they may have originated in this period. Previous land use (golf course and

equestrian centre) has caused some significant but fairly localised truncation in some areas of the proposed development site.

Small quantities of Roman and post-medieval ceramic building material were recovered in addition to the pottery assemblage, alongside fragments of glass, slate and tobacco pipe. Other finds include small amounts of shell and animal bone, while environmental samples produced a background scatter of charred cereals and occasional waterlogged remains.

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application subject to planning conditions relating to further Archaeological excavation and preservation relating to the areas of identified archaeological remains. This includes the completion of a post-excavation assessment report and site archive for deposition at the local museum.

Planning conditions relating to the securing of the above are therefore required to ensure that the impact of the development upon any archaeological non-designated heritage assets could be mitigated by way of archaeological excavation and recording.

Construction Activity

In order to safeguard the amenity of existing residents in the locality, a condition is recommended requiring the applicant to submit for approval a comprehensive Construction Management Plan for each phase of the development covering for example construction access; hours of working; dust and mud control measures; contractor parking; points of contact for existing residents; construction noise control measures and details of any piling to be carried out on site.

Minerals and Waste

The application site is partly located within an Essex Mineral Safeguarding Area and is therefore subject to Policy S8 of the Essex Minerals Local Plan (2014) which seeks to safeguard Mineral Resources for extraction in the County. However, this area of the site is below the 5 hectare threshold over which a Minerals and Waste Assessment is required.

Essex County Council were consulted as the Minerals and Waste Authority and have no objection, confirming that no Minerals and Waste Assessment is required and also that the site is not within 250m of safeguarded waste infrastructure or 400m of a Water Recycling Facility.

Officers therefore do not consider that there are any grounds in relation to mineral extraction to recommend that the application is refused.

Agricultural Land

Paragraph 170 of the NPPF requires that the economic and other benefits of the best and most versatile agricultural land be taken into consideration when determining planning applications which would result in the loss of such land. Footnote 53 to paragraph 171 states that (for Local Plan allocations) where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Although this footnote relates specifically to plan making and not the determination of planning applications it is still considered relevant insofar as it identifies the importance of the loss of agricultural land as a material planning consideration in the overall planning process.

Best and most versatile agricultural land is classed as land within Grades 1; 2 and 3a of the Agricultural Land Classification. The applicant submitted an Agricultural Land Report in support of their application. The application site consists of a mix of land uses including a large car park, former golf course, areas of buildings and equestrian facilities. There are also areas of paddock land which is essentially agricultural. The Report identified that the site's agricultural land is Grade 2 and 3a (best and most versatile) and totals approximately 11.9ha.

Although the loss of 11.9ha of such land is not insubstantial in its own right, it is less significant when viewed against the size of the District as a whole. Furthermore, the site has a draft allocation in the Council's Publication Draft Local Plan and it is recognised that this site has been identified as being both suitable and necessary for a residential-led development to assist with meeting the District's housing and employment needs.

Therefore, Officers consider that the detrimental economic impact and loss of other benefits associated with the identified loss of best and most versatile agricultural land which the development would cause would be firmly outweighed by the economic and social benefits of a residential-led development of this size adjacent to the District's main town.

Flood Risk and Surface Water Drainage

The entire application site is located within Flood Zone 1 (low probability risk of flooding) with the nearest main watercourse being the River Pant to the north. A small unnamed watercourse passes through the site. The site is identified as being in an area at low to medium risk of groundwater flooding.

The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application. Surface water from the development is proposed to be discharged to the existing watercourses located within the site. The ditch running through the south of the site would take the runoff from the southern catchment of the site, while the ditch running along the western site boundary towards the northwest corner of the site would take the runoff from the northern catchment of the site. The proposed development drainage

arrangement for the site would comprise a gravity drainage network with six attenuation basins and open attenuation tank. These attenuation structures would then discharge into the existing watercourses at specifically controlled rates.

Essex County Council as the Lead Local Flood Authority have assessed the application in detail and have no objection subject to conditions relating to the requirement for a detailed surface water drainage strategy at the reserved matters stage; the submission of a construction surface water management plan to control run off during the build phase and two conditions relating to long term SUDs maintenance and management plans and logs.

In terms of Foul Drainage, Anglian Water were consulted and have advised that Bocking Water Recycling Centre has available capacity for the development flows of wastewater requiring treatment. However, with regard to the used water network the development would, if unmitigated lead to an unacceptable risk of flooding downstream. Anglian Water would therefore work with the applicant to ensure any required infrastructure improvements would be delivered in line with the development. They therefore require a condition requiring a Phasing Plan and the submission of a scheme for on-site foul drainage works to accord with this.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees with the exception of Sport England and the Parish Council. Officers consider that Sport England's concerns have been addressed by way of the securing of S106 contributions towards off site sports provision. The Parish Council's concerns relate to highway impact which has been addressed in the above report and to employment opportunities; medical services provision and leisure facilities for new residents. Health and leisure infrastructure is addressed in the below S106 section of this report and Officers do not consider there are any grounds to recommend planning permission is refused due to employment provision, this being a matter which is addressed in the new Local Plan and takes account of the strategic residential allocation sites within that plan, of which Towerlands is one.

