Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2: Sites in Category B of the five-year supply

Appendix 2: The sites in Category B of the supply

Appendix 2 sets out information on the assessment of supply from large sites with outline planning permission; sites with a Resolution to Grant permission, and the site which was a local plan allocation without permission or a Resolution to Grant permission. At the 31 March 2024 base date, these sites were within Category B of the supply as set out in the NPPF.

1 Land East of Broad Road Braintree



1.1 This site is an adopted allocation with outline permission for up to 1,000 homes granted 31 March 2021 (ref 18/01318/OUT, see decision Appendices 2A and 2B). Site assessment work was carried out as part of the preparation and submission of the Outline planning application and the submitted phasing plan, and a design code was agreed as part of the outline consent. The outline consent was granted to L & Q Estates, a lead developer.

1.2 The phasing scheme and landscape ecology management plan was approved in February 2023. (reference 22/03054/DAC, Appendix 2C)

1.3 Reserved Matters have been submitted for the approval of layout, scale, landscape and appearance for a section of spine road from the approved

Broad Road and A131 accesses (23/00703/REM). This submission was approved 10 January 2025 (Appendix 2D).

1.4 Infrastructure requirements include improvements to the Marks Farm roundabout on the A120 by first occupation, and provision of access from Broad Road and from the A131. Construction of the full access road is expected by the developer to take 12-18 months to complete.

1.5 The key stages of infrastructure and residential development are set out in the phasing plan:

- Phase 1A – delivery of a stretch of the main infrastructure/local distributor road connecting to Broad Rd
- Phase 1B - works required for construction of Broad Rd access and eastern part of loop road, and associated drainage
- Phase 1c – the north half of the loop road to connect Broad Rd access to the A131 (required by the 100th occupation) is intended to be started as early as possible to help with construction traffic access
- Phase 1e – the first residential phase, 304 units
- Phase 2B – includes 18 affordable housing units
- Phase 3, residential development north-east part of the site, 196 units
- Phase 4, residential development south-west area of the site, 472 units

1.6 At the planning appeal hearing in March 2024 for Land at Towerlands Panfield Road Braintree (appeal ref APP/Z1510/W/23/3331319), the Inspector concluded that there was clear evidence of a realistic prospect of completions from the site within the five-year period 2023-28 with completions starting from 2027/2028 (DL paragraph 73). He found that “given the progress thus far it is likely that some units would be delivered from the site towards the end of the five year period. A figure of 40 units in the final year would potentially be more realistic.”

1.7 The approved phasing plan and submission and approval of first Reserved Matters demonstrate progress on submission of applications, and firm progress on site assessment work. The submission of a phasing strategy and of a Reserved Matters application for a section of the spine road demonstrates that serious and meaningful work is ongoing on this project and provides evidence of a realistic prospect that completions can be delivered on the site within the five-year period.

1.8 A land promoter/lead developer (L and Q Estates) is engaged in progressing the site. The site has been actively marketed and L & Q has advised the Council that a major national homebuilder is currently in final negotiations on purchasing the land at Straits Mill and is carrying out due diligence work, including requesting discussion of highway matters with the Highway

authority. That developer has more than one brand within the group and the site is expected to be developed with 2 or more brands and sales outlets. The site disposal is progressing and planned to complete in 2024/25 following the approval of the first Reserved Matters submission.

1.9 The trajectory includes 140 completions from this site within the five-year supply period 2024-2029. Consistent with the judgement of the Towerlands appeal Inspector, projected completions start in 2027/2028 with 40 projected completions, increasing to a full year delivery rate of 100 per year.

1.10 The delivery rate in the trajectory is realistic taking into account that it is expected that there will be two or more developers, and that the median average delivery rate over the build out period suggested in the Lichfields' Start to Finish report (2020) is 9% of capacity for sites of 500-999 dwellings and 8% of capacity for sites of 1,000-1,499 dwellings (so 80-90 dpa for the Straits Mill site).

1.11 There is clear evidence of a realistic prospect of completions within the five-year period:

- There has been firm progress with site assessment work, carried out as part of the work on the outline planning application and subsequently
- The site is moving forward, as shown by the approval of the phasing plan and approval of first Reserved Matters
- There is evidence that the site is not subject to an ownership constraint; it has been marketed for sale to prospective home-builders, and a national homebuilder is now in final negotiations towards purchase of the site
- The site is in a relatively strong housing market area, as is evidenced by the 140 completions by a single developer in Year 1 of delivery on the nearby Towerlands Park site at Braintree.

2 Land South of Gilda Terrace Braintree



2.1 This site is allocated in the Local Plan; at 31 March 2023 it had outline planning permission for up to 120 dwellings granted on appeal July 2021, and a Building Regulations Initial Notice had been submitted by developer Crest Nicholson.

2.2 Reserved Matters were submitted by the developer in January 2023 (ref 23/00191/REM). Revised plans were submitted to address concerns about levels, and these were presented to a Members Forum meeting of Braintree District in March 2024. The Reserved Matters have now been considered by Planning Committee in May 2024 and have a Resolution to Grant (Appendix 2E).

2.3 The Council's Planning Committee resolved to approve the Reserved Matters, subject to the submission and approval of a Section 73 application. The Variation application is to allow revisions to the approved Development Parameters Plan to reflect changes made during Reserved Matters application 22/03402/REM to incorporate a landscape buffer to the north western edge, as well as accurately reflecting the areas of built form and open space proposed.

2.4 The Variation application has now been submitted (ref 24/01001/VAR) and is pending consideration; it has been confirmed that this can be dealt with via the delegated approval process, without taking the application to Planning Committee and it is anticipated that a decision will be issued

within the current year. Meanwhile, the developer is preparing for the start of construction by dealing with discharge of conditions: a series of Discharge of Conditions applications have been submitted by the developer Crest Eastern in preparation for the start of construction work:

- 23/01599/DAC – Application for approval of details as reserved by condition 10 (Landscaping) submitted 16.06.2023
- 24/01264/DAC - Application for approval of details as reserved by condition 8 (site contamination) submitted 11.06.2024
- 24/01265/DAC - Application for approval of details as reserved by condition 9 (archaeology) submitted 11.06.2024
- 24/01266/DAC - Application for approval of details as reserved by condition 15 (Residential Travel Pack) submitted 11.06.2024
- 24/01272/DAC - Application for approval of details as reserved by condition 5 (Construction Method Statement) submitted 12.06.2024
- 24/01275/DAC - Application for approval of details as reserved by condition 6 (Foul Water Strategy) submitted 12.06.2024
- 24/01276/DAC - Application for approval of details as reserved by condition 7 (SUDS) submitted 12.06.2024
- 24/01280/DAC - Application for approval of details as reserved by condition 11 (Biodiversity Compensation & Enhancement Strategy) submitted 12.06.2024
- 24/01399/DAC - Application for approval of details as reserved by condition 4 (Construction Environmental Management Plan) submitted 27.06.2024

2.5 A full application (ref 24/01003/FUL) was submitted 11 May 2024 for Creation of a footpath and cyclepath link between the consented residential development (18/01065/OUT) and Flitch Way.

2.6 A completed pro-forma has been provided by the developer (Appendix 2F) confirming that the site is in the control of the developer, and that development is expected to take 3-4 years following start on site. The developer regards publication of their trajectory forecast as commercially sensitive information and so the Council has not published that part of the completed proforma.

2.7 The Council's trajectory includes the development of 119 completions on this site starting with 19 in 2025/26, then 50 dpa in the following two years.

3 Land off Bournebridge Hill Greenstead Green



3.1 Outline permission was granted on appeal November 2022 to land promoter Gladman Developments Ltd for development of up to 200 homes. The permission provides for 30% affordable housing. The Inspector added conditions to speed up housing delivery from the site; Reserved Matters should be submitted within 2 years of the outline approval and development should commence within 1 year of Reserved Matters approval. A Full application has been submitted and is pending consideration for the construction of cycle and pedestrian links (23/00929/FUL).

3.2 Pre-application discussions on Reserved Matters were progressing with a regional developer, Hopkins Homes, who is engaged in developments across the region (completing c. 700 homes a year in 2020 and 2021). The developer was in the process of purchasing the site. A Planning Performance Agreement has now been agreed in principle for the Reserved Matters submission, and the meetings are now underway as is evident from the dates in the provisional PPA Project programme (five meetings have taken place).

3.3 The developer presented proposed Reserved Matters to a Members Forum meeting on 27 August 2024. This is part of the pre-application process; its purpose is to enable the developer to take on board concerns that may be raised by Members prior to submission of Reserved Matters.

3.4 The developer has appointed architects to work on the scheme and is engaged in discussions with Highway and SUDS authorities as part of work on Reserved Matters preparation.

3.5 Reserved Matters were submitted on 25 October 2024 and 11 November 2024 (24/02420/REM and 24/02300/REM, Appendix 2G).

3.6 Appendix 2H provides additional supporting evidence of ongoing work on Reserved Matters including the PPA Project Plan and discussions taking place with Highway and Flood Authorities.

3.7 The trajectory includes 150 dwellings from this site within the five-year supply period, with completions at 50 dpa starting at 2025/26.

4 Land North of Maldon Road Hatfield Peverel



4.1 Outline planning permission was granted 12.11.2021 to Gladman Developments Ltd, a national land promoter for up to 110 dwellings, including

40% affordable housing (ref 20/01264/OUT). Planning conditions required submission of Reserved Matters within 2 years of the outline permission, and require development to commence not later than 18 months from approval of Reserved Matters.

4.2 Following withdrawal of an earlier Reserved Matters submission from a housebuilder, in the period of market disruption following the mini budget; Reserved Matters have now been submitted by Gladman Developments (ref 23/02759/REM). This submission also includes details relating to the discharge of certain conditions from the outline permission (Appendix 2 I).

4.3 The submission of Reserved Matters demonstrates progress in the submission of applications and firm progress in site assessment work, evidence of a realistic prospect of completions within the five-year period. The trajectory projects the development of the site within the five-year period starting with 30 completions in Year 3 (2025/26) and 40 dpa in Years 4 and 5.

6 **Land at Mount Hill Halstead**



6.1 This site was the subject of an outline planning application for up to 55 dwellings which had a Resolution to Grant at the base date (reference 20/01493/OUT); permission was granted on 14 April 2023. This is a greenfield site at the town of Halstead; much of the land in the vicinity has been the subject of planning permissions for residential development.

6.2 The outline consent included approval of the access which is a straightforward priority junction, with a new footway and pedestrian crossover to the junction with Oak Road shows on the approved plans.

6.3 The Council has now been approached by a developer who is preparing a Reserved Matters submission for the site and is keen to negotiate a Planning Performance Agreement with the Council. Meetings between the developer and the Council to discuss the proposed REM submission took place in August 2024.

6.4 The Council has included delivery of 54 dwellings on the site within the trajectory. The trajectory projects the completion of the site within the five-year period, with completions starting in 2026/27. This allows for a lead time of 3 years from the date of the outline permission to first completions, and there is a realistic prospect that completions can be achieved within the five-year period.

7 Land north of London Road Kelvedon





Above: illustrative masterplan submitted with Reserved Matters ref 24/02384/REM

7.1 Outline permission (ref 17/00679/OUT) was granted on appeal January 2023 for a mixed-use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, with two accesses from London Road.

7.2 The site is now in the control of Barratt David Wilson Homes; Reserved Matters are in preparation and will be accompanied by a Planning Performance Agreement. The Council had an inception meeting for a PPA with the developer in June 2024; with a programme of follow up meetings progressing.

7.3 The developer is in discussion with the Highway authorities and the surface water drainage authority as part of preparation of Reserved Matters. Following the inception meeting, there has been a highways themed meeting, involving Essex County Council Highways, and a first design meeting with the

developer, and a second meeting with the developer/ operator of the Care Home.

7.4 The developer has now submitted a full application for the site access first (ref 24/02385/FUL) so that they can progress highway approvals and front load site work, whilst working up the full Reserved Matters submission planned to be submitted in the near future.

7.5 Reserved Matters have been submitted for construction of a vehicular access (south) from London Road, initial stretch of internal road, sub-station, and landscaping (ref 24/02384/REM); this included submission of an illustrative Masterplan. These Reserved Matters were approved by the Planning Committee on 7 January 2025 (Appendix 2J).

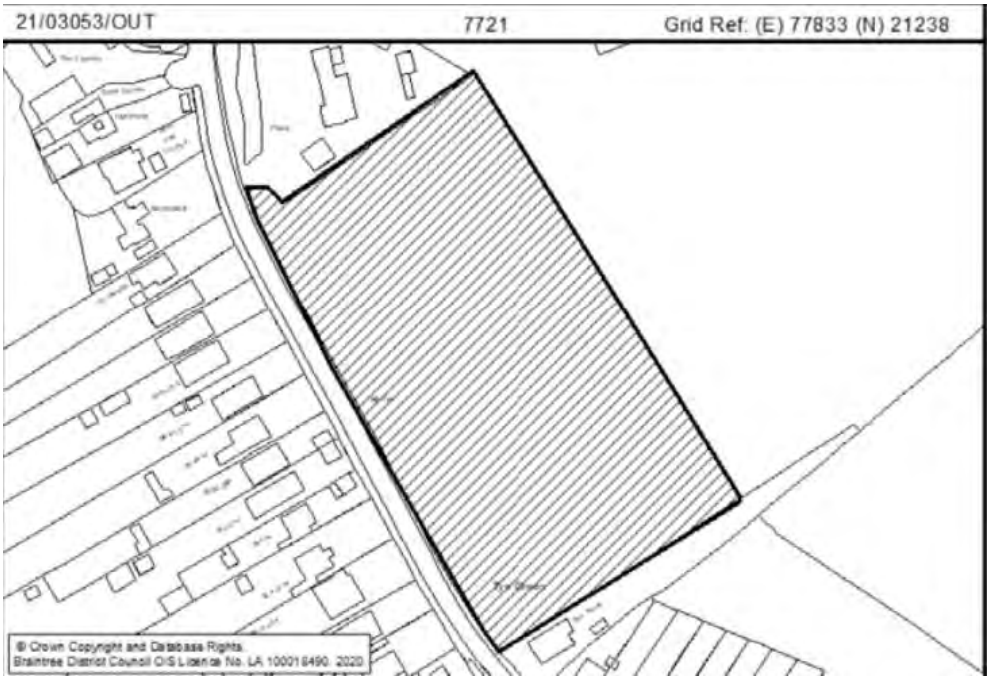
7.6 The developer has a care home provider interested and a health centre scheme has been worked up with the NHS.

7.7 The developer has advised that this will be a two-brand twin outlet development, with David Wilson Homes and Barratt Homes involved, and a delivery forecast has been provided (Appendix 2K). The delivery forecast shows years July-June, and so the Council has translated these to financial years. The project plan has site work starting August 2025 and first completions are expected June 2026.

7.8 The full year delivery rate advised by the developer is 119 dwellings, and the first year of delivery being June 2026-March 2027 the Council has adjusted the figure shown for 2026/27 from 119 to 99, meaning a total delivery in the five-year period of 218 dwellings. The figures are adjusted in the trajectory to fit to monitoring years rather than July-June years. The trajectory projects completions at 99 in Year 3; 119 in Year 4, and the remaining 82 dwellings in Year 5. A total of 300 dwellings are included in the five-year supply period.

7.9 The care home was estimated by the Kelvedon site appellant as being a 64-bed home, and is included in completions in Year 3 (2026/27; 64-beds being equivalent to 35.6 dwellings).

8 Land East of Braintree Road Tye Green Cressing



8.1 Outline planning permission was granted on appeal to Rainier Developments on 14 March 2023 for development of 35 dwellings (ref 21/03053/OUT). This is a small-scale greenfield development with a realistic prospect of completions within the five-year supply period.

8.2 The site has now been sold to Chelmsford Housing Partnerships (CHP), a local housing association, for development. CHP is now working on preparation of Reserved Matters and site assessment work and other work is being progressed (Appendix 2L).

8.3 The developer has been in discussion with the Council's Housing Enabling Officer (David Steel) and that CHP have entered into a design and build contract with Chartway Partnerships Group.

8.4 The pre-application discussions with the local planning authority commenced with a meeting held in August 2024.

9 Phase 4 Land Northeast of Rectory Lane Rivenhall



9.1 This site forms Phase 4 of a development by Bellway Homes on the north-east edge of the town of Witham. Outline planning permission for up to 230 homes was granted to the developer by appeal 5 January 2023 (ref APP/Z1510/W/22/3305099).

9.2 Discharge of Conditions applications have been submitted and approved for the Design Code for the main site and for the 5 self-build plots.

9.3 Having developed the detailed design code and engaged in an extensive programme of design meeting through a Planning Performance Agreement and having presented their proposals to the Council's Members Forum, the developer Bellway Homes submitted Reserved Matters for all the housing, with the exception of the 5 Self Build houses, on 28 March 2024 (reference 24/00696/REM. The self-build plots will be subject to later applications for approval of reserved matters by those buying the plots.

9.4 The Reserved Matters application was approved by Planning Committee on 20 August 2024 (Appendix 2M). The decision was issued 23 August 2024 (Appendix 2N).

9.5 A Building Regulations Initial Notice was submitted on 18 September 2024 by Bellway Homes for the 225 units that they will build (ref 24/00717/IN).

9.6 A series of Discharge of Conditions applications have been submitted:

- 23/01288/DAC: approval of Design Code
- 24/02432/DAC: archaeological survey
- 23/03049/DAC: approval of Design Code for the 5 self-build plots
- 24/02433/DAC: details of fences and walls for sports park pavillion building
- 24/02486/DAC: approval of details as reserved by conditions 18 (LEMP) and 19 (CEMP Biodiversity)
- 24/02487/DAC: approval of details as reserved by conditions 22 (SuDS) and 35 (SuDS)
- 24/02681/DAC: approval of details as reserved by condition 24 (Phase 2 Land Contamination Survey)
- 24/02682/DAC: approval of details as reserved by conditions 23 (Off Site Flooding and 26 (Construction Traffic Management Plan)
- 24/02683/DAC: approval of details as reserved by conditions 1 (Bollard Details) and 3 (Eaves, Verges and Ridges)
- 25/00082/DAC: approval of details as reserved by condition 27 (Arboricultural Method Statement)

9.7 The developer has provided a completed site proforma indicating the expected timing and rate of development (Appendix 2 O). The developer has advised the Council that site construction is expected to start in February 2025 (Appendix 2P). Completions are expected to start in April 2026 and to deliver a total of 203 completions over the five-year supply period, starting with 68 dpa in Years 3 and 4. The Council's trajectory reflects the delivery forecast provided by the developer.

10 Land West of Boars Tye Road Silver End



10.1 Outline planning permission was allowed on appeal January 2023 for up to 94 homes (21/00850/OUT). This is a greenfield site on the edge of the village of Silver End; the permission includes 40% affordable housing.

10.2 The site has now been purchased by Bellway Homes. The Council has been approached by the Planning Director of Bellway Homes who developed a proving layout in preparation for their bid to purchase the site, and a Planning Performance Agreement has been negotiated for the Reserved Matters submission (Appendix 2Q)

10.3 Reserved Matters have now been submitted for 94 homes, including 37 affordable homes (ref 24/02576/REM, submitted 4 December 2024; Appendix 2R).

10.4 A completed pro-forma has been provided to the Council by the developer (Appendix 2S), confirming that the site is in the control of the developer; the site is deliverable and will be completed within the five-year supply period. In line with the completed proforma, the trajectory assumes the start of

completions towards the end of 2025/26 with 9 completions that year, followed by 66 in 2026/27 with the final 19 completed in 2027/28.

10.5 A number of surveys are being carried out including archaeological, ecological and noise. There are no current barriers delaying or preventing development; work on site is planned to start May 2025; and the site is planned to complete in July 2027. Permission has been granted for advertisement consent for signs to be erected publicising that the site has been acquired for development by Bellway Homes (ref 24/01134/ADV). A full application has been submitted for a temporary construction access from Boars Tye Road for a period of 3 years (ref 24/02143/FUL), this application is pending determination.

Phase 5 of Lodge Farm site Hatfield Road Witham



10.6 This is the last remaining residential phase (outlined in yellow, above) of a greenfield growth location site (total capacity 665 homes) being developed by Redrow Homes. In 2020 a Variation application was submitted and approved for the remaining phases which showed an illustrative layout for Phase 5. The preceding phase, Phase 3B/4 (216 homes), is under construction and part

completed, with 119 plots outstanding at 31 March 2024; Phase 4 plots are now being marketed as available for sale and based on current progress Phase 3B/4 is on target to have a realistic prospect of completion 2025/2026.

10.7 Following pre-application discussions, Reserved Matters were submitted by the developer in early June 2024 (ref 24/01217/REM, Appendix 2 T) and are now pending consideration. Revised plans have been submitted to address issues raised in the course of discussion on the plans. Phase 5 has a capacity of 110 dwellings.

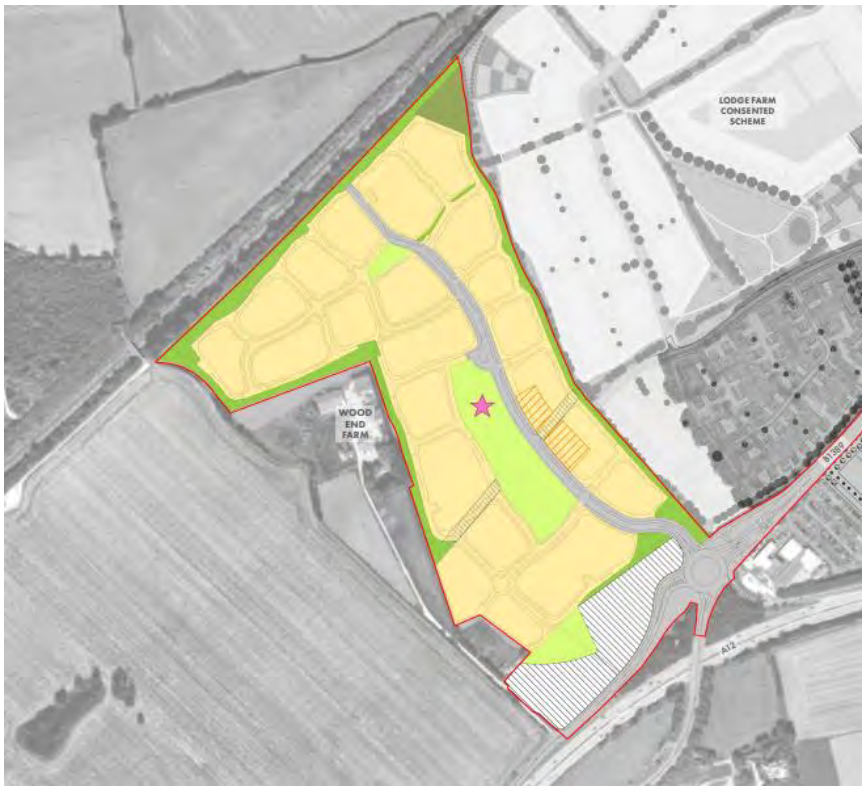
10.8 The developer has maintained delivery on the site and there is no reason to suppose a hiatus in development; Phase 5 is expected to follow on maintaining continuity of development.

10.9 The evidence demonstrates that the normal lead time from Validation of Reserved Matters to first completions on this site has been a little over a year. In the case of Phase 3A and in particular Phase 3B/4, the timing was affected by the pandemic; acknowledged to be a period of disruption to construction activity, lockdowns and furlough of staff, including those involved in the Lodge Farm site. Phase 3B/4 in particular shows a longer lead time. In addition, around this time the Master Layout Plan was being revised through a Variation application with S106 Agreement (20/01571/VAR, submitted following pre-application discussions; validated 23.09.20 and approved with S106 in place 30.09.2021.

Phase	PA ref	Validated	Completions started	Lead time
1A	17/0931/REM	25.05.2017	June 2018	13 months
1B	18/00884/REM	05.06.2018	May 2019	13 months
2	18/01912/REM	13.11.2018	Nov 2019	12 months
3A	19/02228/REM	10.12.2019	March 2021	15 months
3B/4	21/00249/REM	08.02.2021	Dec 2022	22 months

10.10 On the Lodge Farm site overall delivery rates achieved 95 in Year 1 and 88 completions in Year 2. The trajectory includes the completion of the remaining 229 dwellings on the overall site within the five-year period April 2024-March 2029, which represents an average delivery rate of 46 dpa. The trajectory includes Phase 5 completions from late in 2026/27 (Year 3), with the first 20 in 2026/27 and the remaining 100 developed over Years 4 and 5.

11 Land at Woodend Farm Witham



12.1 This site is located adjacent to the Lodge Farm site at southwest Witham. Outline planning permission for up to 400 homes was granted to developer Countryside (now part of the Vistry group) in July 2022 (ref 19/01896/OUT).

12.2 This site now has approval for the first Reserved Matters:

- 23/00737/REM approved November 2023 relating to infrastructure; access; appearance; landscaping; layout and scale for the installation of the spine road with associated footpaths, cycleways and bus turning head, linking into the approved access works at Hatfield Road to the south (Appendix 2U)
- 23/00781/REM (Appendix 2V) approved August 2024 relating to access, appearance, landscaping, layout and scale for the central open space (Central Park Area)

12.3 The developer is involved in ongoing discussions with the Council and with the highway authorities in progressing the site. A Section 278 has been negotiated and is now with Essex County Council legal services for finalising. The details of the roundabout access from the main road were agreed at the outline permission stage.

12.4 In the outline permission there is an area of land safeguarded in case it was needed by National Highways in connection with the A12 improvement

scheme now underway. As work progressed, National Highways concluded this land will not be needed and the final DCO plans confirmed the boundary. The capacity of the residential site was not increased in the trajectory; the capacity and layout will be considered in detail at Reserved Matters stage.

12.5 There is already a detailed design code in place with planting specifications. A series of discharge of conditions applications are submitted (Appendix 2 W).

12.6 A discharge of conditions application relating to a biodiversity enhancement strategy for areas of open space was approved in May 2023. A condition requiring approval of the Landscape Ecological Mitigation Area for areas of open space was approved in May 2023 (reference 23/00641/DAC).

12.7 The Archaeological Trial Trenching condition was discharged in August 2022 (reference 22/01993/DAC) and a further condition relating to archaeology was discharged in May 2023 (reference 23/01108/DAC).

12.8 A condition requiring a feasibility study into the possibility of relocating an elm tree was discharged in October 2023 (reference 23/00350/DAC) the study concluded that relocation was not feasible.).

12.9 A Discharge of Conditions application for the lighting scheme for the spine road infrastructure was approved in May 2023 (reference 23/00637/DAC).

12.10 A condition requiring approval of a refuse scheme for the spine road has been discharged in June 2023 (reference 23/00638/DAC).

12.11 The Phasing Plan was approved in June 2023. The first phase of the development, Phase 1A, has an estimated capacity of 140 dwellings, followed by 60 in Phase 1B; 100 in Phase 2A and 100 in Phase 2B.

12.12 The Council is in discussions with the developer about a proposed Reserved Matters submission for the new homes for which a Planning Performance Agreement will be negotiated. The 2024-29 trajectory includes 190 dwellings from this site with 60 in 2026/27 and 65 per year in 2027/28 and 2028/98.

13 Sites with a Resolution to Grant

13.1 As at 31 March 2024 there was one site in this category. An outline planning application (ref 21/03022/OUT) for one dwelling on a small infill plot on land adjacent 2 Broomfield Cottage Coggeshall Road awaited the signing of a Section 106 Agreement; this was signed and the decision issued on 10 June 2024. The site area was stated in the application as 0.08 ha (minor development).

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2A: Land East of Broad Road outline planning application decision notice

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 18/01318/OUT

Date Received: 13th July 2018

APPLICANT:
Gallagher Estates Ltd

AGENT:
Mr Gareth Wilson
St Andrews House
St Andrews Road
Cambridge
CB4 1DL

DESCRIPTION :
Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment.

LOCATION :
Land East Of Broad Road Braintree Essex

APPROVED PLAN(S):

Location Plan	Plan Ref: (Barton Willmore Drawing) 9000 REV B Version: 03.10.2017
Other	Plan Ref: Straits Mill Outline Design Code (Barton Willmore) Version: August 2019
Access Details	Plan Ref: (Atkins Drawing) Proposed Roundabout drg no. BROAD-SK-D-0003 REV P1.2 Version: 17.10.2019
Access Details	Plan Ref: (Atkins Drawing) Proposed Priority Junction Broad Road, Braintree rg no. BROAD-DR-D-0003 REV P5 Version: 06.09.2017
Parameter Drawing	Plan Ref: (Barton Willmore Drawing) Parameter Plan Land Use and Access 9600 REV M Version: 26.07.2017
Parameter Drawing	Plan Ref: (Barton Willmore Drawing) Parameter Plan Building Heights 9601 REV K Version: 26.09.2017
Parameter Drawing	Plan Ref: (Barton Willmore Drawing) Parameter Plan Green Infrastructure 9602 REV L Version: 26.09. 2017

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:

Planning Decision Notice
We hereby certify this to be a true copy of the original

Date 31st March 2021 Holmes & Hills LLP

Holmes & Hills LLP
A12 Commercial Hub, 86 London Rd, Marks Tey, Essex, CO6 1ED

1 Time Limit

Details of the:-

(a) scale;
(b) appearance;
(c) layout of the building(s); and
(d) landscaping of the site
(e) (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 2 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.

All Reserved Matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission.

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 1000 residential dwellings, including affordable and market housing; land for a new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131 and Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk on the site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping 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

On or before 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 unless a subsequent phasing plan is submitted to and approved by the Local Planning Authority in which case the development shall from that point be carried out in accordance with the updated 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 any proposed building(s), in relation to proposed ground levels and shall also be accompanied by drawings showing proposed and existing site 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.

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 where it is demonstrated that this is 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 (i.e. those which are reasonably required to allow pedestrian and vehicle access to the building in question) 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.

Reason

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

6 Broadband

Any Reserved Matters application 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 Development Area, Local Centre and Employment Area as defined on drawing 9600 Rev M 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 wherever practical 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 each application for 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.
i) Containment, control and removal of any invasive non-native species present on site.

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 Plan

Each phase of the development shall be the subject of a Biodiversity Enhancement Strategy for Protected and Priority species. This Strategy shall be submitted with each Reserved Matters application and approved in writing by the local planning authority.

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

a) Purpose and conservation objectives for the proposed enhancement measures for the relevant phase of the development;
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 for individual dwellings and commercial properties.

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 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 or group of trees 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 survey shall also demonstrate to the satisfaction of the Local Planning Authority that measures have been taken to keep proposed tree and hedgerow removal to an absolute minimum and that, where achievable a net gain via new tree and hedge planting will be achieved for the relevant part or phase of the site.

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 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).

13 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 (CMS) 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 the
- means by which these will be closed off 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;
- Details of how the approved CMS 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.

14 Archaeology 1 (Site Evaluation)

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

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.

15 Archaeology 2 (Fieldwork)

No development or preliminary groundworks can commence within each respective phase 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.

16 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 from the site to be as close as reasonably practicable to the greenfield run-off rate from the development of the same rainfall event for the 1 in 1-year and 1 in 100-year rainfall events.
- Provide sufficient surface water storage so that the run-off volume is discharged at a rate that does not adversely affect flood risk and that, unless designated to flood, that no part of the site floods for a 1 in 30-year event, and for a 1 in 100-year event no flooding shall occur within the development affecting any part of a building or utility plant susceptible to water.
- Provide sufficient storage to ensure no off-site flooding occurs as a result of the development during all storm events up to and including the 1 in 100-year plus climate change event.
- Final modelling and calculations for the specific development phase demonstrating compliance with the approved surface water drainage strategy covering the whole development.
- The appropriate level of treatment for all run-off leaving the site, in line with the CIRIA SUDs Manual C753.
- Detailed engineering drawings of each component of the drainage system included within the specific development phase.
- A final drainage plan which details exceedance and conveyance routes, finished floor and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy for the specific development phase and highlighting any minor changes to the approved strategy.

The scheme for each development phase shall subsequently be implemented prior to occupation of that phase. Regard must also be had to the requirements of Condition 52 of this planning permission when seeking to discharge the above condition.

Reason

To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site; to provide mitigation of any environmental harm which may be caused to the local water environment and to ensure that the detailed surface water drainage strategy and landscape strategy for the site take into account the full existing baseline conditions on the site. 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.

17 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.

18 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.

19 SUDS 4 (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.

20 Contamination 1 (Further Investigation)

Prior to the commencement of development except for demolition further investigation shall be undertaken to provide better characterisation of the site and to assess the nature and extent of any contamination on the site with a particular focus on the former landfill on the site and in relation to Asbestos, Ground gas and PAH. This investigation shall be carried out in accordance with the recommendations contained within the suite of documents which informed Chapter 10 'Land Contamination' of the submitted Environmental Statement and are contained at Appendix 10.1 to 10.6 inclusive of this Statement. The results shall be submitted to the Local Planning Authority for approval.

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

21 Contamination 2 (Remediation)

Prior to the commencement of development except for demolition in each phase 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'.

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.

22 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 the remediation works required under Condition 21. 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 school 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 school 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.

23 Contamination 4 (Long Term Monitoring)

No development of each phase shall take place until a long-term monitoring and maintenance plan as set out in the remediation strategy in respect of contamination (including the monitoring of the long-term effectiveness of the proposed remediation of ground gases) including a timetable of monitoring and the submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

On completion of the monitoring for each phase specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by 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.

24 Contamination 5 (Asbestos)

Prior to the demolition of any existing buildings on the site the applicant shall submit an asbestos survey to the Local Planning Authority in relation to these buildings. Should any asbestos be identified within the buildings then the Survey shall include details of how the demolition process will be managed to ensure that the asbestos is safely removed from the buildings and from the site.

Reason

To ensure that the risks from asbestos contamination to existing residents in the locality and to future users/occupiers of the land are safely managed. The survey is required prior to the demolition of any existing buildings to ensure that safeguarding measures are in place from the outset, where required.

25 Noise (New Dwellings)

Prior to commencement of development in any relevant phase, (i.e. where it has been identified at the Reserved Matters Stage that noise mitigation to protect the occupiers of new dwellings from noise from the A131 will be required) the applicant must submit to the Local Planning Authority for approval a detailed noise mitigation report. The Report shall detail measures that will be incorporated into the development to ensure that proposed residential development affected by noise from the A131 is adequately protected from such noise. The assessment must be completed in line with BS8233. The relevant phase of the development shall only be carried out in accordance with the approved details and shall be retained as such thereafter.

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

26 Skylark Mitigation

Prior to the commencement of development a Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority, to mitigate the loss of any Skylark territories on the site. This shall include provision of the evidenced number of Skylark nest plots in nearby agricultural land and the timing for such provision.

The content of the Skylark Mitigation Strategy shall include the following:

a) Purpose and conservation objectives for the proposed Skylark nest plots;
b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
c) locations of the Skylark plots by appropriate maps and/or plans;
d) persons responsible for implementing the mitigation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason
To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

27 Badger Method Statement

A Badger Method Statement shall be submitted to and approved in writing by the local planning authority prior to commencement of each phase of the development including any vegetation clearance works. The method statement shall determine the need for badger sett closures or additional mitigation measures, and shall be supported by an up to date survey to identify if changes of badger activity have occurred on the site. Any measures and/works shall be carried out strictly in accordance with the approved details.

Reason
To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended, the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

28 Bus Stops (Within 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) within that phase.

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

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.

29 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.

30 Public Right of Way Temporary Diversion/Closure

Prior to the commencement of any phase of development which would affects the use of the existing Bridleway and/or public footpaths which cross 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.

31 Archaeology 3 (Post Excavation Assessment)

The applicant will submit to the local planning authority a post-excavation

(archaeology) assessment for each phase (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.

32 Foul Drainage

Prior to any construction above damp proof course on each phase, a scheme for on-site foul water drainage works for that phase, 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. The strategy is required prior to the commencement of development to ensure that the development is carried out in accordance with the approved strategy from the outset.

33 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.

34 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.

35 Contamination 6 (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 and the developer has submitted 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. The long term monitoring and maintenance plan for the site in respect of contamination as required by Condition 23 shall be updated to reflect the unexpected contamination found and shall be re-submitted to the Local Planning Authority for approval.

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.

36 Contamination 7 (Unexpected Remediation)

If applicable the developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works required under Condition 35. 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 school 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 school 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.

37 Noise (Noise Reports - Plant on New Buildings)

Prior to the installation of any plant at any educational or 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.

38 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 the 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 organisation 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).

39 BREEAM

Development for employment uses as defined on drawing 9600 Rev M shall meet BREEAM 'Very Good' rating. Post-construction certification demonstrating how the employment development has met BREEAM 'Very Good' as a minimum shall be submitted to and approved in writing by the Local Planning Authority within six months of completion.

Reason
To ensure that the employment buildings are constructed to the highest standards in terms of sustainable development.

40 Bat License

The works to demolish 'building 4' as defined in Chapter 8 of the Barton Willmore Environmental Statement Volume 1 (July 2018) and associated Environmental Statement Addendum (October 2019) shall not in in any circumstances commence unless 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 authorising 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.

These are to be submitted to the Local Planning Authority for approval prior to the demolition of 'building 4'.

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.

41 Water Vole and Otter Method Statement

A Water Vole and Otter Method Statement shall be submitted to and approved in writing by the local planning authority prior to commencement of any outfall works occurring at the River Blackwater.

The method statement shall provide additional mitigation measures and/or works if required and shall be supported by an up to date survey to identify if changes of activity from Otter and Water Vole activity have occurred at the site.

Any measures and/works shall be carried out strictly in accordance with the approved details.

Reason
To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended, the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

42 Ecological Design Strategy (Landscape Riverside Area)

Prior to the completion of the earthworks required to construct the SUDs basins located in the Landscape Riverside area located in the south of the application site as shown on the Key Identity Areas Plan on p55 of the Outline Design Code, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the local planning authority for the entire biodiversity area located in the southern part of the application site. This area is shown on the above Key Identity Areas Plan as an area of green infrastructure identified as 'Landscape: Riverside'.

The EDS shall include the following:

a) Purpose and conservation objectives for the proposed works.
b) Review of site potential and constraints.
c) Detailed design(s) and/or working method(s) to achieve stated objectives.
d) Extent and location/area of proposed works on appropriate scale maps and plans.
e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
g) Persons responsible for implementing the works.
h) Details of initial aftercare and long-term maintenance.
i) Details for monitoring and remedial measures.
j) Details for disposal of any wastes arising from works.

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

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).

43 Lighting Scheme

No above ground development shall commence in each phase of the development unless and until a lighting design scheme to protect biodiversity for that phase (and which links in to and takes account of the biodiversity lighting scheme for the whole site) has been submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on, or immediately adjoining the site, that are sensitive for bats, including those areas where lighting could cause disturbance along important bat foraging routes; 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 any areas of the development that are 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 approved scheme and retained thereafter in accordance with the approved 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).

44 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 for approval by the Local Planning Authority.

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.

45 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.

46 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.

47 Vehicle Movements

With the exception of those specified within any approved Construction Method Statement 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. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

48 Noise (Upper Limit for Plant on New Buildings)

The rating level of noise emitted from any plant at the educational 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.

49 Spine Road Width

The proposal site's spine road(s) (spine road as defined in the approved Outline Design Code) carriageway shall be a minimum 6.75 metres wide.

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.

50 Broad Road Access

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

A priority junction with right turn lane off Broad Road to provide access to the proposal site as shown in principle on the planning application drawings.

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.

51 PD Rights (Parking)

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

Reason

To ensure that 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.

52 SUDS 5 (Baseline Information)

Prior to the commencement of development the applicant shall collect hydrogeological and hydrological baseline information on the site to the written satisfaction of the Local Planning Authority and relating to the ponds; springs; watercourses and gravel pits on the site and this information will inform the details of the detailed surface water drainage strategy for each phase of the site as required under Condition 16 above and the landscape strategy for the site. The baseline information shall include the following:

- volume (ponds & gravel pits)
- flow direction
- channel type (heavily vegetated, narrow, steep, flat, shallow etc)

- maximum flow
- maximum water level during extreme events
- minimum flow
- minimum water level (for water quality, habitat etc)
- water sources specific to each feature
- inputs (any other springs, off site inputs that might affect the watercourses and ponds at various times)
- abstractions
- existing management regime (including but not limited to, any pumping systems, weedcutting regimes or gauges onsite, upstream or downstream of the site)
- catchment description (including wider catchment if potential to influence onsite catchments)
- description of downstream receptors.
- any existing structures onsite or adjacent to it, e.g. bridges, culverts that could impact flow conveyance.

Reason

To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site; to provide mitigation of any environmental harm which may be caused to the local water environment and to ensure that the detailed surface water drainage strategy and landscape strategy for the site take into account the full existing baseline conditions on the site. The details 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.

53 Each phase of the development hereby permitted shall provide for a minimum of 20% of the Market Housing as 1 or 2-bed dwellings.

Reason

To ensure an appropriate mix of market housing is secured across the site to help meet housing need for market housing, as identified in the Council's Strategic Housing Market Assessment and in accordance with Policy RLP8 of the Adopted Local Plan Review.

54 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

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

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS3	Gypsies and Travellers and Travelling Showpersons
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
RLP27	Location of Employment Land
RLP30	Diversity of Industrial and Commercial Premises
RLP31	Design and Layout of Business Parks
RLP32	Workplace Nurseries
RLP34	Buffer Areas between Industry and Housing
RLP35	Non-Conforming and Un-Neighbourly Industry
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
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

RLP95	Preservation and Enhancement of Conservation Areas
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP140	River Walks/Linear Parks and Disused Railway Lines
RLP164	Environmental Impact Assessment

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
LPP2	Location of Employment Land
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP17	Housing Provision and Delivery
LPP19	Strategic Growth Location - Land East of Broad Road, Braintree
LPP33	Affordable Housing
LPP36	Gypsy and Traveller and Travelling Showpersons' Accommodation
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP64	Educational Establishments
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
LPP72	Green Buffers
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 August 2018 which includes a number of informatives to which you should have regard.

2 Your attention is drawn to the Environment Agency consultation response dated 30 August 2018 which includes a number of informatives to which you should have regard.

3 Your attention is drawn to the Anglian Water consultation response dated 15 November 2019 which includes a number of informatives to which you should have regard.

4 Your attention is drawn to the Essex County Council Highways consultation response dated 22 November 2019 which includes a number of informatives to which you should have regard.

5 In relation to Condition 9 of this Planning Permission your attention is drawn to the NPPF's requirements for providing Net Gains for Biodiversity.

Dated: 31st March 2021 Signed: C Paggi

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

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) 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.

