

Date 9/4/2021

Holmes & Hills LLP  
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## Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 19/00786/OUT

Date 17th April 2019

Received:

**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

**APPROVED PLAN(S):**

Parameter Drawing	Plan Ref: Development Framework UNX003/PP/001 REV F
Parameter Drawing	Plan Ref: Density UNX003/PP/002 REV F
Parameter Drawing	Plan Ref: Building Heights UNX003/PP/003 REV H
Parameter Drawing	Plan Ref: Movement and Access UNX003/PP/004 REV G
Parameter Drawing	Plan Ref: Green Infrastructure UNX003/PP/005 REV E
Location Plan	Plan Ref: Site (Location) Plan UNX003/PP/006 REV A
Access Details	Plan Ref: Towerlands Proposed Access Junction Deanery Hill 70048176-WSP-TP-DWG-001 REV P10
Access Details	Plan Ref: Indicative Development Access Junction Panfield Lane 70048176-WSP-TP-DWG-002 REV P12
Other	Plan Ref: Design Code: Regulating Plan UNX003/REG/001 REV E
Other	Plan Ref: Towerlands Design Code June (Version 4) 2020

**DECISION :**

The Braintree District Council as local planning authority has considered your application and gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the Section 106 Agreement and the following conditions and reasons:

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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.

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#### 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.

The landscaping schemes submitted shall also include details for approval by the LPA of irrigation methods and on-going maintenance for all proposed plants and trees to be planted. Details shall also be submitted for approval regarding measures to protect against the spread of roots from trees planted along road sides to ensure the long term health of these trees. The approved landscaping schemes shall be carried out in accordance with these approved irrigation, maintenance and protection measures.

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.

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## 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:

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

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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  
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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 resident's 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:

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- 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.

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- 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

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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

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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,

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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

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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

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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-

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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.

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### 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:

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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

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(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,

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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 Construction Vehicle Movements

There shall be no construction 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 construction 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.

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#### 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.

- 48 Prior to the commencement of development details of the proposed boundary treatment to Oak Cottage shall be submitted to and approved by the Local Planning Authority. The submitted details shall accord with those shown on Page 78 of the Design Code for the site. The approved boundary treatment shall be erected in full prior to the commencement of development on the site.

##### Reason

To safeguard the amenity of the occupants of Oak Cottage. The details and boundary treatment are required prior to the commencement of development to ensure that the amenity of the occupiers of Oak Cottage is protected from the outset of the development project.

#### 49 Affordable Housing Design Certificate

For each phase of the development no development shall take place until confirmation in writing has been provided by an Approved Inspector or Local Authority Building Control Service and submitted to and approved in writing by the LPA to certify that the relevant affordable plots (all affordable dwellings accessed at ground floor level other than bungalow type homes) in that phase have been designed to comply with Building Regulations 2015 Part M4 Category 2 or in the case of affordable bungalow type homes that they have been designed to comply with Building Regulations 2015 Part M4(3)(2)(b).

##### Reason

To ensure that affordable units are built to the correct specification and standards in terms of accessibility.

#### 50 Affordable Housing Construction Certificate

Prior to occupation of each Affordable Housing unit accessed at Ground Floor level (other than in the case of bungalow type dwellings) confirmation in writing shall be provided by an Approved Inspector or Local Authority Building Control Service and shall be submitted to and approved in writing by the LPA to certify that that affordable dwelling has been constructed to comply with Building Regulations 2015 Part M4 Category 2. Prior to occupation of each affordable bungalow type dwelling confirmation in writing shall be provided by an Approved Inspector or Local Authority Building Control Service and shall be submitted to and approved in writing by the LPA to certify that each bungalow type dwelling has been constructed to comply with M4(3)(2)(b) Building Regulations 2015.

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Reason

To ensure that affordable units are built to the correct specification and standards in terms of accessibility.

**Policies:**

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – [www.braintree.gov.uk](http://www.braintree.gov.uk)

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

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

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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 Shared Strategic Section 1 Local Plan (2021) & Draft Section 2 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

**In forwarding the decision for this application, I have to draw your attention to the following:-**

- 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.

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- 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.

*The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.*

Dated: 9<sup>th</sup> April 2021

Signed:  \_\_\_\_\_

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**Christopher Paggi**  
Planning Development Manager  
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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## Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within **6 months** of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone no. 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

## Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

## Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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