Overall Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

PLANNING OBLIGATIONS

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

Affordable Housing

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 30% affordable housing on sites in

the urban ward of Braintree. The application site is located directly adjacent to Braintree and the provision of 30% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement (contained within their Planning Statement) in support of the application confirming that 30% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 575 dwellings this would equate to 172 affordable dwellings.

The benefits of this aspect of the scheme in terms of social sustainability are clear and due weight must be given to this in the overall planning balance.

The Council's Strategic Housing Team have reviewed the application and would require the following:

- A tenure mix comprising 70% Affordable rent and 30% shared ownership
- Affordable dwellings should be deliverable without reliance on public subsidy
- Accessibility requirement for bungalow type homes to meet Building Regulations Part M (3b)
- Accessibility requirement for all affordable homes accessed at ground level to meet Building Regulations Part M (2)
- All affordable homes must be compatible with Nationally Described Space Standards
- Requirement for proportionate modest sized clustering of affordable units throughout the development
- Also a requirement for Design and Construction Certificates to be provided to the Council to demonstrate that affordable housing is designed and constructed to the required standards

Public Open Space

Policy CS10 of the Adopted Core Strategy requires new development to make appropriate provision for publically accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares. Allotments are also required at 0.23 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be normally be expected to make provision for all categories (informal open space; formal sports; children's playspace and allotments) of open space on site.

The submitted plans make provision for all of the above categories of open space on site with the exception of formal sports provision. Informal open space is provided at a level well in excess of the minimum requirement. Children's playspace is provided markedly above the minimum requirement

and allotment provision also exceeds the minimum requirements, all of which identifies a development which is appropriate for its setting and of a high quality. The S106 would require a Management Plan to be approved for all open space on the site to ensure its upkeep and maintenance.

The site is unable to make provision for the formal sports facilities on site, primarily due to the fact that a high pressure gas main crosses the northern section of the site, meaning that formal sports pitches cannot be constructed here although this land is suitable for informal public open space.

Instead, a financial contribution towards offsite formal sports provision is required. This contribution would be calculated in accordance with the Council's standard formulae but could equate to around £556,236.

This contribution would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

Education

Essex County Council has advised that the following contributions are required:

Early Years and Childcare - the application includes a site for a 56 place nursery on a site area of 0.13ha. The cost per pupil for this will be £23,355 based on the provision of the new facility and the estimated total cost for the anticipated 51.75 places would be £1,208,621.25. A Developer contribution of approximately £1,208,621.25 is therefore required.

Primary Education – the proposed development is located within the Braintree Planning Group 6 and the provision of a new school on the adjacent site in Panfield Lane has been secured and complies with the emerging Local Plan requirement in this area. Contributions to be made in respect of the proposed new school are required from the current development. This will result in a cost per pupil of £14,900.50 indexed from April 2015. The indicative cost would therefore be an estimated total of £2,570,336.25 and a financial contribution of approximately this amount is therefore required.

Secondary Education – Due to the level of new housing proposed in Braintree District Council's emerging Local Plan, additional secondary school provision will be required. The proposed development would result in a pupil product of 115. The cost per pupil place is currently £23,214 thus providing an indicative cost of £2,669,610. A Developer contribution of approximately this amount is therefore required.

NHS

NHS England advise that the development would give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

Additional healthcare provision would be created by way of the refurbishment/extension/internal reconfiguration of Church Lane Surgery. Plans are already in place to accommodate growth so it is imperative that payment is made before construction commences with an alternative option for this money to be re-directed towards the provision of an NHS Healthcare Facility in the town centre if the NHS deem this necessary.

A financial contribution of approximately £217,600 is required with payment being made before development commences.

Transport

Essex County Highways Authority require the following to be secured by way of a Section 106 Agreement:

- a) A £395,000 index-linked contribution (plus Essex County Council S106 agreement monitoring fee) towards improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout;
- b) An index-linked contribution (plus Essex County Council S106 agreement monitoring fee) towards improved and/or new bus services at and/or in the vicinity of the proposal site and between the proposal site and Braintree town centre and/or railway station (details shall be agreed with the Local Planning Authority prior to commencement of the development, update to be provided to Members at Committee);
- c) Upgrade to Essex County Council specification those bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development);
- d) A footway/cycleway between the Panfield Lane proposal site access and Churchill Road to the north;
- e) No more than 50 dwellings shall be occupied until there is a link road (adopted as highway) between Panfield Lane and Springwood Drive (the same or similar to that which forms part of adjacent planning permission 15/01319/OUT).