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2B: Land East of Broad Road

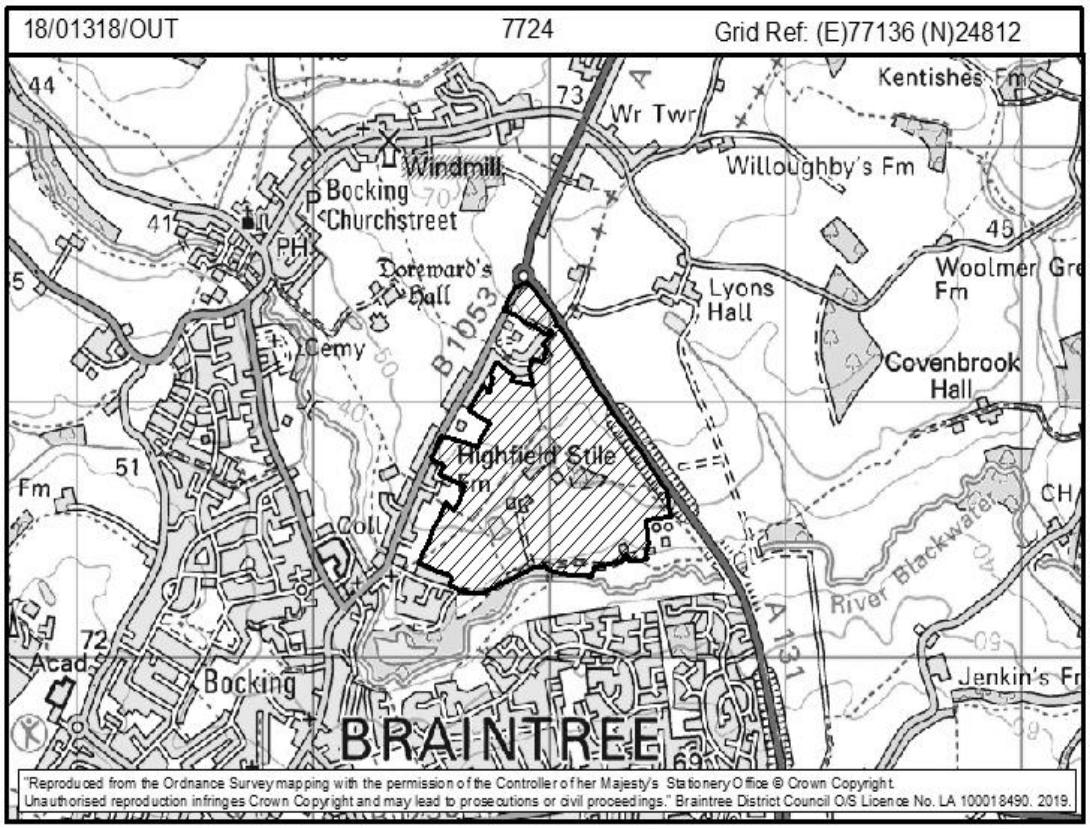
Outline Planning Application

Planning Committee Report

PART A AGENDA ITEM NUMBER 5a

APPLICATION NO:	18/01318/OUT	DATE VALID:	13.07.18
APPLICANT:	Gallagher Estates Ltd		
AGENT:	Mr Gareth Wilson St Andrews House, St Andrews Road, Cambridge, CB4 1DL		
DESCRIPTION:	Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment.		
LOCATION:	Land East Of, Broad Road, Braintree, Essex		

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



The application can be viewed on the link below.
http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PC02C5BF0IG00

SITE HISTORY

04/02026/COU	Retrospective application for change of use of land and buildings to B2 and B8 uses to regularise existing unauthorised development	Granted	08.06.05
76/00861/	Erection of new office Building.		09.09.76
78/01492/	Erection of a covered block making unit.		13.02.79
84/01179/	Proposed chemical store.		01.11.84
88/02481/P	Extension Of Time Condition Bte/1254/83 Refers (Reinstate- Ment To Agricultural Land By Filling & Levelling)		17.01.89
89/00921/P	Reinstatement To Agricultural Land By Filling And Levelling Per Original Permission But With Alteration To Time Limit	Granted	26.05.89
91/00344/E	Proposed Extension To Sewage Treatment Plant		
92/01459/ELD	Application for Certificate of Lawfulness for an existing use: Use of site for general industrial use	Granted	19.02.93
06/01335/PLD	Application for a certificate of Lawfulness for a proposed use or development - Use of the site for the production of ready mixed concrete (wet batch plant, skid mounted)	Refused	28.11.06
06/02243/FUL	Bank to be formed alongside the roadway to the water treatment works and extend the height of the bank adjacent to the entrance to the industrial area	Refused	11.01.08
07/01355/PLD	Application for a Certificate of Lawfulness for a	Refused	23.11.07

	proposed use or development - Use of the site for the production of ready mixed concrete including the provision of a concrete batching plant and cement silo		
07/01505/AGR	Determination for Prior Notification - De-water pond, clear the waste and rubbish, place no more than 2m of clean subsoil over the area, cover with top soil and plant trees	Permission Required	13.08.07
12/01474/FUL	Change of use of office building from office to use as a dog grooming business	Granted	06.12.12
17/00005/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - 1,000 residential dwellings, including affordable and market housing, a new primary school and early years and childcare facilities, provision of community and sports facilities, new local centre including A1-A5 retail uses, land for the provision of employment uses B1/B2, creation of two new vehicular access points, indicatively from A131 and Broad Lane, network of segregated cycle and pedestrian routes including improvements to the River Walk to the south of the site, provision of Sustainable Drainage Systems (SUDs) and other associated infrastructure and associated open space and landscaping.	Screening/ Scoping Opinion Adopted	31.01.18

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 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 joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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
RLP27	Location of Employment Land
RLP30	Diversity of Industrial and Commercial Premises

RLP31	Design and Layout of Business Parks
RLP32	Workplace Nurseries
RLP34	Buffer Areas between Industry and Housing
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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
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RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
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RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments
RLP140	River Walks/Linear Parks and Disused Railway Lines
RLP164	Environmental Impact Assessment

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS3	Gypsies and Travellers and Travelling Showpersons
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
LPP2	Location of Employment Land
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP17	Housing Provision and Delivery
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LPP33	Affordable Housing
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LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
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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 the 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 current 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 application site is proposed for allocation for a residential-led mixed use development (1000 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. The application is also accompanied by an

Environmental Impact Assessment Statement and has therefore been advertised as Environmental Impact Assessment development.

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Town Development Boundary of Braintree, sitting to the north of the existing settlement.

It measures approximately 66 hectares and consists of the following key components:

- A number of agricultural fields of varying sizes;
- Several areas of woodland;
- A run down Industrial area and former gravel pit site with associated access road;
- Two large ponds (both former gravel pits);
- A number of Public Rights of Way which cross the site;
- A large number of trees and hedgerows.

The site is triangular in shape and is bounded to the east by the A131. To the west Broad Road runs parallel to the site boundary with existing residential development directly abutting the site itself. The River Brain with its associated river corridor lies to the south of the site with an established Sewerage Treatment works being positioned adjacent to the site's South Eastern boundary.

In terms of the wider context, further countryside is located to the north-east beyond the A131 and to the north-west beyond Broad Road. The main town of Braintree lies beyond the River Brain to the south whilst to the north the A131 leads to the north-east from the application site towards High Garrett.

Vehicular access to the site is currently taken from Broad Road via Convent Lane which leads into the application site before splitting in two and serving both the sewerage treatment works to the south-east of the site and the Industrial area in the centre of the site. There is also an informal access from the site's north-eastern boundary with the A131 which currently serves an agricultural field.

In terms of gradient, the site falls broadly from the north to the south with a difference in levels of approximately 32m. The topography of the site is varied with the area around the old quarry consisting of the steepest gradients with a fall of approximately 12m between the top and bottom of the quarry bank. Other areas are significantly flatter with more gentle gradients.

PROPOSAL

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

up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping.

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 with a primary roundabout access from the A131 and a secondary junction access from Broad Road. 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
- Education Strategy
- Statement of Community Involvement
- Mineral Resource Assessment
- Environmental Impact Assessment Statement containing:
- Transport Assessment
- Flood Risk Assessment and Drainage Strategy
- Noise Report
- Agricultural Land Classification Report
- Air Quality Report
- Arboricultural Impact Assessment
- Heritage Assessment
- Ecology Report
- Landscape and Visual Impact Assessment
- Contaminated Land Assessment

CONSULTATIONS

Two consultations were carried out, the second following revisions to the scheme following constructive dialogue with Officers and the issue of a Regulation 22 letter by the Council under the EIA Regulations requesting further information in relation to the submitted Environmental Statement. An addendum to the Environmental Statement was subsequently submitted along

with revised documentation including revised drawings and a revised Design Code and Design and Access Statement. A second consultation was subsequently undertaken.

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

ECC Archaeology

No objection subject to the standard archaeological investigation conditions.

As part of pre-application planning advice a desk-based assessment and partial geophysical survey have been carried out across most but not all of the development site. This has provided part of the evidence required to enable a reasonable assessment of the potential for damage or destruction of the potential below ground archaeological remains. This has identified the survival of archaeological features within the development area which may have local or regional significance and demonstrated the level of survival of the archaeological horizons.

However the reliability and effectiveness of the non-intrusive method of geophysics across the site upon varying geological strata has not been field-tested and the development area has, so far, received no field assessment which is required by condition.

Essex Wildlife Trust

Applicant's survey protocols are in accordance with CIEEM guidelines and the mitigation proposals for nesting birds, reptiles and bats are appropriate.

Welcome the proposals to create 2.63ha of wetland habitat, 10.11ha wildflower meadow, 3.98ha of new woodland/tree planting and 0.28ha of pond habitat.

Further surveys for otters and water voles will be required prior to the upgrades to outfalls on the River Blackwater. Outfalls should be set back from the river bank to minimise visual intrusion.

The proposed development provides an opportunity to remove two outdated weir structures at Straits Mill which currently pose an obstruction to the passage of fish and eels.

Endorse the Environment Agency's recommendation for buffer planting along the riverbank and the in-channel incorporation of woody debris to create additional habitat for fish.

The development should result in a measurable net gain in biodiversity and retain existing woodland and hedgerows as integral features of the development. A Landscape and Ecology Management Plan should be required by condition.

Management of the semi-natural green open spaces should be secured in perpetuity through a service charge or capital endowment.

CPRE Essex

We would prefer that only the brownfield part of the site is developed at this stage.

Consideration should be given to the combined impact of this and other substantial development totalling around 2,800 houses in the area with BDC taking an integrated approach to transport impact and facilitating non car use.

No access to the site should be allowed from Broad Road which is unsuitable and will result in increased congestion and air pollution.

Pleased that the scheme proposes an employment area with associated jobs on the site. Question whether there will be enough jobs for all new residents, to avoid them needing to leave the site and travel by car with associated traffic impact.

The affordable housing must be constructed and should in part be social housing to meet local need.

At the detailed design stage BDC should push for energy conservation and renewables such as triple glazing, photovoltaic cells and shared energy projects.

Substantial contributions should be secured towards health and education infrastructure.

Overall we believe that consent should only be given if the above matters are adequately dealt with.

ECC Historic Buildings Consultant

No listed buildings are located within the application site or immediately adjacent to it.

The ‘Hollow Way’ runs through the centre of the application site and is considered a non-designated heritage asset. The setting of this feature will be harmed by the development and as such paragraph 197 of the NPPF is considered relevant. Should the application be permitted it is recommended that planning conditions ensure the ‘Hollow Way’ is not directly impacted by the development. It is further recommended that a management plan is required, by condition, to ensure the feature is sustainably incorporated into the development and the significance of this heritage asset is preserved and enhanced.

BDC Waste Services

In order to assess the feasibility of waste collections, we will need a detailed plan showing adopted access roads and distances to bin collection points/ bin stores (if blocks of flats are to be built). Our operatives can only walk up to 20 metres to each property.

Environment Agency

No objection subject to conditions relating to ground water and contaminated land being attached to any permission granted as follows:

- Condition to cover any unexpected contamination
- Condition requiring long-term monitoring and maintenance in respect of contamination
- Condition requiring approval of any surface water infiltration drainage systems by the LPA
- Condition requiring any piling/penetrative foundation methods to be approved by the LPA

No objection on flood risk grounds. The application may provide the opportunity to assist with the required improvement measures to ensure the River Chelmer waterbody achieves ‘good potential status’ by 2027 particularly with regard to the possible removal of the two existing weir structures at Straits Mill and in channel enhancements plus riparian tree planting upstream.

Would like to see an 8 metre buffer planted with native trees and shrub between the river’s edge and the public open space to shade the water course and provide an enhanced wildlife corridor. Would also like to see outfalls into the river being set back to avoid the use for concrete headwalls which result in habitat loss for water voles/otters.

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.

The development is within 15 meters of a sewage pumping station to which access must be maintained. Dwellings located within 14 metres of this pumping station would be at risk from noise, odour or disruption from maintenance work. The site layout should take this 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.

Anglian Water notes the close proximity of this development to Bocking's STW water recycling centre (WRC) and would draw attention to the potential for nuisance, associated with the operation of this treatment works, to effect the proposed development.

We would advise therefore, that the proposed layout seeks to maintain an effective distance between the treatment works and sensitive accommodation. We would further recommend that a detailed odour risk assessment is undertaken to establish the range at which the amenity of neighbouring property is likely to be impaired.

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 drainage strategy.

Surface Water Disposal

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

<u>ECC Highways</u>

No objection subject to the following being secured by way of s106 Agreement or planning conditions:

Prior to occupation of the development:

1) Completion by the developer of the proposed access points onto Broad Road and onto to the A131

2) Completion by the developer of the agreed upgrade works to Marks Farm roundabout and the A131/Broad Road roundabout

3) Financial contribution towards bus service provision at/in the vicinity of the site and between the site and Braintree town centre /railway station

4) Upgrading of existing bus stops in Broad Road/and or Convent Lane

5) Improvements to Public Right of Way Braintree and Bocking 52 located immediately to the south of the proposal site

6) Provision of pedestrian/cycle ramp at northern most end of the Blackwater Way

7) Provision of a toucan crossing in Courtauld Road in the vicinity of its junction with Julien Court Road

8) Improvements to existing north-south route through the Park between Courtauld Road and Coggeshall Road to provide a shared footpath/cycleway

9) Provision of a Toucan Crossing in Coggeshall Road in the vicinity of its junction with The Avenue

10) Requirement for a Travel Plan

Other Requirements:

a) Submission of Construction Traffic Management Plan for each phase of the development

b) Submission of details of proposed bus stops prior to each phase of development with provision of agreed stops prior to occupation of relevant phase

c) Proposed spine road carriageway to be a minimum of 6.75m wide

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.

Natural England would expect the Local Planning Authority (LPA) to consider the impacts of the proposal upon local (biodiversity and geodiversity) sites; local landscape character and priority habitats and species.

Soils and Land Quality:

The development comprises approximately 53ha of best and most versatile agricultural land. It is important that the proportion of this land which will remain undeveloped (e.g. landscaping, public open space) has its long term potential retained as a soil resource and to maintain as many of its ecosystem services as possible through careful soil management. We therefore advise that the developer uses an experienced soil specialist to advise on soil handling.

Biodiversity Enhancements:

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

Highways England

No objection. Recommend that conditions should be attached to any permission granted.

We have been reviewing the technical information provided in support of this planning application for some time. Following detailed scrutiny of the traffic modelling and of its design compliance, the improvement proposed for the A120/A131 Marks Farm roundabout has been agreed and we can formally recommend planning conditions relating to the following:

1) The completion by the developer of the proposed A120/A131 Marks Farm roundabout of the upgrade scheme which has been agreed in principle prior to first occupation of the new dwellings or first beneficial use of the new school/employment/community or retail buildings.
2) Full technical and construction details and a Stage 1 Safety Audit of all highway works to be submitted and approved by the LPA prior to commencement of development.
3) Travel plan to be implemented prior to first occupation of the new dwellings or first beneficial use of the new school/employment/ community or retail buildings.

BDC Ecology

No objection subject to the securing of visitor management mitigation measures at the Blackwater Estuary SPA and RAMSAR site and the securing of biodiversity mitigation and enhancement measures at the application site.

We have reviewed Chapter 8 of the Environment Statement - Ecology and Nature Conservation (Barton Willmore, July 2018) and the Ecological Baseline Report (Applied Ecology ltd, May 2018), provided by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority species/habitats.

In addition, we have also reviewed Chapter 7.9 of the Environment Statement - Landscape and Biodiversity Management Strategy (Barton Willmore, July 2018).

We are satisfied that there is sufficient ecological information available for determination.

Require the following to be secured by way of S106 Agreement or planning condition:

- Submission of a copy of any required Bat license prior to demolition or any works to Willow Tree AEL3 (bat roost present)
- Construction Environmental Management Plan
- Skylark Mitigation Strategy
- Otter and Water Vole Method Statement prior to any outfall works at the River Blackwater
- Badger Method Statement prior to commencement of vegetation clearance/development
- Habitat Regulations Mitigation on and off site in accordance with completed Appropriate Assessment
- Biodiversity Enhancement Strategy for the site
- Ecological Design Strategy for habitat created along site's southern Boundary
- Landscape and Ecological Management Plan required
- Wildlife sensitive lighting design scheme
- Time limit on validity of Ecology Surveys (updated surveys required after 2 years)

Police Architectural Liaison Officer

We have looked at the Design and Access Statement and note that very little relates to RLP90 and we can find no reference to safety and security. BDC RLP90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by design award.

Health and Safety Executive

Do not wish to make any specific comments.

NHS England

No objection subject to the required financial contribution being secured through a s106 Agreement. The development is likely to have an impact upon the services of 4 main surgeries (Church Lane Surgery, Mount Chambers Medical Practice, Blyth's Meadow Surgery and Blandford Medical Centre)

operating within the vicinity of the application site. These existing GP practices do 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 internal reconfiguration for the benefit of the 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 £378,580. Plans are already in place to accommodate growth so it is imperative that payment is made before construction commences.

ECC Education

Early Years and Childcare – The proposed development is located within the Bocking North Ward and there is a lack of provision within this area. It is clear in this case that provision will be required on site and 2 new facilities will be required. The application makes such provision in the form of a co-located facility with the primary school, and an additional stand-alone facility. An indicative developer contribution of £2,488,618 to mitigate the development's impact upon Early Years and Childcare provision is required.

Primary Education – The proposed development is located within Braintree Planning Group 6. The provision of a new school on this site complies with the emerging Local Plan requirement with contributions to be made in respect of the proposed new school (in addition to the provision of the land for it to be built upon). The indicative developer contribution would therefore be £4,828,062 plus provision of the land for the school to be built upon).

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. It is accepted however, that at this point in time there is sufficient capacity to accommodate 1,000 new homes. It is, thereby, a matter for the Local Planning Authority to decide whether or not this site should benefit from these school places or contribute pro rata to the additional provision set out in their Infrastructure Delivery Plan. (For information, the proposed development would result in a pupil product of 200 with an indicative cost of £4,584,300).

Provision of School Site – The application includes a site for a 2 form of entry primary school with a co-located early years and childcare facility, as well as a separate site for an early years and childcare facility (the latter being located in the vicinity of the proposed employment site). There are some issues which will need to be addressed in connection with the suitability of the school site, including in respect of contamination, stability of the land, removal of the

existing pond, and agreement on access points and there must be a commitment (via s106 Agreement) by the applicants to undertake the necessary preparatory works and provide evidence that the site is suitable for such a use.

Sport England

Sport England object to the proposed development due to the quantity and form of the proposed on site outdoor sports provision which is insufficient in size and the lack of confirmation regarding financial contributions towards the provision of off-site indoor sports facilities. Sport England therefore recommend that either enlarged on site provision is made for outdoor sports or financial contributions towards off site provision are secured instead and that financial contributions are also secured towards off site indoor sports provision.

Provision should be made to secure community access to the primary school facilities via planning condition.

Football Foundation – Sport England advise that there is a need for a 3G football pitch to serve Braintree.

England and Wales Cricket Board – identify a need for a non-turf cricket pitch.

With regard to Indoor Sport, Sport England identify a requirement for formulae based financial contributions towards the offsite provision of Sports Halls (circa £400,000); Swimming Pools (circa £450,000) and Indoor Bowls (£67,000).

BDC Environmental Health Officer

No objection. Due to the site's proximity to existing residential areas conditions are required relating to the following:

- Hours of working/vehicle movements
- No burning of waste
- Submission of Construction Management Plan (noise, dust and air quality)
- No piling without approval of a Piling Method Statement
- Completion of further contaminated land investigation in accordance with the applicant's Contaminate Land Report (specifically asbestos; ground gas and polycyclic aromatic hydrocarbons)
- Submission of a site remediation scheme prior to commencement of development
- Standard precautionary condition for unexpected contamination
- Long term monitoring of ground gases
- Submission of Noise Mitigation Report with validation report (to ensure new dwellings are protected from noise from the A131)

- Submission of noise assessment before any plant is installed at the proposed educational or commercial premises. Associated noise restriction level for such plant to be imposed.
- Restriction on HGV delivery hours to proposed 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.

BDC Economic Development

The Economic Development Team are supportive of this application on the following grounds:

The existing site job losses will clearly be hugely outweighed by the new development with a dedicated employment area, local centre and a primary school all of which will generate far more jobs than are lost on site currently.

ECC Minerals and Waste

Initial holding objection removed and replaced with a formal 'no comment' following the submission of further detailed minerals and waste information by the applicant.

It is not considered, on balance, that it is economically viable to extract mineral present on the site. However, ECC Mineral and Waste would like to record that there are a number of inferences and interpretations contained within the applicant's Minerals Statement which it does not accept.

Essex County Fire and Rescue Service

There is insufficient detail to make comment regarding fire service vehicle access. Access for such vehicles should be in accordance with approved Building Regulations Document B5. More detailed observations can be provided at the Building Regulations consultation stage.

It is the responsibility of anyone carrying out building work to comply with building regulations. Additional water supplies for firefighting may be required. The use of sprinkler systems is strongly recommended.

BDC Housing

In accordance with Policy CS2 of the Adopted Core Strategy, the outline proposal for up to 1000 dwellings requires 30% to be provided as affordable housing which would equate to 300 affordable dwellings. The application recognises this in the submitted Planning Statement.

It is acknowledged that this application mainly seeks approval to 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 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 affordable homes accessed at ground level to meet Building Regulations Part M (2)
- Affordable homes should be compatible with Nationally Described Space Standards
- Requirement for proportionate modest sized clustering of affordable units throughout the development

<u>BDC Landscape</u>

BDC Landscape Services consultation response is summarised as follows:

- Regrettable that the infrastructure and layout requirements for the development will require the removal of a significant number of Category A and B trees and removal of old field boundaries.
- However areas identified for replanting are significant and provide opportunity to secure a net gain in sustainable tree cover across the site.
- The interpretation of the Design Code will be key to successful re-planting.
- The detailed design stage will provide opportunities to avoid unnecessary tree removal and reduce the ‘worst case’ scenario which the applicant has currently identified and BDC Landscape Services consider is overstated and can be reduced at the detailed design (Reserved Matters) stages.
- A mature TPO Oak will need to be removed to allow access to the northern most development parcel.
- Existing canopy cover to sunken bridleway (PROW 68-133) has been left unattended for years and will need to be managed.
- Regrettable that the proposed spine road will need to cut across the sunken bridleway with removal of a number of category A trees. The detailed design must minimise tree loss here.
- The mature woodland on the higher ground (centre of site) makes a significant contribution to local landscape setting and the character of the area and public right of way which runs through it.
- It is clear that significant tree removal is required around the quarry edge due to the existing ground conditions requiring engineering works. If left unattended on an undeveloped site many of these trees would become

unstable and fail in any event. Current proposed tree removal here appears excessive and will need to be clarified at the detailed stage.

- Current worst case scenario requires clearance of most of established tree/hedge lines forming field boundaries in the north of the site. This includes sections of B2 Hedgerow which are collectively important to landscape setting and as wildlife corridors. The applicant identifies that at the detailed design stage these features may not need to be removed in their entirety.
- Trees north of the Blackwater Corridor will need to be removed to facilitate engineering and SUDs drainage basin works. These vary from Category C2 with significant deadwood to Category B2 of local landscape value. There is potential to reduce tree removal here at the detailed design stage. Re-planting will ensure visual impact is not significant in the medium term.

REPRESENTATIONS

In total 56 objections were received to the original consultation. Two general comments were also received. At the time of writing a further 109 representations were received in response to re-consultation following the revision of the scheme and submission of the Environmental Statement Addendum.

All representations (other than the two 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 representations received are summarised below:

- Broad Road access will cause loss of existing verge/front gardens/driveways and access to detriment of residents
- Increased traffic congestion and pollution
- Highway safety (vehicle and pedestrian)
- Highway safety/residents access impact upon occupants of Fern Lodge/Macintyre Care located on Broad Road
- Existing highway network has no capacity
- Should be no Broad Road access as not required and unsafe
- Draft Local Plan Policy LPP19 states Broad Road access to be a ‘minor access’ which is not what is proposed. Application should therefore be refused.
- NHS contribution is insufficient
- Lack of infrastructure to accommodate the development including:
  - Schools
  - Doctor’s and Dental Surgeries
  - Rail service
  - Police/Ambulance/Fire Service
  - Hospitals

  - Sewerage system
  - Public amenities
- Loss of greenfield site which is used by the public recreationally
- Increased pollution from the development
- Noise pollution (during construction and in the long term)
- Car headlights from Broad Road exit will shine into existing drawings situated opposite on lower ground
- Loss of agricultural land
- Convent Lane should be a footpath access only. It should also not be used as an Anglian Water access
- Cumulative impact with other development around Braintree is too much for the town
- Site in adequately served by public transport. Rail upgrade required first.
- Impact on wildlife
- Impact on Blackwater Estuary
- Object to unprofessional way in which Officers have engaged with the applicant's representatives in correspondence
- Detrimental impact upon character of Broad Road
- Increased flood risk
- Landscape impact of the development
- Ecology Report is insufficient and ecological mitigation proposed is insufficient
- Housing mix does not reflect local need
- No evidence development would create jobs or have positive economic impact
- Loss of trees and hedgerows
- Off-site Ecology compensation should be secured
- Noise impact and traffic disruption from many years of construction
- No construction access should be allowed from Convent Lane or Thistley Green Road
- Crime impact from development
- Impact upon utilities in the locality
- Negative impact upon existing property values in Broad Road
- Loss of outlook to and impact upon adjacent existing residents
- Impact of construction process on existing residents
- Scale of development is too large
- Lack of local employment for residents of the development
- Concerns over historic contamination of the site
- Former landfill areas not suitable for development
- Site is located adjacent to a sewerage works
- Impact upon ground water and adjacent river
- Flood risk
- Risk to surrounding residents from airborne contamination during groundworks
- Affordable housing will not be affordable for local people

- Loss of privacy and impact upon existing residents
- Impact upon public rights of way which cross the site
- Visual impact of the development
- Insufficient protection of existing river corridor
- New Garden Communities should be used to provide required housing with associated infrastructure not large developments on the edge of an already overstretched town
- Decision should be delayed until new Local Plan has been adopted.
- Site only has a draft allocation for residential development in the new Local Plan and is still contrary to the Adopted Local Plan
- Development should have less housing and more recreational areas
- Application red line is incorrect and does not cover the two access points required for carrying out alterations within the public highway
- Brownfield sites should be considered instead of this greenfield site
- If permission is granted a safe crossing of the A131 at Thistley Green Road which is suitable for pedestrians, cyclist and horses should be created to connect the existing public rights of way
- Object that BDC is only allowing a 23 day consultation period
- Applicant's evidence base is skewed, inaccurate and does not stand up to scrutiny
- Transport Surveys were carried out at midday not peak hours
- BDC's housing quota may be met without this scheme given the level of recent 'off plan' developments. Garden Communities if approved will also provide significant numbers. No decision should be taken on this application until the situation is clearer.
- Can BDC advise how many houses have been granted permission that are not part of the Local Plan; how many are pending a decision; how many are awaiting a decision via the appeals process?
- Damage to historic buildings on Braford Street from increased vehicular traffic
- Lack of access for emergency services
- Will destroy the character of the area
- Overdevelopment of the site
- Highway mitigation measures are insufficient
- Loss of greenfield site.
- Will set precedent for development outside town boundaries
- Loss of trees and hedges
- Council should have engaged with Sport England
- Local Community have had no involvement with the application
- An accurate and detailed Construction Management Plan and Phasing Plan is required
- Convent Hill/Church Lane junction has been excluded from the Transport Assessment modelling despite the New Local Plan evidence base identifying that it will be operating very severely over capacity. The

Transport Assessment and ECC Highways consultation are therefore floored and unsound.

- Impossible to prevent a rat run through the site as the same route must provide an efficient bus route precluding most traffic calming measures. Contrary to Essex Design Guide and NPPF requirements to prevent inappropriate traffic flow through developments.

Representations were also received from the following:

Convent Land and Broad Road Action Group (CLABRAG)

CLABRAG submitted a copy of their newsletter which summarises a meeting held with the applicant. The newsletter is summarised as follows:

Convent Lane

Confirmed no access to the site from Convent Lane pre, during or after construction. Anglian Water to retain access. CLABRAG suggest Convent Lane is locked. Green space to be located behind existing gardens and request that tree planting occurs here. No houses higher than 2 storey along site perimeter. Applies to all green space.

Thistley Green Road

Request green space behind dwellings with shortest gardens. No vehicular access to the site at any time. Inadequate parking provision for the allotments. Turning point at the end of the road to be retained.

Broad Road

Strongly oppose second access onto Broad Road however no option as ECC Highways will not permit two access points onto the A131. Mini roundabout requested but not permitted by legislation. Concerns raised regarding sightlines. Request that back gardens of new houses back onto back gardens of existing. Land at Highfield Stile not included within applicant's site. No construction access will be taken from Broad Road.

Bridleway and Footpaths

Requested fallen trees cleared and bridleway then left as it is. Unsure over priority at crossings.

Footpaths to be left as they are. Improved access from the footpath to the new school proposed.

Timeline

Up to 2 years to prepare site for building. Construction access from A131 will be an early priority. Phase 1 (5 years) will see houses south of Larchwood,

behind Convent Lane and on the south-east of the site. Phase 2 covers the northern part of the site and could complete within 10 years.

General Points

Develop will improve the Marks Farm roundabout. Site will contain 3 children's play areas. Site security will need to be addressed during construction. Internal speed limit of 20mph.

Overall, majority of residents accept the situation. Don't want to loose the countryside but BDC are compelled to meet housing need via the Local Plan and the site is (proposed for) allocation. Focus is therefore on minimising impact upon residents.

CLABRAG also submitted two further objections, one to the proposed access from Broad Road on the grounds of:

- Level of congestion already experienced on Broad Road and problems further traffic will create
- Impact of this traffic upon the character of Broad Road
- Threat to elderly residents from vehicle pollution
- Poor vehicle sightline from proposed access point
- Vehicles regularly speed on Broad Road, evidenced by Speedwatch
- Broad Road junction will have to take all new residential traffic for at least 5 years until phase 2 of the development is complete and the A131 access can be used

If solid arguments are provided and there is no alternative to the Broad Road access:

- Mini roundabout should be used instead of a junction
- Proper, effective warning signage required to slow drivers down when approaching it
- A131 access should be first construction project along with all estate roads so Phase 1 residents can access the bypass
- Broad Road access need not be constructed until the end of the Development

And a second objection letter covering the following:

- BDC need to issue statement detailing number of speculative houses granted planning permission in last 3 years; prosed developments still awaiting a decision; when will new Local Plan be approved; if Garden Communities go ahead how many houses will be built in the District and is provision made for this in the Local Plan.
- Straits Mill may no longer be required due to amount of approved speculative development
- Oppose Broad Road access (congestion/health)
- Highway safety impact on Broad Road (particularly speeding)

- Detrimental impact upon character of Broad Road
- Roundabout/traffic lights favoured as alternative Broad Road access
- Broad Road access should not be built first or serve development first, main A131 access should

Bocking and High Garrett Residents Action Group (BAHGRAG)

Objection.

- Revised plans now show an access onto Broad Road. This would have a major negative impact on the health and well-being of existing residents.
- At the Local Plan consultation stage ECC stated that there would be only one access and it would be from the A131 bypass. This minimised objections.
- Residents do not view this as a brownfield site but as grass/arable land
- Broad Road access would make an already very busy road even more dangerous
- Vehicle pollution is already unacceptable from long tailbacks and this will worsen
- Please reject the Broad Road junction and insist all vehicular access is via the A131 only

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 within the Adopted Local Plan and is located in the countryside outside the designated Town Development Boundary of Braintree.

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

The site is however proposed for allocation for residential-led mixed use development in the Publication Draft Local Plan.

The Application Site and the Publication Draft Local Plan

The application site is proposed for allocation as a Strategic Growth Location under Policy LPP19 of the Draft Local Plan which expects the site to provide for:

- 1,000 new homes
- Affordable housing in line with the Council's requirements
- Employment development
- A new primary school with co-located early years and childcare

- Local retail facilities and contributions to other community facilities including local health facilities
- Public open space including formal and informal recreation
- Improvements to the river walk and public right of way
- Provision of a gypsy and traveller site

Policy LPP19 of the Draft Local Plan also identifies that the main access to the site will be from the A131 with an additional minor vehicle access from Broad Road.

The applicant's proposal is therefore in broad accordance with Policy LPP19 of the Draft Local Plan with the exception of the on-site provision of a gypsy and traveller site which is addressed in more detail in the below report. The site access hierarchy is also discussed in detail under the Highways and Transport section of the below report.

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) commencing on 16th January 2018. At the time of writing the Examination is due to continue on 14th January 2020. As such limited weight can be given to its policies.

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained

why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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 Publication 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 immediately adjacent to the town boundary. The applicant proposes to provide links to the existing footpath network within the town. The proposed site access onto Broad Road would be located approximately 1.9km from the northern end of the town centre. The eastern part of the site would be approximately 3.5km walking distance from the same and the northern part of the site approximately 2.9km.

The railway station is located approximately 2.5km walking distance from the site's Broad Road Access.

It would be approximately 980m walking distance from the southern site boundary to the closest primary school (Great Bradfords Junior School) with a second primary school at a distance of approximately 1.3km (Lyons Hall Primary School) and a third at 1.7km (St Francis), although a new primary school would be constructed on site.

In terms of secondary school access, the site is positioned at its closest point approximately 635m from The College and 2.2km from Tabor Academy.

Distances to local facilities vary from approximately 530m from the site's southern boundary to a small neighbourhood centre containing a pub and local co-op shop; 880m to another pub on Bradford Street and 1.1km to a small neighbourhood centre on Queens Road containing a One Stop Shop, barbers and takeaway.

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 some 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:

- Primary School and Early Years/Childcare facilities
- Employment Area (B1 Business and B2 General Industry uses)
- Local Centre including A1 to A5 uses (retail, financial professional services; restaurants/café's; drinking establishments and takeaways)

In addition, provision would be made for bus stops throughout 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 located along Broad Road and also along Marlborough Road and Mountbatten Road to the south of the site which provide regular services to the town centre and the wider District.

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

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 (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall quality of the area… are visually attractive as a result of good architecture and effective landscaping… establish or maintain a strong sense of place...'

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:

- Land Use and Access Parameter Plan
- Building Heights Parameter Plan
- Green Infrastructure Parameter Plan

- Site Wide Design Code

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 residential-led mixed use development with the following key components:

- Up to 1000 dwellings (policy compliant 30% affordable)
- Land for new primary school and early years facilities
- A local centre including A1 to A5 uses
- Land for the provision of Employment Use (B1/B2 uses)
- Vehicular access points from A131 and Broad Road
- Network of cycle and pedestrian routes
- Informal and formal open space
- Sustainable Urban Drainage Systems
- Landscaping

The proposed layout is centred around the primary school and local centre. A broadly circular spine road would provide access around the site and would facilitate the retention of the majority of the extensive area of well-established woodland which runs across the site from south-west to north-east.

In addition to the local centre, four local squares would be positioned around the spine road each providing a focal point for the surrounding parcel of development. The northern most part of the site would form an additional parcel with the focus being on creating an appropriate gateway to Braintree. To achieve this development would be set back from Broad Road/A131 to allow a softer edge to the Town to be created whilst ensuring that the development was still visible enough to announce the beginning of the District's main town.

The employment area would be located in the south-eastern part of the site, immediately adjacent to the new main access from the A131. A smaller secondary access would be created from Broad Road.

The southern periphery of the site sits adjacent to the River Blackwater and would contain the site's substantial SUDs features. This would allow the enhancement of the existing river corridor and the creation of an expansive tract of new habitat in this sensitive ecological area.

Overall, the site measures approximately 66 hectares, giving a gross density of approximately 15 dwellings per hectare and a net density of approximately 30 dwellings per hectare based on an approximate residential developable area of 33 hectares.

The illustrative masterplan, which directly informs both the Design Code and the Land Use, Building Heights and Green Infrastructure Parameter Plans (all of 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 and employment 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 Identity Areas which form the building blocks for the site's proposed design and layout. These are briefly summarised below:

Central Spine

The areas either side of the main spine road including the 4 local squares. This Identity Area would contain higher density development (35 to 45dph) with 2.5 to 3 storey buildings located predominately around the local squares.

Local Centre

Includes the primary school, local centre and market square with the latter forming a formal, focal point for the development. Up to 3 storey building heights around the market square allowing for the highest density area of the site at 45 – 60dph .

A131 Frontage

Linear residential development along the site's A131 frontage which will form a tight knit block structure to assist with noise mitigation. Dwellings will overlook public open space and be set back from the A131 with glimpsed views of a high quality frontage being possible from the A131. Density of 35 - 40dph.

Open Space Frontage

Lower density development (25 - 30dph) to reflect the transition between housing and the adjacent open space. Informal and permeable building lines with larger dwellings fronting on to open space.

Core

The Core areas would act as a transition zone between the Central Spine Area and the Open Space Frontage Area described above. Lower to medium density with an informal layout and 25 - 35dph.

Employment Area

This would form the primary eastern gateway to the site with high quality commercial buildings of up to 12m in height, active frontages to the A131 and the spine road and pleasant landscape areas for employees.

Landscape (Riverside)

Soft landscaped attenuation basins would form a substantial wetland habitat area and an extension and enhancement to the existing Blackwater River Corridor. Footpaths and cycleways would allow managed public access to this area to ensure its usability whilst retaining its substantial ecological benefits.

Landscape (Central Woodland)

Existing established woodland would be retained along with the ancient hollow way which crosses this area of the site. The natural environment of this area of the site would be retained with the minimum possible intervention and appropriate enhancement.

Overall, Officers consider that the proposed design, appearance and layout of the proposal is at a particularly detailed stage for an outline planning application and would result in a high quality development at the Reserved Matters stage.

Impact Upon Neighbour Amenity

There are existing dwellings located adjacent to the site's western and southern boundaries. The precise detail of the relationship between new and existing dwellings and compliance with the Essex Design Guide criteria relates to the final detailed design and layout of the relevant land 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.

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.

In relation to air quality, the applicant submitted an Air Quality Assessment in support of their application which is discussed in more detail under the Air Quality and Odour section of the below report. It is not considered that the development would be likely to have any significant impact upon air quality in the locality and the Council's Environmental Health Officer has no objection to the proposal on air quality grounds. The Air Quality Report also covers Odour from the Anglian Water Treatment Plant located adjacent to the site. The Parameter Plans have been specifically designed to allow a cordon sanitaire between this and the nearest new dwellings and this would be further assessed at the detailed design and layout stage (Reserved Matters).

In relation to the proposed Broad Road access, residents have raised objection on the grounds that the access would require land currently utilised as front garden land along Broad Road and that headlights from vehicles could shine into existing dwellings opposite the access point. In terms of the former, road widening could only take place on ECC Highway land and there would be no ability for the applicant to carry out any works on privately owned third party land.

With regard to headlights, the proposed access road would need to be graded to ensure that a gentle transition from the application site to Broad Road was achieved, to allow for the levels difference of approximately 1 to 1.5m. Cars exiting the site onto Broad Road would not therefore be at an unusually high level.

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 the majority of Land

Parcel B15 with a low-medium capacity to accommodate development (sites ranging from low to low-medium to medium to medium-high capacity).

Land Parcel B15 is then further subdivided into multiple parcels. The majority of the site remains as medium-low capacity. The area immediately adjacent to the River Blackwater is identified as having low capacity and the western portion of the site adjacent to Broad Road is identified as having medium capacity and medium-high capacity.

Overall therefore, the site is identified as having mixed landscape capacity to absorb development and in order to minimise landscape harm the site would need to be developed in a sensitive manner.

No development is proposed adjacent to the River Blackwater, other than the SUD's basins which would actively expand the existing wetland habitat.

The development parcels would have their heights limited to 2 storey with occasional 2.5 storey and 3 storey around key spaces. Combined with the retention of the majority of the large area of established woodland located within the site's centre and a new landscape planting scheme across the site, including extensive tree planting, 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 which assessed the landscape effects of the development during the construction phase; at year 1 after completion and at year 15 after completion. An assessment of the impact of the development upon the night sky was also undertaken.

At Year 1 it is identified in particular that views from the existing public open space to the south of the River Blackwater will be impacted upon due to the proximity of the site and that partially filtered views across the river valley will also be affected due to the rising land of the development. At Year 15, the Assessment identifies that there will be a loss of openness resulting from the introduction of new built form to the site but that planting will have become established and will start to filter short-distance views and to break up the mass of the development within medium and long-distance views. No significant residual effects were identified.

With regard to lighting, the primary impact upon the night sky is identified as glow from houses and potential spill, glow and glare from street lighting. Despite this no likely significant effects are identified however the report recommends a requirement for a site wide lighting strategy to ensure that lighting effects are controlled and minimised.

The Council's Landscape Officer has assessed the application and has identified a degree of local landscape impact. The central woodland is identified as providing a significant contribution to the local landscape setting and the removal of trees around the quarry edge would have an impact upon this, albeit the majority of the woodland would remain untouched. The removal

of old field boundary hedgerows which are collectively important to the local landscape setting would also have an impact, as would the removal of a linear group of trees located in the north-west of the site. Tree removal to the north of the Blackwater Corridor would also have a local landscape impact.

Tree removal on the site is discussed in more detail below, however in general landscape terms the impact of the proposal is limited for a scheme of this size. 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.

Overall, and following a detailed landscape assessment of the application, Officers consider that the degree of landscape harm is considered to be relatively low with regard to the wider local setting for a strategic development of this scale.

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 encourage 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 Adopted 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 a large number of agricultural fields with associated boundary trees and hedges; a large area of established woodland and two small lakes.

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

The Surveys found 46 bird species either confirmed or thought likely to be nesting within the site or to occupy on site territory immediately adjoining an off-site nesting location. Of these, one Schedule 1 species; 6 amber listed species and 7 red listed species were identified. Flocks of Starling (red listed) were also found to be using the site as a foraging resource. Calling Tawny Owl were noted by on site surveyors and it is identified that this amber listed species breeds on the site.

With regard to bats, one building on the site, a large portal-framed warehouse was identified as containing a suspected small maternity roost of brown long-eared bat, together with a single soprano pipistrelle day roost. A total of 34 trees proposed for removal were considered to have some potential for roosting bats. A ground survey indicated 29 of these as having low suitability,

4 as moderate suitability and 1 as high suitability. An updated survey would be required once the precise trees proposed for removal were identified during each relevant phase of the development.

As a whole, the bat surveys identified that the majority of bat activity across the site consisted of individual foraging pipistrelle bats associated with woodland edges and linear hedgerows. It was also noted that up to 10 individual bats (pipistrelle and Myotis species) were seen regularly feeding over and around the southern quarry lake with the highest level of bat activity on the site being recorded at the two lakes.

Great Crested Newts were found to be absent from the site. With regard to reptiles, it was concluded that the site supports a small but widely distributed population.

No habitat suitable for water vole or otter was found on the site. Otters were confirmed as being present in the River Blackwater adjacent to but outside the site boundary. An Otter and Water Vole Method Statement would be required prior to any outfall works along the riverside.

A subsidiary badger sett with 6 well used holes, 3 single hole outlying setts (one active and two disused) were recorded within the site. A number of mammal path crossings were also noted along the site's eastern boundary fence.

In terms of the impact of the development, the Report identifies that in relation to breeding birds habitat loss would be largely confined to areas of open grassland, tall ruderal vegetation and existing buildings that are of limited value to nesting birds although 3 pairs of red-listed skylark would lose their nesting territory. A Skylark compensation strategy is therefore required to secure off site nesting plots.

The loss of open habitat would also adversely affect notable species such as mistle thrush, kestrel and starling. The loss of some hedgerows, some areas of woodland and scrub and the northern lake would impact upon song thrush, linnet, bullfinch and mallard. Overall the impact of construction related habitat loss and disturbance on the breeding bird assemblage at local value is likely to be medium and the impact at the neighbourhood scale significant. Overall this level of impact is classed as being an effect of 'negligible' significance and does not constitute a reason to recommend the refusal of planning permission.

With regard to bats, the development would result in the loss of the warehouse building which supports a small bat maternity roost, the loss of some trees suitable for bat roosting, the loss of a hedgerow which provides a commuting route for bats and the infilling of the northern pond which was identified as an area of higher bat activity. However, overall the extent of these impacts is considered to be of minor significance. The impact of lighting from the development upon bat fly ways would however need to be managed with a wildlife sensitive lighting scheme requirement.

The highest status badger sett on the site would be retained and off-set with a minimum no development buffer of 10m. The worst case scenario of the loss of the other 3 low status sets would have negligible significance. A Badger Method Statement would be required prior to any vegetation clearance.

The infilling of the northern lake and loss of marginal habitats more generally would reduce the availability of suitable habitat for grass snakes but again this is considered to be a negligible effect.

The Applicant's Ecology Report also sets out proposed mitigation measures to address the identified likely ecology impacts of the development.

During the construction phase these centre 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.

In the long term, a site wide Landscape and Biodiversity Management Strategy would be used to manage and improve habitat across the entire site. Specific aims would include specialist management of wetland habitats; the enhancement of retained woodland areas; the protection of wildlife habitat from inappropriate recreational activity and the encouragement of educational use of wildlife areas. Specific measures such as wildlife friendly lighting strategies and the extensive use of bat and bird boxes could also be incorporated.

The Council's Ecology Officer has reviewed the application in detail and has no objection to the proposal subject to a number of conditions. The Essex Wildlife Trust, the Environment Agency and Natural England have also reviewed the application and have raised no objection.

Essex Wildlife Trust and the Environment Agency have advised that the application could present an opportunity to remove two outdated weirs which currently obstruct the passage of fish and eels. However, this is not actually identified as a necessary mitigation measure in the applicant's Ecology Report and Officers do not consider that there are therefore grounds to require it. An Ecological Design Strategy specifically for the habitat to be created along the site's southern river corridor boundary is however required.

The Council's Ecology Officer also requires a number of planning conditions to secure relevant ecology mitigation and precautionary measures as set out above. Natural England have requested that enhancement measures such as bat and bird boxes are secured. An updated Bat Tree Roost Survey will also be required.

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

In terms of trees, the applicant's Arboricultural Report identifies a total of 58 groups of trees (including large woodlands); 73 individual trees and 4 hedgerows on the existing site. The latter number is identified as being low due to former hedgerows having lapsed with a lack of management.

A number of the trees located within the site are the subject of Tree Preservation Orders, mainly group orders.

Overall the site supports a high number of trees growing within linear boundary features and within woodland groups. There are a range of tree species with the majority being broad leaf specimens including Common Ash, Willow, Alder, Common Oak, Cherry, Field Maple and Hazel.

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.

To facilitate the development it is identified that due to the high number of trees located on the existing site a notable number of trees and parts of tree groups and some hedgerow sections would need to be removed to facilitate the development. These would include Category A, B, C and U trees. The precise detail of which trees would need to be removed would considered under the various Reserved Matters applications for the site when the exact position of roads and development plots would be considered and tree loss minimised.

However, the submitted information correctly presents the 'worst case' scenario where trees in developable areas are all marked as being removed. In reality some of these will be able to be retained when the detailed layout is established. The Council's Landscape Officer has reviewed the application and provided comment on the proposed tree removal.

It is identified that significant tree removal will be required and that this will include Category A and Category B trees. The main spine road would unavoidably need to cross the existing central tree belt to link the proposed development parcels. A secondary link road would also need to link to the northern most development parcel. These crossings would be designed to be of the minimum width possible in highway terms but it is already identified that 3 Category A trees would need to be removed to facilitate them, one of which is a TPO tree. A number of hedgerows forming old field boundaries are identified in the worst case scenario for removal and significant tree removal is required around the quarry edge. Trees north of the Blackwater Corridor would also need to be removed to facilitate engineering and SUDs works.

The proposed site access points would also require tree removal. For Broad Road this would consist of the removal of 4no. Category B TPO trees and for the A131 a section of the existing tree belt.

However, although the development would require such tree removal, this has been carefully considered and importantly the majority of the existing tree cover on the site would be retained. The scheme has, from the outset been designed around the expansive central woodland located on the site and the Parameter Plans, Design Code and illustrative Masterplan are specifically set out to incorporate this into the development framework where it would occupying a comparatively large portion of the site, forming a central green spine which would branch out to the north, east, west and south-east.

The proposed tree removal around the quarry areas, which form part of the central woodland is necessary because the identified trees for removal are located on unstable and steeply sloping ground. It is essential that this is re-profiled and made safe and it is also identified that due to the unstable nature of this steep slope these trees would anyway be at risk of failing, as some already are.

The TPO trees identified for removal to facilitate the access onto Broad Road cannot be retained. There is no alternative access point onto Broad Road from the site which would be acceptable in highway and masterplanning terms.

Where the spine road would cross the existing central woodland, the road would be narrowed to the minimum width acceptable for an adopted highway and specialist construction techniques used to keep tree loss to the bare minimum. The spine road is an essential part of the development and bringing it to a dead end at this tree line would not be an acceptable outcome in masterplanning terms.

The removal of the TPO tree to allow the secondary road to link the northern most development parcel to the remainder of the site is also unavoidable. Whilst in theory this part of the site could be used for open space with a pedestrian/cycle only link this would be a very poor location for this, with public amenity space being positioned in an isolated corner of the site which would not be acceptable in masterplanning terms.

The areas of hedgerow and trees identified in the worst case scenario for removal in the western part of the site and north of the River Blackwater could be reduced at the detailed layout stage and a condition is recommended to require each Reserved Maters submission to demonstrate that tree loss has actively been kept to a minimum.

Officers therefore consider that whilst the identified tree loss must be weighed as harm in the planning balance, tree loss can be minimised as far as possible and mitigated through replacement planting, moreover there are clear reasons for the losses identified and importantly the majority of existing tree cover on the site would be retained.

In terms of tree planting, the scheme makes significant proposals. A commitment to target net gain has been made across the site meaning that the aim would be to plant more trees than are lost. Substantial areas are

identified on the green infrastructure plan for such tree planting and run across the entire site. Both these new planting areas and existing retained areas would be actively managed under Landscape and Ecology Management Plans with tree stock being professionally managed.

The southern part of the site, where the SUDs basin would be located is specifically identified as being an extensive area of wildlife habitat with new tree planting playing a major part.

In addition to green infrastructure identified above, the spine road itself would contain a very large number of substantial new trees, spaced in close proximity around the entire spine road loop as formal avenue trees. Finally, the individual development parcels would also contain significant additional tree planting and this is written into the Design Code for each character area as is all of the above re-planting.

Overall therefore, the proposed loss of trees and hedgerows on the site must be balanced against the high number of existing trees which would be retained, the large number of trees which would be planted across the development with an overall net gain being achieved and the public benefit of delivering a well-planned and laid out residential-led mixed use scheme of this size in this location.

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. 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 this site.

At the time of writing the 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 on 1 March 2019 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 site.

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 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 the A131 on the site's eastern boundary and the other on the site's western boundary from Broad Road. The existing vehicular site access from Convent Lane would be closed and would remain open for pedestrians and cyclists only. There is also a legal right of access to the sewerage treatment plant located adjacent to the site's south-eastern boundary which the applicant is required to make provision for from Convent Lane.

The proposed access from the A131 would consist of a new roundabout. This would be located where an existing layby is positioned on the A131, on the application site's eastern boundary. It would provide the primary vehicular access into the application site with residential use located to its north and the proposed employment area to its south.

The site's secondary vehicular access would consist of a priority junction onto Broad Road. This would be positioned on the site's western boundary.

Policy LPP19 of the Draft Local Plan states that with regard to access the main access to the site will be from the A131 with an additional minor vehicle access from Broad Road. The term 'minor vehicle access' is not defined, however the Draft Policy goes on to state that 'all access points will have to be agreed to the satisfaction of Essex County Council Highways'.

The applicant proposes the main vehicular access to the site from the A131 and it is identified as such in the submitted Transport Assessment. The access would consist of the construction of a new roundabout onto the A131 with a two lane exit from the application site feeding traffic to the north and south respectively and two lanes on the other two approaches from the A131. The A131 is classed as a Strategic Route by Essex County Council Highways where new access points will be prohibited unless there is an overriding need to provide such an access which will occur only in limited circumstances. The proposed development is of such a scale that a new access onto this Strategic Route has been deemed appropriate by Essex County Highways. This access point is therefore considered acceptable and would clearly provide the main access into the site, being taken from a Strategic Route and serving the employment area which would be located immediately adjacent to it to the south; the new dwellings within the site and being located in close proximity to the proposed school and local centre.

The site's secondary access is proposed from Broad Road which is classed as a Secondary Distributor Road. This would consist of a priority junction and would include the creation of a ghost right hand turn lane on Broad Road. The Draft Local Plan identifies the need for a secondary vehicle access point to the site and refers to a 'minor vehicle access' from Broad Road. No definition of this term is given, however the Draft Policy states that details will need to be agreed with Essex County Council Highways. The proposed Broad Road access has been designed to meet the required Essex County Council Highways standards and meets the Draft Policy Requirements for a secondary vehicular access point into the site from Broad Road with the specification being agreed by Essex County Council Highways. This access point could not be made any more minor unless it were to serve only a small part of the development which would not meet the requirements of the Draft Policy and would not be acceptable in masterplanning terms for a scheme of this scale.

The design and layout of the site has also been specifically designed (in consultation with ECC Highways) to accommodate a number of measures to reduce the opportunity for through traffic across the site. These are designed to ensure that there would not be a quick, driver friendly cut through across the site and would include the following:

- Raised tables at junctions;
- Changes in surface materials;
- Proposed 20mph speed limits;
- Pedestrian priority crossings;
- A circuitous route through the site including having to pass through principal/garden squares.

A Transport Assessment has been submitted in support of the application which has been assessed in detail by both Highways England and Essex County Council Highways and is based on a development of 1,000 dwellings and 12,000m2 of B1 Office/Employment floorspace.

The assessment finds that both the proposed primary access point onto the A131 and the proposed secondary access point onto Broad Road are appropriate from a junction capacity perspective.

In terms of wider impact, the assessment states that when completed, the proposed development would generate approximately 286 arrivals and 399 departures during the AM peak (0800 – 0900) and 339 arrivals and 320 departures in the PM peak (1700 – 1800). The impact of this increase has been modelled by Essex County Council using their VISSUM Modelling Software (strategic traffic assignment modelling software) which allows the impact of a forecast increase in traffic movements upon the existing highway network to be accurately modelled.

The largest impact is identified on Broad Road, south of the development access where there could potentially be a traffic increase of up to 16% in an

area which is identified as being of high sensitivity. The highest impact would be during the AM peak when up to 348 additional (total two way movements) vehicle movements would result. This would equate to one additional vehicle every 10 seconds in each direction. This is further analysed against existing conditions where currently there are a total of approximately 1,049 two-way vehicle movements on Broad Road which would rise to up to 1,396 with the completed development. This equates to a current situation of on average one vehicle every 3 seconds in each direction and a proposed situation of one vehicle in each direction just under every 3 seconds.

However, the assessment has identified that there are unlikely to be any effects classed as 'significant' and that specific mitigation is not required.

The impact upon 5 junctions within the wider area has also been modelled and assessed, in accordance with the requirements of Essex County Council and Highways England. The modelling provided future predictions for 2023, with and without the proposed development as follows:

Junction	**Outcome**
A131/Broad Road Roundabout	Broad Road arm will be over capacity even without the development in PM peak. Additional impact of the development traffic will require mitigation.
Marks Farm Roundabout	Junction will be severely congested even without the development. Development will have a noticeable impact upon this junction. Mitigation required.
Galleys Corner Roundabout	Development impact not considered to be significant.
Panners Interchange	Junction will operate over capacity without the development. Development impact is such that mitigation is not identified as being required.
Courtauld Road/Coggeshall Road/Railway Street Roundabout	Junction will operate over capacity with and without the development. Impact of the development is considered to be negligible.

The Transport Assessment identifies that mitigation is required at the Marks Farm Roundabout due to the impact of the proposed development. The impact also requires mitigation at the A131/Broad Road roundabout. Both Highways England and Essex County Council Highways have been heavily involved in assessing the highways impact of the development from the outset and as stated above the County Council carried out the modelling scenarios.

Highways England have no objection to the proposal subject to the completion of agreed upgrade works to the Marks Farm roundabout stating the following:

'We have been reviewing the technical information provided in support of this planning application for some time. Following detailed scrutiny of the traffic modelling and of its design compliance, the improvement proposed for the A120/A131 Marks Farm roundabout has been agreed and we can formally recommend planning conditions'.

Essex County Highways have no objection to the proposal, also subject to the completion of the agreed upgrade works to the Marks Farm roundabout and A131/Broad Road roundabout subject to the securing of a number of other mitigation measures stating:

'From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to' (s106/condition requirements).

Two key mitigation measures are proposed which have been required by Highways England and Essex County Council Highways to mitigate the development's impact upon the existing highway network.

Firstly, the applicant would be required to carry out the agreed physical junction improvements at the A131/A120 junction to the south-east of the site known as 'Marks Farm Roundabout'. These improvements would improve the junction's capacity with the most significant improvements being to the left-turn filter lane on the A120 East arm and provision of two full lanes approaching the roundabout from the north (A131).

Secondly, the applicant would be required to carry out the agreed physical junction improvements at the Broad Road/A131 roundabout located immediately to the north of the site. This would consist of the widening of the carriageway and improved crossing facilities at one or more arms, the detail of which would be agreed prior to commencement of development.

In addition, a number of other highway works are required. 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. Convent Lane would not be used for construction access and the long term construction route would be taken from the A131.

However, the access from the A131 will need to be constructed before it can be used and the applicant will therefore need to access the site from Convent Lane (it being the only existing site access point) for an initial 3 month period only, to allow the A131 access to be constructed for use. The Broad Road access would also need to be constructed and the developer would require construction access from Broad Road to complete the s278 works for this and also for an initial period to carry out initial infrastructure construction on this part of the site, together for a period of 6 months. Again this would be a temporary period only and would need to be carefully managed and the Developer has already made a commitment to prohibit construction vehicles

accessing the site from this temporary Broad Road access during peak morning and evening rush hours.

Following the completion of the earliest phases of the development, the first residents would then use the secondary access from Broad Road to access their houses with the Construction Access continuing to be taken from the A131. Following completion of 100 units the A131 access would be fully completed and would then operate as the main access point to the development, being shared both by new residents and construction traffic. The timescales and trigger for this have been agreed by Essex County Council Highways.

The applicant has also given consideration to provision for electric vehicles. A condition is proposed requiring every Reserved Matters application relating to residential development; employment development or development of the Local Centre to be accompanied by an Electric Vehicle Charging Strategy. This would need to demonstrate how such charging points were to be incorporated into the development including provision of a minimum of one charging point per dwelling wherever practical.

In terms of pedestrian and cycle provision, the site specifically caters for both within the Design Code and associated Parameter Plans. The spine road, which provides the principle circular route around 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. Existing public rights of way which cross the site would be maintained and new pedestrian routes created to ensure the permeability of the site. Multiple connection points from the site to external footpaths and cycle routes would also be established to provide direct links to the wider area.

The applicant would be required to provide a series of upgrades requested by ECC Highways to the existing pedestrian network to improve current pedestrian and cycle access from the site to the town centre. These would consist of improvements to Public Right of Way 52 located to the south of the application site (where it crosses the River Blackwater); the provision of a footpath/cycle ramp at the northern end of Blackwater Way; a new Toucan Crossing in Courtauld Road; upgrading the existing route through the park between Courtauld Road and Coggeshall Road to provide a shared footpath/cycleway and the provision of a new Toucan Crossing in Coggeshall Road.

There are a number of existing bus stops located along Broad Road and also along Marlborough Road and Mountbatten Road to the south of the site which provide regular services to the town centre and the wider District.

Braintree Railway Station is also located approximately 2km from the application site and is accessible by foot, 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 public transport facilities and/or bus service provision in the town. A Travel Plan would also be required.

Overall, in terms of highway impact, having regard to consultation responses from Highways England and ECC Highways which raise no objection, 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. The Conservation Area boundary is positioned approximately 80m to the south-west of the site boundary at the closest point although there are existing buildings positioned in-between.

The closest listed building is located approximately 125m away, also within the Conservation Area. The Essex County Council Historic Buildings Advisor has been consulted and has confirmed that the proposed development would not have any impact upon either the Conservation Area or the closest listed building.

There is a public right of way which runs across the centre of the site from south-east to north-east. This is identified as an ancient 'Hollow Way' and is a non-designated heritage asset. The Historic Buildings Consultant advises that the setting of this asset will be harmed by the development and that Paragraph 197 of the NPPF therefore applies. It is also recommended that measures are taken to ensure that the development does not impact upon the Hollow Way and that a Management Plan is required to ensure that the Hollow Way is incorporated into the development and preserved and enhanced.

Paragraph 197 of the NPPF states 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 Hollow Way was recognised by the applicant's masterplanning team as a key feature of the existing site and a major constraint to development from the earliest stage of their site assessment. The parameter plans, design code and

illustrative masterplan have all been developed specifically to minimise the impact of the development upon The Holloway, to successfully incorporate it within the layout and to cater for its long term management and preservation. The Council's Landscape Team have also provided detailed advice to the applicant's masterplanning team specifically with regard to the above.

Overall, whilst it is recognised that the setting of The Hollow Way will be harmed, this harm has been kept to a minimum. The Hollow Way sits within an established linear woodland belt which will remain within the development. The exception is two crossing points where the spine road would have to cut through the woodland and cross The Holloway. This is unavoidable but would impact upon only two very short stretches of The Holloway. The harm to this non designated heritage asset must be balanced against the very significant public benefit which a development of this size will make in terms of housing and employment provision and the importance of making sure that the site's layout provides a high quality and accessible environment for future residents.

In terms of the heritage balance, Officers therefore consider that these substantial benefits outweigh the limited harm to the identified non-designated heritage asset. The Parameter Plans would secure the Hollow Way and the surrounding woodland as being non-developable areas and the wider Landscape and Ecological Management Plan for the site would cover the long term maintenance and preservation of this public right of way.

Gypsy and Traveller Provision

Policy LPP19 of the Draft Local Plan expects the application site to provide for a number of criteria, including Gypsy and Traveller provision. This would equate to approximately 5 plots.

Following lengthy discussions with Officers on this the applicant's position is that they cannot make on site provision and will instead make a financial contribution toward off-site provision in the District. Policy LPP19 is a Draft Policy and as such can be given limited weight. Whilst this element of the applicant's proposal does not accord with the Draft Policy this must be weighed against the benefits of the proposal as a whole, which are very substantial.

Therefore, Officers do not consider that this departure from Draft Policy is sufficient to outweigh the benefits of the proposed development nor that it constitutes a valid reason to recommend that planning permission is refused. A financial contribution towards off site Gypsy and Traveller Plot provision is however required. This is set out within the list of recommended s106 Heads of Terms.

Archaeology

The applicant submitted a Desk Based Archaeological Report and partial geophysical survey in support of their application.

The report identified that the Essex Heritage Environment Record indicates the presence of a non-designated heritage asset on the site consisting of undated sub-surface crop marks and upstanding earthworks. The site is also identified as having a modest potential for prehistoric, Roman and localised post-medieval sub surface features associated with contemporary exploitation of the immediate landscape and the early development of the Straits Mill complex.

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application subject to planning conditions relating to further Archaeological evaluation. More specifically they require the undertaking of a programme of archaeological work on the site in accordance with a written scheme of investigation to be approved by the Local Planning Authority prior to the commencement of any development. This would include fieldwork in areas containing archaeological deposits with the completion of a post-excavation assessment 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.

Minerals and Waste

The application site is located in the 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.

The application was accompanied by a Minerals Resource Assessment which was assessed by Essex County Council as the Minerals and Waste Authority.

Following the submission of additional information a holding objection was removed by the Minerals and Waste Authority who do not consider that it would be economically viable to extract minerals from the site.

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

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.

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 application site consists of 14 agricultural fields of different sizes totalling approximately 53 hectares. The applicant has submitted an Agricultural Land Classification Report which states that approximately 18ha of the site is likely to be Grade 2 (very good quality) and 14ha Grade 3a (good quality) giving a likely total of 32ha of best and most versatile agricultural land from a 66ha total site area.

Although the loss of 32ha 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

Almost the entire application site is located within Flood Zone 1 (low probability risk of flooding). The southern boundary of the site encroaches slightly into Flood Zones 2 and 3 where it runs adjacent to the River Blackwater.

The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application. They propose to utilise a sustainable urban drainage system incorporating conventional pipework discharging into swales or other open channel features within the landscaped areas of the development. These would convey run-off to storage areas located along the southern boundary of the site.

The SUDs system would also manage groundwater flows originating from the site, including from a spring which is located on the application site at the head of the existing watercourse on the eastern side of the site.

The storage areas located along the site's southern boundary would be divided into two sections, east and west. The western storage area would discharge into the eastern storage area which in turn would discharge into the River Blackwater.

These storage areas would form an important habitat area and would be accessible via a network of pathways which would all link to the riverside walk.

Both the Environment Agency and 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.

Building Research Establishment Environmental Assessment Method (BREAAM)

The applicant has made a commitment to ensure that the employment development on the site will meet the BREAAM 'very good' rating and has accepted a planning condition to ensure that this is certified. This is over and above any Adopted or Draft Policy requirement and would help to ensure the sustainability credentials of this aspect of the development.

Reserved Matters Timescales

The applicant has agreed at Officer's request, to reduce the time period for the submission of the first Reserved Matters from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current outline planning application and would result in the development being brought forward earlier than could normally be expected, which in turn would assist the Council's housing delivery rate.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees with the exception of Sport England. Officers consider that their concerns have been addressed by way of the securing of s106 contributions towards off site sports provision. Overall Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

ENVIRONMENTAL ISSUES

Introduction

Officers have taken environmental information into consideration in the assessment of this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended). The Environmental Statement (ES) has been prepared to comply with the requirements of Schedule 4, Part 1 of the Regulations.

The Environmental Statement (ES) has been assessed against the 2011 EIA Regulations (as amended) as the Applicant submitted a scoping opinion request before 16 May 2017 when the 2017 EIA Regulations (implementing the 2014 EIA Directive, 2014/52/EU) came into effect.

The applicant undertook formal scoping for the EIA and subsequently sought a Scoping Opinion from the Local Planning Authority. A Scoping Report was submitted on 3rd April 2017 and a formal Scoping Opinion was issued on 23rd June 2017.

The submitted ES has been prepared by Barton Willmore LLP on behalf of the applicant, Gallagher Estates. The ES comprises of the following documents:

- Non-Technical Summary
- Volume 1 – Main Text and Figures
- Volume 2 – Technical Appendices
- Volume 3 – Transport Assessment and Travel Plan

The following topics were assessed in the ES:

- Socio-Economics;
- Landscape and Visual Effects;
- Ecology and Nature Conservation;
- Cultural Heritage;
- Land Contamination;
- Water Resources and Flood Risk;
- Transport and Access;
- Air Quality and Odour;
- Noise and Vibration;
- Agricultural Land.

The Council commissioned Land Use Consultants (LUC) to undertake a review on behalf of the Council of the Environmental Impact Assessment Scoping Review submitted by the applicant and Arup to undertake an independent technical review of the ES, again on behalf of the Local Planning Authority. Both reviews were carried out in accordance with the requirements of the Regulations. LUC's review of the Scoping Review was incorporated within the Council's Scoping letter. Arup's independent ES review was incorporated into the Council's Regulation 22 Request Letter and issued to the applicant to allow the applicant to address any perceived gaps in the ES.

Following assessment of the submitted Environmental Statement, the Local Planning Authority issued a Request under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) to provide further information in respect of the Environmental Statement submitted in support of the application.

Issues where further information and clarification was requested included the following ES Chapters:

- Chapter 2: EIA Methodology
- Chapter 5: Construction Methodology and Phasing
- Chapter 6: Socio-economics
- Chapter 7: Landscape and Visual Effects
- Chapter 8: Ecology and Nature Conservation
- Chapter 9: Cultural Heritage
- Chapter 11: Water Resources and Flood Risk
- Chapter 12: Transport and Access
- Chapter 14: Noise and Vibration
- Chapter 15: Agricultural Land
- Chapter 16: Summary and Residual Effects

In response to the above requests for further information, the applicant submitted an addendum to the ES in November 2019.

Schedule 4 Information

Schedule 4 of the EIA Regulations specifies the information that should be included within an ES. A summary of the required information and where it is located in the applicant's ES is set out below confirming that the minimum requirements have been met:

Summary of Information to be Included in ES		ES Reference
1.	Description of development	Vol 1, Chapter 3 & 5; 6 – 15 subsection 'Operational Phase'; Chapter 16.
2.	Outline of main alternatives and indication of main reasons for choice made	Vol 1, Chapter 4.
3.	Description of aspects of environment likely to be significantly affected by the development	Vol 1, Chapter 6 – 15 subsection 'Likely Significant Effects' and Chapter 16 subsection 'Interactive Effects'.
4.	Description of likely effects of development on the environment (direct; indirect; secondary; cumulative; short; medium; long-term; permanent and temporary; positive and negative.	Vol 1, Chapter 2; Chapter 6 – 15 subsection 'Likely significant effects' & 'Assessment Methodology'; Chapter 5 subsection 'Material and Resource Use'; Chapter 3; Chapter 13 & 14 subsection 'Likely Significant Effects';
5.	Description of measures envisaged to prevent, reduce and where possible offset any significant adverse effects on environment.	Vol 1, Chapter 6 – 15 subsection 'Mitigation Measures'
6.	Non-technical Summary	Non-technical Summary
7.	Indication of any difficulties in compiling the required information.	Vol 1, Chapter 2 and Chapter 6 – 15 subsection 'Assumptions and Limitations'

Compliance with Scoping Opinion

It is best practise (although not a requirement) to produce an ES that fully aligns with the Scoping Opinion. Most but not all of the Scoping Opinion recommendations (Volume 2 Appendix 2.2 of the ES) have been applied. Recommendations that were not adopted in the ES are summarised below:

It was requested that:

- estimates of demolition waste; waste re-use and waste processing be provided
- the ES demonstrate that the site layout had followed the required standards for planning for daylight and sunlight
- that Billericay and District Angling Club be consulted

- the impacts of dredging and restoration works to the large pond be considered in terms of potential groundwater contamination
- the cumulative impact from permitted developments are taken into consideration when considering the impact of the proposed development on traffic and transport network capacity
- reference was made to the NHS London Healthy Urban Development Unit checklist and the Rapid Health Impact Assessment tool
- reference was made to the Guiding Principles for Land Contamination to demonstrate compliance with this
- the Traffic and Transport chapter demonstrated how model calibration and validation was undertaken and whether demolition traffic has been included in the assessment of construction phase effects.
- the Ecology and nature Chapter explore and make commitment to enhancement of river ecology and the effect of improvements to the river on the ecological functioning of the river corridor
- a Framework CEMP was included in the ES

These matters were identified in the Council's Regulation 22 Letter and appropriately responded to by the Applicant in their Regulation 22 response. Officers are satisfied that the ES and the applicant's Regulation 22 response together ensure compliance with the ES Scoping Opinion.

Review Criteria

The technical review of the ES has been based on the European Commission's 'Guidance on EIA: EIS Review' and the associated checklist. The ES checklist provides an overall review of the robustness of an ES by asking key questions against specific subject areas. In its totality, the ES checklist not only ascertains whether the ES includes all the information required within Schedule 4 of the EIA Regulations, but also identifies whether the ES conforms to best practice with respect to presentation, readability and technical robustness. The checklist is comprised of 145 review questions divided into seven sections:

- Description of the project;
- Alternatives;
- Description of the environment likely to be affected by the project;
- Description of the likely significant effects of the project;
- Description of mitigating measures;
- Non-Technical Summary; and
- Quality of presentation.

The ES review concluded that the ES was lacking in key information specifically relating to:

- The description of the project;
- The baseline; and
- The assessment methodology.

Corrective actions were required to ensure that the ES is robust and allows all relevant environmental information to be considered as part of the planning application process. These corrective actions constituted the request for further information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

A brief summary of the ES topics and chapters is set out below with reference to Regulation 22 where applicable.

EIA Methodology

Chapter 2 of the ES sets out the methods used to prepare each chapter of the ES, a description of the ES structure and content, generic significance criteria, a description of the ES scoping exercise and details of consultation carried out.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

EIA Methodology: Conclusion

Officers are satisfied that the Methodology chapter of the ES along with the additional information contained within the addendum to the ES submitted in response to the Regulation 22 Request is sound with regards to the requirements of the EIA Regulations.

Site and Development Description

Chapter 3 of the ES sets out a detailed description of the site and of the details of the development. It also sets out a summary of the effects with regard to climate change, energy and sustainability.

Site and Development Description: Conclusion

Officers are satisfied that the site and development descriptions are adequate and no further information was required by way of Regulation 22 Request.

Alternatives and Design Evolution

Chapter 4 identifies the main alternatives considered by the applicant. Schedule 4 of the EIA Regulations require an applicant to provide an outline of the main alternatives studied and an indication of the main reasons for the choice made, taking into account the environmental effects. This chapter reviews the principal land use siting options explored and the reasoning for the selection of the current design of the development.

The 'do nothing' alternative would result in the beneficial and adverse effects outlined in the ES not occurring as the site would remain in its current form

and the development would not be delivered. In terms of alternative locations and uses, the site has been identified in the Council's Publication Draft Local Plan for the type of development proposed by the applicant. The evolution of the proposed development design is also described, including its response to consultation undertaken and input from the Local Planning Authority.

Alternatives and Design Evolution: Conclusion

Officers are satisfied that adequate consideration and justification is given for consideration of alternatives and the evolution of the design. No further information was required by way of Regulation 22 Request.

Construction Methodology and Phasing

Chapter 5 sets out details of the anticipated programme for development and the anticipated construction methodology and phasing of the development with an anticipated build out period of approximately 10 years. It also identifies controls to protect the environment such as the requirement for a Construction Environmental Management Plan and Construction Traffic Management Plan (required by way of condition).

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Construction Methodology and Phasing: Conclusion

Officers are satisfied that the construction methodology and phasing chapter along with the additional information contained within the addendum to the ES submitted in response to the Regulation 22 Request are adequate.

Socio-Economics

Chapter 6 assesses the likely significant effects of the Development on the environment in respect of socio-economic effects. The assessment has considered the construction and operational phase employment effects together with operational effects on population and housing; local expenditure; primary healthcare, education and crime.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

A financial contribution is identified as being required to mitigate the development's impact upon primary healthcare. This has been requested by

the NHS as a statutory consultee and would form part of the s106 obligations for the development.

Socio-economic: Conclusion

Officers are satisfied that the socio-economic chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Landscape and Visual Effects

Chapter 7 identifies the likely significant effects of the development upon the environment in respect of landscape and visual amenity. Consideration of night time light spillage effects is also undertaken.

The landscape character of the site and its surroundings has been assessed and the site's landscape and visual qualities considered. Its function in the landscape and views and its contribution to the wider landscape has also been assessed and this work has informed the design evolution of the Development.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

Mitigation measures during the construction phase are identified including the control of lighting; careful location of stockpiles and machinery into visually less sensitive areas and the protection of existing vegetation to be retained. These measures would be secured by way of planning conditions relating to the need for a Construction Management Plan and tree/hedge protection measures.

Primary mitigation measures for the operational phase of the development are enshrined within the Parameter Plans and include the retention of and protection of existing green infrastructure within the site and a maximum building height of 3 storeys (and only in select locations). Secondary mitigation measures include the proposed landscape strategy for the site; with the creation of a wetland corridor adjacent to the River Blackwater and substantial native tree and hedgerow planting.

These mitigation measures would be secured by a combination of adherence to approved Parameter Plans and planning conditions requiring details of the landscaping and sustainable urban drainage schemes for the site.

Landscape and Visual Effects: Conclusion

Officers are satisfied that the Landscape and Visual Effects chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Ecology and Nature Conservation

Chapter 8 assesses the likely significant effects of the Development in respect of Ecology and Nature Conservation. The chapter is supported by a full range of ecological survey work. It also specifically considers the potential impact of the development upon the Natura 2000 sites located on the Essex coast.

The nature conservation and biodiversity interests of the site have been incorporated into the project from the outset and key design principles have been aimed at retaining and enhancing main features such as for example the bulk of the core woodland area.

The chapter assesses the potential impact upon protected and priority species, and relevant habitats and cumulative as well as individual impact.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

A range of mitigation measures were identified including the implementation of general best practice construction works to avoid/reduce impacts on habitats and species through a Construction Environmental Management Plan (required by way of condition). Extensive habitat creation (enshrined in the Green Infrastructure Parameter Plan and Design Code) including creation of a large wetland area and wildflower grassland adjoining the existing river corridor habitat; targeted enhancements such as bat boxes (required by way of condition); financial contribution (secured by s106 Agreement) towards off site mitigation at the Essex Coast Natura 2000 sites; adoption of measures set out in the submitted Landscape and Biodiversity Management Strategy (required by condition) and preparation of a Landscape and Ecology Management Plan and wildlife friendly lighting strategy (both required by way of condition).

Ecology and Nature Conservation: Conclusion

Officers are satisfied that the Ecology and Nature Conservation chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Cultural Heritage

Chapter 9 assesses the likely significant effects of the development in respect of cultural heritage, both in terms of above and below ground heritage assets. The chapter is supported by a Cultural Heritage Desk-Based Assessment and a geophysical survey.

The chapter concludes that following successful implementation of a programme of archaeological evaluation and mitigation and the retention of the hollow way (footpath) which crosses the site that no residual effects are anticipated in relation to heritage assets following completion of Development.

Mitigation

A programme of archaeological evaluation and where required excavation and recording is identified as being necessary and required by way of condition. The Hollow Way would be retained.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Cultural Heritage: Conclusion

Officers are satisfied that the Cultural Heritage chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Land Contamination

Chapter 10 assesses the likely significant effects of the Development on the environment in respect of land contamination. An assessment of the effects associated with any existing sources of contamination on future occupants of the site is undertaken along with an assessment of the potential for effects to arise from contamination as a result of the proposed development and any necessary remediation.

Mitigation

During the construction phase a number of mitigation measures have been identified including the following:

- appropriate protection for and briefing of construction workers;
- adherence to Construction Environmental Management Plan (required by way of condition);
- use of piling to be controlled (by way of condition);
- avoidance or remediation of contaminated ground.

During the occupation phase of the development the following mitigation is required:

- landfill material located under an appropriate cover layer;
- gas protection measures for properties located on top of former landfill;
- remediation or removal of any unexpected contamination;
- monitoring of groundwater/surface water to ensure water quality is not impacted by the development;
- Placement of appropriate thickness of good quality topsoil on areas to be landscaped.

Where these matters are not covered by separate legislation conditions relating to contamination are required.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Land Contamination: Conclusion

Officers are satisfied that the Land Contamination Chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Water Resources and Flood Risk

Chapter 11 assesses the likely significant effects of the Development on the environment in respect of Water Resources and Flood Risk due to the potential for the Site to have a physical, chemical and biological effect on the water environment. The chapter covers the effects on water quality, including effects relating to drainage and flood risk.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

Planning of the construction sequence and intentional diversion of overland flow paths will mitigate the impact on surface water flood risk. Accurate locating of and then protection of existing foul water raising mains along the site's southern boundary is required. Measures to avoid construction-related pollutants entering the environment and contaminating groundwater are also required such as defined refuelling areas for plant. This could be covered off by way of a Construction Environmental Management Plan condition. There is also a need to safeguard against impacts upon water levels within underlying aquifers caused by de-watering activities and compaction of the ground by

construction plant. Permitting infiltration where possible will enable ground water to be recharged.

During the occupation phase of the development, the effect of the development on surface water flood risk would be partially mitigated by the proposed surface water drainage system and partially by designing finished floor levels to direct run-off away from buildings and towards defined corridors for surface water management.

The proposed sustainable urban drainage system for the site will also need to include a water treatment capability to ensure pollutants from the additional vehicular traffic on the site does not enter the water environment.

To mitigate the impact upon the water supply network reinforcement works will be required by Anglian Water (as part of their statutory duties) and the promotion of water consumption reduction methods (building regulations) across the site.

Water Resources and Flood Risk: Conclusion

Officers are satisfied that the Land Contamination chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Traffic and Transport

Chapter 12 assesses the potential transport impacts and considers the likely significant effects of the Development in respect of transport and access. Effects relating to driver severance and delay, pedestrian severance and delay, pedestrian amenity, accidents and safety, hazardous and dangerous loads, dust and dirt are considered.

The assessment encompasses the vehicular, pedestrian, cycling and public transport infrastructure in the vicinity of the Site, with the study area broadly encompassing: the Site, Broad Road, the A131, the A120, and Coggeshall Road. It considers the potential transport impacts of the operation of the Development, as set out in the supporting Transport, Assessment (TA), as well as the construction phase of the Development.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

During the construction phase a Construction Traffic Management Plan would be required by way of planning condition.

To mitigate the operational phase of the development physical junction improvements have been identified for the Marks Farm Roundabout and the A131/Broad Road Roundabout as set out in the Highways section of the above report and would be secured under the s106 Agreement. A Travel Plan is also required, by way of planning condition.

It is also considered that there is a clear opportunity to either re-route an existing bus service or provide a new bus service to directly serve the development. New bus stops will be provided within the development and the applicant will be required under the s106 Agreement to upgrade existing bus stops in the locality and make a financial contribution toward bus service provision from the town centre.

Traffic and Transport: Conclusion

Officers are satisfied that the Traffic and Transport chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Air Quality and Odour

Chapter 13 assesses the likely significant effects of the development in respect of air quality and odour. Air Quality may be subject to effects from the Development during both the construction and operational phases. During construction, dust and particulate matter may be generated by dust-raising activities. Once complete and operational, there may be changes in emissions from traffic using the nearby roads travelling to and from the Site.

The key air pollutants that are addressed in this assessment are nitrogen dioxide (NO2) and fine particulate matter (PM10 and PM2.5), as these pollutants are the most likely to be present at concentrations close to or above air quality criteria in an urban environment.

In addition, the assessment has considered the potential risk of impacts on the development from odour emissions arising from the Bocking Wastewater Treatment Works (WWTW) to the south east of the Site.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

During the Construction Phase the Construction Environmental Management Plan would need to include measures to control the impact of construction upon air quality such as dust control measures.

The applicant's document assessment has shown that there is the potential for complaint within the site at locations closest to the Sewerage Treatment

Works although it is noted that no complaints have to date been received by the Council from existing dwellings to the south. It is identified that discussions with Anglian Water may be required to ensure potential odour risk to future sensitive receptors in the development is minimised.

Air Quality and Odour: Conclusion

Officers are satisfied that the Air Quality and Odour chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Noise and Vibration

Chapter 14 assesses the likely significant effects of noise and vibration on the environment as a result of the construction and operation of the Development.

An assessment has been undertaken of airborne noise and vibration on noise sensitive receptors. The assessment looks at the both the construction and operation of the Development and cumulative effects of other nearby developments.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

During the construction phase the noise impact upon the closest existing dwellings to the site boundary would need to be controlled using temporary noise barriers and best practice measures such as restrictions on working hours; adoption of quite working methods and using rubber linings for chutes. A Construction Environmental Management Plan, required by planning condition would cover this.

In the operational phase of the development the closest dwellings to the A131 and B1053 would need to be designed so that the permitted maximum internal and external noise levels under the World Health Organisation and other relevant criteria are not exceeded. This would be a matter for the detailed design stage. The same applies to plant noise from external pant fitted to the school and other commercial buildings. Commercial deliveries would also need to be regulated in terms of their timings.

Noise and Vibration: Conclusion

Officers are satisfied that the Noise and Vibration chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Agricultural Land

Chapter 15 assesses the likely significant effects of the Development on the environment in respect of soils and agricultural land.

The key points considered relate to the effects of the Development on agricultural land, particularly best and most versatile (Grades 1, 2 and Subgrade 3a) agricultural land, the effects on the soil resource and the effects on the farm businesses occupying the Site.

Regulation 22 Matters – Further Information

The applicant's response to the Regulation 22 Request is considered to be satisfactory.

Mitigation

There are no universally applicable measures to mitigate the direct loss of agricultural land and the loss of such land is assessed in the overall planning balance. The primary mitigation measures to mitigate impacts upon soil resources during site preparation, earthworks and construction activities relate to identifying the most appropriate re-use for different types of soil and following good practice guidance on handling, storing and replacing soils on-site. A contamination condition would safeguard against unexpected contamination and also ensure that appropriate remediation is carried out where required.

Agricultural Land: Conclusion

Officers are satisfied that the Agricultural Land chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development.

Officer Conclusion: Environmental Issues

Officers are satisfied that the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development. Officers recommend that the mitigation measures identified within the assessment of the ES are secured through appropriate Conditions/Section 106 obligations.

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 1,000 dwellings this would equate to 300 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)
- Affordable homes should be compatible with Nationally Described Space Standards
- Requirement for proportionate modest sized clustering of affordable units throughout the development

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 which is limited.

Informal open space is provided at a level well in excess of the minimum requirement. Children's playspace and allotment provision falls slightly short of the requirements but the shortfall is not significant. The s106 would require a Management Plan to be approved for all open space on the site to ensure its upkeep and maintenance.

Due to the topography of the site there is however a significant deficit in on site formal sports provision. A total of 4.72ha is required with 1.12ha being provided leaving a 3.6ha deficit. Officers accept that the topography of the site makes it unsuitable for large scale formal sports pitch provision. Two junior pitches, a Multi-Use Games Area and a Wheeled Play Area (i.e. BMX/Mountain bike type track) will be provided with a financial contribution towards offsite formal sports provision also being required. This contribution would be calculated in accordance with the Councils standard formulae but could equate to around £728,000.

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.

The Council also require open space contributions for commercial developments, again in accordance with the adopted Open Space SPD. For the proposed development a contribution of approximately £74,208 would be required towards the off-site provision of informal open space and formal sports provision.

Education

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

Early Years and Childcare – the proposed development is located within the Bocking North Ward and there is a lack of provision within this area. Provision will be required on site and 2 new facilities will be required. The application makes such provision in the form of a co-located facility with the proposed primary school and an additional stand-alone facility. The cost per pupil, based on the provision of 2 new facilities and including the anticipated 30.5 spaces from the employment area will be £19,924.88 per place. A Developer contribution of approximately £2,488,618 is therefore required plus provision of serviced land for the stand-alone facility and a requirement for a marketing strategy for this.