Habitat Regulations

A mitigation package to mitigate the development's impact upon the Natura 2000 sites. This will include a financial contribution towards off site mitigation at the Natura 2000 sites on the coast and on site mitigation measures which have been agreed with Natural England as part of the Appropriate Assessment process.

Sport England

A developer contribution towards indoor sports provision in accordance with Sport England's standard calculator. Sport England advise that based on a development of 575 dwellings this would approximately equate to the following:

- £240,837 towards Sports Hall provision;
- £260,299 towards indoor swimming pool provision; and
- £39,057 towards indoor bowls provision.

Recycling Facilities

Provision of facilities on site for recycling of household waste such as bottle banks.

Community Facility

The securing of an option for a community facility on the site in the form of either a community room for hire or a freestanding village hall type building depending on the details of the commercial elements of the scheme at the Reserved Matters stage and an appropriate body (to be determined by the Local Planning Authority) wishing to take on such a facility. Fall-back position to be a financial contribution of £115,000 towards off site facilities.

Requirements for Proposed Neighbourhood Centre

To safeguard the provision of the proposed Neighbourhood Centre including size, location and uses.

Housing Phasing; Infrastructure Phasing and Open Space Strategy

Requiring provision of a site wide phasing strategy to identify the order of construction of the development including:

- Indicative housing mix for each phase
- Details of delivery of spine roads
- Details of open space in each phase
- Location of items such as allotments; equipped play areas; public art.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated Town Development Boundary or Village Envelope and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development in the Publication Draft Local Plan. However, as the application site is located outside of a designated Town Development Boundary/Village Envelope, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

However, the Council are currently unable to demonstrate a 5 year housing land supply. The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d,

that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- (ii) or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This therefore means that the Adopted Local Plan Policies which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS1 of the Adopted Core Strategy) must be considered out of date and it is necessary to assess the application against paragraph 11d (i) and then (ii) of the NPPF.

In relation to the former, it is not considered that there are any relevant policies within the Framework which should be applied to identified areas or assets of particular importance such as for example Heritage Coast Line or Areas of Outstanding Natural Beauty. No specific harm has been identified to any Designated Heritage Assets although the Historic Buildings Consultant has highlighted that the detailed layout of the scheme will need to take nearby Heritage Assets into consideration to limit any impact upon the locality. Some limited harm has been identified to Non-Designated Heritage Assets although these are not identified as being a triggering factor for paragraph 11d (i) of the Framework. Therefore, the impact upon non-designated heritage assets must be weighed in the general planning balance. In terms of paragraph 11d (i), there is therefore no reason for the 'un-tilted balance' to be triggered.

It is therefore necessary to consider the application against the tilted balance i.e. the presumption in favour of sustainable development. Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight in favour of the proposal.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so

that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

The proposed development would bring very significant and clearly demonstrable social and economic benefits with a total of up to 575 new dwellings to help meet housing need within the District, providing up to 172 affordable dwellings and 403 market dwellings. This is an important material consideration in the planning balance and weighs heavily in favour of the proposal.

The construction phase of the development is predicted to last for approximately 8 years, generating a wide range of construction jobs over a prolonged period of time with associated economic benefits.

In terms of the development itself, the proposal is for a residential-led scheme with some mixed use elements. The non-residential elements consisting of a Children's Day Care Nursery and a Neighbourhood Centre containing up to 250sqm of retail use would generate a number of jobs on site with associated economic benefits in addition to the social benefits of facilitating the creation of a local community with its own facilities also accessible to existing local residents. Again these factors weigh in favour of the planning balance.

The proposal is considered by Officers to be of a very high quality, and is set within a detailed framework provided by a responsive and well considered Design Code reinforced with associated parameter plans. The Government is clear in its requirement for Local Planning Authorities to achieve high quality development and the fact that this scheme will meet this requirement also weighs in its favour.

Environmentally, the site is located in a sustainable position within the context of the District, being immediately adjacent to the District's main town which sits at the top of the settlement hierarchy with its associated services and facilities. Whilst the site would contain a range of its own facilities and services, its links to and integration with the existing town would be equally important.

New bus stops within the site and upgrades to existing bus stops adjacent to the site are proposed to facilitate accessible public transport links from the application site into the town centre and also beyond to the wider District. Pedestrian and cycle links are also proposed, ensuring direct connectivity from the site into the town centre.

In terms of green infrastructure; the applicant proposes to create a large, dedicated ecological habitat area to the north-west of the developable area with associated environmental benefits. Extensive new tree planting is also proposed across the site. This includes along the length of the spine roads, in many areas of green infrastructure and across the site in areas of open space and within development parcels, with a net gain in on site trees to be achieved.

Other benefits which weigh in favour of the development would include financial contributions towards off site sports facilities and the securing of an option for a community room/village hall type facility.