Primary Education – the development is located within Braintree Planning Group 6. The provision of a new primary school on the site complies with the emerging Local Plan requirement. Financial contributions of £15,327.18 per pupil are also required resulting in a Developer contribution of approximately £4,828,062 in addition to provision of the land for the school by the Developer.

Secondary Education – sufficient capacity exists to accommodate the proposed development. Future strategic developments will be required to

make financial contributions towards secondary provision however this cannot be required on a ‘pro rata’ basis and no secondary contribution is required for the current development.

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 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. A financial contribution of approximately £378,580 is required with payment being made before development commences with an alternative option for this money to be re-directed toward the provision of a NHS healthcare facility in the town centre if the NHS deem this necessary.

Transport

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

a) Completion by the developer of the proposed access onto the A131 (Broad Road access to be secured by planning condition)
b) Completion by developer of the agreed upgrade scheme to Marks Farm roundabout
c) Completion by the developer of the agreed upgrade scheme to the Broad Road/A131 roundabout
d) Financial contribution towards public transport facilities, and/or bus service provision at/in the vicinity of the site and between the site and Braintree town centre /railway station
e) Upgrading of existing bus stops in Broad Road/and or Convent Lane
f) Improvements to Public Right of Way Braintree and Bocking 52 located immediately to the south of the proposal site (including works on BDC land if required)
g) Provision of pedestrian/cycle ramp at the northern-most end of Blackwater Way (including works on BDC land if required)
h) Provision of a toucan crossing in Courtauld Road in the vicinity of its junction with Julien Court Road
i) Improvements to the existing north-south route through the Park between Courtauld Road and Coggeshall Road to provide a shared footpath/cycleway
j) Provision of a Toucan Crossing in Coggeshall Road in the vicinity of its junction with the avenue

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 1000 dwellings this would approximately equate to the following:

- £416,055 towards Sports Hall provision;
- £449,677 towards indoor swimming pool provision; and
- £67,473 towards indoor bowls provision.

Recycling Facilities

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

Community Project

A financial contribution towards a new extension, upgrades and alterations (including a new roof and internal works) to Glebe Community Hall, CM7 5RB.

Gypsy and Traveller Provision

A developer contribution towards the off-site provision of Gypsy and Traveller pitches.

Requirements for Proposed Neighbourhood Centre

To safeguard the provision of the proposed Neighbourhood Centre including size, location and uses. To include requirement for marketing strategy, provision of serviced site, 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.

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 Village Envelope/Town Development Boundary 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 Village Envelope/Town Development Boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). 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.

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 1,000 new dwellings to help meet housing need within the District, providing up to 300 affordable dwellings and 700 market dwellings. This is an important material consideration in the planning balance and weighs heavily in favour of the proposal.

Furthermore, the applicant has agreed to a foreshortening of the period for the submission of the first reserved matters application from 3 years to 2 years leading to earlier delivery of the site. Again, this weighs in favour of the proposal providing greater certainty around earlier delivery of the development.

The construction phase of the development is predicted to last for approximately 10 years, generating a wide range of construction jobs over a prolonged period of time with associated economic benefits.

In terms of the development proposal itself, the proposal is for a residential-led mixed use scheme and the non-residential elements of a scheme this size are substantial. The proposed employment area would provide approximately 11,400sqm of B1/B2 use (business; general industry) and the local centre would provide approximately 1,050sqm of A1 to A5 uses (shops; financial and professional services; restaurants and cafes; drinking establishments; hot food takeaways). The development also provides land for a new (2FE) primary school with associated early years and childcare facilities.

There are clear economic benefits associated with the provision of the above both in terms of job creation and in terms of the wider economic impact of bringing new businesses into the District. In addition there are clear social benefits and the fact that this is a strategic scale mixed use scheme will allow a local community to develop. Again these factors weigh in favour of the planning balance.

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 wide 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 and provision is made for electric vehicle

charging points across the development. The applicant's commitment to achieve a BREEAM 'very good' rating on all employment development on the site also weighs in its favour in the planning balance.

In terms of green infrastructure; the applicant proposes to enhance the existing river corridor, enlarging it on the development side of the river and creating substantial new habitat areas with carefully planned public access points for both existing and future residents in the area. This would complement the existing river walk on the opposite side of the river. Extensive new tree planting is also proposed across the site including along the entire spine road; adjacent to the existing central woodland; in many areas of green infrastructure and across the site in areas of open space and within development parcels.

The application is also accompanied by an Environmental Statement and associated appendix and addendum which has been assessed by the Council. Officers are satisfied that the likely significant adverse environmental effects of the development have been identified and that mitigation measures can be secured to limit, remove or mitigate such effects.

Other benefits which weigh in favour of the development would include highway works with wider benefit, in particular to Marks Farm roundabout and financial contributions towards off site sports facilities and a community project.

The applicant has submitted a suite of detailed documents, including an Environmental Statement 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 32ha 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 remediation of the more heavily contaminated areas of the site is also beneficial in this regard.

The development would result in the loss of a notable number of trees, including Category A and B trees and some hedges, however tree loss would be minimised to that which was unavoidable with the majority of existing tree

cover still being retained and a significant number of new trees being planted across the site with an overall net gain secured.

The existing employment on the site would also be lost, although this loss would be far outweighed by the number of jobs created in the new employment area; school and neighbourhood centre.

The site is located in a Mineral Safeguarding Area however the Minerals and Waste Authority are satisfied that it would not be economically viable to extract minerals from the site.

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.

In terms of highways, the development would result in increased vehicular movements in the area. Both Highways England and Essex County Highways have been heavily involved in the highways assessment of the application. 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 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.

In terms of impact upon existing neighbour amenity, the applicant's illustrative masterplan demonstrates one way in which the site could be developed without an undue impact being caused upon the privacy or outlook of existing residents and the Design Code and associated Parameter Plans already provide a degree of certainty in relation to site layout. 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 the identified harm. When considering the 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 to which more than moderate but less than significant weight is afforded. The application site is allocated for the use proposed in the Council's Publication Draft Local Plan and Officers consider that the proposed development would constitute sustainable development and therefore recommend that planning permission is granted.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

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); modest sized clustering; compatible with Nationally Described Space Standards; 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).

- **Public Open Space** (financial contribution 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. Also a financial contribution towards informal open space and formal sports provision dependent upon the amount of employment floorspace).

- **Education** (financial contribution towards Early Years and Childcare and Primary Education. Provision of land for new primary school on the site. Provision of land for stand-alone Early Years and Childcare facility with requirement for marketing strategy).

- **Healthcare Provision** (financial contribution to create additional healthcare provision. Trigger point for payment being prior to commencement of development).

- **Highway/Transport** (construction of site access from A131; completion of upgrade schemes to Marks Farm and A131/Broad Road roundabouts; financial contribution towards public transport facilities, and/or bus service

provision; upgrading of existing bus stops; improvements to Public Right of Way 52 (including works on BDC land if required); provision of pedestrian/cycle ramp at northern end of Blackwater Way (including works on BDC land if required); provision of pedestrian crossing in Courtauld Road; improvements to north-south route through park between Colchester and Coggeshall Road to provided shared foot/cycleway; provision of pedestrian crossing in Coggeshall Road. Specific triggers to be agreed by Officers however completion of A131 roundabout access set at 100 units and upgrade works to Marks Farm roundabout and A131/Broad Road roundabout set at pre-occupation).

- **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 towards indoor sport provision calculated in accordance with Sport England's development calculator. Specific projects to be identified by Officers).

- **Recycling Facilities (**provision of facilities on site for recycling of household waste such as bottle banks)

- **Community Project** (financial contribution towards upgrades and alterations to Glebe Community Hall including a new extension, new roof and internal/external works).

- **Gypsy and Traveller Provision** (a developer contribution towards the off-site provision of Gypsy and Traveller pitches).

- **Requirements for Proposed Neighbourhood Centre** (to safeguard the provision of the proposed Neighbourhood Centre including size, location and uses. Requirement for marketing strategy and serviced site).

- **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).

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

Location Plan Plan Ref: (Barton Willmore Drawing) 9000 REV B Version: 03.10.2017

Other Plan Ref: Straits Mill Outline Design Code (Barton Willmore) Version: August 2019

Access Details Plan Ref: (Atkins Drawing) Proposed Roundabout drg no. BROAD-SK-D-0003 REV P1.2 Version: 17.10.2019

Access Details Plan Ref: (Atkins Drawing) Proposed Priority Junction Broad Road, Braintree rg no. BROAD-DR-D-0003 REV P5 Version: 06.09.2017

Parameter Drawing Plan Ref: (Barton Willmore Drawing) Parameter Plan Land Use and Access 9600 REV M Version: 26.07.2017

Parameter Drawing Plan Ref: (Barton Willmore Drawing) Parameter Plan Building Heights 9601 REV K Version: 26.09.2017

Parameter Drawing Plan Ref: (Barton Willmore Drawing) Parameter Plan Green Infrastructure 9602 REV L Version: 26.09. 2017

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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 2 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.

All Reserved Matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission.

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 1000 residential dwellings, including affordable and market housing; land for a new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131 and Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk on the site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping 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

On or before 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 unless a subsequent phasing plan is submitted to and approved by the Local Planning Authority in which case the development shall from that point be carried out in accordance with the updated 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 any proposed building(s), in relation to proposed ground levels and shall also be accompanied by drawings showing proposed and existing site 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.

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 where it is demonstrated that this is 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 (i.e. those which are reasonably required to allow pedestrian and vehicle access to the building in question) 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.

Reason
To enhance the appearance of the development and in the interests of

amenity and privacy.

6 Broadband

Any Reserved Matters application 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 Development Area, Local Centre and Employment Area as defined on drawing 9600 Rev M 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 wherever practical 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 each application for 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.
i) Containment, control and removal of any Invasive non-native species present on site.

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 Plan

Each phase of the development shall be the subject of a Biodiversity Enhancement Strategy for Protected and Priority species. This Strategy shall be submitted with each Reserved Matters application and approved in writing by the local planning authority.

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

a) Purpose and conservation objectives for the proposed enhancement measures for the relevant phase of the development;
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 for individual dwellings and commercial properties.

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 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 or group of trees 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 survey shall also demonstrate to the satisfaction of the Local Planning Authority that measures have been taken to keep proposed tree and hedgerow removal to an absolute minimum and that, where achievable a net gain via new tree and hedge planting will be achieved for the relevant part or phase of the site.

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 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).

13 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 (CMS) 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 the means by which these will be closed off 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;
- Details of how the approved CMS 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.

14 Archaeology 1 (Site Evaluation)

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

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.

15 Archaeology 2 (Fieldwork)

No development or preliminary groundworks can commence within each respective phase 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.

16 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 from the site to be as close as reasonably practicable to the greenfield run-off rate from the development of the same rainfall event for the 1 in 1-year and 1 in 100-year rainfall events.
- Provide sufficient surface water storage so that the run-off volume is discharged at a rate that does not adversely affect flood risk and that, unless designated to flood, that no part of the site floods for a 1 in 30-year event, and for a 1 in 100-year event no flooding shall occur within the development affecting any part of a building or utility plant susceptible to water.
- Provide sufficient storage to ensure no off-site flooding occurs as a result of the development during all storm events up to and including the 1 in 100-year plus climate change event.
- Final modelling and calculations for the specific development phase demonstrating compliance with the approved surface water drainage strategy covering the whole development.
- The appropriate level of treatment for all run-off leaving the site, in line with the CIRIA SUDs Manual C753.
- Detailed engineering drawings of each component of the drainage system included within the specific development phase.
- A final drainage plan which details exceedance and conveyance routes, finished floor and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy for the specific development phase and highlighting any minor changes to the approved strategy.

The scheme for each development phase shall subsequently be implemented prior to occupation of that phase. Regard must also be had to the requirements of Condition 52 of this planning permission when seeking to discharge the above condition.

Reason
To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site; to provide mitigation of any environmental harm which may be caused to the local water environment and to ensure that the detailed surface water drainage strategy and landscape strategy for the site take into account the full existing baseline conditions on the site. 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.

17 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.

18 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.

19 SUDS 4 (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.

20 Contamination 1 (Further Investigation)

Prior to the commencement of development except for demolition further investigation shall be undertaken to provide better characterisation of the site and to assess the nature and extent of any contamination on the site with a particular focus on the former landfill on the site and in relation to Asbestos, Ground gas and PAH. This investigation shall be carried out in accordance with the recommendations contained within the suite of documents which informed Chapter 10 'Land Contamination' of the submitted Environmental Statement and are contained at Appendix 10.1 to 10.6 inclusive of this Statement. The results shall be submitted to the Local Planning Authority for approval.

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

21 Contamination 2 (Remediation)

Prior to the commencement of development except for demolition in each phase 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'.

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.

22 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 the remediation

works required under Condition 21. 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 school 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 school 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.

23 Contamination 4 (Long Term Monitoring)

No development of each phase shall take place until a long-term monitoring and maintenance plan as set out in the remediation strategy in respect of contamination (including the monitoring of the long-term effectiveness of the proposed remediation of ground gases) including a timetable of monitoring and the submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

On completion of the monitoring for each phase specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by 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.

24 Contamination 5 (Asbestos)

Prior to the demolition of any existing buildings on the site the applicant shall submit an asbestos survey to the Local Planning Authority in relation to these buildings. Should any asbestos be identified within the buildings then the Survey shall include details of how the demolition process will be managed to ensure that the asbestos is safely removed from the buildings and from the site.

Reason
To ensure that the risks from asbestos contamination to existing residents in the locality and to future users/occupiers of the land are safely managed. The survey is required prior to the demolition of any existing buildings to ensure that safeguarding measures are in place from the outset, where required.

25 Noise (New Dwellings)

Prior to commencement of development in any relevant phase, (i.e. where it has been identified at the Reserved Matters Stage that noise mitigation to protect the occupiers of new dwellings from noise from the A131 will be required) the applicant must submit to the Local Planning Authority for approval a detailed noise mitigation report. The Report shall detail measures that will be incorporated into the development to ensure that proposed residential development affected by noise from the A131 is adequately protected from such noise. The assessment must be completed in line with BS8233. The relevant phase of the development shall only be carried out in accordance with the approved details and shall be retained as such thereafter.

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

26 Skylark Mitigation

Prior to the commencement of development a Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority, to mitigate the loss of any Skylark territories on the site. This shall include provision of the evidenced number of Skylark nest plots in nearby agricultural land and the timing for such provision.

The content of the Skylark Mitigation Strategy shall include the following:

a) Purpose and conservation objectives for the proposed Skylark nest plots;
b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
c) locations of the Skylark plots by appropriate maps and/or plans;
d) persons responsible for implementing the mitigation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with

the approved details and all features shall be retained for a minimum period of 10 years.

Reason
To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

27 Badger Method Statement

A Badger Method Statement shall be submitted to and approved in writing by the local planning authority prior to commencement of each phase of the development including any vegetation clearance works. The method statement shall determine the need for badger sett closures or additional mitigation measures, and shall be supported by an up to date survey to identify if changes of badger activity have occurred on the site. Any measures and/works shall be carried out strictly in accordance with the approved details.

Reason
To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended, the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

28 Bus Stops (Within 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) within that phase.

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

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.

29 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.

30 Public Right of Way Temporary Diversion/Closure

Prior to the commencement of any phase of development which would affects the use of the existing Bridleway and/or public footpaths which cross 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.

31 Archaeology 3 (Post Excavation Assessment)

The applicant will submit to the local planning authority a post-excavation (archaeology) assessment for each phase (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.

32 Foul Drainage

Prior to any construction above damp proof course on each phase, a scheme for on-site foul water drainage works for that phase, 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. The strategy is required prior to the commencement of development to ensure that the development is carried out in accordance with the approved strategy from the outset.

33 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.

34 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.

35 Contamination 6 (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 and the developer has submitted 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. The long term monitoring and maintenance plan for the site in respect of contamination as required by Condition 23 shall be updated to reflect the unexpected contamination found and shall be re-submitted to the Local Planning Authority for approval.

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.

36 Contamination 7 (Unexpected Remediation)

If applicable the developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works required under Condition 35. 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 school 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 school 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.

37 Noise (Noise Reports - Plant on New Buildings)

Prior to the installation of any plant at any educational or 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.

38 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 the 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 organisation 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).

39 BREEAM

Development for employment uses as defined on drawing 9600 Rev M shall meet BREEAM 'Very Good' rating. Post-construction certification demonstrating how the employment development has met BREEAM 'Very Good' as a minimum shall be submitted to and approved in writing by the Local Planning Authority within six months of completion.

Reason
To ensure that the employment buildings are constructed to the highest standards in terms of sustainable development.

40 Bat Licence

The works to demolish 'building 4' as defined in Chapter 8 of the Barton Willmore Environmental Statement Volume 1 (July 2018) and associated Environmental Statement Addendum (October 2019) shall not in in any circumstances commence unless 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 authorising 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.

These are to be submitted to the Local Planning Authority for approval prior to the demolition of 'building 4'.

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.

41 Water Vole and Otter Method Statement

A Water Vole and Otter Method Statement shall be submitted to and approved in writing by the local planning authority prior to commencement of any outfall works occurring at the River Blackwater.

The method statement shall provide additional mitigation measures and/or works if required and shall be supported by an up to date survey to identify if changes of activity from Otter and Water Vole activity have occurred at the site.

Any measures and/works shall be carried out strictly in accordance with the approved details.

Reason
To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended, the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

42 Ecological Design Strategy (Landscape Riverside Area)

Prior to the completion of the earthworks required to construct the SUDs basins located in the Landscape Riverside area located in the south of the application site as shown on the Key Identity Areas Plan on p55 of the Outline Design Code, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the local planning authority for the entire biodiversity area located in the southern part of the application site. This area is shown on the above Key Identity Areas Plan as an area of green infrastructure identified as 'Landscape: Riverside'.

The EDS shall include the following:

a) Purpose and conservation objectives for the proposed works.
b) Review of site potential and constraints.
c) Detailed design(s) and/or working method(s) to achieve stated objectives.
d) Extent and location/area of proposed works on appropriate scale maps and plans.
e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
g) Persons responsible for implementing the works.
h) Details of initial aftercare and long-term maintenance.
i) Details for monitoring and remedial measures.

j) Details for disposal of any wastes arising from works.

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

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).

43 Lighting Scheme

Prior to the occupation of each phase of the development a lighting design scheme for 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 that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed, including on all new buildings (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).

44 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 for approval by the Local Planning Authority.

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.

45 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.

46 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.

47 Vehicle Movements

With the exception of those specified within any approved Construction Method Statement 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. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

48 Noise (Upper Limit for Plant on New Buildings)

The rating level of noise emitted from any plant at the educational 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.

49 Spine Road Width

The proposal site's spine road(s) (spine road as defined in the approved Outline Design Code) carriageway shall be a minimum 6.75 metres wide.

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.

50 Broad Road Access

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

A priority junction with right turn lane off Broad Road to provide access to the proposal site as shown in principle on the planning application drawings.

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.

51 Permitted Development Rights (Parking)

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

Reason
To ensure that 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.

52 SUDS 5 (Baseline Information)

Prior to the commencement of development the applicant shall collect hydrogeological and hydrological baseline information on the site to the written satisfaction of the Local Planning Authority and relating to the ponds; springs; watercourses and gravel pits on the site and this information will inform the details of the detailed surface water drainage

strategy for each phase of the site as required under Condition 16 above and the landscape strategy for the site. The baseline information shall include the following:

- volume (ponds & gravel pits)
- flow direction
- channel type (heavily vegetated, narrow, steep, flat, shallow etc)
- maximum flow
- maximum water level during extreme events
- minimum flow
- minimum water level (for water quality, habitat etc)
- water sources specific to each feature
- inputs (any other springs, off site inputs that might affect the watercourses and ponds at various times)
- abstractions
- existing management regime (including but not limited to, any pumping systems, weedcutting regimes or gauges onsite, upstream or downstream of the site)
- catchment description (including wider catchment if potential to influence onsite catchments)
- description of downstream receptors.
- any existing structures onsite or adjacent to it, e.g. bridges, culverts that could impact flow conveyance.

Reason
To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site; to provide mitigation of any environmental harm which may be caused to the local water environment and to ensure that the detailed surface water drainage strategy and landscape strategy for the site take into account the full existing baseline conditions on the site. The details 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.

INFORMATION TO APPLICANT

1 Your attention is drawn to the Essex County Council SUDs consultation response dated 15 August 2018 which includes a number of informatives to which you should have regard.

2 Your attention is drawn to the Environment Agency consultation response dated 30 August 2018 which includes a number of informatives to which you should have regard.

3 Your attention is drawn to the Anglian Water consultation response dated 15 November 2019 which includes a number of informatives to which you should have regard.

4 Your attention is drawn to the Essex County Council Highways consultation response dated 22 November 2019 which includes a number of informatives to which you should have regard.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2C: Land East of Broad Road Phasing Scheme

Phase	1b	1d	2	3	4	5
Open Market	214	12	146	102	145	80
Affordable	92	6	61	44	62	36
Total	306	18	207	146	207	116

Open Market Total	*699*	
Affordable Total	*301*	30%
Total	***1000***	

The scaling of this drawing cannot be assured

Revision		Date	Drn	Ckd
B	Phasing updated	05.08.21	SM	BW
C	Phasing updated	15.12.21	MS	BW
D	Phasing updated	10.02.23	KT	BW

- Site Boundary
- Phase 1A
- Phase 1B
- Phase 1C
- Phase 1D
- Phase 2
- Phase 3
- Phase 4
- Phase 5
- Employment Phase *
- Allotment
- Public Art
- Education Facility
- Neighbourhood Centre
- Equipped Area of Play
- Recycling Facilities
- Employment Floor Space

Notes:

* Available upon completion of Phase 1 infrastructure works

PHASE 6

Project
Straits Mill, Braintree

Drawing Title
Phasing Plan

N

Date	Scale	Drawn by	Check by
22.07.21	1:2,500@A1	MS	BW

Project No	Drawing No	Revision
25629	BM-M-01.6	D

0 20 40 60 80 100m

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J:\25000\25629 - Straits Mill, Braintree\A4 - Dwgs & Registers\M Planning\25629 - BM-M-01D - Phasing Plan.dwg - Phase 6

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2D: Land East of Broad Road Phasing Scheme

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.:	23/00703/REM	**Date Received:**	14th March 2023

APPLICANT:
Gallagher Estates Ltd
C/O Agent

AGENT:
Mr Gareth Pritchard
Stantec
3rd Floor, 50-60 Station Road
Cambridge
CB1 2JH

DESCRIPTION:
Application for approval of Reserved Matters (in respect of layout, scale, landscape and appearance) for a section of spine road from the approved Broad Road and A131 accesses, pursuant to outline planning permission 18/01318/OUT granted 31.01.2021 for: Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment.

LOCATION:
Land East Of Broad Road Braintree Essex

APPROVED PLAN(S):

Plan Description	Plan Ref	Plan Version
Landscape Specification	8732-0001	C
Landscape Specification	8732-0002	B
Tree Plan	11138	A
Landscape Plan	8732-0003	C
Biodiversity Details	AEL1151	N/A
Other	Broadband Strategy	July 2023
Other	Construction Ecological Management Plan	AEL1151 Version 1.0
Other	Soil Resource Plan - TOHA/24/8735/AC	2
Location Plan	BL-M-03	N/A
Landscape Specification	8732-0004	B
Highway Plan	TPHS/344/DR/001	E
Highway Plan	TPHS/344/DR/002	C

Planning Decision Notice

DECISION:
The Braintree District Council as local planning authority has considered your application and hereby gives notice of its decision to **APPROVE** reserved matters in accordance with outline planning permission, ref: 18/01318/OUT granted on 31 March 2021 subject to the following conditions and reasons:

Condition 1

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above, except as follows:

- The tree species shown on the following drawings: Spine Road Area 1 Soft Landscaping (Drawing No. 8732-0001 Rev C); and Spine Road Area 2 Soft Landscaping (Drawing No. 8732-0002 Rev B) are not approved; and

- The tree pit and tree planting details shown on the Spine Road Soft Landscaping Details (Drawing No. 8732-0003 Rev C) are not approved.

Prior to the commencement of development, details of the species of trees and the tree pits and planting details shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: For the avoidance of doubt and in the interests of proper planning. The mix of trees and planting arrangements proposed for the planting along the highway are not approved and will need to be agreed with the Local Planning Authority, in consultation with the Highway Authority, to ensure that the species are appropriate in terms of urban design, without compromising the ability for the highway to be adopted by the Highway Authority. This information is required before development commences as the tree planting specification could have implications for the highway construction.

Condition 2

The development shall only be implemented in accordance with the approved Arboricultural Report and associated Tree Protection Plan, undertaken by Alex Garnham, Hayden's Arboricultural Consultants, dated 19/09/2024. This shall include submission of short written reports to the Local Planning Authority following each supervisory visit by the Applicant's Arboricultural consultant as set out in Paragraph 5.9.1.

Reason: To ensure existing trees, shrubs and hedges that are identified for retention are protected as they are considered essential to enhance the character of the development and for their ecological value.

Condition 3

The development shall only be carried out in accordance with all the Soil Management Strategy specified within the Soil Resource Plan (October 2024) produced by Tim O'Hare Associates. A competent professional shall be appointed to oversee and supervise all stages of the soil management plan, producing a short written report following each supervisory visit to the site, a copy of which shall be provided to the Local Planning Authority.

Prior to the first beneficial use of the roads hereby approved, a verification report, produced by a competent person, that demonstrates the effectiveness of the soil management measures must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that soils on site are managed appropriately and to ensure that a suitable soil profile is produced to help enable healthy root growth and successful plant establishment.

Condition 4

Prior to development above ground level, details of the management arrangements for the ornamental shrub planting between the footway and the carriageway, shown on Spine Road Area 1 Soft Landscaping (Drawing No. 8732-0001 Rev C) at the entrance to the site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that appropriate management arrangements are in place for the on-going management and maintenance of the ornamental shrub planting.

Positive and Proactive Statement

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.

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

Braintree District Local Plan 2013 - 2033

SP1 Presumption in Favour of Sustainable Development

SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP18	Strategic Growth Location - Land East of Broad Road, Braintree
LPP42	Sustainable Transport
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

Dated: 10.1.2025 Signed:

Sarah Ashton
Head of Planning
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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) 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.

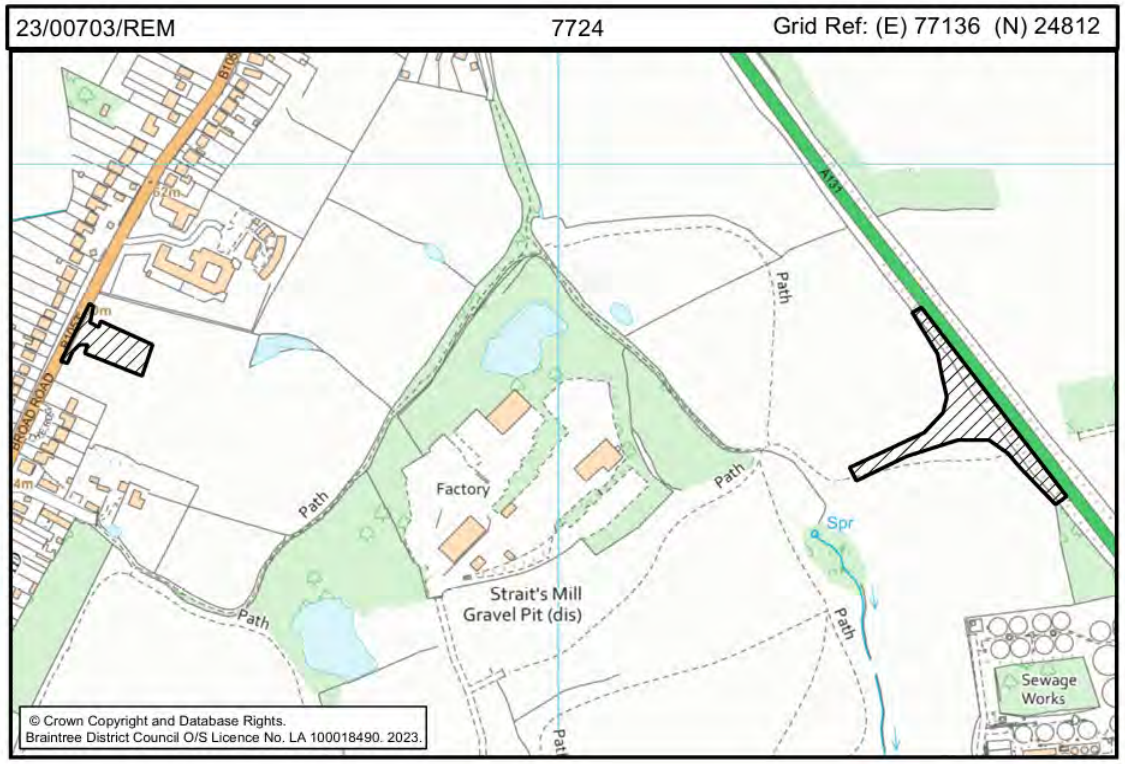
Planning Decision Notice

Braintree District Council

Agenda Item: 5a

Report to: Planning Committee		
Planning Committee Date: 7th January 2025		
For: Decision		
Key Decision: No	**Decision Planner Ref No:** N/A	
Application No:	23/00703/REM	
Description:	Application for approval of Reserved Matters (in respect of layout, scale, landscape and appearance) for a section of spine road from the approved Broad Road and A131 accesses, pursuant to outline planning permission 18/01318/OUT granted 31.01.2021 (see Paragraph 6.2 for the full description of the proposal).	
Location:	Land East Of Broad Road, Braintree	
Applicant:	Gallagher Estates Ltd, C/O Agent	
Agent:	Mr Paul Derry, Barton Willmore, now Stantec, St Andrews House, St Andrews Road, Cambridge, CB4 1WB	
Date Valid:	14th March 2023	
Recommendation:	It is RECOMMENDED that the following decision be made: ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) **Agree** the Recommendation b) **Vary** the Recommendation c) **Overturn** the Recommendation d) **Defer** consideration of the Application for a specified reason(s)	
Appendices:	**Appendix 1**:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 312774, or by e-mail: neil.jones@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the Applicant for the determination of the application. There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.
Legal Implications:	If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision. Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable. All relevant policies are set out within the report, within Appendix 2.
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to: a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a). The consideration of this application has not raised any equality issues.

Background Papers:	The following background papers are relevant to this application include:
	
	▪ Planning Application submission:
	  ▪ Application Form
	  ▪ All Plans and Supporting Documentation
	  ▪ All Consultation Responses and Representations
	
	The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/00703/REM.
	
	▪ Policy Documents:
	  ▪ National Planning Policy Framework (NPPF)
	  ▪ Braintree District Local Plan 2013-2033 Neighbourhood Plan (if applicable)
	  ▪ Supplementary Planning Documents (SPD's) (if applicable)
	
	The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.
	
	The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.

1. EXECUTIVE SUMMARY

1.1 This application seeks approval of the Reserved Matters (Appearance, Landscaping, Layout and Scale) in two relatively small areas, for two sections of highway, each 50 metres long, that will continue the highway into the development site from the two accesses that were approved when the Council granted Outline planning permission for the larger 66 hectare site.

1.2 The Outline planning permission allows for the development of a mixed-use development on the wider 66 hectare site containing up to 1,000 residential dwellings; land for new primary school and early years/childcare facilities; a local centre including retail uses; land for the provision of employment use; creation of two vehicular access points from the A131/Broad Road; cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; and open space and landscaping.

1.3 Condition 1 of the Outline planning permission required that an application for approval of the first Reserved Matters shall be made not less than 2 years from the 31st March 2021 when Outline planning permission was granted. This application for approval of the Reserved Matters for two parts of the site was validated on 14th March 2023.

1.4 Officers consider that the proposed sections of highway are consistent with the approved Design Code and do not conflict with planning conditions or obligations from the Outline planning permission. There are no objections from statutory consultees to the proposals.

1.5 The proposed carriageway and footways are compliant with Essex Highways design guidance in principle, although further technical design work will need to be undertaken as part of the highway works agreement with the Highway Authority in order that the road can be offered for adoption by Essex County Council, but this can be dealt with by planning conditions.

1.6 Accordingly it is recommended that the Reserved Matters are approved.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager. The application is the first application for approval of Reserved Matters on a major mixed-use development.

2.2 The application site forms part of a larger site of 66 hectares which has planning permission for a mixed-use development, under Application Reference 18/01318/OUT. The Outline planning permission allows for the development of up to 1,000 residential dwellings; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; and open space and landscaping.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application is linked to a site which received outline permission for mixed-use development including the provision of 1,000 homes in March 2021 (Application Reference 18/01318/OUT). This site has now been allocated for development under Policy LPP18 of the Adopted Local Plan.

5.2 Two accesses were approved under the Outline planning application: one in the east onto the A131; and one in the west onto Broad Road. The approved eastern access would enter the site through the hedge that borders the A131 into an open field which it is understood has previously been used to take a hay crop. A water treatment works is situated to the south of this site entrance.

5.3 The western application site consists of agricultural land located to the east of Broad Road. Larchwood care home is located to the North, and existing housing to the South. This land was also previously used for agriculture, which continues to the East of the application site. The tree belt to the West of the site boundary consists of a mix of mature and semi mature deciduous trees, some of which are subject to a TPO, and hedgerow.

6. PROPOSAL

6.1 This application seeks approval for the remaining Reserved Matters (Appearance, Landscaping, Layout and Scale) for two areas of land immediately adjacent the already approved accesses, to provide 50m of spine road in both directions into the site.

6.2 The full description of the proposal is as follows:

Application for approval of Reserved Matters (in respect of layout, scale, landscape and appearance) for a section of spine road from the approved Broad Road and A131 accesses, pursuant to outline planning permission 18/01318/OUT granted 31.01.2021 for: Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment.

6.3 The application also includes the submission of details concurrently required under the following conditions of the Outline planning permission:

Condition 4:	Proposed finished levels relative to existing levels
Condition 5:	Landscaping scheme and specification
Condition 6:	Broadband Strategy relating to this phase
Condition 8:	Construction Environmental Management Plan
Condition 9:	Biodiversity Enhancement Strategy
Condition 11:	Tree Survey covering all trees influenced/affected
Condition 12:	Ecological Survey Updates

7. SUMMARY OF CONSULTATION RESPONSES

External Consultee(s)

7.1 Anglian Water

7.1.1 No comments received.

7.2 Essex Police

7.2.1 No objections.

7.3 Ramblers Association

7.3.1 No comments received.

BDC Consultee(s)

7.4 BDC Ecology

7.4.1 Confirm no objection. Comment that the landscaping details are consistent with the requirements of Conditions 8 and 9 of the Outline consent. A query is raised as to whether street lighting will be included in the scheme, in line with Condition 43 of the Outline permission, as if this is the case, full technical specifications would be required to ensure that lighting is directed away from any sensitive habitats used by bats.

7.5 BDC Environmental Health

7.5.1 No comments received.

7.6 BDC Waste Services

7.6.1 No objection (standard comments reiterating requirements for detailed design of the residential areas).

ECC Consultee(s)

7.7 ECC Archaeology

7.7.1 No objection. Comment that the Spine Road of Broad Road is in an area believed to contain remains of Roman origin. Condition 14 of the Outline consent already requires separate Written Schemes of Investigation for all phases of the development programme and ensures that a programme of archaeological investigation and recording will need to be carried out, as well as for the remainder of the site in situations where archaeological remains may be preserved.

7.8 ECC Highways

7.8.1 No objection. The drawings originally submitted included details of a verge at cross section A1 to A2 at 2.9m width, not the required 3m. The Applicant submitted a revised drawing to address this point.

7.8.2 The proposed spine road layout is now considered to be acceptable to the Highway Authority, however, the remainder of the information submitted should be assessed as part of a highway works agreement following the granting of planning permission. Therefore, from a highway point of view, were you minded to grant planning permission, I would urge you to exclude these details from the planning permission.

7.9 ECC SuDS

7.9.1 Confirm no comments.

8. PARISH / TOWN COUNCIL

8.1 N/A.

9. REPRESENTATIONS

9.1 A total of 15 representations have been received, 14 in objection and one in comment. Most of these representations raise concerns regarding issues and principles which have already been accepted under the Outline planning permission, such as construction traffic, impact on services (schools, doctors, dentists), general impacts upon wildlife, capacity of the drainage network, wear to the highway network, loss of trees, contaminated land risks and use of Convent Lane. Key points pertinent to this Reserved Matters application are summarised below:

- Trees planted on the spine road will not replace those lost.

10. PRINCIPLE OF DEVELOPMENT

10.1 In this case the principle of development and the accesses onto the A131 and Broad Road have been established under the Outline planning permission. As such, it is only the Reserved Matters of Appearance, Layout, Scale and Landscaping for both sections of the spine road which are the subject of consideration within this application.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

11.1.1 To the A131, the spine road presents as a 6.75m wide carriageway surfaced in grey asphalt, lined by 3m verges either side. A 2m buff coloured asphalt footway would be provided beyond this in the north with a 3.5m shared footway/cycleway also in buff coloured asphalt to the south; both connecting to the already approved footways to the access.

11.1.2 To Broad Road, the spine road carriageway has an initial width of 7.85m which tapers down to 6.75m on entering the development. The carriageway is also shown to be surfaced in grey asphalt, with verges on either side of the carriageway punctuated by a grey asphalt vehicle crossovers to allow vehicular access to a private drive that would serve dwellings which could front onto Broad Road. The verge would again be 3m wide, with a 2m buff coloured asphalt footway to its southern side, and a shared 3.5m buff coloured asphalt footway/cycleway to its northern side.

11.1.3 Details have been provided showing existing levels, with both sites being very gently sloping. The finished sections would slope slightly upwards to the A131 and slope slightly downwards to Broad Road.

11.1.4 Plans have been submitted showing the proposed sections overlain upon the approved Parameters Plans for Land Use & Access. This demonstrates

that the positioning of the spine road sections is compliant with the agreed parameters (Drawing No. 9600 M) at Outline stage; as required by Condition 2 of Application Reference 18/01318/OUT.

11.1.5 Condition 2 of the Outline planning permission also requires that Reserved Matters applications demonstrate compliance with the Design Code approved at the time. Drawing No. BM-M-05 shows the application superimposed upon the Landscape Strategy Plan featured on Page 35 of the Design Code and demonstrates compliance with this. The application also complies with the 'Feeder - Spine Road Treatment' specification and sections featured on Page 28 of the Design Code. In terms of the 'Central Spine Area' which is identified on Page 62 of the Design Code, the proposals conform with 'Typology A – Spine Road Treatment 2', which shows a continuous avenue of regularly spaced trees within a grass verge.

11.1.6 The application also accords with the Housing Phasing, Infrastructure Phasing and Open Space Strategy approved under Schedule 1, Clause 2.2 and 2.3 of the Section 106 Agreement. Furthermore, Condition 3 of the Outline planning permission requires that development is carried out in accordance with the approved Phasing Plan (Application Reference 22/03054/DAC). This Plan shows the spine road section to the A131 access to be provided first under Phase 1A. This is then be followed by wider development of the site, including the section of spine road adjacent Broad Road in Phase 1B.

11.2 Landscaping

11.2.1 The soft landscaping plan for the A131 section show the verges would be seeded with a flowering lawn seed mixture. 2no. Zelkova Serrata trees are proposed set opposite each other (4no. in total) to form an avenue.

11.2.2 The soft landscaping plan for the Broad Road section shows the vehicular crossovers. Beyond this, the verge would resume a similar format to the other spine road section, with 3no. Zelkova Serrata trees (6no. in total) planted in parallel to form an avenue and a flowering lawn mix beneath. The Broad Road entrance shows ornamental shrub planting on either side of the road in the verge to create an additional attractive design feature.

11.2.3 The submission originally proposed different trees to the A131 section of spine road as to the Broad Road section. However, it was noted that the Design Code that the Central Spine Road is specified to use a single species of trees for consistency and rhythm. The approved Design Code identifies trees that the Council considered were acceptable for use on the spine road. From the approved tree species Zelkova Serrata was the Applicant's preference over the other choice (Ulmus Americana Princeton) as its disease resistance capabilities are better understood in the UK.

11.2.4 Whilst Zelkova Serrata (common name: Japanese zelkova) is not a native tree, it is listed in the Planting Palette as an appropriate selection on Page 45 of the approved Design Code. The Royal Horticultural Society describe

its ultimate height as 12m and spread as 8m. It has good autumn colour and distinctive architectural habit. It has no known establishment issues, such as sap, berries, shallow rooting habit, pest or disease susceptibility. It is highly tolerant of heat, nutrient poor and drought conditions once established.

11.2.5 The application has been reviewed by the Council's Landscape and Arboricultural consultants - Wynne Williams Associates (WWA). In relation to the revised submission, they state that they are satisfied with the proposed mix of shrub planting now proposed, addressing their original concern about the robustness of the shrub planting and the potential vulnerability of a single species to disease.

11.2.6 Whilst the Design Code has approved the use of Zelkova Serrata, the Highway Officer has advised Officers that further investigation has revealed that the Highway Authority may not approve of the use of the tree species within the highway. Whilst they do not object to the application, if this tree were specified it could prevent the Highway Authority from adopting the spine road in the future.

11.2.7 The Highway Officer advises that the Applicant will need to agree details of the street trees as part of the highway works agreement if the spine road is to be adopted. Whilst the plans can be approved in respect of the number and arrangement of the trees, as they will contribute towards the creation of a formal tree lined avenue as the Design Code intended, the details of the type of trees and tree pit details should be conditioned so that Officers can work with the Applicant and Highway Authority to agree the planting details and ensure that adoption of the spine road remains feasible.

11.2.8 The Highway Officer has also indicated that the proposed ornamental shrub planting at the Broad Road entrance would not be adopted by the Highway Authority and could present a further issue with the adoption of the spine road. Planning Officers would like the feature to be provided if possible and it is possible that a solution could be found whereby suitable management arrangements can be agreed and the shrub planting can be provided and maintained by the developer / a Management Company without preventing the adoption of the spine road. A further condition is recommended to confirm management arrangements for the ornamental planting.

11.2.9 The Environmental Statement that accompanied the Outline planning application identified a risk that development activity could damage soil structures on the site, which could in turn adversely affect the success of the proposed landscaping scheme. The Council's standard landscaping condition was amended to additionally require that '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'.

11.2.10 The Applicant has provided a Soil Resource Plan that has been produced by a suitably qualified professional. The plan acknowledges that soils on the site will be susceptible to damage during construction if not properly managed. The plan goes on to set out clearly how soils should be removed during construction, how the ground should be prepared after construction, and how the soil should be reinstated and prepared before planting. The soil specialist is satisfied that providing the plan is followed, the soil can retain its ecosystem services and functions in compliance with Condition 5 of the Outline consent and be used to successfully support future landscaping. Because the report makes it clear that the plan must be carefully followed at each stage to ensure that the soils retain their properties, it is recommended that a condition is imposed which requires that a competent professional be appointed to oversee the management of soils within the phase and that a verification report is produced at the end of the process to confirm that the soils have been correctly handled and reinstated.