The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

There are also adverse impacts of the proposal which weigh against it in the planning balance. The development is located in the countryside and is contrary to the provisions of the Adopted Development Plan. The loss of approximately 11.9ha of best and most versatile agricultural land cannot be mitigated against and is not insubstantial in its own right. However, it is less significant when viewed against the size of the District as a whole and the Council are actively seeking to allocate the site for development having identified it as being both necessary and suitable to meet the District's housing and employment need under the Publication Draft Local Plan.

The majority of the site is also greenfield land, however the degree of ecological harm is limited and mitigation and enhancement measures have been identified which could be achieved by way of condition.

The development would result in the loss of a notable number of trees, although none would be Category A trees and the majority would be Category C or U. Tree loss would however be minimised to that which was unavoidable with the majority occurring on the disused golf course and the potential for this identified tree loss to be further reduced at the detailed design stage. A significant number of new trees would be planted across the site with an overall net gain secured by way of condition. In particular, the rhythmic tree planting along the Spine Roads which forms an integral part of the Design Code could in time be reasonably expected to result in the creation of a high number of Category A trees.

The existing commercial facilities on the site would also be lost, although none of them are in use nor have they been for some time. This loss would

also be countered to a degree by the number of jobs created in the non-residential elements of the applicant's proposal.

The landscape impact of the proposal is not severe for a development of this size and limiting the heights of proposed buildings combined with the retention of the large area of established woodland located within the site's centre and a new landscape planting scheme across the site would help to minimise the development's impact in this regard. Existing footpaths would remain open with new pathways added to the network. The character of the area would however change from its current rural setting to an urban setting and there would be a negative social and environmental impact identified with this for current users of the footpath network who value the rural environment of the site.

With regard to heritage, slight harm would be caused to the setting of a non-designated heritage asset (Oak Cottage), but measures to limit this impact have been secured and the public benefits of the scheme outweigh the slight harm identified.

In terms of highways, the development would result in increased vehicular movements in the area. Both Highways England and Essex County Highways have assessed the application and neither raise any objection. With the required mitigation measures secured by way of condition and/or S106 Agreement, neither of the statutory Highway Authorities consider that the impact of the development would be unacceptable upon the highway network.

Objections have been raised from local residents covering a wide range of topics including highway impact; environmental impact, coalescence and the impact upon existing infrastructure and services. However, there are no objections from the relevant statutory consultees, subject to the required mitigation being secured through planning conditions or the S106 Agreement with the exception of the Parish Council who have objected on the grounds of highway impact and employment opportunities; medical services provision and leisure facilities provision for new residents, all of which have been addressed in the above report.

In terms of impact upon existing neighbour amenity, the applicant's illustrative masterplan and detailed Design Code demonstrates one way in which the site could be developed without an undue impact being caused upon the privacy or outlook of existing residents. The precise layout is a matter for the reserved matters design and layout stage, however Officers do not consider that there are any grounds to recommend refusal of planning permission at the outline stage.

Overall, although there are identified detrimental impacts which must be factored into the planning balance, Officers consider that the benefits of this substantial proposal, in this location, clearly outweigh these. When considering the presumption in favour of sustainable development, the necessary planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole,

Officers have concluded that the benefits of this proposal outweigh the identified harm and the conflict with the Adopted Development Plan.

The application site is allocated for the use proposed in the Council's Publication Draft Local Plan and Officers consider that the proposed development is of a high quality and would constitute sustainable development and therefore recommend that planning permission is granted.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
 - **Affordable Housing** (30% provision; 70/30 tenure split (affordable rent over shared ownership); compatible with Nationally Described Space Standards; proportionate modest sized clustering of affordable units; delivered without reliance on public subsidy; delivered proportionately; accessibility requirement for bungalow type homes to meet Building Regulations Part M (3b); accessibility requirement for all affordable homes accessed at ground level to meet Building Regulations Part M (2); Design and Construction Certificates to be provided to the LPA to demonstrate that the affordable housing is designed and constructed to the required standards).
 - **Public Open Space** (financial contribution as identified above toward outdoor sports provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Specific projects to be identified by Officers. Open space specification, plan and management plan required for approval by the Council in relation to on-site public open space).
 - **Education** (financial contribution as identified above towards Early Years and Childcare, Primary Education and Secondary Education. Provision of land for Early Years and Childcare site on the application site).
 - **Healthcare Provision** (financial contribution as identified above to create additional healthcare provision. Trigger point for payment being prior to commencement of development).
 - **Highway/Transport** (financial contribution as identified above towards improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout; financial contribution towards improved and/or new bus services at and/or in the vicinity of the proposal site and between the proposal site and Braintree town centre and/or railway station; upgrading of bus stops which would best serve the application site; provision of a footway/cycleway between the Panfield Lane proposal site access and

Churchill Road to the north; no more than 50 dwellings shall be occupied until there is a link road between Panfield Lane and Springwood Drive (the same or similar to that which forms part of adjacent planning permission 15/01319/OUT).