11.3 Trees

11.3.1 The application was accompanied by an updated tree survey and report on the potential impacts of the development on trees. The initial report produced by the Applicant's Arboricultural consultant discussed potential impacts on several trees. The report was reviewed by the Council's Arboricultural consultant - Wynne Williams Associates (WWA) who stated that the report was considered well detailed and fit for purpose. They did however raise concerns about the potential for construction activity to harm trees which were indicated to be retained.

11.3.2 The Applicant subsequently produced a further Tree Survey, Arboricultural Implication Assessment and Arboricultural Method Statement. This correctly identified that the trees which were initially shown to be at risk of root damage were actually identified for removal when the Outline planning permission was granted. The Committee Report stated that the proposed site access point would require tree removal. 'For Broad Road this would consist of the removal of 4no. Category B TPO trees and for the A131 a section of the existing tree belt.'

11.3.3 The proposals to extend the spine road into the site would not result in the loss of any more trees and hedge than had been identified during the Outline planning application. The Applicant's report recommends that prior to the commencement of construction, protective fencing should be erected, as shown on their Tree Protection drawing. Furthermore, it is recommended that the development should be monitored regularly by a competent arboriculturist to ensure that the installation and maintenance of protective measures are followed.

11.3.4 Condition 11 of the Outline planning permission requires that where possible there is a net gain of new tree and hedge planting in each phase of the development. Given the limited size of the site and the nature of the proposed development, there is a limit on the extent of new planting that is

possible, but Officers are satisfied that the proposals are appropriate given what is achievable in the area available.

11.4 Ecology

11.4.1 As part of the Outline planning application a detailed baseline ecological assessment was provided for the site, which identified features and habitats of ecological value. Condition 9 of the Outline planning permission requires that a Biodiversity Enhancement Plan is provided with each phase of the development.

11.4.2 The Applicant's ecologist has provided this, having first undertaken a walkover ecology field survey of the two areas and land immediately adjoining the application site. The Applicant's ecologist concluded that this initial phase of the development is small scale and relatively isolated in ecological terms and provides very limited opportunity for meaningful biodiversity enhancement. The Design Code requires an avenue of trees along the spine road, which can in time provide a local wildlife corridor. To maximise the biodiversity value within the small, tightly drawn application sites, it is also proposed that the verges below the tree canopies would be seeded with a flower rich grass seed mix which can also contribute to the wildlife corridor function.

11.4.3 The Council's Ecologist and Landscape Consultant are supportive of the details shown. The Council's Ecologist has queried whether details of the Lighting Scheme are required at this stage. A Lighting Scheme is required prior to commencement under Condition 43 of the Outline planning permission, but not concurrently with the Reserved Matters.

11.4.4 The Agent was invited to submit a Lighting Scheme early, as part of this application, however they declined to do so. They did acknowledge that, were the submitted details to be agreed, this would fix the location of the trees. The approved details would therefore take precedence and could not then be changed later in response to lighting considerations without a Non-Material Amendment application or a Section 73 Application.

11.4.5 Whilst Officers would have preferred to consider the trees and lighting details together, they cannot insist upon it. The Design Code (Page 44) makes it clear that the Lighting Strategy should coordinate with tree locations and vice versa to ensure adequate unobstructed soil rooting volumes are maintained. As all the reserved matters must demonstrate compliance the Design Code, failure to do so may result in a breach of Condition 2 of the Outline consent; this therefore offers sufficient protection in this regard.

11.5 Highway Considerations

11.5.1 The Outline planning permission approved two detailed vehicular access points to the site: a primary roundabout access from the A131 and a secondary junction access from Broad Road. This application provides

details of the Reserved Matters for a further 50m of spine road extending into the site from the accesses that were approved as part of the Outline planning permission. Ultimately these sections of spine road on the eastern and western side of the site would be connected to provide a spine road across the site. The details submitted show carriageway and footway widths which comply with the Design Code and Condition 49 of the Outline planning permission which requires a 6.75m width spine road carriageway. Vehicle crossovers are also compliant with ECC standards and provide tactile paving either side for blind and visually impaired users.

11.5.2 Officers have discussed the position of the Highway Authority further in respect of the proposals with the Highway Officer, particularly in respect of the highway being adoptable by the Highway Authority. Whilst the Highway Officer has confirmed that the proposed layout is acceptable in principle, the Highway Authority will only assess the technical details if the developer applies for them to adopt the spine road. As a result, the Highway Authority are unable to confirm that the details of the planting within / adjacent to the proposed highway, and the detailed highway design and construction, would be acceptable for adoption. These details would need to be agreed with the Highway Authority as part of an application for a highway works agreement. Whilst the Council cannot require that the spine road is adopted by the Highway Authority, this is considered to be preferable and the Council would not want to approve details that would either prevent the spine road being adopted, or require further, avoidable, planning applications to amend details at a later stage to meet adoption requirements. Noting the Highway Officers advice, Officers recommend that the details of the highway design are not approved. The Council have no need to approve the technical highway details, however the Council would want to approve the planting details, so as stated previously, a condition is recommended in this respect.

11.6 Broadband

11.6.1 In respect of the Broadband compliance condition, the Applicant has contacted broadband providers to ensure that broadband can be provided to the site. The two providers contacted have confirmed they can provide broadband with speeds of up to 1gbps.

11.6.2 This application does not include any housing so no broadband needs to be provided, however the Applicant has confirmed that ducting within footways would be provided within the works to ensure broadband provision is future proofed.

12. CONCLUSION

12.1 The application site is located within a larger site that already benefits from Outline planning permission. The Outline planning permission requires that the development of the site follows the approved Design Code for the site.

12.2 The proposed road, verge and footways comply with the approved Design Code and provide a continuation of the two accesses approved by the Outline planning permission. The Council and the Applicant want to ensure that the spine road can be offered for adoption by the Highway Authority when built. Some of the technical design, construction and management aspects of the highway would need to be agreed through a highway works agreement that the developer will enter into with the Highway Authority, if the road is to be adopted. Conditions are recommended that details of planting and future management of the planting are agreed in parallel through planning conditions. This condition will be in addition to the 54no. planning conditions on the Outline planning permission, some of which will apply to the works to provide these sections of the spine road.

12.3 No additional trees or hedges would need to be removed to facilitate the construction of these sections of the spine road, and appropriate tree protection measures can be used to protect retained trees.

12.4 There are no objections from statutory consultees and approval of the application is recommended, which it is anticipated will assist in bringing the site forward and delivery of the wider scheme.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Landscape Specification	8732-0001	C
Landscape Specification	8732-0002	B
Tree Plan	11138	A
Landscape Plan	8732-0003	C
Location Plan	BL-M-03	N/A
Landscape Specification	8732-0004	B
Highway Plan	TPHS/344/DR/001	E
Highway Plan	TPHS/344/DR/002	C
Biodiversity Details	AEL1151	N/A
Other	Broadband Strategy	July 2023
Other	Construction Ecological Management Plan	AEL1151 Version 1.0
Other	Soil Resource Plan - TOHA/24/8735/AC	2

Condition(s) & Reason(s)

Condition 1
Approved Plan(s) / Document(s)

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above, except as follows:

- The tree species shown on the following drawings: Spine Road Area 1 Soft Landscaping (Drawing No. 8732-0001 Rev C); and Spine Road Area 2 Soft Landscaping (Drawing No. 8732-0002 Rev B) are not approved; and

- The tree pit and tree planting details shown on the Spine Road Soft Landscaping Details (Drawing No. 8732-0003 Rev C) are not approved.

Prior to the commencement of development, details of the species of trees and the tree pits and planting details shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: For the avoidance of doubt and in the interests of proper planning. The mix of trees and planting arrangements proposed for the planting along the highway are not approved and will need to be agreed with the Local Planning Authority, in consultation with the Highway Authority, to ensure that the species are appropriate in terms of urban design, without compromising the ability for the highway to be adopted by the Highway Authority. This information is required before development

commences as the tree planting specification could have implications for the highway construction.

Condition 2
Implementation of Approved Tree Report

The development shall only be implemented in accordance with the approved Arboricultural Report and associated Tree Protection Plan, undertaken by Alex Garnham, Hayden's Arboricultural Consultants, dated 19/09/2024. This shall include submission of short written reports to the Local Planning Authority following each supervisory visit by the Applicant's Arboricultural consultant as set out in Paragraph 5.9.1.

Reason: To ensure existing trees, shrubs and hedges that are identified for retention are protected as they are considered essential to enhance the character of the development and for their ecological value.

Condition 3
Management of Soils

The development shall only be carried out in accordance with all the Soil Management Strategy specified within the Soil Resource Plan (October 2024) produced by Tim O'Hare Associates. A competent professional shall be appointed to oversee and supervise all stages of the soil management plan, producing a short written report following each supervisory visit to the site, a copy of which shall be provided to the Local Planning Authority.

Prior to the first beneficial use of the roads hereby approved, a verification report, produced by a competent person, that demonstrates the effectiveness of the soil management measures must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that soils on site are managed appropriately and to ensure that a suitable soil profile is produced to help enable healthy root growth and successful plant establishment.

Condition 4
Management Arrangements for Ornamental Planting in the Highway

Prior to development above ground level, details of the management arrangements for the ornamental shrub planting between the footway and the carriageway, shown on Spine Road Area 1 Soft Landscaping (Drawing No. 8732-0001 Rev C) at the entrance to the site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that appropriate management arrangements are in place for the on-going management and maintenance of the ornamental shrub planting.

Positive and Proactive Statement

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.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP18	Strategic Growth Location - Land East of Broad Road, Braintree
LPP42	Sustainable Transport
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
18/01318/OUT	Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment.	Granted with S106 Agreement	31.03.21
21/02766/DAC	Application for approval of details as reserved by conditions 3 of approved application 18/01318/OUT	Granted	15.12.21
22/03054/DAC	Application for approval of details reserved by condition 3 of approval 18/01318/OUT	Granted	28.02.23
22/03102/S106A	Application made under Section 106a of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning	Withdrawn	12.09.23

	Obligations) Regulations 1992 (as amended) - Application to discharge details required under Schedule 1 Cl.2.1 of S106 Legal Agreement relating to 18/01318/OUT.		
23/00692/REM	Application for the approval of reserved matters for phase 1a (infrastructure) (matters relating to layout, scale, appearance and landscaping) for the installation of a section of the spine road linking into the approved access works connecting to the A131 and associated works pursuant to outline planning permission 18/01318/OUT granted 31.03.2021 for: Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an	Withdrawn	24.01.24

	Environmental Impact Assessment.		
24/02309/NMA	Non-Material Amendment to permission 18/01318/OUT granted 31/03/21 for: Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment. Amendment would allow: - Removal of condition 40 (bat licence) following fire damage and associated demolition	Pending Consideration	

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2E: Land Rear of Gilda Terrace Braintree Reserved Matters Planning Committee Report and Minutes

Minutes

Planning Committee
7th May 2024

Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	A Hooks	Apologies
J Beavis	Yes	A Munday	Yes
K Bowers	Yes	I Parker (Chairman)	Apologies
L Bowers-Flint	Yes	F Ricci	Yes
T Diamond	Yes	P Schwier	Yes
M Fincken	Yes	G Spray	Yes
D Holland (Vice-Chairman in the Chair)	Yes		

Substitute

Councillor G Prime attended the meeting as a substitute for Councillor I Parker.

1 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

2 **MINUTES**

DECISION: It was reported that the Minutes of the meeting of the Planning Committee held on 16th April 2024 were not available for approval.

3 **QUESTION TIME**

INFORMATION: One statement was made about the following application. The statement was made immediately prior to the Committee's consideration of the application.

Application No. 22/03402/REM – Land rear of Gilda Terrace, Rayne Road, Braintree

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

For further information regarding these Minutes please contact the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk

4 **PLANNING APPLICATIONS APPROVED**

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

Plan No.	**Location**	**Applicant(s)**	**Proposed Development**
*24/00284/FUL (APPROVED)	Witham	SCL Property LLP	Change of use of commercial unit (Use Class E (g) (iii) and associated Class B8 and Class E (g)) to Flexible Use Classes E (g) (iii) and associated Class B8 and Class E (g), B2 and B8, Appledale, 1 Eastways.

The Committee approved this application, subject to the addition of a Condition as follows:-

Additional Condition

5. The rating level (LAr) for normal operational noise determined in accordance with BS 4142:2014+a1:2019, as amended, shall not exceed the background noise level (LA90, 15mins) at any time.

   Any noise from fixed external plant and equipment shall not be greater than 10 dB below the background noise level measured at the boundary of the nearest noise sensitive property including for any tonal or intermittency penalties in accordance with BS 4142:2024+A1:2019 as amended.

Plan No.	**Location**	**Applicant(s)**	**Proposed Development**
*24/00423/HH (APPROVED)	Braintree	Mr and Mrs Scott	Single storey front extension and reduction in size of ground floor front window, 32 Dorewards Avenue.

5 **SECTION 106 AGREEMENT**

Plan No.	Location	Applicant(s)	Proposed Development
*22/03402/REM (APPROVED)	Braintree	Crest Nicholson (Eastern)	Application for the approval of reserved matters (in respect of layout, scale, appearance and landscaping) for the erection of 120 dwellings, including works to ground levels, pursuant to outline planning permission 18/01065/OUT granted 27/7/21 for residential development (C3) for up to 120 dwellings with all matters reserved except access and the demolition of nos. 27 and 29 Gilda Terrace, land rear of Gilda Terrace, Rayne Road.

DECISION:

(1) That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Term:

- To secure the long-term management of the landscape buffer area required by Condition No.5.

- To secure an indemnity for refuse vehicles on private roads should any damage occur.

(2) That, subject to the submission and determination of a Section 73 application to vary the approved Parameter Plans attached to outline consent 18/01065/OUT and the submission and determination of an application for a sub-station

the Planning Development Manager, or an authorised Officer, be authorised to grant planning permission for the reserved matters in accordance with the approved plans and documents and the conditions and reasons set out in the Agenda report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the Planning Committee's decision, the Planning Development Manager be authorised to

refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to an additional Condition and to the Approved Plans being updated, as follows:-

Additional Condition

8. Prior to any above groundwork, an external lighting design scheme 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 that are 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 whilst also providing an appropriate level of lighting for safety and the amenity of residents.

   Prior to occupation, all external lighting shall be installed in accordance with the specifications and locations set out in the scheme and thereafter maintained in accordance with the scheme.

Amended Approved Plans

Management Company Plan - CN082-PL-105 E
Biodiversity Compensation and Enhancement Strategy - CREST24002_BCES Rev A

6 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report. Details of this planning application are contained in the Register of Planning Applications.

Plan No.	**Location**	**Applicant(s)**	**Proposed Development**
*22/03366/OUT (REFUSED)	Greenstead Green	Mr R Catchpole	Outline application for the erection of 34 dwellings (including 24 market units and 10 social affordable units) with permission sought for access and drainage, Halstead Hall, Braintree Road.

Members of the Planning Committee were advised that an appeal had been lodged with the Planning Inspectorate against the non-determination of this application and

that the Local Planning Authority could not determine it.

The Planning Committee agreed that if it had been able to determine the application it would have been refused for the Reasons contained in the Planning Development Manager's report. The Reasons for Refusal are as follows:-

Reasons for Refusal

1. The proposed development is located outside of any defined settlement boundary. In such locations, only proposals that are compatible with and appropriate to the rural areas will be permitted. The proposal is not one of those forms of development and therefore would represent an encroachment into the countryside and an unacceptable form of urbanisation, accentuated by the loss of, and harm to, a number of trees on the site, to the detriment of the character and appearance of the area. On this basis, the proposal is contrary to the National Planning Policy Framework and Policies SP1, SP3, SP7, LPP1, LPP42 and LPP52 of the Adopted Braintree District Local Plan (2013-2033).

2. The applicant has not demonstrated that they could satisfactorily accommodate 34 dwellings on the application site. The proposed layout would result in an unacceptable level of amenity for future occupiers, both in terms outlook, garden layout and noise from the A131. The proposed development would therefore give rise to inadequate living conditions and would conflict with Policy LPP52 of the Adopted Braintree District Local Plan (2013-2033) and the National Planning Policy Framework.

3. The proposal fails to provide sufficient information regarding ecological features within the site, contrary to Policies LPP23 and LPP64 of the Adopted Braintree District Local Plan (2013-2033) and the National Planning Policy Framework.

4. Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

   - On-site Affordable Housing;
   - A financial contribution towards outdoor sport, equipped play and allotments;
   - Provision of on-site informal and amenity open space, plus ongoing maintenance;
   - A financial contribution to mitigate the impacts of increased demand upon health services;
   - A financial contribution towards early years and childcare, primary education and library improvements;
   - The indemnification of damage caused by public refuse vehicles;
   - A financial contribution to mitigate recreational impacts upon European wildlife sites; and
   - Monitoring fees for each planning obligation.

   These requirements would need to be secured through planning obligations

pursuant to Section 106 of the Town and Country Planning Act 1990. At the time of issuing this decision no legal agreement or unilateral undertaking had been completed. In the absence of securing such planning obligations, the proposal is contrary to Policies SP6, LPP31, LPP50 and LPP78 of the Adopted Braintree District Local Plan (2013-2033), the Open Space Supplementary Planning Document (2009) and Essex County Council's Developers' Guide to Infrastructure Contributions (2020).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and setting these out clearly in the reason(s) for refusal. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 8.40pm.

Councillor D Holland
(Vice-Chairman in the Chair)

Braintree
District Council

PLANNING COMMITTEE
AGENDA

Tuesday, 7th May 2024 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:
http://www.braintree.gov.uk/youtube

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor J Abbott
Councillor J Beavis
Councillor K Bowers
Councillor L Bowers-Flint
Councillor T Diamond
Councillor M Fincken
Councillor D Holland (Vice-Chairman)
Councillor A Hooks
Councillor A Munday
Councillor I Parker (Chairman)
Councillor F Ricci
Councillor P Schwier
Councillor G Spray

Substitutes: Councillor M Green, Councillor J Hayes, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor M Staines, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright.

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than 24 hours before the start of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI)

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

Public Question Time - Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration **online form** by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

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

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

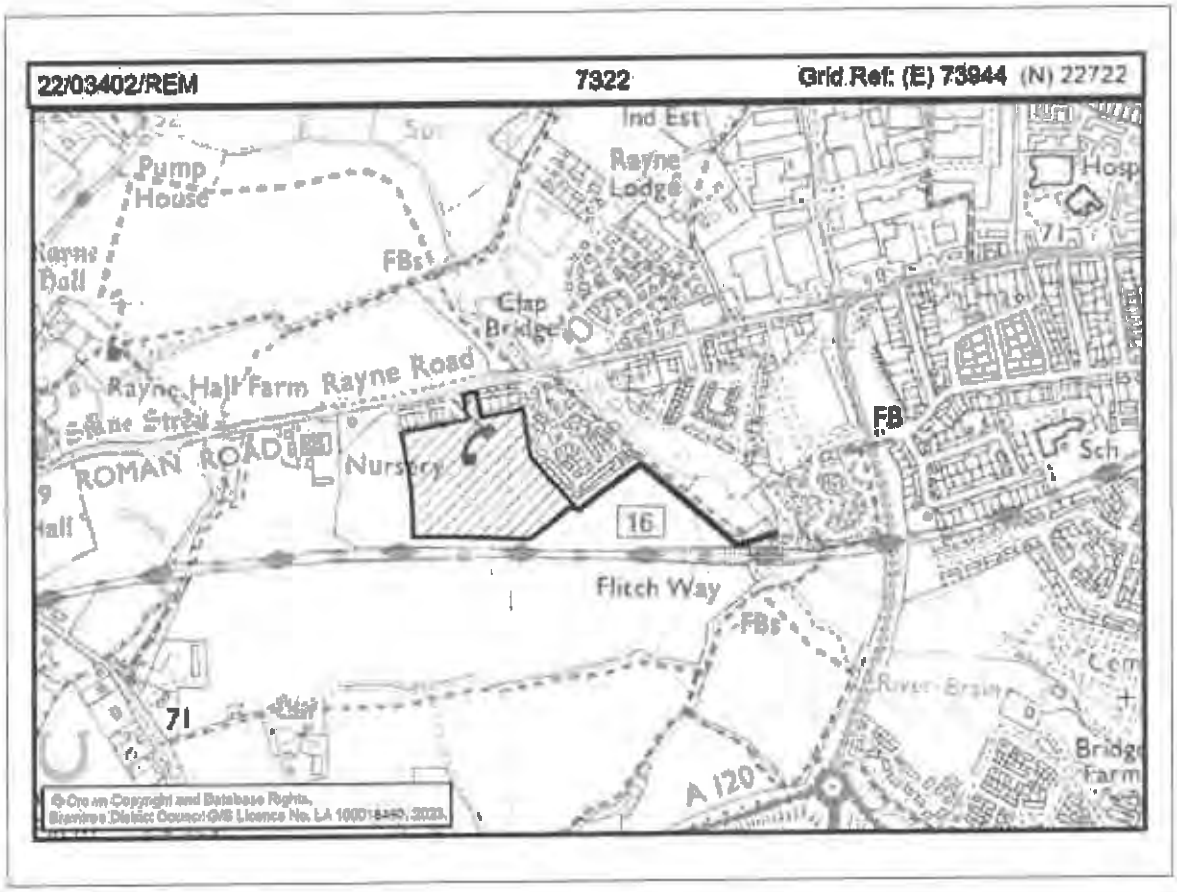
Further information on Public Question Time is available on the Council's website.

Braintree District Council

Agenda Item: 5b

Report to: Planning Committee		
Planning Committee Date: 7th May 2024		
For: Decision		
Key Decision: No	**Decision Planner Ref No:** N/A	
Application No:	22/03402/REM	
Description:	Application for the approval of reserved matters (in respect of layout, scale, appearance and landscaping) for the erection of 120 dwellings, including works to ground levels, pursuant to outline planning permission 18/01065/OUT granted 27/7/21 for residential development (C3) for up to 120 dwellings with all matters reserved except access and the demolition of nos. 27 and 29 Gilda Terrace.	
Location:	Land Rear of Gilda Terrace Rayne Road Braintree	
Applicant:	Crest Nicholson (Eastern), Academy Place, 1 - 9 Brook Street, Brentwood, CM14 5NQ	
Agent:	Mr Michael Smith, JCN Design & Planning, 2 Exchange Court, London Road, Feering, CO5 9FB	
Date Valid:	15th December 2022	
Recommendation:	It is RECOMMENDED that the following decision be made: ▪ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) **Agree** the Recommendation b) **Vary** the Recommendation c) **Overturn** the Recommendation d) **Defer** consideration of the Application for a specified reason(s)	
Appendices:	**Appendix 1:**	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Mathew Wilde For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2512, or by e-mail: mathew.wilde@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the Applicant for the determination of the application. As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.
Legal Implications:	Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report. If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision. Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable. All relevant policies are set out within the report, within Appendix 2.
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a). The consideration of this application has not raised any equality issues.
Background Papers:	The following background papers are relevant to this application include: ▪ Planning Application submission: ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/03402/REM. ▪ Policy Documents: ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013 - 2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/. The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.

1. EXECUTIVE SUMMARY

1.1 The proposal is for a Reserved Matters application relating to the land rear of Gilda Terrace, positioned to the west of the town of Braintree and to the east of the village of Rayne. The original outline application (Application Reference 18/01065/OUT) was allowed on appeal on 27th July 2021 for up-to 120 dwellings, with the demolition of No.27 and 29 Gilda Terrace to facilitate a larger access from Gilda Terrace to serve the development. This Reserved Matters application proposes 84 market dwellings and 36 affordable dwellings (totalling 120 units).

1.2 The proposal includes works to ground levels which are necessary owing to the site topography, which includes a substantial slope with the steepest section reaching a gradient of 1 in 10. This level change exceeds maximum road gradients, which means that regrading of the site is required in order to comply with maximum permitted road gradients.

1.3 The Applicant explored a number of different options to regrade the site. The scheme put forward for Members consideration proposes to balance the 'cut' (soil removal) and 'fill' (soil infill) at the site so that no soil needs to be exported off-site. However, this option would require ground raising of around 1m on land behind existing dwellings No.71 to No.31 Gilda Terrace, in order to provide the highest point of the site by the Flitch Way on the southern boundary, with a satisfactory road gradient.

1.4 In order to compensate for this ground raising, the layout of the site was amended during the application process in order to provide a larger buffer between the proposed dwellings (Plots 4-14) and those affected dwellings on Gilda Terrace No.71 to No.31, including a 5m landscape strip. These changes would reduce any detrimental impacts on the amenity of neighbouring properties to a level considered acceptable in planning terms.

1.5 The remaining site has also been designed around the challenging topography; a central spine road and numerous secondary streets which are orientated north – south allow the development to address the nature of the slope (with ground works as above), while east – west level changes are predominantly accommodated in the gardens of the proposed plots with retaining walls and structures. The proposed gardens would still however provide suitable amenity for future occupiers and additional measures such as trellis have been included on those more significant relationships to reduce overlooking at eye level.

1.6 The development is able to adhere to garden space standards, parking standards and Nationally Described Space Standards, as well as delivering tree lined streets in varying ways depending on the street hierarchy.

1.7 The development also proposes solar panels on each dwelling as well as biodiversity enhancements which would assist in securing over 10% Biodiversity Net Gain at the site.

1.8 Overall, Officers consider that the development would achieve good design and layout despite the challenging topography of the site. It is therefore recommended that the Reserved Matters are approved.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3.

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site comprises approximately 4.95ha of land which is located to the west of the town of Braintree and to the east of the village of Rayne. The site is currently undeveloped grassland, although it is understood to have been formerly in agricultural use. Vehicular access to the land is taken through a field gate at the end of an access road that runs south from Rayne Road and passes between the houses on Gilda Terrace.

5.2 Immediately to the north of the application site, running east and west of the access road, is an access lane that runs along the rear of the properties on Gilda Terrace. Along the eastern boundary there are the rear gardens of the residential dwellings on Sun Lido Gardens and Springfields. To the south of the application site lies the Flitch Way. The southern boundary of the application site stops short of the Flitch Way, with the plans showing a corridor approximately 20m wide, running parallel to the Flitch Way.

5.3 To the west of the application site the field continues, with no existing or natural boundary marking the edge of the proposed development site. The red line extends a crooked finger of land to the south east and this is included within the application site only because the Surface Water Drainage Strategy envisages a pipe being laid across the field which will discharge into the River Brain.

5.4 There is a substantial slope across the application site, dropping eleven metres in height over a distance of 290m from the southwest corner (by the Flitch Way) to the northeast corner (near Gilda Terrace). This equates to an average gradient of 3.8% (1 in 26) but does include a much steeper section across the middle that reaches a maximum of 10% (1 in 10). This means that for every 10 metres of forward travel, the level change is 1m in the steepest section.

6. PROPOSAL

6.1 This application seeks Reserved Matters approval for Scale, Layout, Landscaping and Appearance for the erection of 120 dwellings, associated roads and parking, landscaping, drainage infrastructure and public open space. Of the 120 dwellings, 36 dwellings (30%) are proposed to be affordable and 84 dwellings are proposed to be for the open market.

6.2 This Reserved Matters application follows on from Outline planning application (Application Reference 18/01065/OUT) which was allowed on appeal for:

Outline planning permission for residential development (C3) for up to 120 dwellings with all matters reserved except access and the demolition of nos. 27 and 29 Gilda Terrace.

6.3 The Outline planning approval included details of site access, which is to be taken through the gap between dwellings on Gilda Terrace, with the demolition of No.27 and No.29 Gilda Terrace to facilitate a larger access route. The outline application also included an approved Parameter Plan, which sought to secure the land use/distribution at the site, as well as restricting storey heights for certain sections.

6.4 The Reserved Matters application, as revised during the lifetime of the application, is in broad accordance with the approved Parameter Plan; containing the residential development to the approved areas, with open space and SuDS basins in the areas to the south and along the western edge, although there are some minor discrepancies which need to be regularised – this is addressed in Section 11.12 of this report. The development predominantly seeks to provide a back-to-back relationship with existing development on Gilda Terrace and Springfields, while the remaining proposed dwellings are in a grid format, providing new back-to-back relationships and enabling frontage onto open space / green areas and internal streets. 2½ storey dwellings are limited to the central spine road only. The development seeks to achieve tree lined streets as well as parking and garden spaces in accordance with the Essex Design Guide / Essex Parking Standards.

6.5 The Outline planning approval also required details of finished floor levels to be submitted with the Reserved Matters application. Owing to the significant level changes at the site, the development would require works to the ground levels in order to provide appropriate road gradients and suitable access points. This regrading comes in the form of 'cut' (removal of soil) and 'fill' (insertion of additional soil) at different quantities across the site.

6.6 The implications of the levels and required regrading are discussed in detail within the report. By way of summary, a neutral cut and fill is sought, meaning that no spoil is required to be removed off site. However, to achieve neutral cut and fill and still ensure that the site gradients work,

ground raising of an average of 1m would be required on the part of the site which are behind No.71 to No.31 Gilda Terrace. This means that as proposed, Plots 4-14 would be on average 1m higher than the existing ground level. The most significant 'cut' would be for the SuDS attenuation basin on the Southeast corner of the development. In order to compensate for these ground level changes, the Applicant has amended the layout with the intent of reducing the impacts on existing residents on Gilda Terrace as far as possible. These changes are discussed in detail in the report.

6.7 The site also includes a culvert which would connect the surface water from the attenuation basin and discharge it into a lower point in the River Brain.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Active Travel England

7.1.1 No comment.

7.2 Essex Fire and Rescue

7.2.1 Excessive distance to nearest existing fire hydrant – its considered necessary that additional fire hydrants are installed within the curtilage of the site. Access for fire purposes seems sufficient. Recommended instillation of sprinkler systems

7.3 Essex Police

7.3.1 Welcome the opportunity to assist the developer to achieve a Secure by Design homes award.

7.4 National Highways

7.4.1 No objection.

7.5 Natural England

7.5.1 No comments.

7.6 ECC Archaeological Officer

7.6.1 No further recommendations as conditions for archaeological evaluation form part of outline application.

7.7 ECC Highways

7.7.1 Initially provided comments suggesting that some elements of the layout required updating, should adoptable roads be sought.

7.7.2 The developer confirmed that only the central spine road was to be adopted. ECC Highways required that the spine road had a size 3 turning

head at the end. This change was subsequently made after the re-consultation period – formal confirmation is now sought from ECC highways that the turning head inserted is now acceptable. An update will be provided to Members in due course.

7.8 ECC Historic Buildings Consultant

7.8.1 No objection – suggested that more scattered planting along the edge of the development would be better as a denser planting could be more at odds with the formerly agricultural landscape.

7.9 ECC SuDS

7.9.1 Initially objected to the application on a number of technical points. Following an updated Drainage Strategy Report, Essex SuDS withdrew their objection.

7.9.2 Following revisions to the scheme, ECC SuDS required further information to be provided to ensure that the drainage strategy was still suitable. At the time of writing, this additional information had been sent to the SuDS Officer and a response is awaited. An update will be provided to Members in due course.

7.10 BDC Ecology

7.10.1 No objection overall, with following summarised comments:

- A minimum 10% BNG will be achieved at the site (a net increase of 29.83 % of Habitat units and 162.86% of Hedgerow units)
- The Biodiversity Compensation and Enhancement Strategy (ACD Environmental Ltd, December 2022 is acceptable
- Support soft landscaping proposed – both on-site and off-site (buffer planting
- Lighting – further evidence that this has been informed by an ecologist *(Officer comment - this is to be provided and will form part of a Member update in due course)*

7.11 BDC Environmental Health

7.11.1 No objection subject to conditions – CMS and Piling – Although these conditions have previously been included on the outline application (Condition 5) so are not proposed to be included again.

7.12 BDC Housing Research and Development

7.12.1 Fully supportive of the proposed affordable unit mix proposed at the site. No objections.

7.13 BDC Waste Services

7.13.1 Set out standards which need to be adhered to regarding bin drag distances, bin storage for flats and manoeuvring more generally.

8. PARISH / TOWN COUNCIL

8.1 Rayne Parish Council

8.1.1 Initially offered a neutral position on the development but had the following comments:

- Enhanced landscape buffer to Flitch Way and to east.
- Max of two storeys in middle of development due to hill.
- Road layout needs improvement.
- Concerned about future development to east.

8.1.2 No further comments were received following the re-consultation period.

9. REPRESENTATIONS

9.1 Initially, two general comments and 16 objections were received setting out the following summarised concerns:

- Concerns about quantum of units – 120 too many for the site.
- Concerns about future development on the adjacent parcel due to road configurations leading west.
- Concerns about highway safety from the increased use of the junction and additional traffic more generally.
- Concerns about lack of sustainable transport options for future residents.
- Concerns about insufficient visitor parking.
- Concerns about the existing access to the rear of properties on Gilda terrace – residents have right of access.
- Concerns about the screening to the west to protect Oak Meadow nature reserve from building work.
- Concerns about the buffer between the development and the Flitch Way – too small as proposed.
- Concerns about the effect on the Flitch Way Country Park and footpath – play park and pump station should be moved away.
- Concerns about tree health behind No.73 Springfields.
- Concerns about impact on wildlife on the site and on the Flitch Way.
- Concerns about overlooking from the new development on existing properties – large buffer requested.
- Concerns about loss of light and sunlight from new properties at the top of the hill of the site.
- Concerns about overbearing impact on No.71 Springfield from Plot 99.
- Impacts during construction including noise and air pollution.

- Concerns about increase in demand for local services (GP, schools etc).
- Concerns about surface water drainage.
- Concerns about increased sewage and local capacity for flows.

9.2 Following the submission of revised plans and a subsequent 21 day re-consultation, two further objection comments were received setting out the following summarised concerns:

- Scheme still provides potential access to site at rear which has previously been rejected – an agreement should be secured that no further development would take place in this area.
- A mini roundabout should be incorporated by the site access to ensure safety.
- Stronger buffer required along southern boundary.
- 5m buffer of trees does not alleviate the proximity of properties to Gilda Terrace.
- Archaeology needs to be considered appropriately.

10. PRINCIPLE OF DEVELOPMENT

10.1 Overview

10.1.1 The principle of the residential development of the site has been established under the outline planning permission (Application Reference 18/01065/OUT) which was granted on 27th July 2021. This included the detailed site access.

10.1.2 The report will focus on the reserved matters which are the subject of this application, as per Condition 1 of the outline permission:

- **Scale** - of the buildings, including finished ground floor levels above ordnance datum;
- **Appearance** - of the buildings;
- **Layout** - of the buildings, including footways, open space, car and cycle parking, roads, refuse/recycling bin storage areas and collection points; and
- **Landscaping** - of the site.

10.1.3 The report will also focus on Conditions attached to the outline planning permission which directly relate to the submission of reserved matters, including details of lighting (Condition 12) and biodiversity enhancement (Condition 11).

10.1.4 Overall, for the avoidance of doubt, the report will not unduly focus on matters which have already been agreed by virtue of the grant of outline planning permission, such as the suitability of the site for residential development, accessibility, noise and air quality and the sites access point onto Rayne Road. Moreover, some technical matters, such as contamination and archaeology are covered by conditions attached to the

outline consent and will therefore not be addressed in detail within this report.

11. SITE ASSESSMENT

11.1 Policy

11.1.1 In terms of overarching policies and policy context, it is considered that the following are relevant to the Reserved Matters application.

11.1.2 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

11.1.3 Paragraph 135 of the NPPF states, amongst other things, that developments should ensure that they: function well and add to the overall quality of the area for its lifetime; are visually attractive as a result of good architecture layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment and landscape setting. It also states that they should establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

11.1.4 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (unless in specific/compelling cases), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees and that existing trees are retained wherever possible. It further states that Applicants and Local Planning Authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

11.1.5 Paragraph 137 of the NPPF states inter alia that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the Local Planning Authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective

engagement with the community should be looked on more favourably than those that cannot.

11.1.6 Paragraph 139 of the NPPF states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. However, it sets out that, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

11.1.7 Paragraph 116 of the NPPF also states that developments should:

a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

11.1.8 Policy LPP48 of the Adopted Local Plan states that the development should: achieve a high standard of accessible and inclusive design; can be used safely, easily and with dignity by all and convenient and welcoming with no disabling barriers, so everyone can use them independently.

11.1.9 Policy LPP52 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments in the District and encourage innovative design where appropriate. Planning permission will be granted where the relevant following criteria are met (summarised): development should reflect local distinctiveness, secure high architectural quality, high quality public spaces, energy efficiency, refuse and waste storage arrangements, provide a safe and secure environment, high quality landscape proposals, minimising lighting, well connected pedestrian and

cycle links, high standard of accommodation / amenity for future occupiers, and meeting outdoor amenity space in the Essex Design Guide.

11.1.10 The Council has adopted the Essex Design Guide (2005) as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more.

11.2 Scale & Levels

Background

11.2.1 It is first important to focus on scale, as the site has significant topographical challenges. This is due to a substantial slope across the application site from south west (by the Flitch Way) to north east (near Gilda Terrace/Sun Lido Gardens); the topographical survey shows the land drops from the highest spot height of 63.46 metres Above Ordnance Datum (AOD) to 52.47 metres AOD just behind the garage shared between No.83 and No.85 Springfields. As such, the site drops eleven metres in height over a distance of 290m. This equates to an average gradient of 3.8% (1 in 26) but does include a much steeper section across the middle that reaches a maximum of 10% (1 in 10). This means that for every 10 metres of forward travel, the level change is 1m in the steepest section.

11.2.2 While the central and western parts of the site are significantly challenged by the topography, the topography on the northeast and eastern edge the site, behind No.1-25 Gilda Terrace and adjacent to Sun Lido Gardens/Springfields residential development, is much lower adjacent to the boundary, more akin to the existing levels on the adjacent development. As such levels and gradients in this particular area are not of issue comparatively to the central and western part of the site.

11.2.3 Overall however, the topography (levels) in this case has a big impact on how the site can be developed from a scale, layout, appearance, and landscaping perspective, especially for the central and western parts of the site. Achieving an understanding of the levels, and the required soil regrading, will therefore assist in understanding the proposed layout and landscaping at the site.

Consideration of Maximum Road Gradients

11.2.4 In terms of planning policy, there is no detailed guidance on how a sloping site should be developed and similarly it does not set any maximum gradient standards. That said, Paragraph 135 of the NPPF states inter alia that development should function well (part a) and should be safe, inclusive and accessible (part f). Similarly, Policy LPP48 of the Adopted Local Plan states that development should be "Achieving a high standard of accessible and inclusive design, able to be used safely, easily and with dignity by all and Convenient and welcoming with no disabling barriers, so everyone can use them independently." These policy requirements, in part, stem from the

Equality Act 2010, which presents both the Council and the Applicant with a statutory duty to promote the interests of access for people with disabilities. The Equality Act 2010 has three requirements that combine to require that gradients are kept to a minimum. The requirements can be summarised as: ensuring that excessively steep slopes are not considered (first requirement), that the gradients of any slopes are as shallow as reasonably possible (second requirement) and that aids (e.g. level access to properties) are provided to help with traversing the sloping site (third requirement).

11.2.5 Outside of planning policy, there is national guidance on the design of roads and streets contained within the Design Manual for Roads and Bridges (DMRB), ECC Adoptable Road Guidance and LTN-120 (for cycling), as well as some consideration given to the space around buildings in the Building Regulations and Essex Design Guide. The Applicant has explored the requirements within these different elements and provided a detailed breakdown within the submitted levels strategy dated March 2024. The detailed findings are not repeated in this report, but a summary is provided below.

11.2.6 In summary, DMRB states that longitudinal gradients on an all-purpose single carriageway should be subject to a desirable maximum gradient of 6% (1 in 16.7) but a new carriageway should not exceed the maximum gradient of 8% (1 in 12.5). This means that for every 12.5 metres of road, the level change shouldn't be more than 1m. In this particular case, the steepest part of the site, which is across the central/western part, has a gradient of 1 in 10. Therefore, it is evident that the site is too steep in this section to provide roads at an acceptable gradient. These maximum standards are similar for pedestrians and wheelchair users.

11.2.7 It should be noted however that the Design Manual for Roads and Bridges (DMRB) is not strictly applicable to this scheme, as it focuses on motorway and all purpose trunk roads. However, within it are requirements that provide the basis for standards that are applied to residential streets, with CD 109 Highway Link Design (Revision 1, March 2020) covering gradients. As such, Officers consider it reasonable to refer to DMRB in the absence of any other specific guidance on acceptable gradients.

11.2.8 Furthermore, Building Regulations Part M4(1) state that reasonable provision should be made for people to (a) gain access to and (b) use the dwellings and its facilities. It states that the requirement will be met when a new dwelling makes reasonable provision for most people, including wheelchair users approaching and entering the dwelling, although no gradients are defined (only for ramps for wheelchair users). In addition, Policy LPP35 of the Adopted Local Plan requires that a minimum of 10% of the new homes for sale on the open market and all affordable housing accessed from the ground floor be designed to meet Part M4(2) of the Building Regulations. The requirement will be met when a new dwelling makes reasonable provision for most people to access the dwelling, including that it will be possible to approach and gain step-free access to

the dwelling and any associated parking space, as well as step-free access to any associated private outdoor space.

11.2.9 In summary, owing to the existing site topography there are multiple considerations which have underpinned how the site has been developed, including the maximum gradients of the roads, to meet the tests in the Equality Act and Planning Policy.

The Different Options and the Applicant's Approach

11.2.10 The starting point for developing the site is the access point, which in this case is fixed by the outline consent (Application Reference 18/01065/OUT). The existing ground level where the drives meet on the northern boundary of the site is 53.32 metres AOD, meaning that the majority of the site is uphill from the site entrance. As the access point is fixed as approved, the ground level in this location is also fixed.

11.2.11 Owing to the challenging site topography and maximum gradients as described above, the Applicant has confirmed that that the site cannot be developed simply by using the existing site levels. As such, in order to develop the site, earthworks are required, cutting away the ground to reduce the slope in places, and filling other areas to flatten the ground to balance the site. This 'cut' and 'fill' excise is necessary to meet the gradients and requirements as set out above.

11.2.12 Having looked at potential realistic options, the Applicant concluded that the ground either needs to be raised at the bottom part of the site, behind No.71-31 Gilda Terrace, in order to reach the highest point of the site by the Flitch Way on the southern boundary, with a satisfactory road gradient that is below the 1 in 12.5m gradient set out in DMRB, or that the site is extensively cut on the north and western side, but requiring significant spoil to be removed from the site and taken elsewhere. A cut option would also necessitate a large number of retaining walls/bunds to other spaces and the public realm, including the open space at the top of the site adjacent to the Flitch Way.

11.2.13 A further option could have been raising the ground adjacent to the shared boundaries with Sun Lido Gardens and Springfields properties, which would have likely required less ground raising elsewhere. However, this was discounted at an early stage because the ground level adjacent to these boundaries is similar to that of the adjacent residential development, which in this case is a lot closer than the properties on Gilda Terrace. Therefore, to raise the ground in this area to potentially have a smaller raise elsewhere on the development was not taken forward by the Applicant as this would likely have given rise to unacceptable impacts on neighbouring amenity for Sun Lido Gardens and Springfields.