- **Habitat Regulations** (a mitigation package to mitigate the development's impact upon the Natura 2000 sites. This will include a financial contribution towards off site mitigation at the Natura 2000 sites and on site mitigation measures).
 - **Sport England** (financial contributions as identified above towards indoor sport provision calculated in accordance with Sport England's development calculator. Specific projects to be identified by Officers).
 - **Community Project** (the securing of a community facility on the site in the form of either a community room for hire or a village hall type building provided that an appropriate body wish to take this facility on. Fall-back position to be a financial contribution toward off site facilities).
 - **Requirements for Proposed Neighbourhood Centre** (to safeguard the provision of the proposed Neighbourhood Centre including size, location and uses).
 - **Housing Phasing; Infrastructure Phasing and Open Space Strategy** (requiring provision of a site wide phasing strategy to identify the order of construction of the development including; indicative housing mix for each phase; details of delivery of spine road; details of open space in each phase; location of items such as allotments; equipped play areas; public art).
- 2) The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

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

RECOMMENDATION

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

APPROVED PLANS

Parameter Drawing
UNX003/PP/001 REV F

Plan Ref: Development Framework

Parameter Drawing REV F	Plan Ref: Density UNX003/PP/002
Parameter Drawing REV H	Plan Ref: Building Heights UNX003/PP/003
Parameter Drawing REV G	Plan Ref: Movement and Access UNX003/PP/004
Parameter Drawing REV E	Plan Ref: Green Infrastructure UNX003/PP/005
Location Plan REV A	Plan Ref: Site (Location) Plan UNX003/PP/006
Other UNX003/REG/001 REV E	Plan Ref: Design Code: Regulating Plan
Access Details Deanery Hill 70048176-WSP-TP-DWG-001 REV P10	Plan Ref: Towerlands Proposed Access Junction
Access Details Panfield Lane 70048176-WSP-TP-DWG-002 REV P12	Plan Ref: Indicative Development Access Junction

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1 Time Limit

Details of the:-

- (a) scale;
- (b) appearance;
- (c) layout of the building(s); and
- (d) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the first reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

Reason

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

2 Scope of Development

The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodeling and shall demonstrate compliance with the approved plans and the Design Code listed above.

Reason

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

3 Phasing Plan

At least 3 months prior to the submission of the first reserved matters application for the site the applicant shall submit a phasing plan to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved phasing plan.

Reason

To ensure that the Local Planning Authority and statutory consultees are aware of the order in which the site is proposed to be built out and the predicted timescales for this.

4 Site Levels

Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels and of proposed finished site ground levels in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy.

5 Landscaping

Each Reserved Matters application relating to landscaping shall be accompanied by a landscaping scheme incorporating a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage and signs and shall demonstrate that a net gain in trees on site is being achieved.

Each landscaping scheme shall demonstrate that the expertise of a soil specialist has been sought to advise on soil handling to ensure that the soil retains as many of its ecosystem services and functions as possible through careful soil management.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless it is demonstrated that this is not required under a surface water drainage scheme which has been approved by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme by the local planning authority.

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

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

Reason

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

6 Broadband

Any Reserved Matters application relating to layout shall be accompanied by a strategy for the following for the phase(s) of development to which the Reserved Matters relate:

- details of a strategy for fibre broadband provision to the new dwellings

The Development shall be carried out in accordance with the approved strategy.

Reason

To ensure that an acceptable level of broadband provision is made to each of the new dwellings.

7 Electric Vehicle Charging Points

Applications for Reserved Matters for the development of the residential areas, mixed use area and nursery site as defined on Parameter Plan Development Framework Drawing UNX003/PP/001 F shall be accompanied by a strategy demonstrating how Electric Vehicle Charging Points will be incorporated in the development. As a minimum each new dwelling shall provide one charging point and details to be submitted in the strategy shall include:

- o Location of the electric vehicle charging points; and
- o Specification of the charging points.

Reason

To ensure that the development makes adequate provision for electric vehicle charging in the interests of creating a sustainable development.

8 Construction Environmental Management Plan

A construction environmental management plan (CEMP: Biodiversity) shall be submitted with the first reserved matters application for each phase of development to cover the whole of that phase or with each application for Reserved Matters to cover that Reserved Matters and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason

To protect protected and priority species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

9 Biodiversity Enhancement Strategy

Each phase of the development shall be the subject of a Biodiversity Compensation and Enhancement Strategy for Protected and Priority species. This Strategy shall be submitted with the first reserved matters for each Phase of development for the whole of that phase and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures for the relevant phase of the development (which shall include the creation of nesting habitat for swifts via the use of integral swift house nesting bricks);
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans for the relevant phase of the development;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures for the relevant phase of the development;
- f) details of initial aftercare and long-term maintenance (where relevant) for the relevant phase of the development.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

10 Refuse/Recycling Facilities

Each Reserved Matters application that seeks approval of the appearance, layout or scale of any building(s) hereby permitted, shall be accompanied by full details, for approval by the Local Planning Authority, of the location and design of the refuse bins and recycling materials separation, storage areas and collection points.

The relevant refuse storage and collection facilities shall be provided prior to the first occupation of each of the building(s) to which the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

To ensure adequate provision is made for refuse storage, collection and recycling on the site.

11 Tree Surveys

Each Reserved Matters application relating to layout and/or landscaping shall be accompanied by a Tree Survey which shall be in general accordance with the Arboricultural Report submitted at the outline planning application stage (Ref April 2019 180626-PD-11a completed by Tim Moya Associates and the June 2020 Addendum to this) and which shall be submitted to and approved by the Local Planning Authority and shall include:

- A detailed survey plan drawn to an adequate scale indicating the height, girth, spread, species and exact location of all existing trees, shrubs and hedges on the Reserved Matters site and on land adjacent to the Reserved Matters site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed in accordance with BS5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced);
- A schedule in relation to every tree identified listing details of any proposed pruning, felling or other work;
- Details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area.

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

Reason

To ensure the appropriate protection and retention of existing trees, shrubs and hedges and to ensure that tree/hedge/shrub removal only takes place where it is properly justified.

12 Western Boundary Treatment Parcel R3

Any Reserved Matters application relating to the layout or landscaping of Development Parcel R3 as identified on Parameter Plan: Development Framework UNX003/PP/001 REV F shall be accompanied by details for approval by the Local Planning Authority of the boundary treatment to the western side of this parcel which forms the outermost edge of the application site in this location, beyond which lies farmland. The boundary treatment shall be designed to prevent residents of new dwellings in this parcel from walking onto this private farmland but shall also achieve a soft visual appearance which is appropriate for these residents' outlook and

also for the parcels edge of settlement location with a combination of a new outer hedgeline, trees and an inner (development side) fenceline being employed.

Reason

To ensure an appropriate boundary treatment is achieved which is appropriate for future resident's amenity, the visual impact of the development on the adjacent countryside and to provide a clearly legible delineation between the residential development and adjacent private land.

13 Ecology Survey Updates

If specific phases of the development hereby approved do not commence within 2 years from the date of the outline planning consent then the following shall be undertaken by the applicant and submitted to the Local Planning Authority for approval:

The approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. Establish if there have been any changes in the presence and/or abundance of Protected species and;
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the specific relevant phase of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

14 Construction Method Statement

No development (including any demolition) shall take place on the site as a whole or in each and any phase of the development until a Construction Method Statement has been submitted to, and approved in writing by the

local planning authority for the relevant phase of the development. The Statement shall be specific to each phase of the development and shall provide for:

- Safe access to/from the site including details of any temporary haul routes and construction access points to the site and the means by which these will be closed off, including timescales for closure following the completion of the construction of the development;
- Hours of working for site clearance; demolition and construction work including for starting of machinery and delivery of materials;
- Noise safeguarding - the developer shall have regard to BS:5228-Part 1 Code of Practice for noise and vibration control on construction and open sites
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative display and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to manage air quality and control the emission of dust; particle matter and dirt during construction (the Developer shall have regard to BS: 5228 Part 2 Code of practice for noise and vibration control on construction and open sites;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development and for each relevant phase of the development to which it refers.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interests of highway safety. The details are required prior to the commencement of development to ensure safeguarding measures are in place from the outset.

15 Great Crested Newt License

In relation to Great Crested Newts, no development shall commence unless and until the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. The details are required prior to the commencement of development to ensure that the correct processes have been followed before any construction work commences.

16 Bat License

No works of any type, including demolition shall take place to the existing buildings on the site identified as buildings B4, B5 and B6 in the applicant's Bat Survey Report dated October 2019 and completed by WSP unless and until the local planning authority has been provided, in relation to bats, with either:

c) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

d) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. The details are required prior to the commencement of development to ensure that the correct processes have been followed before any demolition or development commences.

17 Archaeology 1

Prior to the commencement of development within a specific reserved matters area a mitigation strategy detailing the excavation/preservation strategy of areas of identified archaeological remains within that area shall be submitted to and approved by the local planning authority.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of

archaeological evaluation is required prior to the commencement of development to ensure that the evaluation is carried out before construction works start which could damage any archaeology on the site.

18 Archaeology 2

No development or preliminary groundworks can commence within each respective phase of the development on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological evaluation is required prior to the commencement of development to ensure that the evaluation is carried out before construction works start which could damage any archaeology on the site.

19 SUDS 1 (Detailed SUDS Scheme)

No development shall take place within a specific development phase until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to their greenfield equivalent for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. Long term storage volumes should be limited back to 1.22 l/s/ha.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that storage can half empty within 24 hours. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any

minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation of that phase.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that a system is not installed that is not sufficient to deal with surface water occurring during rainfall events leading to increased flood risk and pollution hazard from the site.