11.2.14 Owing to the above, the Applicant initially put forward a fill option, where the ground level at the bottom part of the site, behind No.71-31 Gilda Terrace, would have been raised by approximately 1.5m in order to stay below the

maximum gradients required to allow the developed site to reach the ground level on the southern boundary of the site by the Flitch Way. The proposed layout which accompanied this 'fill' proposal was to have a row of two storey houses backing onto No.71-31 Gilda Terrace, with a pair of three houses perpendicular at the westernmost part of the site, close to the boundary. This layout would have necessitated a retaining wall along the rear and steps in the gardens.

11.2.15 The justification for raising this particular section, other than to stay below the maximum road gradients, was that the properties on Gilda Terrace benefit from long gardens by modern standards (around 26m in length including outbuildings). Behind these houses is also an access track and easement area, spanning approx. 8.6m wide, before reaching the development site. The proposed off-set of the two storey houses would have been 10-11m to the boundary with the easement. Taking these distances collectively, the back-to-back distance between the new development and the existing properties on Gilda Terrace would have been approximately 44m. In terms of comparison with standards set out in the Essex Design Guide, back-to-back distances should usually be a minimum of 25m for two storey dwellings, with back-to-back distances of 35m required for three storey flats.

11.2.16 Owing to the above, the Applicant argued that the extent of land raising would not unduly affect the amenity of No.71-31 Gilda Terrace. However, despite the large back-to-back distance separation, Officers did not agree with the Applicant's assessment. This is because the ground level of the site is already higher than those properties on No.71-31 Gilda Terrace with its natural topography. As such, it was Officers opinion that raising the ground to this extent, in combination with the layout as then proposed without sufficient mitigation, would have had unacceptable implications for the character of the area and the perception of development, both from existing residents and from the wider locality.

11.2.17 Following this, in consultation with Officers and the local community, the Applicant explored a cut option, whereby the existing ground level would be reduced by an average of 1-2m across the western part of the site (where the levels are at their steepest). This cut option would have created a better relationship between the development and No.71-31 Gilda Terrace, as the ground level adjacent to the boundary would have been able to remain at its current height or be lowered. Although, even in this scenario, with the naturally higher topography of the site, the proposed dwellings would still have had a higher finished floor level to that of No.71-31 Gilda Terrace, but to a much lesser extent than the 'fill' option previously considered.

11.2.18 The difficulty with this 'cut' option however was that it would require approximately 30,000m3 of material to be removed at the site. The Applicant concluded that this would lead to approximately 3,750 two-way truck movements if each truck on average could contain 8m3 of spoil. The cutting of the site, which has confirmed to be the minimum required to make the site work, would not only have significant environmental impacts,

but would also prolong construction works for residents owing to the speed at which the soil could be exported from the site. The Applicant reports that this could be 16 months just to level the site. The cut option would also necessitate the need for retaining walls to the land to the west and to the open space to the south, with the development essentially being sunk into the ground, which would lead to a poorer public realm for future occupiers, lessening the overall quality of development. This 'cut' option therefore had significant sustainability implications, as well as necessary compromises in the public realm. In addition, while not explicitly mentioned by the Applicant, the cost of regrading the site in this way would clearly have been significant, potentially giving rise to uncertainties around matters such as affordable housing provision if a viability assessment was to be submitted at a later stage.

11.2.19 Owing to the above, despite the support for this 'cut' option by residents on Gilda Terrace, the Applicant decided that this cut option was not something that they could pursue further. The Applicant then undertook further exploration to see how else the site may be developed without the removal of soil in a balanced way, not requiring any spoil to be transported off-site, while simultaneously providing a better relationship with those properties on Gilda Terrace.

11.2.20 Firstly, to achieve a balanced cut and fill and ensure that the maximum gradients and level access requirements are adhered to, the Applicant concluded that the only realistic option was to raise the ground on the part of the site which is behind No.71 to No.31 Gilda Terrace. This included achieving road gradients of around 1 in 20 in the most challenging parts. However, following further investigation and changes to the site layout, which included moving the dwellings 5m further away from the northern boundary, the Applicant was able to limit the amount of soil infilling here (i.e. existing ground level raising) to an average of 1m, while also achieving the necessary road gradients etc. Some of this infilling would still however require the importation of soil onto the site, to ensure that the houses are built with suitable soil quality for stability purposes following the regrading. The Applicant expects this to amount to around 300 lorry movements across the lifetime of the development, although this will be staged as this option allows the Applicant to build out the lower parts of the site first and regrade the rest of the site when required. As such, there would still be some sustainability implications with this option, but this is unavoidable given the sloping nature of the site, and notably requires far less lorry movements than the 'cut' option described in Paragraph 11.2.17 above.

11.2.21 At Officers request, the Applicant produced a table containing figures, setting out exactly how much the ground would need to be raised for each plot which would back onto the northern boundary shared with No.71 to No.31 Gilda Terrace. The average ground raising would be around 1m. The Table also includes the final finished floor level height of each relevant proposed plot. The finished floor level shows the final height of the floor of each proposed plot, taking into account the proposed ground raising and a damp proof course (DPC). DPC's are usually a minimum of 0.15m high.

The table is provided with the pack of information submitted by the Applicant however a copy is also set out below for ease of reference:

Table 1 – Ground Level Increase

Plot	Existing Ground Level (m AOD)	Finished Floor Level *[New Ground Level + DPC]* (m AOD)	Increase to existing ground level including DPC (m)
4	54.33	55.46	1.13
5	54.45	55.78	1.33
6	54.71	55.78	1.07
7	54.82	55.71	0.89
8	55.07	56.16	1.09
9	55.32	56.46	1.14
10	55.72	56.91	1.19
11	56.11	57.23	1.12
12	56.73	57.68	0.95
13	57.35	58.34	0.99
14	58.03	59.10	1.07

11.2.22 As such, in the example of 4 above, the ground raising would be a maximum of 0.98m, with a Plot damp proof course of 0.15m, taking the overall increase in height to 1.13m to the proposed finished floor level. Similarly, in the worst case scenario which is Plot 5, the ground raising would be a maximum of 1.18m, with a damp proof course of 0.15m, taking the overall increase in height to 1.33m to the proposed finished floor level.

11.2.23 It is understood that the ground raising, as set out above, is the minimum required to achieve the necessary site gradients to be in accordance with the Equality Act and various other policies. As such, the levels presented above, as well as contained within all of the technical drawings, are now put forward by the Applicant for approval.

11.2.24 In terms of assessing the acceptability of these revised levels, as well as the accompanying layout changes, this is assessed in the Layout, Landscaping and Appearance section below.

11.3 Layout, Landscaping & Appearance

Overview

11.3.1 This section will first consider the proposed layout of the development at the rear of No.71-31 Gilda Terrace and the implications on existing neighbour amenity and the character of the area. The section will then explore layout and landscaping more generally across the site, picking up on various matters including the impact that the levels has had on the house's appearance.

Layout, Amendments and Implications for No.71-31 Gilda Terrace

11.3.2 From the entrance to the site, the internal spine road passes proposed Plots 1,2 and 3, which are perpendicular to the properties on Gilda Terrace. The internal spine road then branches off to the west, rising steeply to account for the natural topography, all the way to the westernmost boundary of the site. It is along this stretch of road where Plots 4 -14 are located; all of which back onto the existing properties on Gilda Terrace (No.71-31). In terms of direct back-to-back relationships from Plots 4-14, these are limited to No. 41-69 Gilda Terrace.

11.3.3 When the application was initially submitted, it proposed a row of nine two storey dwellings (Plots 4-12) that would have had a direct back-to-back relationship with those properties on Gilda Terrace. On the westernmost part of the site along the rear boundary, the initial proposed scheme had three dwellings (Plots 13-15) which were perpendicular to Plots 4-12, meaning they would create a side on relationship to the properties on Gilda Terrace. This previous option is discussed more in Paragraph 11.2.14-11.2.16 above. The parking for these plots previously comprised a combination of tandem and frontage parking.

11.3.4 In conjunction with lowering the amount of soil 'fill' required to an average of 1m (as per Paragraphs 11.2.20-11.2.22 above) the Applicant also removed perpendicular Plots 13-15. The Applicant then amended the layout by moving now Plots 4-14, 5m further away from the northern boundary with Gilda Terrace. This means that the back-to-back distances between the proposed development and those existing properties No.71-31 Gilda Terrace, would now be set at an average of 49m. This 5m setback would also enable a 5m landscape buffer strip to be incorporated. This buffer strip would contain trees to assist in screening the rear of the development and would be managed by a management company. The Applicant confirms that mature tree stock would be included, so that the height of the trees would already be at a reasonable level to start to provide some additional privacy. The Applicant also commits to planting the tree buffer belt early in the process. A condition has been recommended to ensure that this is the case.

11.3.5 Furthermore, Plots 13 and 14, which are at the highest point along the northern boundary, have been changed from two storey dwellings to bungalows. This means that while they would be located on higher ground, the overall ridge height would be much lower than a two storey equivalent dwelling.

11.3.6 Finally, as proposed, the gardens for Plots 4-14 all slope down towards the level of the easement and existing rear access for those properties on Gilda Terrace. This was to reduce the ground raising to the minimum possible and not require a retaining wall, or any steps in the gardens here. However, the sloping gardens meant that it would be possible for a future occupier to look over the fence onto the landscaped area, and indeed towards the rear gardens of the properties on Gilda Terrace. As such, Officers have required

a higher rear boundary treatment here, in order to provide an eye level screen to avoid this issue. The Applicant has now incorporated a 2.4m acoustic fence, which would provide an eye level screen, meaning that a person of average height would not readily be able to look over the fence into the rear gardens of No.71-31 Gilda Terrace. The Applicant is currently in discussions with the Registered Provider, who would take on the majority of Plots 4-14, whether the acoustic fence could be included as part of the management company. At the time of writing, it is understood discussions are ongoing. Officers will provide an update to Members either at, or in advance of Committee on this point.

11.3.7 Owing to all of the above, the proposed layout and finer details would now be markedly different to that of the original application submission, about which Officers raised concerns (as per Paragraph 11.2.16). As such, it is Officers opinion that these changes are significant enough to warrant a re-consideration of a 'fill' option near the northern boundary. The assessment of impacts is considered below.

11.3.8 At the request of Officers, to assist in the assessment of impacts, the Applicant also prepared a comparison of the finished floor levels (AOD) of the existing properties (No. 41-69) Gilda Terrace comparatively to proposed Plots 4-14. These are the properties which directly back onto those plots, so do not include all existing properties in this row for comparison purposes. This table is within the application submission and is entitled "OFFSET BETWEEN NEW HOMES AND EXISTING PROPERTIES". Officers have taken the key information from this table and provided it below, alongside the key information contained in Table 1 for ease of reference:

Table 2 - Difference Floor to Floor Height

Existing House Number *(Gilda Terrace)*	**Proposed new house Plot number**	**Back-to-Back Distance between new and existing houses (metres)**	**Difference Between Floor-to-Floor Height (metres)**	**Increase to existing ground level on which new house positioned (metres)** [From table 1]
41	4	49	1.43	1.13
43	5	48.9	1.75	1.33
45	6	48.9	1.75	1.07
49	7	48.4	1.24	0.89
51	8	48.4	1.69	1.09
53	9	48.3	1.76	1.14
55	10	48.2	2.16	1.19
57	11	48.1	2.48	1.12
59	12	48.0	2.60	0.95
63	13 (B)	45.7	3.24	0.99
69	14 (B)	45.8	3.99	1.07

11.3.9 Table 2 shows the proposed back-to-back distances as well as the difference in height (approximately) between the finished floor level (AOD) of existing properties on Gilda Terrace and the corresponding proposed dwelling finished floor level (AOD). This table therefore shows a true reflection of the difference in height which is a result in part of the ground raising, but also in part the naturally higher ground topography of the application site. This is evidenced by the ground raising comparatively to the finished floor level difference – e.g. the finished floor level of Plot 14 bungalow would be 3.99m higher than No.69 Gilda Terrace, but the ground raising would only be a maximum of 0.92m (not including 0.15 damp proof course). As such, in this scenario, even without the ground raising, Plot 14 would still be 3.07m higher than No.69. Table 2 also shows that the height difference floor to floor gradually rises (generally speaking), the further westwards from the spine road. This is simply because of the natural ground level, which raises steeply westwards from the site access.

11.3.10 Table 2 also assists in highlighting that the site has been incredibly difficult to develop in a suitable way. Planning permission to develop the site was granted on appeal, and the Planning Inspector did not include any mechanisms to prevent development on this northern part of the site. As such, Officers must assess what has been submitted by the Applicant based on its merits, despite the issues that have arisen.

11.3.11 Assessing the finished floor level height differences contained in Table 2; the easiest direct comparison is against the height of an additional floor/storey. In this case, each floor/storey is approximately 3m high. So, using No.59 Gilda Terrace to Plot 12 as an example, the difference in finished floor level height at 2.6m is nearly equivalent to that of an additional storey. As such, the appearance of Plot 12 to No.59 Gilda Terrace would be similar to viewing the height of a three storey dwelling, as opposed to a two storey dwelling as is proposed. In terms of standards set out in the Essex Design Guide, back-to-back distances should usually be a minimum of 25m (two storey to two storey), with back-to-back distances of 35m for three storey flats which have living accommodation at the first floor.

11.3.12 In the example of No.59 Gilda Terrace to Plot 12, the back-to-back distance would be 48m. This would therefore far exceed the 35m required between proposed 3 storey and existing 2 storey dwellings. This back-to-back separation distance is similar for all proposed plots which back onto those existing properties at No. 41-69 Gilda Terrace. As such, while previous concerns have been raised by the residents about overlooking, Officers do not consider that the new development as currently proposed, despite its increase in height, would give rise to an unacceptable level of overlooking. At ground level this would also be safeguarded to a degree by an eye level enclosure as discussed in Paragraph 11.3.6 above.

11.3.13 Plots 13 and 14, on the highest part of the northern boundary, have even larger floor to floor differences in height, however, with the change to bungalows, these plots would appear to No.63 and No.69 Gilda Terrace as

equivalent two storey houses in terms of height. Moreover, with no first floor accommodation, and an eye level enclosure, the occupiers of these bungalows shouldn't readily be able to look over the rear fence into the gardens of Gilda Terrace. A condition can be imposed to remove permitted development rights to these properties so that no first floor accommodation is created without prior consent of the Local Planning Authority.

11.3.14 Finally, in terms of interrogating the separation distances more thoroughly, each garden of the proposed dwellings (Plots 4-14) would have a depth of 11m from the rear elevation to the proposed 2.4m acoustic fence. A further 5m is then incorporated for the landscaped buffer, so a total of 16m before the easement area is reached. The easement area, and rear access road for properties on Gilda Terrace measures approx. 8.6m wide. As such, from the rear elevation of the proposed dwellings, on average there would be a separation of 24.6m to the closest fence/outbuilding owned by No.41-69 Gilda Terrace). In the example of Plot 12 to No.59 Gilda Terrace, the garden for No.59 would measure 23.4m in depth from the rear elevation, therefore totalling a back-to-back distance of 48m. This is therefore a considerable separation distance, far beyond any standards contained in the Essex Design Guide.

11.3.15 Owing to all of the above, including the proposed 5m landscape buffer and 2.4m high eye level enclosure, Officers consider that the development would not detrimentally affect No.71-31 Gilda Terrace to a degree where permission should be refused. Furthermore, while the ground raising would result in a change in character, the difference comparatively to the initially submitted scheme is much less, on a site which is already sloping due to its natural topography. However, to ensure that the earthworks are appropriately controlled, a detailed Construction Management Plan (which is required to be submitted pursuant to Condition 5 of the outline consent) would ensure that all pollutants such as dust are adequately managed, and the site developed out in a logical way.

11.3.16 As such, Officers consider that the proposed development would not have an unacceptable impact on the character of the area or perception of the development from adjacent residential properties. It should be noted that while the 'cut' option as discussed in Paragraphs 11.2.17-11.2.19 above is no longer for consideration, owing to the sustainability and design shortcomings of this option, Officers consider that the fill option is now the best approach to develop the site, taking all matters into account.

Layout & Landscaping Across The Site

11.3.17 In terms of more general landscape considerations, at the pre-application stage, key layout principles were discussed, ensuring that a back-to-back relationship was formed as far as possible with existing residential development across the site boundaries, as well as blocks of houses that are able to address internal streets and the open spaces around the site. As such, while there have been some layout refinements which will be

discussed in brief, the core layout has remained similar to that as was initially submitted.

11.3.18 The starting point for assessing the layout is the access point from Rayne Road. This has been fixed by the outline consent, along with the alignment of part of the access road, which passes through the properties on Gilda Terrace, following the demolition of No.27 and 29 Gilda Terrace to create a wider access. The Parameter plans highlight the land either side of the approved access road as *"Strategic buffer to site boundary to include parking and access to properties to the rear of Gilda Terrace"*. In this case, the land either side of the access road has been designed to include tree lined green boarders either side.

11.3.19 However, the Reserved Matters drawings also show a small substation on the side of the access road, adjacent to No.25 Gilda Terrace – this would not be in accordance with the approved Parameter Plan. To address this, the substation has been carved out of the submitted plans showing the layout of the development, meaning it is not sought for approval as part of the reserved matters submission. It is therefore shown on the plans indicatively, to illustrate the fact that the Applicant is seeking to erect a substation in this location. A separate mechanism would be utilised by the Applicant to seek approval for the substation at a later time.

11.3.20 The site access also crosses an area which contains an easement that is directly adjacent to the rear accesses of properties on Gilda Terrace. The easement means that tree planting cannot occur in this location, owing to potential damage from tree roots. In order to assist in providing a defensible space, it is proposed that scrubs are planted in the easement area which discourage public access. It is proposed that this would include barberry, juniper, pyracanthus, rose, as well as a native hedge including dogwood, hawthorn, wild privet, blackthorn and rose. This area would be managed by the management company. Overall, it is considered that the planting mix is acceptable here owing to the easement constraint.

11.3.21 The remaining layout of the site comprises an internal spine road, which traverses from the northern boundary all the way to near the southern boundary with the Flitch Way. As is evidenced from the sections, the spine road is required to navigate the steep topography at the site, although this is not as steep as the internal roads on the western side of the site. Where there are semi-detached pairs of houses, these are stepped in order to accommodate the change in level, while retaining a step free access wherever possible. The spine road comprises verges with trees lining the streets and a 2m footpath either side. Most parking in this area is at the side of properties in tandem. Visitor parking is scattered around within the verges too. Furthermore, it is along the spine road where the only instances of two and a half storey dwellings are proposed, in conformity to the approved Parameter Plan at the outline stage.

11.3.22 On the eastern side of the development (from the spine road), there are two main blocks; a smaller block and a larger block. These blocks are served

by a shared surface road network, which has been designed to be circular providing access onto the main spine road at three different points. On the eastern side, Plots 118-112 back onto the other row of terraces on Gilda Terrace. However, unlike the opposite side of the spine road, the levels in this area are much less of an issue, therefore Plots 118-112 will not be situated materially higher in terms of floor to floor than those properties on Gilda Terrace (No.1-23). The overall separation distance is still however similar, with over 44m back-to-back on average. As such, the impact on these properties would not be unacceptably detrimental.

11.3.23 Similarly, the proposed dwellings alongside the shared boundary with Springfields / Sun Lido, would not suffer from levels issues. In terms of the relationships that would be created, Plots 111-103 would all back onto the shared boundary. The properties on Sun Lido, No 85-93 and 83-77 do not back onto the shared boundary in the same way, instead they are at an angle. The Essex Design Guide states that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner.

11.3.24 In this case, the gardens for Plots 111-108 would be approximately 13m long, with a further minimum of 7m to the backs of 85-93 (most being much longer). However, the degree of change back-to-back ranges from approximately 55 degrees to 37 degrees. As such, while some of these properties would not have a 25m back-to-back distance, the angles of the properties dictate that this would not unduly compromise the amenity of No.85-93 Sun Lido. Similarly, Plots 107-103 are at a different angle to No.83-77 Sun Lido – this angle is around 35 degrees. However, in this scenario, most of the back-to-backs exceed the 25m separation distance. Furthermore, Plot 99 has a perpendicular relationship with No.71 Sun Lido – as such, the impact on No.71 would not be detrimental. As such, these relationships are also considered to be acceptable.

11.3.25 In terms of layout more generally, the parking area for Plots 115 - 110 was difficult to plan owing to the vista at the end of the road from the spine road, and the internal vista in the opposite direction. Officers sought to secure a change from what was previously submitted, which was more of a car park arrangement, to something much softer that better addressed the rear of properties on Gilda Terrace, but also had a less harsh parking solution. The omission was a building at the end of the vista from the spine road, however there is now a tree to be planted there and a small area of landscaping, along with an established shrubs belt which is to be pruned, but ultimately retained.

11.3.26 The remaining eastern internal street, similar to the spine road, also climbs up the topography of the site to reach the top, although the gradient is much less steep. This street also now benefits from being tree lined, with a small area of management company land being left in between the parking spaces of the semi-detached pairs, to have a tree planted. The most formalised tree planting is within the spine road which is the focal point of the development. Other secondary roads contain a more natural tree

planting pattern to assist in differentiating them in the hierarchy of streets. The majority of the parking spaces within this section are in tandem at the sides, however there are some which are adjacent to each other at the front of plots, providing a mixture of parking solutions in the street scene.

11.3.27 On the western side of the development, the layout is similar to that of the eastern side, the dwellings are in a blocked, back-to-back arrangement creating internal tree lined streets as well as dwellings facing out onto the open space / green areas. Similar to the eastern side of the development, the internal access road on this side climbs up the gradient of the site.

11.3.28 The very southern part of the site is the area protected by the outline consent as public open space / suds. This area will be in close proximity to the Flitch Way. It includes a play area as per the S106 requirements attached to the outline consent which would be opposite the spine road. This open space area also includes a pump station (away from the play area), details of which are included for approval. The pump station would be built in brick and be outside of the cordon sanitaire for any new/existing dwelling. A footpath would also be provided through the site to the Flitch Way, which is part of the S106 requirements. A separate planning application has been submitted to link the site to the flitch way through land beyond the red line of this site. Provisions would be made to ensure that no vehicular access could be gained from the site to the Flitch Way.

11.3.29 In terms of wider impacts and landscaping, the outline consent was submitted with a condition which stipulated that a landscaped buffer must be incorporated outside of the red line, to the western and southern boundaries. This would assist in screening the development. These details would be secured via the condition, however the landscaping is indicatively shown on the submitted landscape plan.

11.3.30 In terms of other key considerations, the scheme has been designed to comply with the Essex garden standards of 100sq.m for three or more bedroom dwellings and 50sq.m for a two or less bedroom dwellings. Furthermore, Officers have worked with the Applicant to ensure that the fence lines are as straight as possible, to ensure that they are able to be constructed as proposed. This is to help ensure that fence lines are not altered during construction for buildability purposes.

11.3.31 Another aspect of the gardens is that due to the level changes, steps are sometimes required. These steps range in terms of form, but predominantly consist of log steps, which act as retaining structures. It is understood a ramp would be put in each garden to ensure that it can be accessed by those with limited mobility. Some of the gardens also consist of retaining walls and or gravel boards, to a maximum of 450mm.

11.3.32 With the inclusion of the gravel boards and retaining walls, some of the garden fences / walls are higher than might otherwise be expected for some of the gardens. To ensure that the amenity provided to future occupiers is appropriate, the Applicant commissioned an overshadowing

survey to be completed. The study uses Building Research Establishment (BRE) guidance as a means of assessing the sunlight which each garden would receive. The BRE guide recommends that, for an open space or garden to appear adequately lit throughout the year, at least 50% of its area should receive two hours of sunlight on 21 March (as this provides an average across the year). Overshadowing would be less during the summer months when gardens tend to be used more. Conversely, there would be more overshadowing during the winter months when gardens tend to be used less.

11.3.33 Applying this test, the study found that of 120 dwellings, 100 dwellings would be able to receive 2 hours of sunlight on 21 March to at least 50% of their areas. The average percentage of those gardens which do not comply with this standard, is 40% sunlight in the gardens for 2 hours. However, it is noted that all properties which do not comply with this standard are north facing, where lower levels of sunlight are to be expected, particularly on a site with such marked topographical differences. Overall, having reviewed the findings of the study in light of the BRE guidance, Officers are satisfied that the gardens of the proposed dwellings would receive satisfactory levels of sunlight, despite some larger enclosures necessitated by retaining walls/gravel boards.

11.3.34 Another aspect which the site levels have impacted is the relationship between some of the proposed plots. For example, between Plot 64 and Plot 44 there is a 3m difference in finished floor level across a 25m back-to-back distance. While the Council has a 25m back-to-back requirement as standard, there is no guidance for sites with level challenges such as this. Having given it due consideration, Officers requested that the Applicant insert a 300mm trellis on top of the fence which separates Plots 51-42 (affordable) and Plots 55-65 (market). Overall, Officers are satisfied as far as possible with the proposed garden arrangements, which are unavoidable given that the site is so challenged by its topography.

11.3.35 In terms of parking, the parking at the site would comply with the parking standards - 1 space for a 1 bedroom dwelling and 2 spaces for a two or more bedroom dwellings with 0.25 visitor spaces per dwelling. These are distributed around the site.

11.3.36 All properties would be within the bin collection distances from adoptable standard roads. One of the private drives for Plots 15-18 requires a small bin storage area as they would be beyond the 20m drag distance. Measures will be included in a legal agreement to ensure that the Council are able to collect refuse from roads to be managed by the management company.

11.3.37 In terms of the affordable units, these are separated out into three distinct clusters; those plots which back into Gilda Terrace on the western side (and some opposite), the western internal street which rises towards the open space, and a smaller cluster on the eastern side of the development. Clustering in this way is now common practice and is sought by the

Registered Providers in order to be able to better manage their housing stock.

Affordable Mix & Market Mix

11.3.38 In terms of housing mix, the affordable housing units are as set out in table 3 below, comprising 30% of the total unit mix:

Table 3 – Affordable Mix

Type	Affordable Rent	Intermediate Tenure
1 Bed 2 Person Apartment	4	-
2 Bed 4 Person house	9	8
3 Bed 5 Person house	7	4
3 Bed 5 Person Bungalow	2	-
4 Bed 7 Person House	2	-
Total	24	12

11.3.39 The Affordable Housing Officer reviewed the application and had no objection, commenting that the development would provide appropriate much needed affordable housing.

11.3.40 In terms of the market mix, the remaining 70% of units, this is as set out in Table 4 below:

Table 4 – Market Mix

Type	Number	Percentage of Total
Two Bed	12	14%
Three Bed	58	69%
Four Bed	8	9%
Five Bed	6	7%
Total	84	---

11.3.41 Policy LPP35 of the Adopted Local Plan states that Housing mix should be in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise. The current version of the SHMA (Strategic Housing Market Assessment) states that the need for open market housing in the District is 4% one bedroom, 31% two bedroom, 45% three bedroom and 20% four bedroom.

11.3.42 The mix of market units provided in this case therefore are different to that of the SHMA, providing a larger concentration of three bedroom units which account for nearly 70% of the development. However, while the policy requires compliance with the SHMA, the outline application did not have a condition which controlled the mix of market housing. The outline application pre-dated the formal adoption of the Local Plan, as such Policy LPP35 was not in effect at the time. As such, in this case, despite the difference in mix comparatively to the SHMA, Officers cannot control the market mix of dwellings at the Reserved Matters stage.

11.3.43 In terms of the size of the proposed dwellings, they would accord with the Nationally Described Space Standards, which set out minimum floor area requirements to provide good amenity to future occupiers. As such, combined with the findings about overshadowing as set out in Paragraphs 11.3.32-11.3.33 above, overall it is considered that future occupiers would benefit from an acceptable level of amenity on this development.

Appearance

11.3.44 In terms of appearance, the proposed development would be contemporary, comprising a range of different house types with ranging materials and colours. The materials and colours differ on different parts of the site to provide a distinction; the main internal spine road comprises dwellings which are generally half render half red brick, while the edges of the development are a mixture of weatherboarding, full render or full brick. In terms of some of the internal streets, these generally comprise either a red brick or buff brick. Those units which sit on important corners of the development are dual aspect, meaning that they have a frontage in both streets. These dwellings are either weatherboard or full render, to help give legibility to the street. The affordable units on the development have been designed to be tenue blind, blending into the market units of which are of a similar appearance.

11.3.45 Most dwellings have a standard pitched roof; this is in part owing to the sloping nature of the site which requires large numbers of semi-detached dwellings to be stepped. A hip would not appear as a good architectural solution on a stepped house. However, Plots 111-103 are to be hipped (as they are not challenged by levels) in order to pick up on some of the character of Gilda Terrace. Overall, the appearance of the dwellings in this case are considered to be appropriate for the context while also creating an identity for the new development.

Summary

11.3.46 Overall, owing to all of the above, Officers are satisfied that the proposed development of 120 residential units at this site would be acceptable; meeting key design and amenity requirements, despite the level challenges. As such, from a layout, scale, appearance and landscaping perspective, it is considered that the development is acceptable.

11.4 Sustainability

11.4.1 Policy LPP72 of the Adopted Local Plan states inter alia that all new dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day; All planning applications for new residential dwellings shall include renewable and low carbon energy technology to provide at least a 19% improvement in energy performance over the requirements of the Building Regulations (2013).

11.4.2 Policy LPP71 of the Adopted Local Plan states inter alia that applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes, other than for very minor development. Planning permission will only be granted for proposals that demonstrate the principles of climate change mitigation and adaptation into the development.

11.4.3 In this case, the application is supported by a Sustainability Statement, which sets out measures that will be put forward by the Applicant, in order to hit the above requirements, set by Policies LPP71 and LPP72 of the Adopted Local Plan.

11.4.4 These measures include a combination of approaches. In summary, these include measures to address overheating risk by ensuring cross ventilation is possible as well as double glazed windows; a fabric first approach aimed at improving energy efficiency while reducing Co2 emissions; solar panels on all properties which will produce 0.75kwp to 3.25kwp (kilowatt 'peak' of a system), and finally water efficiency measures to achieve a total water consumption of 105.9 Litres per person per day. These measures would achieve site wide CO2 emission reductions of 33%, over 2013 Building Regulations standards as well as exceeding the policy requirement of a 19% improvement.

11.4.5 Overall, it is considered that the development would comply with Policies LPP71 and Policy LPP72 of the Adopted Local Plan, and as such would have good sustainability credentials which weigh in favour of the application.

11.5 Lighting

11.5.1 Policy LPP77 of the Adopted Local Plan states that external lighting will be permitted where the following criteria are met:

a) The lighting is designed as an integral element of the development and shall be capable of adoption by the Highway Authority when it is on the public highway.
b) Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls, and hours of illumination shall be controlled.

c) The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky.
d) The lighting intensity is no greater than necessary to provide adequate illumination.
e) There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users.
f) There is no harm to biodiversity, natural ecosystems, intrinsically dark landscapes and/or heritage assets.

11.5.2 In accordance with Condition 12 of the Outline Planning consent (Application Reference 18/01065/OUT), a lighting scheme has been submitted for approval. The lighting scheme combines a mixture of street lights to be adopted by the Highway Authority on the central spine road, as well as other street lights on the roads not to be adopted, which would fall under the management of a Management Company, should the development be approved.

11.5.3 The Council's Ecologist raised no objection per se with the proposed lighting scheme, but requested further clarification that it had been designed with ecology in mind, as per the condition. The Applicant is currently waiting for written confirmation of this from an ecologist. As such, Officers will update Members either at or before Planning Committee, when confirmation is received.

11.6 Ecology - Biodiversity & BNG

11.6.1 Condition 11 of the Outline Planning consent (Application Reference 18/01065/OUT) required a Biodiversity Compensation and Enhancement Strategy for protected and priority species (BCES). A BCES was subsequently submitted with the application, which seeks to secure the inclusion of integrated bat roosting and bird nesting boxes, and insect houses. The BCES also includes hedgehog friendly fencing, although this is only along the eastern boundary properties owing to potential conflict (and ultimately mortality) with road users. The Ecology Officer reviewed the BCES and raised no objection to the measures proposed. Following the submission of revised plans, the BCES is also required to be updated. Owing to the nature of revisions, the changes would have not had a significant impact on the measures contained within the BCES, instead it just requires updating to ensure that it is consistent with the proposed layout. At the time of writing this updated plan is being prepared, and an update will be provided to Members either at or before Planning Committee.

11.6.2 The scheme also provides new habitats by virtue of providing additional habitat and hedgerow units. While not a mandatory requirement for this application (as it was submitted before the legislation came into force), the scheme would still deliver over 10% BNG, including a net increase of 29.83 % of Habitat units and 162.86% of Hedgerow units. These units would be secured by way of condition, ensuring that the development came forward in accordance with the Biodiversity Compensation and Enhancement

Strategy. Moreover, with the addition of the tree buffer zone, the BNG percentages for this site have increased.

11.7 Heritage & Flitch Way Impact

11.7.1 The site is not located within the setting of any listed buildings. The Historic Buildings Consultant (HBC) however commented on the application, suggesting that more scattered planting along the edge of the development would be better as denser planting could be more at odds with the formerly agricultural landscape.

11.7.2 While the comments of the HBC are noted and understood, the outline application was approved by the Inspector on the basis that a landscaped buffer would be located around the development, as indicated illustratively on the plans, in order to assist in screening it in wider landscape views as well as from the Flitch Way. As such, it is not considered that scattered planting would meet the ambitions of the outline application (including Condition 10).

11.8 Highway Considerations

11.8.1 Matters of access are approved by virtue of the outline consent. This means that under this reserved matters application the access cannot be altered. The access would have taken into account the maximum capacity of the development in its design, to ensure that it would be safe from a highway perspective.

11.8.2 What can be considered however is what roads would be adopted or not. The Applicant confirms that it is contractually obliged for the main spine road to be adopted, while the remaining side streets are to be managed by a management company, but built to adoptable standards (other than the private drives where applicable). Fire turning is also required on these private drives; this is evident for Plots 16 & 17, 35 & 34 and 99 & 100. This is to meet building regulation specifications.

11.8.3 ECC Highways reviewed the revised plans and requested that the turning head at the top of the spine road by the Flitch Way (near to the attenuation basin) is upgraded to a Size 3 turning head. Owing to the minor nature of the change, Officers agreed that the relevant layout plans could be updated again to reflect this. For the avoidance of doubt, this change was made following the completion of the re-consultation period with no further re-consultation carried out, other than to ECC Highways to check the plans had been amended correctly. This was because the change is minor and would have no additional adverse impact on existing residents in the locality. At the time of writing, ECC Highways are reviewing the revised plans. An update will be provided to Members at Committee to confirm whether the revised plans are acceptable or not.

11.8.4 The development is also obliged to provide a link to the Flitch Way via the S106 agreement, through the development to Rayne Road. On the open

space part of the site on the southern edge, this would consist of a 3.5m wide footway. The footway, which is understood would also be a cycleway, would need to go beyond the red line of the site to connect to the Flitch Way. In order to do this, a separate application will be required. An application (Application Reference 23/02916/FUL) is currently under consideration by Officers. This will include any measures to prevent vehicular access to the Flitch Way.

11.9 SuDS

11.9.1 Condition 7 of the Outline consent required details of SuDS to be submitted for approval. The Applicant in this case chose to submit the SuDS details as part of the Reserved Matters submission, in order to demonstrate that the scheme that has been put forward can achieve suitable drainage.

11.9.2 ECC SuDS have reviewed the revised drainage scheme which accompanied the re-consultation materials, and requested a number of clarifications, which have been re-sent to the SuDS Officer. Further comments are now awaited. Officers will update Members in due course regarding any further SuDS comments which are received following the publication of the Committee Report.

11.10 Habitat Regulations Assessment (HRA / RAMS)

11.10.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- Blackwater Estuary Special Protection Area and Ramsar site;
- Dengie Special Protection Area and Ramsar site;
- Essex Estuaries Special Area of Conservation.

11.10.2 HRA mitigation was secured under the outline consent (Application Reference 18/01065/OUT) and therefore no further mitigation is required in this case.

11.11 Other Issues

11.11.1 From the initial round of consultation, there were a number of issues raised by members of the public. Those which are not covered by the report above are discussed below.

11.11.2 Concerns were raised about a lack of sustainable transport options for future residents of the development. While these concerns are noted, the acceptability of the site for development has already been considered and granted permission at appeal by the Planning Inspector. Overall, the site was considered by the Planning Inspector to be in a sustainable location with sustainable transport options available.

11.11.3 Concerns have been raised about the access to the existing rear access track that serves properties on Gilda Terrace. The Applicant confirms that

the rear access track would be retained for those existing properties on Gilda Terrace – the exact programme for the creation of the new access road from Rayne Road is yet to be agreed, but access to the rear of these properties should not be restricted for any undue period of time. It is a matter which would need to be discussed between the Applicant and the residents should Reserved Matters approval be forthcoming.

11.11.4 Concerns have been raised about the impacts during construction from the development. While these concerns are noted, construction impacts are unavoidable. The Applicant is required to submit a Construction Management Plan (pursuant to Condition 5 of the outline consent) which would seek to protect neighbouring amenity as far as possible during the construction phase of the development. This would include hours of work, as well as measures such as wheel washing. At the time of writing, the Applicant is working up a first draft of a Construction Management Plan which it aims to circulate to Officers in advance of the Committee meeting. Officers would then circulate this to Members for information. The Construction Management Plan would not be for approval at this stage, only for information, as it would be required to be assessed by ECC Highways and BDC Environmental Health Officers in due course.

11.11.5 Concerns have been raised regarding the development of the triangular piece of land to the south east of the site. A planning application has indeed been submitted for that site for residential development, however this was refused and is currently subject to appeal (Application Reference 23/01880/OUT). In any case, each application must be considered on its own merits.

11.11.6 Concerns were also raised about the health of a tree behind No.73 Springfields. This was explored by the Applicant team and works carried out to the tree accordingly. No further comment was received following re-consultation on the development.

11.12 Compliance with Parameter Plans

11.12.1 As highlighted at Paragraph 6.4 of this report, the Reserved Matters application, as revised during the lifetime of the application, is in broad accordance with the approved Parameter Plan; containing the residential development to the approved areas, with open space and SuDS basins in the areas to the south and along the western edge, although there are some minor discrepancies. These comprise: the encroachment of parts of some roads/private drives into the area designated as open space at the southern and western edge of the site; the encroachment of the attenuation basin on the area designated for built development; and introduction of a 5m additional landscaping buffer on the northern boundary behind No.71 to No.39 Gilda Terrace.

11.12.2 To regularise the above, it would be necessary for the Applicant to submit a Section 73 application to vary the outline planning permission, specifically the approved Parameter Plans. At the time of writing no Section 73

application has been submitted. Accordingly, should Members resolve to approve the Reserved Matters, Officers recommend that the Reserved Matters is not issued until such time as the Section 73 application has been granted and issued.

11.12.3 In addition to the above, the Section 73 application in conjunction with a drop-in Full Planning application, could also address the requirement for a new substation (as highlighted within Paragraph 11.3.19).

12. PLANNING OBLIGATIONS

12.1 This application is for the reserved matters pertaining to the outline consent (Application Reference 18/01065/OUT). The planning obligations secured under the s106 Agreement attached to this outline planning permission remain in place.

12.2 This Reserved Matters Application has also necessitated the need for securing the long-term management of the landscape buffer area required by Condition 10, as this is outside of the red line of the application site. This can be secured through a new legal agreement.

12.3 Furthermore, the Council are seeking to secure an indemnity for refuse vehicles on private roads, should any damage occur. This is to protect the Council from claims and is necessary as a large number of roads on this development would not be adopted by Essex County Council. This would also be secured through a new legal agreement.

13. CONCLUSION

13.1 The principle of the residential development of the site has been established under the existing outline consent (Application Reference 18/01065/OUT). The Applicant seeks approval for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

13.2 Owing to the site topography, the site has been difficult to plan in an appropriate way; balancing the need to respect neighbouring amenity while also meeting the challenge of regrading the site to achieve appropriate road gradients. Following extensive negotiations with Officers, overall it is considered that the development would constitute a well-designed and carefully considered proposal, meeting all relevant standards and policy requirements where appropriate.

13.3 At the time of writing, further clarification/confirmation is to be received regarding; Drainage, Highways, Lighting and Biodiversity, CMP and management of the Acoustic Fence and will be circulated to Members either before or on the night of Planning Committee.

14. RECOMMENDATION

14.1 It is therefore RECOMMENDED that:

A) Subject to 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:

- Refuse Permission
- Buffer Planting Management Plan

B) Subject to the submission and determination of a Section 73 Application to vary the approved Parameter Plans;

The Planning Development Manager or an authorised Officer be authorised to APPROVE Reserved Matters under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2F: Land Rear of Gilda Terrace Braintree Completed site proforma

Braintree District Council

Braintree District Council Planning Policy

Housing Land Supply Review

Braintree District Housing Trajectory Questionnaire

The Council is subject to the Freedom of Information Act 2000 and Environmental Information Regulations 2004, and laws concerning the protection of personal information. If you consider that any of the information that you provide as part of your response is commercially sensitive or personal information, please identify it as such in Question 6a and please explain in question 6b how disclosure would be detrimental to your organisation. The Council cannot guarantee non-disclosure of this information, but will apply any relevant exemption where one is clearly engaged.

SITE SUMMARY (completion by BDC)	
Site Reference:	TR117
Site:	Land Rear of Gilda Terrace Braintree
Ownership: (eg. Housebuilder, developer, landowner)	
Contact details	christopher.fry@crestnicholson.com Crest Nicholson (Eastern) eastern@crestnicholson.com
Planning status: e.g. allocation, outline permission, detailed permission, resolution to grant planning permission)	Outline permission allowed on appeal 27.07.2021 (18/01065/OUT refers)
Braintree District Council assessment of progress towards delivery of this site based on our current knowledge:	Reserved Matters submitted 24.01.2023 (23/00191/REM). Full application submitted 01.12.2023 for footpath and cycleway link to the Flitch Way. Discharge of Conditions application 23/01599/DAC submitted 16.06.2023 for discharge of landscaping condition. Building Regulations Initial Notice submitted
To be completed by BDC following review of information provided by development representative:	
Total site capacity	119 (net 117)
Total completed at March 2023	0
Total outstanding at March 2023	119
Qualify for 5YS2028: Yes/No 5YS forecast 2023-2028:	

Continued overleaf: Pages 2-4 for completion by site development representative

Classified as General

For completion by site development representative:

SECTION 1: CONFIRMATION OF SUMMARY SITE DETAILS		
1a	**Please confirm if the site details set out by the Council above, including the Council's assessment, are correct. If not, please provide update details.**	120 units net 118.

SECTION 2: AVAILABILITY:		
2a	**Is the site currently available for development? Please indicate, is the site in the control of a developer, or a site promoter**	It is in control of the developer no existing use but a pair of semi-detached properties need to be demolished to gain access.
2b	**If not, why not?** *e.g. is there an existing use on site?*	
2c	**If the site is not available yet, when will it become available**	
2d	**Are you still undertaking site assessment work? If so, please give further details.**	No.

SECTION 3: ACHIEVABILITY	
(defined as having a realistic prospect that housing will be delivered on site within 5 years)	
Are there current barriers delaying/preventing development? Please explain what they are and how/when they will be overcome.	The site to be fully developed out will be within the 5 year period.