20 SUDS 2 (Contamination)

No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that risks from the infiltration of surface water through contaminated land which has the potential to impact upon groundwater quality is mitigated.

21 SUDS 3 (Maintenance Plan)

No development shall take place within a specific development phase until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

The Maintenance Plan must include a requirement that annual maintenance logs must be maintained and that these should be available for inspection upon request by the Local Planning Authority. Should any part be maintenance by a maintenance company, details of long-term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place for the lifetime of the development to enable the surface water drainage strategy system to function as intended to ensure mitigation against flood risk. The details are required prior to the commencement of development to ensure the maintenance strategy is agreed from the outset.

22 Construction Phase Flood Risk

No development, including engineering works shall take place until a scheme to minimise the risk of off-site flooding and pollution caused by surface water run-off during construction works associated with a specific phase has been submitted to, and approved in writing by, the Local Planning Authority.

Reason

To ensure that the development does not increase flood risk or contribute to water pollution during the construction phase. The details are required prior to the commencement of development to ensure that the required measures are in place from the outset.

23 SUDS 5 (Pipe Clearance)

The development hereby permitted shall not be commenced until the pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

24 Contamination 1 (Further Investigation)

Prior to the commencement of development a further Phase 2 detailed contamination investigation shall be undertaken by competent persons to provide better characterisation of the site and to assess the nature and extent of any contamination on the site in accordance with the recommendations contained within Chapter 8.4 of the Applicant's Phase 1 Contaminated Land Report (Towerlands Park, Braintree, Ground Conditions Preliminary Risk Assessment). The results shall be submitted to the Local Planning Authority for approval prior to the commencement of development.

This investigation shall be undertaken in accordance with the 'Model Procedures for the Management of Land Contamination, CLR 11' and in association with the Essex Contaminated Land Consortiums Land Affected by Contamination: Technical Guidance for Applicants and Developers. It shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The investigation is required prior to the commencement of development to ensure that any necessary remediation is carried out from the outset.

25 Contamination 2 (Remediation)

Prior to the commencement of development the applicant shall submit to the Local Planning Authority for approval a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk to the Local Planning Authority. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall then be implemented and completed prior to the commencement of development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The remediation scheme is required prior to the commencement of development to ensure that any necessary remediation is carried out from the outset.

26 Contamination 3 (Remediation 2)

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of any remediation works required under Condition 25. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the nursery or commercial buildings hereby permitted) until the Local Planning Authority has approved the validation report in writing.

Furthermore, prior to occupation of any residential or commercial property or the nursery hereby permitted, the developer shall submit to the Local

Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

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

27 Tree Protection

Development in any phase of the development and under any Reserved Matters approval shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site, as per the approved details required under Condition 11 above, from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the relevant part of the site and shall remain in place until after the completion of the relevant part of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges identified as being retained. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to construction activities commencing which could damage roots.

28 Public Right of Way Temporary Diversion/Closure

Prior to the commencement of any development which would affect the use of the public footpath which crosses the site the applicant shall submit to the Local Planning Authority for approval details of any necessary diversions to these public rights of way, including:

- The maximum time of any temporary diversion or closure;

- Justification for such temporary diversion or closure;
- Details of any temporary diversion or closure;
- Details of engagement with relevant stakeholders including Essex County Council Highways who are the Authority responsible for approving any requested public right of way diversions or closures.

Any temporary diversions or closures of these public rights of way shall only be carried out in accordance with the approved details.

Reason

To ensure that the impact of the development upon the existing public rights of way which cross the site are kept to a minimum and to ensure that sustainable access for pedestrians is maintained.

29 Bus Stops Within the Site

Prior to commencement of each phase of the development details shall be submitted to and approved in writing by the Local Planning Authority to show the locations and specification of bus stops within the proposal site and any required on site bus turn round and/or layover facilities (temporary and/or permanent).

No occupation of that phase of the development shall take place until the agreed details have been provided.

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking. The details are required prior to the commencement of development to ensure that the development will make appropriate bus facility provision in this regard.

30 Access - Panfield Lane Junction

No occupation or beneficial use of the development shall take place until the following has been provided and completed:

- a) A priority junction off Panfield Lane to provide access to the proposal site as shown in principle on planning application drawing number 70048176-WSP-TP-DWG-002 Rev. P12 produced by WSP.

Reason

To protect highway efficiency of movement and safety.

31 Access - Deanery Hill Junction

No more than 200 dwellings shall be occupied until the following has been provided and completed:

- a) A priority junction off Deanery Hill to provide access to the proposal site

as shown in principle on planning application drawing number 70048176-WSP-TP-DWG-001 Rev. P10 produced by WSP.

Reason

In the interests of highway safety.

32 Closure of Existing Accesses

No occupation or beneficial use of the development shall take place until the permanent closure and removal of any existing vehicular accesses to the proposal site has taken place, with the exception of any of these existing access points which are detailed as being used as construction accesses in accordance with details contained within the approved Construction Management Plan(s) for the development. These construction access points shall be permanently closed and removed following the completion of their use for construction access purposes and the timescales for such closure and removal shall be detailed in the approved construction management plan(s).