SECTION 4: DELIVERY TIMETABLE AND HOUSING TRAJECTORY		
4a	**When do you estimate you will start works on site?**	September 24
4b	**If you have already started work on site, what stage is construction currently at?**	No works started onsite
4c	**When do you estimate you will deliver the first housing completions?**	Early 2025
4d	**When do you estimate you will complete development of the site?**	3-4 years following start on site
4e	**Please complete the Housing Trajectory Table (see final page) with details of forecast housing completions by year**	
4f	**Any additional comments you wish to make**	

SECTION 5: DECLARATION		
I confirm that the information provided is correct to the best of my knowledge:	**Name: Chris Fry**	**Signature:**

6: COMMERCIALLY SENSITIVE INFORMATION		
6a	**Have you provided any information that you would regard as commercially sensitive? If yes, please specify which answers this applies to.**	4e.
6b	**Please explain how disclosure of this information would be detrimental to your organisation.**	Competitor analysis

Classified as General

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2G: Land off Bournebridge Hill Planning Statement accompanying submission of Reserved Matters

Land off Bournebridge Hill, Halstead

Reserved Matters Application Planning Statement & Statement of Community Involvement

Boyer

Prepared on behalf of Hopkins Homes Ltd | November 24

REPORT CONTROL

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APPENDICES

Appendix 1. Site Location Plan

Appendix 2. Development Framework Plan

1. INTRODUCTION

Introduction

1.1 This Planning Statement has been prepared on behalf of Hopkins Homes Ltd ("the Applicant") in support of a reserved matters planning application and application to discharge planning conditions at land off Bournebridge Hill, Greenstead Green, Halstead ("the Site").

1.2 The Site benefits from outline planning permission for 200 dwellings (ref. 19/00493/OUT), which was allowed at appeal on 14 November 2022 following refusal by Braintree District Council (BDC) on 11 March 2019. The outline planning permission is for the following development:

"Up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access."

1.3 The reserved matters to which this application relates include appearance, landscaping, layout and scale, as required by condition 1 of the outline planning permission.

Description of Development

1.4 Reserved matters approval is sought for the erection of 197 dwellings at the Site. The full description of development as set out on the application form, is as follows:

"Submission of Reserved Matters of Appearance, Landscaping, Layout and Scale under Condition 01, of Outline Planning Permission 19/00493/OUT (appeal ref APP/Z1510/W/22/3299178) for 197 dwellings and associated infrastructure."

1.5 The proposed development has been subject to a series of pre-application discussions as part of a formal Planning Performance Agreement (PPA) with BDC. This has included engagement with Members. Further details can be found within Section 3 of this Statement.

Conditions

1.6 The outline permission (ref. 19/00493/OUT) includes a number of planning conditions that require the submission of details concurrently with this reserved matters application. These conditions are listed in the table below and their compliance is considered in more detail in Section 6 of this Planning Statement.

Condition	Reserved Matters Requirement
Condition 5	Biodiversity Net Gain Design Stage Report
Condition 6	Landscape Ecological Management Plan
Condition 7	Landscaping Scheme
Condition 8	Tree Protection Plan and Arboricultural Method Statement
Condition 9	Details of existing and proposed site levels
Condition 10	Strategy for location and specification of Electric Vehicle Charging Points
Condition 11	Updated Noise Assessment Report

Condition	Reserved Matters Requirement
Condition 12	Refuse Scheme
Condition 13	Details of boundary treatments
Condition 14	Lighting Scheme
Condition 15	Detailed Surface Water Drainage Strategy
Condition 16	Affordable Housing Confirmation Report

Accompanying Documentation

1.7 This submission is accompanied by a number of drawings and reports, which will demonstrate that the proposals conform to the principles established by the outline planning permission. The following documents are submitted as part of the Reserved Matters application:

- Design and Access Statement and full drawing pack including dwelling types and ancillary buildings, affordable housing plan, parking plan, refuse strategy and EV charging plan.
- Landscape Masterplan and Landscape and Ecological Management and Maintenance Plan including details of hard and soft landscaping works.
- Drainage Strategy, SuDS Maintenance Plan, Engineering drawings including drainage, site levels and highways along with a Residential Travel Plan.
- Biodiversity Net Gain Design Stage Report, Biodiversity Gain Plan Form and Habitat Management and Monitoring Plan.
- Arboricultural Impact Assessment.
- Noise Assessment.
- Lighting Scheme.
- Report confirming accordance with standards for adaptable and accessible dwellings.

Structure of the Planning Statement

1.8 This Planning Statement is structured as follows:

- Section 1: provides an introduction;
- Section 2: sets out the site context for the proposed development, including a description of the Site and its surroundings, as well as relevant background information;
- Section 3: provides details regarding the proposed development and the pre-application engagement including the Planning Performance Agreement and Members Forum;

- Section 4: sets out the planning policy context for the application;
- Section 5: focusses on the planning considerations, including how the application conforms with the outline planning permission, and details of each of the reserved matters;
- Section 6: specifies compliance with the planning conditions;
- Section 7: provides the summary and conclusions.

2. SITE AND SURROUNDING AREA

Site Description

2.1 The Site lies to the East of the A131 Bournebridge Hill on the southern edge of Halstead, within the Parish of Greenstead Green. A Site Location Plan is included at Appendix 1. The Site extends 13.34 Ha in area forming an irregular-shaped parcel of land currently comprising three individual agricultural fields. Immediately to the north is a very recent residential development that has been completed in two former field parcels, comprising a development of 183 dwellings by Bloor Homes within the western parcel and a further development of 100 dwellings by David Wilson Homes within the eastern parcel.

2.2 A strong deciduous tree belt lies to the northern boundary of the western-most of the three field parcels. This visually encloses the Site from the existing Bloor development beyond. There is slightly more limited deciduous field hedging running along the northern-most boundaries of the remainder of the Site. The western boundary of the Site with the A131 Bournebridge Hill is currently open.

Wider Context

2.3 The town of Halstead is a settlement within the highest tier of the Council's Settlement Hierarchy and has a population of around 12,000 as identified in paragraph 3.5 of the Braintree Local Plan. As a town Halstead is a sustainable location with good accessibility offering a range of services and facilities.

2.4 Greenstead Green is a Third Tier settlement and amongst the smallest villages within the Braintree District. Third Tier settlements often lack most of the facilities required to meet the day to day needs of residents but its proximity to Halstead (and Braintree) can provide for residents needs.

2.5 For the purposes of the application at Bournebride Hill, the site is well related to Halstead as a higher order settlement with a range of services and facilities to meet local needs.

Planning History

Outline Planning Permission

2.6 The original outline planning application was submitted to Braintree District Council by Gladman Developments Ltd on 11 March 2019. The application was refused by Braintree District Council Planning Committee on 18 March 2022 (ref. 19/00493/OUT) following an officer recommendation for refusal. The decision notice with the refusal included two reasons for refusal primarily relating to development on an unallocated site and the Council being able to demonstrate a 5.1 year supply of housing and the site being located within a Minerals Safeguarding Area.

2.7 Following the refusal of planning permission, an appeal was submitted by Gladman to the Planning Inspectorate in June 2022. The appeal was allowed (ref. APP/Z1510/W/22/3299178) and Outline Planning Permission (OPP) was granted in

November 2022, for the development of up to 200 dwellings with all matters other than access left reserved.

2.8 The appeal decision includes a schedule of 28 conditions which provide requirements relating to various aspects guiding the future development of the site. Many of these conditions require information to be submitted concurrent with the first reserved matters application, whereas others require compliance with approved drawings or discharging prior to commencement or occupation.

3. PROPOSED DEVELOPMENT

Development Framework Plan

3.1 Condition 3 of the OPP requires any subsequent RM submissions to generally accord with the requirements of the approved Development Framework Plan, as shown in Appendix 2.

3.2 The Development Framework Plan defines two distinct developable parcels:

- The western-most field parcel comprising 2.28ha; and
- The larger eastern-most field parcel comprising 3.41ha.

3.3 Both parcels would be accessed from a new spine road to the south from the A131. This road would also effectively form the initial section of a potential southern bypass for the town which is a long standing aspiration of the local community (as seen on the Policies Map for Halstead).

Application Proposals

3.4 The proposed detailed RM scheme for the Bournebridge Hill development comprises the creation of 197 high-quality dwellings plus associated parking and landscaping.

3.5 RM approval is sought for appearance, landscaping, layout and scale in accordance with Condition 1 of the outline planning permission (ref. 19/00493/OUT).

3.6 The description of development as set out on the application form is as follows:

"Submission of Reserved Matters of Appearance, Landscaping, Layout and Scale under Condition 01, of Outline Planning Permission 19/00493/OUT (appeal ref APP/Z1510/W/22/3299178) for 197 dwellings and associated infrastructure."

3.7 The Reserved Matters application also includes the submission of details pursuant to conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 from the outline planning permission as outlined in the rest of the Planning Statement and documentation.

3.8 The proposed housing will range in size from one to four-bedroom dwellings and would meet a range of community housing needs and provide a range of dwelling types, sizes and tenures in accordance with the needs of the local area. All dwellings comply with NDSS standards. 59 affordable units are proposed, all of which are compliant with Building Regulations Category M4(2), and 3 accessible bungalows are proposed which are compliant with Building Regulations Category M4(3).

3.9 The proposed housing mix is summarised in the table below:

Dwelling Type	1-bed	2-bed	3-bed	4-bed
Private	6	39	65	28
Affordable Rent	8	17	12	4
Shared Ownership	-	12	6	-
Totals	**14**	**68**	**83**	**32**

3.10 A full schedule of accommodation has been submitted as part of the reserved matters application and is included on the Accommodation Schedule (2405.380.P05) which has been provided with the application, which shows that 59 of the units are affordable which equates to 30% of the total dwellings proposed in accordance with the requirements of the S.106 associated with the site.

3.11 The Accommodation Schedule provides details of the dwelling type, floorspace, parking provision and garden size for each unit proposed on the site. Corresponding drawings also show the garden sizes are policy compliant depending on the dwelling size as seen on drawing BBH1-SCN-ZZ-ZZ-DR-A-01-310A3. Each unit is also provided with dedicated parking provision and EV capabilities and cycle shed as shown on drawing BB-H1-SCN-ZZ-ZZ-DR-A-01-303A3.

3.12 The Reserved Matters application has been informed by the requirement to allow for future road connections to be made in order to provide a Relief Road to the South and East of Halstead as identified on the Local Plan Policies Map. The Spine Road that runs west to east to the southern part of the site as shown on the application drawings, will form the first part of the Relief Road, in line with the Council's aspirations. The Spine Road includes cycle and pedestrian links alongside a tree lined avenue. The delivery of the Spine Road could take a phased approach, with only the western part of the road needing to be delivered initially to serve the proposed development. The phasing is to be discussed and agreed with BDC.

3.13 The current proposals do not require the provision of a roundabout on the A131 and therefore a T junction is proposed to serve the development. Notwithstanding this and in accordance with the legal agreement for the site, space within the site has been reserved to allow for the construction of a roundabout to Essex County Council Specifications should it be required in the future.

3.14 A comprehensive approach to landscaping has been proposed to the south of the Spine Road to accord with the Development Framework Plan approved by the outline permission. The Landscape Masterplan shows that the site also provides basins to help accommodate onsite drainage requirements. The landscaping will provide a robust and defendable edge to the development and form the boundary between the built form and the agricultural fields to the south.

3.15 A site wide drainage strategy has been developed for the site that is based on parameters agreed with the Local Planning Authority, including limiting discharge rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Across the site there is sufficient storage to ensure no off-site flooding as a result of the development during all storm events and providing details of exceedance conveyance routes across the site. The drainage strategy incorporates SuDS features across the site to provide effective flood protection and water treatment for the long term alongside a separate strategy for the discharge of foul water flows from the development.

3.16 Within the site, walking routes and other areas of open space and landscaping will be provided to encourage walking and cycling through the development. A LEAP is also provided in a central location to serve the recreational and amenity needs of residents whilst also providing a focal point for the development.

Pre-Application Advice

Formal PPA

3.17 Hopkins Homes has entered into a formal Planning Performance Agreement (PPA) with BDC. To date, a series of Pre-Application Meetings have taken place with BDC Officers (Planning and Design) and Essex County Council Highways as part of the formal agreement. Meetings took place at the BDC Offices on the following dates:

- 14 February 2024;
- 02 April 2024;
- 12 June 2024;
- 01 July 2024, and
- 14 August 2024.

3.18 These PPA meetings have provided the opportunity for the applicant and the project team to discuss and consider layout proposals and design objectives of the site. Through regular pre application engagement undertaken in a collaborative and meaningful manner this has ensured that the proposals submitted have been informed by BDC and ECC Officers.

3.19 During the PPA meetings, the scheme has evolved significantly to ensure better reflection of local aspirations and alignment with policy expectations. The scheme has been amended and evolved to take account of the officer advice provided at the PPA meetings, with the intention that the RM scheme hereby submitted will be welcomed and viewed favourably by officers.

Members Forum

3.20 As part of the PPA process, Hopkins Homes were also invited to attend the BDC Members Forum which provided an opportunity to present the emerging proposals and scheme layout to elected councillors.

3.21 Hopkins Homes attended the BDC Members Forum on 27 August 2024 and provided a presentation on the site background and latest proposals. The Member Forum also provided an opportunity to discuss the character areas across the site, approach to landscaping and low carbon technologies to be implemented as part of the future development.

3.22 Hopkins Homes is committed to on-going positive engagement and will continue to liaise with key stakeholders following the submission of the application, including notifying them on the submission as required by the PPA.

4. PLANNING POLICY CONTEXT

4.1 The relevant local and national planning policies applicable to the reserved matters submitted for approval through this application are summarised below.

4.2 Section 38 of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.3 The development plan for Braintree is the Braintree District Local Plan which provides a vision and new planning framework for how the area will develop and grow up to 2033. The Braintree District Local Plan 2033 identifies the most sustainable locations for future housing need alongside infrastructure, employment, community facilities, retail, leisure and transport. Land is allocated for development alongside the strategic planning policies to guide the location, pattern and scale of development across Braintree. The Local Plan 2033 is in two sections. Section 1 is a strategic plan for North Essex which was adopted in February 2021 and is shared with Colchester and Tendring Councils. Section 2 contains policies, maps and sites for development and was adopted in July 2022 and focuses only on Braintree District.

4.4 The National Planning Policy Framework (2023), Planning Practice Guidance (PPG) and BDC Supplementary Planning Documents (SPDs) are also relevant material considerations. Consideration has also been given to the NPPF consultation document which was published by the new Government in July 2024 during the preparation of the reserved matters application.

National Policy

4.5 The National Planning Policy Framework was first published in March 2012 and set out the Government's aims and objectives for the Planning System following the principles of sustainable development and centered on social, environmental and economic objectives.

4.6 Since the first publication, the NPPF has been subject to various iterations ad reviews with the latest update being brought into effect in December 2023. Since then the Government has changed following the General Election in July 2024 and a further revision was published for consultation in 2024.

4.7 It is anticipated that following the consultation, the NPPF will be revised and a further update brought into use in Winter 2024/Spring 2025.

4.8 Notwithstanding the revisions to the NPPF the following sections are relevant to the proposed development at Bournebridge Hill.

4.9 Section 2: Achieving sustainable development. The NPF is clear that the "purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner". The proposals at Bournebridge Hill can ensure that sustainable development is achieved in a comprehensive manner.

4.10 Section 5: Delivering a sufficient supply of homes. The Government has a long established objective of significantly boosting the supply of homes to meet the requirements of the country. The supply of new homes also needs to bring about a mix of residential opportunities to reflect current and future needs of an area though different types and tenures of housing. Land at Bournebridge Hill is capable of delivering a variety of homes in a manner which is policy compliant in terms of housing mix and affordable housing.

4.11 Section 8: Promoting healthy and safe communities. Within this section of the NPPF, the Government is seeking to ensure that communities are healthy, inclusive and safe places which promote social interaction and support healthy lifestyles. Providing for open space and recreation in locations well related to development proposals can help achieve this and the proposed development will accommodate these requirements.

4.12 Section 9: Promoting sustainable transport. Managing patterns of growth to promote opportunities for walking, cycling and public transport is a key consideration as well as managing the potential impacts of the development proposals on the transport network. Through engagement with Essex County Council Highways the scheme has been developed to ensure that journeys can be undertaken through sustainable modes of transport whilst also not causing issues for the wider highway network.

4.13 Section 12: Achieving well designed places. A focus on high quality design is fundamental to delivering sustainable development and is what the planning and development process should achieve. The Government is clear that developments should function well and add to the overall quality of the area with visually attractive layout that offer good architecture and landscaping whilst respecting local character and history. The proposals at Bournebridge Hill offer a comprehensive design approach to create a community which respects the local character and has been shaped through engagement with the local authority design officers.

4.14 Section 14: Meeting the challenge of climate change, flooding and coastal change. The Government places great emphasis on the challenge of climate change, flooding and coastal change and seeks that local authorities and applicants should take a proactive approach to mitigation and adaptation. The use of renewable and low carbon technologies and design features is an essential way in which proposed developments can mitigate their impact on the environment. Hopkins Homes is committed to achieving sustainability targets and providing dwellings which are fit for purpose and implement the current requirements in terms of building regulations to address climate change issues.

4.15 Section 15: Conserving and enhancing the natural environment. The natural environment is a key consideration in all development proposals. Proposals are required to enhance the natural and local environment through appropriate measures including mitigation. The proposals at Bournebridge Hill have been designed with landscape and the natural environment in mind to contribute to sustainable development.

Local Planning Policy

4.16 The Braintree District Local Plan provides a vision for how the area will develop and grow up to 2033. It is split into two sections – Section 1 is a strategic plan for North Essex which is

shared with Colchester and Tendring and was adopted in February 2021. Section 2 contains policies for development, housing, employment and regeneration in Braintree District and was adopted in July 2022. Outlined below is the relevant sections of the Local Plan of relevance to this proposal.

4.17 Policy SP1: Presumption in favour of sustainable development outlined that the Local Planning Authorities will take a positive approach to development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

4.18 Policy SP4: Meeting Housing Needs outlines that local authorities will identify sufficient deliverable, developable sites to meet the housing requirements. Braintree District has a housing requirement of 716 dwellings per annum which is a total minimum requirement of 14,320 over the plan period 2013-2033 (716*20).

4.19 Policy SP6: Infrastructure and Connectivity requires all development to be supported by provision of services and facilities that are identified to meet the needs arising from development proposals across transport, education, health, digital and water requirements.

4.20 Policy SP7: Place Shaping Principles are required to ensure that all new development meets high standards of urban and architectural design.

4.21 Policy LPP16: Housing Provision and Delivery sets out that Braintree will plan, monitor and facilitate the delivery of 14,320 minimum new homes between 2013 and 2033 with these being located primarily in the Main Towns and Key Service Villages.

4.22 Policy LPP31: Affordable Housing is to be directly provided by the developer with a target of 30% on sites of 10 or more units. Affordable housing mix proposed is to reflect the current local needs in the area.

4.23 Policy LPP35: Housing Mix, Density and Accessibility will be provided as developments are required to create sustainable, inclusive and mixed communities by providing a mix of house types and sizes which reflect local needs and at a density appropriate to the local area. A minimum of 10% must be M4(2) or M4(3) category dwellings.

4.24 Policy LPP42: Sustainable transport should be facilitated through new developments to promote accessibility and integration into the wider community. All development should provide for pedestrians, cyclists, public transport, service and emergency vehicles and facilities for EV charging which are consistent with the Essex Transport Study. Applications may be required to produce Travel Plans and Transport Assessments.

4.25 Policy LPP43: Parking Provision is required for vehicles and cycles in accordance with the Essex Vehicle Parking Standards.

4.26 Policy LPP45: New Road Infrastructure is identified on the Policies Map for the A131 Halstead Bypass which is shown as a diagrammatic corridor only and may be subject to change.

4.27 Policy LPP46: Broadband connections to all new residential development must be provided by fast and reliable services to provide capacity for the fastest available broadband across Braintree.

4.28 Policy LPP47: Built and Historic Environment, the Council will promote and secure a high standard of design and layout in all new development.

4.29 Policy LPP48: All Inclusive Environment, all developments shall achieve a high standard of accessible and inclusive design.

4.30 Policy LPP49: Health and wellbeing impact assessments will be required to promote good health across Braintree by assessing proposals against their impact upon health and wellbeing and capacity of existing health services and facilities.

4.31 Policy LPP50: Provision for Open Space, Sport and Recreation requires all development to provide new open spaces in line with requirements set out in the Open Spaces Supplementary Planning Document.

4.32 Policy LPP52: Layout and Design of Development, requires a high standard of layout and design in all developments.

4.33 Policy LPP63: Natural Environment and Green Infrastructure requires that all proposals must take available measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity in the District and tackle climate change and water scarcity thorough design.

4.34 Policy LPP65: Tree Protection will be considered for established healthy trees which offer significant amenity value to the locality.

4.35 Policy LPP65: Protection, Enhancement, Management and Monitoring of Biodiversity is required through the mitigation or compensation of any adverse impacts which is commensurate with the scale of development proposed.

4.36 Policy LPP67: Landscape Character and Features will be taken into account for the different roles and character of the various landscapes areas across Braintree which recognise the intrinsic character and beauty of the District.

4.37 Policy LPP70: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards requires all development to prevent unacceptable risks from emissions and other forms of pollution such as light and noise and ensure no deterioration to either air or water quality.

4.38 Policy LPP71: Climate Change strategies will be adopted to mitigate and adapt to climate change and move to a low carbon future for Braintree District. Applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to impacts have been incorporated into proposals.

4.39 Policy LPP72: Resource Efficiency, Energy Generation and Energy Efficiency measures will be encouraged in design. Measures could include site layout and building orientation,

natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling.

4.40 Policy LPP74: Flooding Risk and Surface Water Drainage considerations must be taken into account in all proposals and demonstrate that flood resilient measures which are safe for users over the lifetime of the development have been taken into account alongside climate change and vulnerability of residents to ensure that the scheme does not have an adverse impact on any watercourse, floodplain or flood defence.

4.41 Policy LPP75: Surface Water Management Plan requires development to have regard to and contribute positively to the aims and objectives of the Braintree and Witham Surface Water Management Plan.

4.42 Policy LPP76: Sustainable Uran Drainage Systems will be required on developments of 10 or more dwelling. Systems shall provide optimum water runoff rates and be designed to reflect up to date standards. Sustainable Urban Drainage Systems should be an integral part of the layout and can provide a dual use with Open Space on a site.

4.43 Policy LPP77: External Lighting proposals will be supported where they are designed to be capable of adoption by the Highway Authority and use low energy lighting which does not cause issues of light pollution or disturbance for nearby residential amenity and ecological systems in the area.

Other Relevant Documents

4.44 Braintree District Council has prepared and adopted a number of Supplementary Planning Documents which provide further detail and justification for the policies and requirements in the Local Plan documents. Due to the date of some of these, they relate directly to Local Plan policies which have now been superseded by the Section 1 and Section 2 Local Plan recently adopted by the Council but are still operational and may contain principles on which to inform judgements.

4.45 Some of the supplementary documents cover specific topics or areas which are not relevant to the proposals at Bournebridge Hill but those listed below are considered relevant and have been taken into account as the Reserved Matters proposals have evolved. Including:

- Affordable Housing SPD – May 2006
- Essex Design Guidance – 2005
- External Artificial Lighting SPD – September 2009
- Open Space SPD – November 2009
- Parking Standards Design and Good Practice Guidance – September 2009
- Sustainability Statement – Guidance Note – March 2023
- Urban Place Supplement Guidance – June 2007

5. PLANNING CONSIDERATIONS

5.1 Outline planning permission and reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order.

5.2 An application for the approval of reserved matters is not an application for planning permission within the meaning of the Town and Country Planning Act 1990.

5.3 The issues to be considered should therefore be limited to those that are directly relevant to the scope of the reserved matters being applied for, as defined in Article 2. In the case of this application, this relates to details of appearance, landscaping, layout and scale.

5.4 This Section of this Planning Statement makes an assessment of the scheme against relevant planning policy and other material considerations.

Principle of Development

5.5 The issuing of the outline planning permission for the site is a material consideration and established the principle of residential development in this location.

5.6 The Braintree District Local Plan includes settlement boundaries which indicate the extent of built development across the district. However as this site was approved at appeal and outside of the plan making process it remains outside of the settlement boundary, but that is overcome via the outline permission granted.

Conformity with outline planning permission

5.7 The outline planning permission (ref. 19/00493/OUT) established that the Site could be developed to accommodate the level of development proposed and set the parameters for how the development should be achieved. Condition 3 of the outline planning permission requires general accordance with the Development Framework Plan (ref. 726A-03ZA) as included at Appendix 2. In summary, the approved general parameters for the Site include:

- Up to 200 dwellings;
- Green infrastructure including a LEAP, new green spaces and substantial tree and woodland planting;
- Public footpaths and cycleways;
- Vehicle access and potential for a new spine road; and
- Associated infrastructure.

5.8 The proposals presented under this reserved matters application build on these established principles and the approved plans and documents of the outline planning permission to determine the detail and form of the development to deliver development of the Site.

5.9 The proposal draw on the Site's specific constraints and opportunities to respond to the aspirations and requirements of local policy to contribute a sustainable form of development, and establish a strong sense of place and character for the development.

The Reserved Matters: Appearance

5.10 The appearance of the development has been evolved throughout the pre-application stages to reflect the policy requirements and the principles of the outline planning permission. Key consideration was given to the location of the primary site access, site levels and existing vegetation. These considerations allowed for the identification of three distinctive character areas suitable for their location within the site alongside the public and private spaces to be delivered.

5.11 The proposed development comprises of, 1, 2 and 2.5 storey dwellings which provide building heights of between 5.4m and 10.2m to give a varied appearance across the site. Bungalows are proposed to the east of the site to reflect the relationship with the neighbouring off site buildings.

5.12 To guide the appearance of the site and provide different characteristics throughout the development, three character areas are proposed. These different areas highlight the importance of creating variety across the site and allows for different dwelling types, materials and finishes to be encouraged thus creating diversity and visual interest. The three character areas, Edge, Urban and Core are outlined below along with further design rationale details within the Design and Access Statement.

Edge

5.13 The primary purpose of this character area is to provide an attractive approach into the development which is focussed on the spine road and main avenue providing the access to the site. The Edge overlooks the landscaping areas with plots consistent in their approach to landscaping providing a sense of enclosure. Street trees are planted at regular intervals which provide height and vertical impact to complement the dwellings located within this character area.

Urban

5.14 The proposed avenue plays a fundamental role in sharing the urban character and appearance. An emphasis on formal rhythm that complements the built form and landscaping is proposed which aligns with responses from the Council during the PPA engagement. The urban area is the heart of the development with higher density housing alongside off-street parking. Street trees at regular intervals also allow for grass verges and ornamental hedges on plots to provide a strong sense of character and appearance to this area. Focal buildings within the character area will feature white cladding and chimneys that will act as landmarks within the site to aid wayfinding and place making. Some buildings will be 2.5 storey that will enhance the appearance and variety within the area.

Core

5.15 Situated predominately on the northern edge of the development the Core benefits from private drives overlooking open spaces with a mixture of brick and rendered dwellings. Corner turning units will allow for the natural transition from once character areas to another. Street trees and appropriate brick wall treatments will provide the harmonious transition between the development and the wider landscape incorporating sustainable drainage swales, mounds and native trees to create inspiring and aesthetically pleasing setting for new housing.

The Reserved Matters: Layout

5.16 Consideration of the layout for the proposals has been a key factor throughout the project and this has been informed by the history and character of Halstead as a location and the context of the site and the countryside edge.

5.17 The layout has been subject to revisions and amendments through the PPA with the Council as detailed above and within the Design and Access Statement supporting the application but has taken into account the constraints and opportunities offered by the site. The layout has been led by landscape, density and a placed led approach.

5.18 The new residential development is landscape driven which focuses on integrating natural elements and sustainable practices into the design by prioritizing green spaces, trees and gardens to enhance resident's amenity whilst promoting biodiversity and mitigating environmental impacts.

5.19 Informed by the surrounding area and context of Halstead, the layout proposes a scheme with a gross density of 16 DPH and a net density of 35 DPH. Building frontages and side brick walls will be used to define streets and spaces with individual buildings located in key locations to create ends and vistas that are responsive to local character and provide an attractive place led approach to the development.

5.20 These aspects result in a layout which has been designed in an efficient and structured way to make use of the best urban design principles whilst appreciating its context to all sides of the site by respecting the surrounding areas. Active street frontages which overlook the streets and open spaces offer surveillance whilst gardens and boundaries have been designed to minimise overlooking.

5.21 The road hierarchy helps contribute to the layout and provides good connections throughout the site for vehicles, pedestrians and cyclists. Roads within the main part of the development (excluding the Spine Road) are designed for 20mph vehicle speeds and incorporate traffic calming measures as required along with shared surfaces for pedestrian footways and cycle parking provision within each plot to provide a comprehensive layout thorough the site.

5.22 Connections to existing developments to the north of the site have also been secured and aligned with the proposals as established through application 23/00929/FUL which was approved in August 2024. This application secures cycle and pedestrian links into the

developments to the north of the site to facilitate onward movement into Halstead and other residential areas of the town. A residential travel plan is a requirement that will need to be satisfied ahead of first occupation and information will be provided on this at the appropriate stage.

5.23 Across the site, the layout enables different types of dwellings to be spread across the site making the most of different development parcels to provide interest and character. Affordable housing units are distributed throughout the site (drawing BBH1-SCN-ZZ-ZZ-DR-A-01-307-A3) to promote community cohesion and encourage a more efficient layout that promotes sustainable development. Each of the units identified as affordable have been designed to be compliant with the relevant M4(2) and M4(3) standards to provide the mix and accord with the s.106 requirements. A confirmation statement from a Registered Building Inspector is provided to demonstrate compliance with condition 16 of the outline planning permission. Further details in relation to construction will be provided at detailed design stage.

5.24 The layout of the site has also been influenced by the drainage strategy proposed to ensure that it can be effectively drained and avoiding the need for storage to demonstrate that the site can accommodate the 1 in 100 year storm event plus a 40% allowance for climate change. The use of SuDS features throughout the site is a suitable approach to ensure that the development would provide an adequate level of water treatment for the pollution hazards generated by the land uses such as roads, roofs, residential gardens and amenity areas.

5.25 A strategy for dealing with the discharge of foul water flows from the site has been considered as part of the layout considerations as well which demonstrates that the site can be drained based on the proposed development.

The Reserved Matters: Landscaping

5.26 The proposed development has been influenced by the outline development framework plan (see Appendix 2), which established a dedicated area of open space to the south of the road to provide access to the Site. The area to the south also provides the boundary of the development and when implemented will ensure that the urban area (of Halstead) has a well-defined boundary with a comprehensive landscape approach.

5.27 JBA have prepared the landscape strategy for the site which details a range of native and climate resilient species to ensure that the residential development is balanced with features which are appropriate for the site.

5.28 The spine road is bordered by trees and landscaping areas to provide an avenue type approach into the development. The landscaping has been designed to ensure consistency and continuity at the site entrance but also to begin the high quality environment which is expected as part of the Local Plan aspiration for a relief road serving Halstead. Street trees provide for a rhythm to the road alongside the carriageway, footway and cycle ways and are designed to the specification of the Highways Authority, set back by 1-1.5m from the highway kerb to allow for inclusion of a root barrier.

5.29 Within the development site, the landscape is continued in a formal and measured manner to ensure that residents have appropriate private amenity areas within individual plots but complemented by areas offering public open space and amenity across the development.

5.30 Street trees are provided throughout the development to provide character and amenity to the development. These have been carefully located to ensure that they make a positive contribution to the site but do not cause issues in terms of proximity to footways, roads, or drive ways. The street trees also ensure that built form is not dominant and interest is added at locations throughout the site. The tree planting is in accordance with the National House Building Council standards.

5.31 The landscaping of plots has been carefully considered as part of the reserved matters proposals to ensure that the relationship between private areas and those the responsibility of a management company are clearly defined through different treatments and approaches and ensuring that covenants are imposed on owners to ensure that trees and landscaping throughout the site are retained. Taking a positive and proactive approach will ensure that the site wide strategy will be retained and enhanced over the lifetime of the development. Further details can be found on the Landscape Masterplan and the drawings which detail the approach to each plot.

5.32 Along with the Landscape Masterplan (drawing JBA 24/287-SK01), a Landscape and Ecological Management and Maintenance Plan has been prepared (ref JBA 24/287) which provides a schedule of all the required maintenance regimes, operations and works necessary for the management of the landscape proposals in perpetuity. Details of the annual and occasional works are provided and the organisations (or individuals) responsible for such.

5.33 An Arboricultural Impact Assessment has also been prepared to provide detail on the arboriculture matters across the site and the relationship between these and the proposed development.

5.34 Taking into account the Landscape Strategy and the Arboriculutral Impact Assessment proposed on the site, a Biodiversity Net Gain Design Stage Report, along with the Biodiversity Gain Plan and the Habitat Management and Monitoring Plan has also been prepared and details are submitted concurrent with the first Reserved Matters application.

5.35 Within the heart of the development, a recreation and amenity area (LEAP) is to be provided in a landscape setting which offers recreational interest to residents and visitors. The landscape approach will encourage use of the LEAP as well as surveillance through the footpaths circulating the site and dwellings nearby.

The Reserved Matters: Scale

5.36 The scale of the development has been informed by the outline planning permission, site constraints, planning policies and engagement with Planning and Design officers at BDC.

5.37 The reserved matters application seeks to provide 197 dwellings across the site with building heights ranging from 1 storey to 2.5 storey in height. These buildings as seen on drawing

BBH1-SCN-ZZ-ZZ-DR-A-01-306-A3 will provide variety and interest across the site by allowing for views from the dwellings to the Public Open Spaces as well as landmark and key feature buildings in key locations.

5.38 Bungalows which offer accommodation at 1 storey are proposed in the eastern edge of the site to provide a sympathetic response to scale and heights on the adjacent off site buildings.

5.39 Through the different character areas, the difference in scale has been considered and addressed through a variety of dwelling types. In some locations, dwellings will be larger detached properties integrated with smaller dwellings in terms of size and mass to provide an interest and diversity across the site.

5.40 A mixture of dwelling sizes are provided across the Site, ranging from 1-4 bedrooms. The full variety of housing types are integrated into the site layout to ensure an inclusive and cohesive development. Each dwelling has policy compliant garden sizes. Dwellings will be designed to comply with the NDSS and M4(2) requirements to maximise efficient use of space and to ensure sufficient natural light to all habitable spaces.

5.41 To conform with condition 11 of the outline planning permission, Sharps Redmore have prepared a Noise Assessment Report in accordance with the relevant professional guidance and best practice. The Noise Assessment takes into account the potential noise increase from the future construction of a highway scheme and how this may impact on the dwellings and residential amenity of residents.

5.42 Surveys were conducted in July 2024 and measured the daytime and nighttime noise levels of the area which have then been judged against the development proposals submitted as part of the Reserved Matters. The Noise Assessment concludes that local road traffic noise from the A131 is the dominant noise source at the site and SoundPLAN modelling has been undertaken to demonstrate noise levels from the A131 and the proposed Spine Road.

5.43 Some dwellings have been identified that require alternative ventilation other than opening windows to meet the requirements of Building Regulations but the assessments has objectively demonstrated that the effects of identified sources of noise would not give rise to significant adverse impacts on residents. Noise associated with the development the proposed mitigation would comply with the national requirements and ensure that condition 11 can be discharged.

5.44 A Lighting Strategy has also been prepared to align with the emerging proposals which takes into account the scale and layout of the site. The Lighting Strategy details the overall approach to street lighting on the site alongside that to be installed on individual dwellings as part of the initial construction. The Lighting Strategy reflects the layout from both an architectural and landscape perspective and provides a strategy which balances residential safety and amenity with environmental and ecological considerations.

6. CONDITIONS COMPLIANCE AND S.106

Conditions

6.1 The outline permission (ref. 19/00493/OUT) which was approved at appeal (ref. APP/Z1510/W/22/3299178) includes 28 conditions which the Planning Inspectorate sought to include to guide future development proposals for the site.

6.2 Like many decisions, the range of conditions is varied and dependent on the site characteristics, policy requirements and development proposals. However, there is generally requirement for conditions to be complied with or addressed as part of Reserved Matters application. Conditions can often be required to be addressed concurrent with Reserved Matters, prior to commencement, prior to occupation or at another point within the development cycle.

6.3 The permission at Bournebridge Hill is no different in that sense and this section provides detail as to how the conditions are being addressed and provides a signpost to the documents which as part of the Reserved Matters application can provide relevant details and information.

6.4 There are a number of conditions that do not require the submission of further details but are required to be complied with as part of the outline planning permission. These compliance conditions are listed in the table below.

Condition	To be complied with
Condition 1	Application for approval of Reserved Matters shall be made not later than 2 years from the date of permission.
Condition 2	Approved Plans
Condition 3	Application for approval of Reserved Matters shall provide for no more than 200 dwellings, access, parking, drainage, landscaping, open space and utilities in accordance with Development Framework Plan.
Condition 17	Housing Mix
Condition 21	Working hours for site clearance, demolition and construction work
Condition 27	Yearly logs of SuDS maintenance

6.5 A total of 12 conditions are required to be discharged concurrent with the Reserved Matters application. Details of each of these conditions and the information submitted to ensure their compliance are summarised in the table below.

Condition	Reserved Matters Requirement	Details provided
Condition 5	Biodiversity Net Gain Design Stage Report	BNG Design Stage Report, BNG Plan Form and Habitat Management and Monitoring Plan prepared by CSA Environmental.
Condition 6	Landscape Ecological Management Plan	Landscape and Ecological Management and Maintenance Plan prepared by James Blake Associates.
Condition 7	Landscaping Scheme	Landscape Masterplan and details prepared by James Blake Associates.
Condition 8	Tree Protection Plan and Arboricultural Method Statement	Tree Protection Plan and Arboriculutral information prepared by Barton Hyett.
Condition 9	Details of existing and proposed site levels	Site level drawings prepared by Stomor
Condition 10	Strategy for location and specification of Electric Vehicle Charging Points	Layout drawing showing EV charging points prepared by Scene.
Condition 11	Updated Noise Assessment Report	Noise Assessment prepared by Sharps Redmore.
Condition 12	Refuse Scheme	Refuse Strategy drawings prepared by Scene.
Condition 13	Details of boundary treatments	Boundary treatment drawings prepared by Scene.
Condition 14	Lighting Scheme	Lighting Scheme prepared by Williams Lighting.
Condition 15	Detailed Surface Water Drainage Strategy	Drainage Strategy and drawings prepared by Stomor.
Condition 16	Affordable Housing Confirmation Report	Details of accessible and adaptable dwellings shown on layout plans prepared by Scene along with confirmation report from approved Building Inspector.

6.6 In addition to those conditions listed above for which discharge is sought as part of this reserved matters application, there are 10 further conditions which will require discharge at a future stage. A summary of these conditions and the relevant trigger point for when details will need to be submitted to BDC for approval is included in the table below. Further planning applications will be submitted to provide these details at relevant stages of the development cycle.

Condition	Details
Condition 4	Site Access and Visibilty – Prior to Occupation.
Condition 18	Contamination – Prior to Commencement.
Condition 19	Construction Management Plan – Prior to Commencement.
Condition 20	Construction Environmental Management Plan: Biodiversity – Prior to Development/Preliminary Groundworks.
Condition 22	Flooding: Prior to Development/Preliminary Groundworks.
Condition 23	Drainage Maintenance Plan – Prior to Commencement.
Condition 24	Archaeology – Prior to Development/Preliminary Groundworks
Condition 25	Materials – Above Ground Development.
Condition 26	Residential Travel Plan – First Occupation.
Condition 28	Bus Stops – Prior to Occupation.

S.106

6.7 The S.106 Agreement relating to the outline permission was signed and agreed on 12 October 2022 and details the various obligations that are required as part of proposed development on the site at Bournebridge Hill.

6.8 The agreement, which is between Braintree District Council, Essex County Council, two landowners and Gladman Developments (the promoter of the outline application which was determined at appeal) covers the site of the Reserved Matters application in full. Within the agreement the following elements are considered.

Schedule	Details
Schedule 1	Affordable Housing
Schedule 2	Open Space and Amenity Areas
Schedule 3	Yellow Land
Schedule 4	Skylark Habitat Location
Schedule 5	Healthcare Contribution
Schedule 6	Ecological Mitigation
Schedule 7	Outdoor Sport Contribution
Schedule 8	Allotments Contribution

Schedule	Details
Schedule 9	Community Facilities Contribution
Schedule 10	Cycling Contribution
Schedule 11	Education Contribution
Schedule 12	Highways
Schedule 13	Links
Schedule 14	Refuse Collection

6.9 Since the outline permission was secured progress towards some of the requirements and contributions within the S.106 have been progressed and Hopkins Homes will be continuing to submit this information to the Council directly as the Reserved Matters are approved are implemented.

7. CONCLUSION

7.1 This Planning Statement has been prepared on behalf of Hopkins Homes Ltd ("the Applicant") in support of a reserved matters planning application and application to discharge planning conditions at land off Bournebridge Hill, Greenstead Green, Halstead ("the Site").

7.2 The Site benefits from outline planning permission for 200 dwellings (ref. 19/00493/OUT), which was allowed at appeal on 14 November 2022 following refusal by Braintree District Council (BDC) on 11 March 2019. The outline planning permission is for the following development:

"Up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access."

7.3 The reserved matters to which this application relates include appearance, landscaping, layout and scale, as required by condition 1 of the outline planning permission.

7.4 A full suite of reports, assessments and surveys have been undertaken to inform the reserved matters submission through a project team approach as implemented by Hopkins Homes.

7.5 Proposals have been influenced throughout by consideration of existing local and national policies, examples of best practice and market requirements. Hopkins Homes (and the project team) have also engaged regularly and effectively with Officers covering Planning and Design specialisms at BDC whom have also been supported by Essex County Council Highways. The engagement through the PPA process has been ongoing and consistent throughout the scheme evolution and provided opportunity for ideas to be discussed and proposals shaped to accord with requirements.