Reason

To protect highway efficiency of movement and safety.

33 Archaeology 3

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

Reason

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

34 Foul Drainage Scheme

Prior to any construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase shall be completed in full in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

35 Means of Enclosure

Prior to first occupation of any phase of the development hereby approved

details of all gates / fences / walls or other means of enclosure within the relevant phase of the development shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development and shall be permanently retained as such and only in accordance with the approved details.

Reason

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

36 Piling

No piling or any other foundation designs using penetrative methods shall be undertaken on the site during the construction of any phase of the development unless and until:

a) a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services for the relevant development phase. The approved system shall be adhered to throughout the construction process and the development shall be carried out in accordance with the approved details; and

b) The applicant has demonstrated to the satisfaction of and received approval in writing from the Local Planning Authority that the area of the site where piling or any other penetrative foundation designs are proposed does not present an unacceptable risk to groundwater resulting from the construction methods proposed. The development shall be carried out in accordance with the approved details.

Reason

To protect the amenity of existing residents in the locality and because piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

37 Contamination 4 (Unexpected Contamination)

If during development, contamination not previously identified is found to be present at the site then it must be reported in writing immediately to the Local Planning Authority. No further development shall be carried out until an investigation and a risk assessment has been undertaken in accordance with the requirements of Condition 24 and the developer has submitted, in accordance with the requirements of Condition 25 a remediation strategy to the local planning authority for approval detailing how this contamination shall be dealt with. The remediation strategy shall

then be implemented as approved and the development shall only continue in accordance with it. Within 4 weeks of the completion of the remediation works a verification report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' relating to the completion of the measures identified in the remediation report shall also be submitted to and approved in writing by the Local Planning Authority.

There shall be no residential occupation of the site (or beneficial occupation of the nursery or commercial buildings hereby permitted) until the Local Planning Authority has approved the validation report in writing.

Furthermore, prior to occupation of any residential or commercial property or the nursery hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

38 Noise (Plant on New Buildings Noise Report)

Prior to the installation of any plant at the nursery or any commercial premises on the site the applicant must submit a noise level assessment in accordance with BS4142:2014 for approval by the Local Planning Authority. The proposed plant shall only be installed in accordance with the approved details and retained as such thereafter.

Reason

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

39 Landscape and Ecological Management Plan

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of each phase of the development.

The LEMP documents shall be interlinked and the content of each LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence

management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

40 Lighting Scheme

Prior to the occupation of each phase of the development a lighting design scheme to protect biodiversity for that phase of the development shall be submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

41 Materials Samples

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

Reason

To ensure a high quality palette of materials is used to help produce a high-quality development, consistent with the Council's Planning policies.

42 Travel Plan

Prior to the first occupation of the first phase of the development an overall Travel Plan (in accordance with Essex County Council Guidance) for the site shall be submitted to and approved by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

43 Hours of Work

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

44 Vehicle Movements

There shall be no vehicular movements to, from or within the site outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no vehicular movements

Reason

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

45 Spine Road Width

The proposal site's spine road(s) carriageway shall be a minimum 6.75 metres wide, one of which shall be provided to the proposal site's southern boundary to allow for a potential connection with the spine road to be provided as part of adjacent planning permission 15/01319/OUT.

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

46 Noise (Plant on New Buildings Upper Noise Limit)

The rating level of noise emitted from any plant at the nursery and commercial premises on the development shall not exceed the background level (determined by measuring LA90 for any 15 minute period when the premises is not operating, but which should be similar as possible to conditions that prevail during the operation of the premises) by more than 5dB(A) measured as LAeq (15 minutes). The noise levels shall be determined at any noise sensitive dwelling, in accordance with measurement procedures laid down in BS 4142 : 2014.

Reason

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

47 Permitted Development Rights Removal

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

Reason

To ensure that such parking areas and garages remain available for their intended use of car parking so that the development will continue to make an acceptable level of parking provision.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the Essex County Council SUDs consultation response dated 15 April 2020 which includes a number of informatives to which you should have regard.
- 2 Your attention is drawn to the National Grid consultation response dated 13 August 2019 which includes a number of informatives to which you should have regard.
- 3 Your attention is drawn to the Cadent Gas consultation response dated 9 May 2019 which includes a number of informatives to which you should have regard.
- 4 Your attention is drawn to the Anglian Water consultation response dated 5 June 2019 which includes a number of informatives to which you should have regard.
- 5 Your attention is drawn to the Essex County Council Highways consultation response dated 20 August 2020 which includes a number of informatives to which you should have regard.

SUBMITTED PLANS

Site Layout	Plan Ref: UNX003_PP_008
Proposed Phasing Plan	Plan Ref: UNX003_PP_009