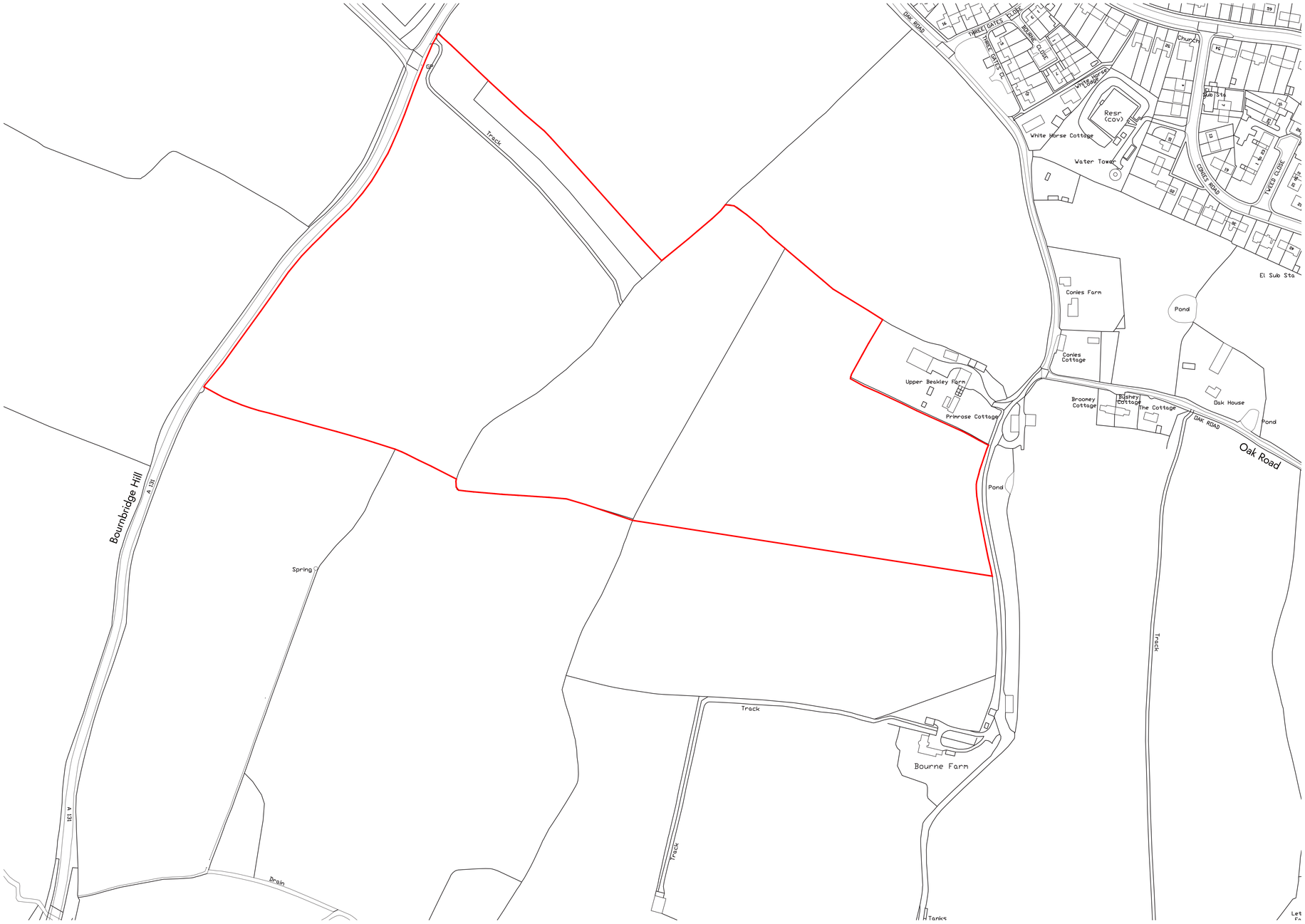
7.6 Engagement with elected members of BDC has also taken place with the attendance at the Braintree Members Forum in August 2024. The Members Forum provided opportunity to highlight the ideas and approach to the reserved matters application, but also allowed elected representatives to ask questions, seek clarifications and gather information ahead of the submission.

7.7 The reserved matters application includes all the information required to align with the conditions on the outline permission secured at appeal. The details are submitted concurrent with the first reserved matters application and before the timescales have passed.

7.8 Based on the information submitted and the information provided within the reserved matters application we are satisfied that the proposals meet requirements and respectfully encourage the Council to make a positive recommendation of approval in a timely manner.

APPENDIX 1. SITE LOCATION PLAN

The copyright in all drawings, schedules, specifications and any other documentation prepared by Scene Architects in relation to this project shall remain the property of Scene Architects and must not be reissued, loaned or copied without prior written consent



NORTH

1:1250
0m 12.5m 37.5m 75m

Stage 3

Bournbridge Hill

// Site Location Plan

Client Name	Hopkins Homes
Site Address	Bournbridge Hill, Halstead

Drawn by	JRB	**Checked by**	JRB
Scale	1:1250 @ A1	**Date**	16.07.2024
Scene Ref.	#2405	**Rev no.**	PL01
Drawing no.	BBH1-SCN-ZZ-ZZ-DR-A-01_001-A3		

Rev	Description	Initials	Date
PL01	Initial Stage 3 Planning Issue	JRB	16.07.24

SCENE

// SceneArchitects.co.uk // 01245 440 302

APPENDIX 2. DEVELOPMENT FRAMEWORK PLAN



North

Scale 1:2,500

0m 20 40 60 80 100m 200m

Note:

Site area:	13.34 ha	Proposed woodland:	1.92 ha
Proposed developable area:	5.69 ha	Proposed spine road corridor area:	1.19 ha
Proposed greenspace area:	3.90 ha	Area safeguarded for potential roundabout:	0.32 ha
Proposed SuDS measure:	0.32 ha		

LANDSCAPE ARCHITECTURE
ENVIRONMENTAL PLANNING
MASTERPLANNING
URBAN DESIGN

RANDALL THORP

Beehive Lofts, Beehive Mill, Jersey Street, Manchester, M4 6JG
0161 228 7721 mail@randallthorp.co.uk www.randallthorp.co.uk

KEY:

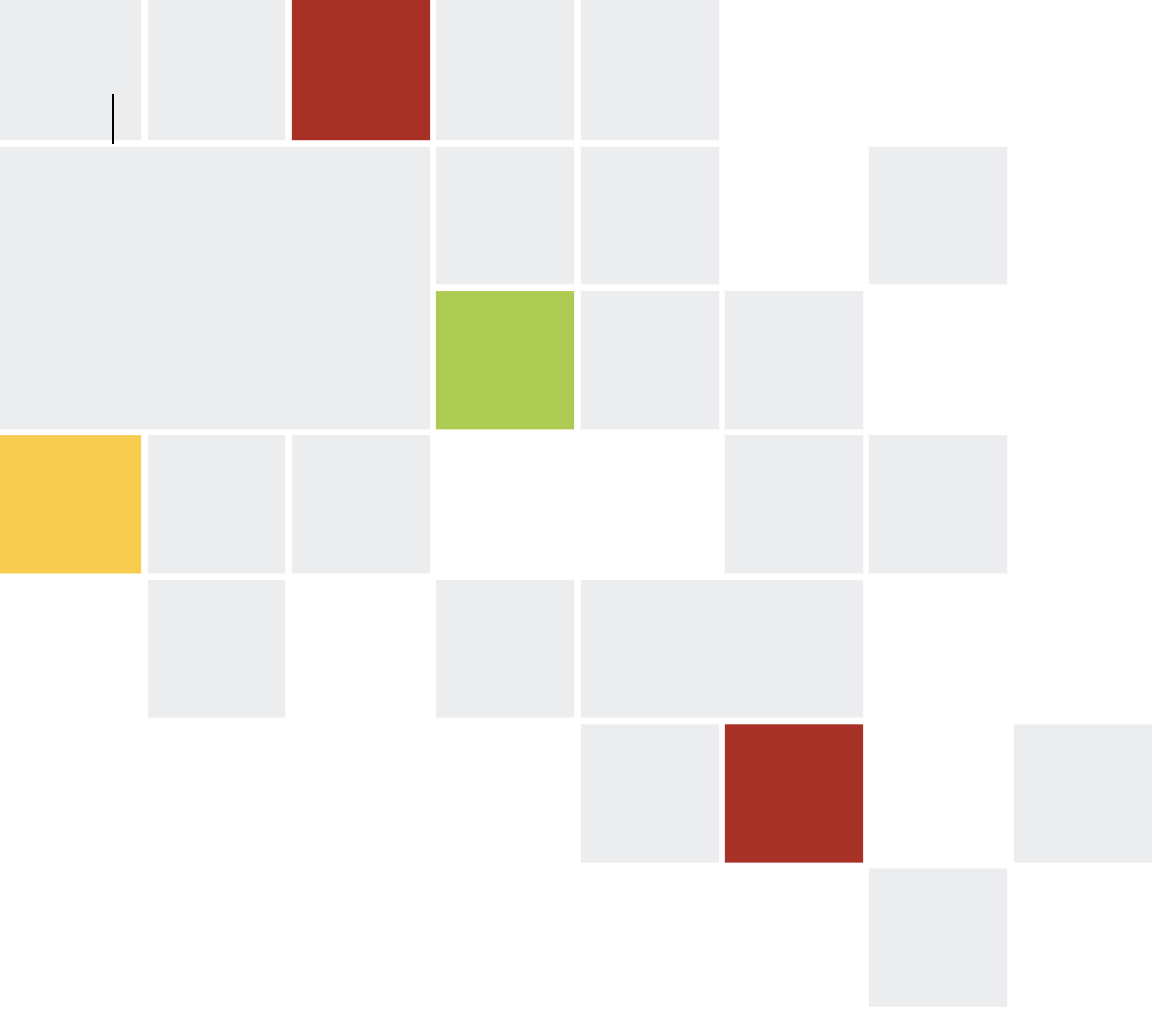
- Red line boundary
- Existing trees/woodland
- Proposed trees/woodland
- Proposed development parcel
- Existing Public Right of Way
- Potential pedestrian/cycle routes
- Informal pedestrian connection
- Potential site access
- Proposed primary road
- Proposed secondary road
- Proposed private drives
- Potential future link road
- Shared pedestrian and cycle Link (3.5m Wide)
- Proposed green space
- Proposed LEAP
- Proposed SuDS features
- Retained field access
- Indicative pumping station location and access
- Development under construction

GLADMAN DEVELOPMENTS LIMITED

Bournebridge Hill, Halstead

Development Framework Plan

Drwg No: 726A-03ZA	Date: 14.01.19
Drawn by: SR	Checker: JF
Rev by: HS/CAW	Rev checker: JF
QM Status: Checked	Product Status: Issue
Scale: 1: 2,500 @ A3	



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Boyer

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2H: Land off Bournebridge Hill Additional supporting evidence

Planning Performance Agreement (PPA)

Planning Performance Agreement (PPA) between: Braintree District Council (BDC) and Hopkins Homes Limited	
PPA Reference:	23/70012/PPA
Site:	Land Off Bournebridge Hill, Greenstead Green, Essex
Dated:	12th February 2024

Planning Performance Agreements

Planning Performance Agreements were formally introduced into the planning system on 6 April 2008. A Planning Performance Agreement, or 'PPA', is a framework agreed between a local planning authority and a planning applicant for the management of complex development proposals within the planning process. As advised by the Planning Advisory Service, the PPA identifies a defined shared vision and identifies key milestones and timescales for the delivery of a planning decision, by both the local planning authority and the applicant. The use of Planning Performance Agreements are encouraged within the NPPF.

Contents

1. Background and Purpose
2. General Principles
3. Resources and Liaison
4. Project Programme
5. Agreement

Appendix 1: Project Programme

Appendix 2: Site Location Plan

1. Background and Purpose

Name of Applicant

1.1 Hopkins Homes Limited.

The Site

1.2 Land Off Bournebridge Hill, Greenstead Green, Essex.

The Project Objectives

1.3 The project relates to a planning proposal for the development of the above site to deliver the scheme outlined below.

1.4 The applicant's proposal which is subject to the PPA process can be described as:

- Submission of the outstanding reserved matters of scale, appearance, layout and landscaping following the grant of Outline application for up to 200 residential dwellings including 30% affordable housing, planting, landscaping, public open space and children's play area and sustainable drainage system SuDS (BDC Ref. 19/00493/OUT & Appeal Decision APP/Z1510/W/22/3299178)

Delivery

1.5 BDC is the Local Planning Authority for developments falling within its local government area boundary.

1.6 The Applicant has submitted a pre-application request and subject to completing the purchase of the site intends to submit a planning application for approval of the Reserved Matters for the Site. This agreement will cover the pre and post-submission work required to enable the determination of the planning application. A plan of the Site covered by this PPA is included within Appendix 2.

1.7 The Applicant and BDC agree to keep to the timescales for the application set out in the Project Programme unless it is agreed by both parties that this period should be extended to allow positive determination of the application, or referral to the relevant statutory bodies. Whilst BDC will strive to meet the project programme and will try to ensure that consultation responses are received in a timely manner BDC cannot be held liable for delays that arise from the failure of statutory consultees to respond within required timescales.

1.8 This Agreement will apply from the date this agreement is signed and shall remain in force for the duration of the Project Programme (or such extension of this Term in accordance with the terms of this Agreement), or until the

Decision Date (being the date on which a decision on the application is issued by BDC) whichever is the earlier and upon the expiry of such period, this Agreement shall cease.

This Agreement

1.9 The scale and nature of the proposal meets the threshold of a major planning application where Planning Performance Agreements are encouraged.

1.10 This Planning Performance Agreement is an agreement between Braintree District Council in its role as Local Planning Authority and the Applicant to provide a project management framework for handling this proposed major planning application. This framework should improve and speed up the planning process by committing both parties to an agreed timetable containing "milestones" that make clear what level of resources are required and ensure that all key planning issues are properly considered.

Freedom of Information

1.14 Applicants should be aware that any documents lodged with the Council and any notes which Officers make of meetings should be made available to the member of the public, if requested under the Freedom of Information Act 2000. Pre-application advice can only be treated as confidential if there are clearly demonstrable issues of commercial sensitivity or other reasons why this information may not be made public.

2. General Principles

2.1 The objective of this Planning Performance Agreement is one of co-operation and consistency throughout the negotiation and determination of this planning proposal, to provide a degree of certainty for the intended outcomes and to improve the quality of the project and of the planning decision.

2.2 BDC and the Applicant agree to be governed at all times by the following principles:

Principle 1: To work together as a team and in good faith, and to respect each other's interests and confidentiality.

Principle 2: To commit and provide promptly information to support and manage the Development Management process.

Principle 3: To be transparent and consistent at all times between all parties so that outcomes are anticipated, defined and understood.

Principle 4: To provide effective involvement and consultation with the surrounding community, statutory and other stakeholders, and any individual or group with a legitimate interest.

Principle 5: To reach agreement on milestones which will remain fixed unless agreed otherwise.

Principle 6: To identify and involve specialist consultees and advisors where appropriate.

3. Resources and Liaison

The Project Team

3.1 The Project Team will comprise of the BDC Team and the Applicant's Team, as defined below. The Project Team will be expanded by agreement.

3.2 The Applicant's Team (for all other contacts, please contact the Agent):

Name	Company	Contact details
Mark Edgerly (Agent)	Boyer Planning	De Grey House, De Grey Road, Colchester, Essex, CO4 5YQ markedgerley@boyerplanning.co.uk
Chris Smith (Applicant)	Hopkins Homes Limited	Melton Park House, Scott Lane, Melton, Woodbridge, Suffolk, IP12 1TJ christopher.smith@hopkinshomes.co.uk

3.3 The Braintree District Council Team (for all other contacts, please contact the Case Officer):

Name	Position & Role	Contact Details
Neil Jones (Case Officer)	Principal Planning Officer	Causeway House, Bocking End, Braintree, CM7 9HB 01376 312774 neil.jones@braintree.gov.uk
Lee Smith-Evans	Urban Design Officer	C/O Case Officer lee.smith-evans@braintree.gov.uk
Christopher Paggi	Planning Development Manager	Causeway House, Bocking End, Braintree, CM7 9HB 01376 312775 christopher.paggi@braintree.gov.uk

The Applicants Performance Standards

3.4 The Developer agrees to use its reasonable endeavours to achieve the following performance standards at all times:

- The Applicant Project Team shall provide copies to Council officers of any material tabled, if requested.

- To carry out such public consultation as may be reasonably requested by BDC as soon as reasonably practicable.

- If the PPA also covers the pre-application process, the applicant shall consult with any consultee in respect of the proposed development where requested to do so by BDC.

- To wherever possible consider any reasonable concerns raised by any consultee, when requested to do so by BDC.

- To provide BDC with such additional information as may be reasonably requested within 10 working days of such written request from BDC (or such other time period as may be agreed) in order to enable BDC to discharge its responsibilities.

- To provide any relevant information at least 5 clear working days before a scheduled meeting at which such information will be discussed/reviewed. All plans submitted to be drawn to an identifiable scale and to include a scale bar.

- The Applicant's Planning Agent shall prepare meeting minutes as soon as possible, and no later than 5 working days from the date of any meeting, and the action points arising from that meeting in consultation with the BDC Case Officer shall be agreed with the Officers and consultees in attendance. Unless otherwise agreed, meeting minutes and actions arising from meetings are to be agreed no later than 5 working days after the Council's receipt of draft minutes.

- Comply with and facilitate the compliance by BDC with the Project Programme set out in Appendix 1.

- Designate an employee or consultant acting on behalf of the Applicant who alone or as part of a team shall be responsible for overseeing or carrying out the functions in accordance with this agreement. This employee (or consultant) could be subject to change, notice of such to be provided in writing to the Designated Planning Officer (as defined in clause 3.5).

The Local Planning Authority's Performance Standards

3.5 The Local Planning Authority agrees to use its reasonable endeavours to achieve the following performance standards at all times in advance of the expiry of the relevant period of time:

- Respond substantively to all telephone calls and e-mails/letters within 5 working days of receipt. Where circumstances beyond the reasonable control of the Council prevent compliance, the Applicant's Planning Agent shall be notified of such circumstances.

- Designate a planning officer who alone or as part of a team shall be responsible for overseeing or carrying out the functions in accordance with this agreement. The designated Planning Officer could be subject to change. If this is the case, BDC will give reasonable notice to the Applicant.

- Comply with and facilitate the compliance by the Applicant with the Indicative Project Programme set out in Appendix 1.

Meetings

3.6 This Planning Performance Agreement (PPA) will be progressed principally through meetings, to be held either at BDC premises, or held virtually using MS Teams or other similar platforms as otherwise agreed. Meetings will be attended by the Project Team and will be closed to the public.

3.7 The Project Team may establish topic based working groups; regarding specific planning issues if necessary (e.g. in relation to transport, housing, sustainability, S106 Agreement). The range of focused working groups and their members shall be agreed by the Project Team. The PPA provides for a total of up to twelve meetings and the twelve meetings shall include any meetings of the Working Groups.

3.8 The Applicant's Planning Agent, in conjunction with the BDC Case Officer, will act as PPA Project Managers and will convene meetings, organise agendas and where applicable produce minutes to be agreed by the Project Team. The agenda for each meeting will be circulated by the Applicant's Planning Agent at least three working days prior to the meeting.

3.9 Essex County Council (ECC) are a key consultee on major planning applications with their responsibilities as Education Authority; Highway Authority; Waste and Mineral Planning Authority and Lead Local Flood Authority, amongst others. The County Council currently will not be party to PPA's, however the various services all provide Pre-Application advice services. BDC believe it is important that joint meetings are held with Essex Officers to discuss key issues and the designated Planning Officer will work with the Applicant's Agent to arrange joint meetings where these are required. ECC has its own charging schedule for attending Pre-App meetings and providing advice. The Applicant will be responsible for paying any fees required to ECC. The PPA fee paid to BDC does not include any fees that ECC charge for pre-application advice services that they provide.

3.10 Project Team meetings will be held as set out in the Project Programme (unless otherwise agreed).

3.11 Where it is agreed by both parties that additional meetings are required, in excess of the number of meetings specified in this agreement, then an

additional meeting fee of £750 plus £150 VAT will need to be paid prior to any additional meeting being held.

Confidentiality

3.12 Confidentiality protocols will be agreed and applied to specific issues and/or information as they emerge.

4. Project Programme

4.1 The PPA Programme is devised to provide a realistic timeframe for the assessment of the application. The Project Programme is detailed in Appendix 1 of this document.

4.2 Within this period, meetings will be arranged in accordance with the schedule set out in Appendix 1 above.

4.3 If there is a delay in the Project Programme the Project Team will discuss and review whether the Project Programme is still realistic or whether the Project Programme and the Planning Performance Agreement determination timeframe need to be revised. Any revisions to the Planning Performance Agreement determination timeframe shall be agreed in writing by the Applicant and BDC.

5. Agreement

5.1 BDC and the Applicant hereby agree to the content of this PPA.

Braintree District Council	
Name:	Christopher Paggi
Position:	Planning Development Manager
Signature: (On Behalf of BDC)	
Date:	5th July 2024

Applicant	
Name:	Chris Smith
Position:	Development Planner
Signature: (On Behalf of Applicant)	
Date:	

Planning Performance Agreement (PPA)

Planning Performance Agreement (PPA) between: Braintree District Council (BDC) and Hopkins Homes	
PPA Reference:	23/70012/PPA
Site:	Land Off Bournebridge Hill, Greenstead Green, Essex
Dated:	5th July 2024

Agreement

BDC and the Applicant hereby agree to the content of this Project Programme.

Braintree District Council	
Name:	Christopher Paggi
Position:	Planning Development Manager
Signature: (On Behalf of BDC)	
Date:	5th July 2024

Applicant	
Name:	Christopher Smith
Position:	Development Planner
Signature: (On Behalf of Applicant)	
Date:	

Appendix 1: Project Programme

BDC and the Applicant shall work to ensure that the consideration of the proposal is progressed in accordance with the Project Programme set out below (unless a variation to the Project Programme is agreed in writing in accordance with the Planning Performance Agreement).

Project Programme

Date	Meeting / Milestone	BDC Officers Required
14th February 2024	1st Meeting General overview and discussion. General overview and discussion of Feasibility Layout.	• Case Officer • Design Officer
4th March 2024	2nd Meeting Pre-App meeting with the LLFA (ECC SuDS) and Hopkins to discuss preliminary Surface Water Drainage Strategy.	• Case Officer
2nd April 2024	3rd Meeting Review of revised layout and discussion.	• Case Officer • Design Officer
12th June 2024	4th Meeting Review of revised layout and discussion.	• Case Officer • Design Officer
1st July 2024	5th Meeting Review of revised layout and discussion.	• Case Officer • Design Officer
TBC	6th Meeting Review of revised layout and discussion.	• Case Officer • Design Officer
27th August 2024	**Members Forum** (Applicant to present emerging scheme to Members and explain proposed variation to S106 agreement). Copy of Briefing Note to be provided to BDC by 9th August).	• Case Officer

	Copy of presentation to be provided to BDC by 23rd August).	
TBC	7th Meeting Post Members Forum Discussion of issues raised. Review of revised layout, house types and street scenes to start preparing Reserved Matters submission.	• Case Officer • Design Officer
TBC	8th Meeting Review of revised layout, house types and street scenes to start preparing Reserved Matters submission.	• Case Officer • Design Officer
TBC	Electronic submission of Planning Application. Within 3 working days of submission of application. Assessment of application for validation and confirmation of validation, or outstanding validation requirements.	• Case Officer
TBC	9th Meeting 1st Post Application meeting. (General overview and discussion on any key consultation responses).	• Case Officer • Design Officer
TBC	Applicant team working up revised drawings (if necessary).	• N/A
TBC	Amended plans submitted and sent out for re-consultation (if necessary).	• Case Officer
TBC	10th Meeting 2nd Post Reserved Matters Application meeting (To address any outstanding matters and agree draft conditions-Assumes no amendments required).	• Case Officer • Design Officer

TBC	11th Meeting – Reserved Meeting	• Case Officer
TBC	12th Meeting – Reserved Meeting	• Case Officer
TBC	Assessment of application and consultation responses.	• Case Officer • Design Officer
TBC	Deadline for Draft Committee Report.	• Case Officer
TBC	Publication Deadline for Committee Report (subject to all issues being resolved).	• Case Officer • Planning Development Manager
TBC	**Planning Committee** (Target Committee Date)	• Case Officer
TBC	Deadline for Draft Committee Report	• Case Officer
TBC	Publication Deadline for Committee Report (subject to all issues being resolved)	• Case Officer • Planning Development Manager
TBC	**Planning Committee** (Reserve Committee Date)	• Case Officer
TBC	Deadline for Draft Committee Report	• Case Officer
TBC	Publication Deadline for Committee Report (subject to all issues being resolved)	• Case Officer
TBC	**Planning Committee** (Reserve Committee Date)	• Case Officer
TBC	**Issue Decision**	• Case Officer • Planning Development Manager

Appendix 2: Site Location Plan

Carpenter, Kathy

From: Christopher Smith <christopher.smith@hopkinshomes.co.uk>
Sent: 24 July 2024 11:37
To: Carpenter, Kathy
Cc: Jones, Neil; Jonathan Lieberman; Mark Edgerley; Jenny Pike
Subject: Re: Land at Bournebridge Hill Halstead
Attachments: 23-70012-PPA - (Project Programme).pdf

You don't often get email from christopher.smith@hopkinshomes.co.uk. Learn why this is important

Hi Kathy,

Thanks for your email below.

Yes - we are currently targeting a Presentation to the Members Forum on 27th August, with the necessary information for this in the process of being collated.

We haven't yet populated the dates within the suggested updated PPA beyond this, but hopefully will be able to once we have presented the proposals to the Forum and received their feedback.

I don't think we have any issue in you referencing this detail to the Inspectorate if it assists.

Kind Regards,

Chris

Christopher Smith
Development Planner

Ext: **314**
Tel: **01394 446914**
Mob: **07872 380306**
www.hopkinshomes.co.uk



Hopkins Homes Ltd
Melton Park House, Woodbridge, Suffolk, IP12 1TJ
Registered in England and Wales: 02875798

From: Carpenter, Kathy <kathy.carpenter@braintree.gov.uk>
Sent: 23 July 2024 13:00
To: Christopher Smith <christopher.smith@hopkinshomes.co.uk>

Carpenter, Kathy

From: Christopher Smith <christopher.smith@hopkinshomes.co.uk>
Sent: 05 July 2024 15:07
To: Jones, Neil
Cc: Carpenter, Kathy; Jonathan Lieberman
Subject: Re: Land off Bournebridge Hill Halstead
Attachments: RE: Bournebridge Hill, Halstead; RE: SuDS planning advice - SUDSPA586484945; Re: SUDSPA586484945

Hi Neil,

Thanks for your email below.

I don't see why we would object to Appeal Inspector's being made aware of our ongoing dialogue here with ECC Highways and Drainage.

As you say, if we can avoid supplying any detailed drawings as such, given that these are still work in progress, that would be appreciated.

Thanks.

Kind Regards,

Chris

Christopher Smith
Development Planner

Ext: **314**
Tel: **01394 446914**
Mob: **07872 380306**
www.hopkinshomes.co.uk

From: Jones, Neil <neil.jones@braintree.gov.uk>
Sent: 05 July 2024 10:53
To: Christopher Smith <christopher.smith@hopkinshomes.co.uk>
Cc: Carpenter, Kathy <kathy.carpenter@braintree.gov.uk>
Subject: Land off Bournebridge Hill Halstead

Morning Chris,

One of my colleagues is assembling evidence for a forthcoming Planning Hearing on Housing Land Supply and they are keen that we include evidence of Hopkins Homes progress with bringing the Halstead site forward for delivery. One of the issues that has been raised is whether Hopkins have engaged with Essex County Council on Highways and Surface Water Drainage. We have previously said that I have attended meetings with ECC Officers on both matters but sadly my word is not carrying weight at previous hearings.

Can you confirm that you have no objection to BDC submitting the attached e-mails with our housing land supply evidence of the SuDS and Highway meetings. I would hope this would be agreeable, but colleague wanted to have confirmation that this was ok and that we were not breaching any confidentiality rules. We would be happy to exclude the marked-up plan that your engineers provided for the LLFA meeting if you would rather that was not disclosed.

Many thanks

Neil



Think before you print!

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Melton Park House,
Melton,
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Tel: 01394 446800,
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VAT Registration Number 637 8907 90.
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Carpenter, Kathy

From: Martin Mason - Strategic Development Engineer <Martin.Mason@essex.gov.uk>
Sent: 28 February 2024 15:46
To: Jones, Neil; Christopher Smith; Tim Eyton-Jones; Jonathan Lieberman; Anthony Arnold; Smith-Evans, Lee
Subject: RE: Bournebridge Hill, Halstead

Hi All,

Further to our meeting on 14th February 2024, I've discussed your initial layout with a colleague from our Development Management team and so please find set out below our initial comments.

1. In terms of the link road, we suggest you construct to a maximum of 20 metres beyond the easternmost site access and enter into a s106 DoV to set aside (in the same way the land for a possible future roundabout where the link road meets the A131 is already set aside by the outline planning permission) to enable the link road to be extended east at some point in the future
2. The same could be applied to the footway/cycleway on the southern side of the link road
3. As mentioned at our meeting, the private footpath/cyclepath through the landscape buffer on the northern side of the link road should still be lit
4. There appear to be several drafting errors e.g., an additional site access between the western and eastern site access, but we appreciate this is only an initial layout
5. All junction and forward visibility splays should be shown
6. All turning head type and dimensions should be shown
7. Standard transitions should be provided into all shared surfaces
8. Assuming the site would be subject of a 20-mph zone, all traffic calming features should be shown with the first one within 50 metres of the site accesses
9. The footway in front of plot 41 should be extended to join the independent link in front of plot 42/43

I will arrange for an invoice for our pre-application fee to be sent shortly.

Best wishes.

Martin

Martin Mason | Strategic Development Engineer

Strategic Development

Essex Highways

SAFER GREENER HEALTHIER

07919 624331

www.essex.gov.uk/highways

The Highway Authority charges for all pre-planning application advice, full details can be found here – Pre-App Charging

Carpenter, Kathy

From: Kieran Kincaid <kkincaid@ingent.co.uk>
Sent: 01 March 2024 06:52
To: alison.vaughan@essex.gov.uk
Cc: Gordon Hodgkinson; Christopher Smith; Jones, Neil; Graeme Smith
Subject: Re: SUDSPA586484945
Attachments: 19. Indicitive Drainage Strategy.pdf; Drainage Mark up.pdf

You don't often get email from kkincaid@ingent.co.uk. Learn why this is important

Hi Alison
I submitted the attached indicative surface water strategy produced by RSK when I made the application, the broad concepts are going to remain the same but I have also attached a markup to give an indication of what our proposals will be, sorry it's not very pretty but the layout is still being worked up but hopefully should suffice for the discussion, thanks

Kind Regards

Kieran Kincaid MEng (Hons) CEng MICE MCIHT
Director

A:
1a Greenwood Court, Skyliner Way, Bury Saint Edmunds, IP32 7GY
T: 01
284 245024
M: 07704 157088

W: www.ingent.co.uk

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On Thu, 29 Feb 2024 at 08:36, Kieran Kincaid <kkincaid@ingent.co.uk> wrote:

Carpenter, Kathy

From: Suds <suds.mail@essex.gov.uk>
Sent: 28 February 2024 17:07
To: Gordon Hodgkinson; Kieran Kincaid
Cc: Graeme Smith; Christopher Smith; Jones, Neil
Subject: RE: SuDS planning advice - SUDSPA586484945

You don't often get email from suds.mail@essex.gov.uk. Learn why this is important

Hi Gordon,

I can confirm this will be a Teams meeting.

Regards

Alison

Alison Vaughan (she/her)
Senior Development and Flood Risk Officer
Environment Climate Action | Climate & Adaptation | GI & SuDS

Address: E1 County Hall, Chelmsford, Essex, CM1 1QH

Essex County Council

https://flood.essex.gov.uk
https://www.essexdesignguide.co.uk/suds
www.essex.gov.uk

From: Gordon Hodgkinson <Gordon.Hodgkinson@hopkinshomes.co.uk>
Sent: Wednesday, February 28, 2024 4:26 PM
To: Kieran Kincaid <kkincaid@ingent.co.uk>; Suds <suds.mail@essex.gov.uk>
Cc: Graeme Smith <Graeme.Smith@hopkinshomes.co.uk>; Christopher Smith <christopher.smith@hopkinshomes.co.uk>; neil.jones <neil.jones@braintree.gov.uk>
Subject: RE: SuDS planning advice - SUDSPA586484945

You don't often get email from gordon.hodgkinson@hopkinshomes.co.uk. Learn why this is important

CAUTION: This is an external email.

Presumably this a TEAMS meeting?

Kind regards,

Gordon

Gordon Hodgkinson
Engineering Manager

https://flood.essex.gov.uk

https://www.essexdesignguide.co.uk/suds

www.essex.gov.uk

From: Essex County Council <eccpostmaster@essex.gov.uk>
Sent: Tuesday, February 13, 2024 3:07 PM
To: Suds <suds.mail@essex.gov.uk>
Subject: SuDS planning advice - SUDSPA586484945

[redacted]

We have received the following form submission. A copy of the form data and any supporting documentation has been attached.

Form: SuDS planning advice
Reference: SUDSPA586484945

Hopkins Homes Ltd,
Melton Park House,
Melton,
Woodbridge,
Suffolk, IP12 1TJ,
Tel: 01394 446800,

Website: www.hopkinshomes.co.uk

Registered in England. Company Registration Number 02875798

VAT Registration Number 637 8907 90.

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Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2 I: Land North of Maldon Road Hatfield Peverel

Reserved Matters submission

November 2023

GLADMAN

PLANNING STATEMENT

Land north of Maldon Road, Hatfield Peverel



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4 **Planning Policy** 9

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Appendix 1: Submitted Document Schedule



1 INTRODUCTION

1.1 Scope of the Statement

1.1.1 This Planning Statement has been prepared in support of an application for reserved matters approval made by Gladman Developments Ltd (Gladman) for development of land north of Maldon Road, Hatfield Peverel pursuant to outline planning permission reference 20/01264/OUT.

1.1.2 A full list of documents and plans which have been submitted as part of this application can be found in Appendix 1.

1.1.3 This Planning Statement provides an assessment of the scheme against relevant policies within the Local Plan and the outline planning permission requirements.

1.2 Reserved Matters Proposal

1.2.1 To comply with the requirements of the Outline Planning Permission (Ref: 20/01264/OUT) this Reserved Matters application seeks approval of the details of Scale; Appearance; Layout; and Landscaping for the construction of 110 dwellings (including 40% affordable), together with public open space, landscaping, and associated infrastructure on the land to the north of Maldon Road, Hatfield Peverel.

1.2.2 The proposal also includes details pursuant to the discharge of certain conditions from the outline permission as well as the application for the approval of Reserved Matters and the submission of information required by the S106 Agreement attached to the outline permission. A full list of conditions proposed for discharge is provided in paragraph 1.4.4.

1.2.3 The description of development is as follows:

> ***"Residential development for 110 new dwellings, including 66no. open market dwellings, comprising a mix of 2, 3, 4, and 5-bedroom market dwelling houses; and 44no. affordable dwelling houses (40%), comprising a mix of 1, 2 and 3-bedroom cottage flats, semi-detached bungalows and mews dwellings."***

1.3 Relevant Planning History

Outline Planning Permission

1.3.1 In November 2021, Braintree District Council (BDC) granted Outline Planning Permission (Ref: 20/01264/OUT) for the construction of up to 110 dwellings (including 40% affordable) and provision of access, drainage infrastructure, open space and strategic landscaping.

1.3.2 The principle of development and access to the Site is therefore established, with details of layout, scale, landscaping and appearance reserved for future consideration within this Reserved Matters application.

1.3.3 The outline consent was subject to a S106 Agreement requiring contributions towards: affordable housing; open space and amenity areas; RAMS contribution, outdoor sports; healthcare; allotments; sustainable transport; community facilities; car club; library education and travel plan monitoring.

1.4 Outline Planning Permission Conditions

1.4.1 Condition 1 of the Outline permission referenced the following as the Approved Plans:

- Location Plan Ref. CSA/4411/113 Rev. C
- Parameter Drawing Plan Ref. CSA/4411/122 Rev. D

1.4.2 Condition 2 states: "*Details of the:*

a) Scale;

b) Appearance;

c) Layout; and

d) Landscaping

Of the buildings/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 in accordance with these matters approved.

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

The development hereby permitted shall take place not later than 18 months from the date of the approval of the last of the reserved matters to be approved."

1.4.3 Condition 3 also states:

"The submission of reserved matters applications pursuant to this Outline Planning Permission shall together provide for no more than 100 dwellings including 40% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation, and vehicular access point from Maldon Road. The details submitted with these reserved matters applications shall be in broad conformity with the Parameter Plan 4411-122 Rev D as approved."

1.4.4 The rest of the planning conditions attached to the outline permission (Ref: 20/01264/OUT) relate to specific requirements of the Reserved Matters application. The table below outlines each condition and the information submitted with this application to support the discharge of these conditions.

Planning Condition	**Requirement Met?**	**Commentary**
4 – Finished Floor Levels	✓	Documents 33-35 Engineering Layout Sheet 1 ref.7074-MJA-SW-XX-DR-C-001 Rev P1 Engineering Layout Sheet 2 ref. 7074-MJA-SW-XX-DR-C-002 Rev P1 Engineering Layout Sheet 3 ref. 7074-MJA-SW-XX-DR-C-003 Rev P1

Planning Condition	Requirement Met?	Commentary
5 – Detailed Landscaping Scheme	✓	Documents 53-59 POS General Arrangement P02 Sheet 1 of 4 ref. 12065-FPCR-XX-XX-L-DR-0001 POS Detailed Proposals P02 Sheet 2 of 4 ref. 12065-FPCR-XX-XX-L-DR-0002 POS Detailed Proposals P02 Sheet 3 of 4 ref. 12065-FPCR-XX-XX-L-DR-0003 POS Detailed Proposals P01 Sheet 4 of 4 ref. 12065-FPCR-XX-XX-L-DR-0004 On Plot Planting Plan P01 Sheet 1 of 3 ref.12065-FPCR-XX-XX-L-DR-0005 On Plot Planting Plan P01 Sheet 2 of 3 ref. 12065-FPCR-XX-XX-L-DR-0006 On Plot Planting Plan P01 Sheet 3 of 3 ref. 12065-FPCR-XX-XX-L-DR-0007
6 – Affordable Housing Design M(4)3, M(4)3A and NDSS compliance	✓	Document 63. M4(2) and M4(3) Compliance Report Document 26. Maisonette Plans and Elevations ref. G.HP.HT.09 Rev A Document 27. Bungalow Plans and Elevations ref. G.HP.HT.10 Rev A Document 24. House Type 7 Plans and Elevations ref. G.HP.HT.07 Rev A Document 25. House Type 8 Plans and Elevations ref. G.HP.HT.08 Rev A
7 – Housing Layout and sustainable design details	✓	Document 07. Garden Area Layout ref. G.HP.GAL.01 Document 32. Wheelchair Unit Layout ref. G.HP.PMUL.01 For home working provision and sustainable design detail see Design and Access Addendum (Document 28) and Planning Statement (Document 64) Briary Energy Statement (Document 60)

Planning Condition	Requirement Met?	Commentary
8 – Lighting Scheme	✓	Document 40. Street Lighting Sheet 1 ref. 7074-MJA-SW-XX-DR-C-020 Rev P1 Document 41. Street Lighting Sheet 2 ref. 7074-MJA-SW-XX-DR-C-021 Rev P1 Document 61. Outdoor Lighting Report
9 – Refuse/Recycling storage collection details	✓	Document 10. Waste Management Plan ref. G.HP.WMP.01
10 – Boundary Treatments	✓	Document 03. Boundary Treatment Layout ref. G.HP.BTL.01 Document 12. Boundary Treatment Details ref. G.HP.BTD.01
11 – Details of Garages/ Car Parking and Cycle Storage	✓	Document 08. Parking Strategy Layout ref. G.HP.PSL.01 Document 13. Garages ref. G.HP.G.01
12 – Landscape and Ecological Management Plan	✓	FPCR
13 – Biodiversity Enhancement Strategy	✓	CSA

1.4.5 The conditions which have more relevance to the requirements of the Site's Scale, Appearance, Layout, and Landscaping will be discussed in further detail in section 4.

1.4.6 Pre-commencement and prior to occupation conditions as stated in the decision notice of the outline permission will be subject to separate discharge of conditions applications.

1.5 Withdrawn Reserved Matters Application

1.5.1 An application for the approval of Reserved Matters pursuant to Outline Planning Permission (Ref: 20/01264/OUT) was submitted to Braintree District Council on 11th July 2022, the application was validated on 29th July 2022. However, in March 2023 the application was withdrawn by the applicant.

2 THE PROPOSALS

2.1 Development Proposals

2.1.1 To comply with the Outline Planning Permission (Ref: 20/01264/OUT), this Reserved Matters application seeks approval of the details of Scale; Appearance; Layout; and Landscaping for the construction of 110 dwellings (including 40% affordable) together with public open space, landscaping, and associated infrastructure, on land north of Maldon Road, Hatfield Peverel.

2.1.2 The application proposal includes the following:

- Residential development for 110 new dwellings, including 66no. open market dwellings, comprising a mix of 2, 3, 4, and 5-bedroom market dwelling houses; and 44no. affordable dwelling houses (40%), comprising a mix of 1, 2 and 3-bedroom cottage flats, semi-detached bungalows and mews dwellings.

- Soft landscaping throughout the site, including the strengthening of existing vegetation along the site's boundary.

- New publicly accessible, attractively landscaped open natural greenspace in the north western part of the Site, which will include a children's play area, off lead dog exercising area and a community orchard.

- New and improved public footpath connections throughout the site which link to the existing footpath network and create new recreational routes;

- Sustainable Drainage Systems (SUDs) features located to the north east at the lowest point of the site, in the form of an attenuation basin and storage area designed to manage the flow of surface water. Attenuation tanks are located to the north of the site along with permeable paving throughout the site's developable rea.

3 SITE DECRIPTION

3.1 Site Context

3.1.1 The Site is located on the eastern side of the village and comprises two parcels of land totalling 5.96ha. The first parcel is directly to the north of Maldon Road and is currently occupied by a derelict farm building and an area used for farm storage, while the second parcel lies to the north of the first parcel and extends further to the west and meets boundaries with existing properties on Maldon Road.

3.1.2 To the north of the Site lies farmland and fishing lakes remediating from an historic quarry site. To the east, lies further agricultural fields while to the south beyond Maldon Road lies existing residential development.

3.1.3 At the Site's most western point it meets a Public Right of Way which travels in a north-south direction before turning west beyond the Site linking with the wider footpath network.

3.1.4 There is also a gas pipeline orientated north-south within the Site's western corner.

3.1.5 The application site falls within the EA Flood Risk Zone 1 (i.e. land assessed as having a less than 1 in 1,000 annual probability, or <0.1% chance of flooding).

3.1.6 As outlined in the Outline Planning Application's Heritage Report, there are no designated heritage assets within the Site, within the wider area the Grade II Listed Brewery House is located approx. 50m south of the application site.

3.1.7 The Site is located within walking and cycling distance of the existing shops and services within Hatfield Peverel, which include convenience stores, a post office, takeaways, restaurants, public houses; and a wide range of local services.

4 PLANNING POLICY

4.1 The Development Plan

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

4.1.2 The Framework is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making. The planning application should be considered in this context.

Local Planning Policy

4.1.3 Braintree District Council's Development Plan consists of the following documents of relevance to the proposals:

- Braintree Local Plan Review Saved Policies (2005);
- Braintree Core Strategy (2011);
- Braintree Local Plan to 2033 Section 1 (2021);
- Braintree Local Plan Section 2 (2022)
- Supplementary Planning Documents; and
- Hatfield Peverel Neighbourhood Plan (2019).

Supplementary Planning Documents

4.1.4 A number of adopted Supplementary Planning Documents within the Development Plan have also been taken into account as part of the development proposals, including:

- Affordable Housing SPD, May 2006
- Essex Coast RAMS SPD, May 2020
- Essex Design Guide – Guidance, 2005
- External Artificial Lighting SPD, September 2009
- Open Space SPD, November 2009
- Parking Standards Design and Good Practice – Guidance, September 2009
- Urban Place Supplement - Guidance, June 2007

Other Material Considerations

4.1.5 Additionally, other documents of material consideration include the following:

- The National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)

4.2 Policy Compliance

4.2.1 The previous Outline Planning Application (Ref: 20/01264/OUT) was submitted to understand the Council's perception of the principle of development and whether the proposal was compliant with the relevant planning policies.

4.2.2 Within this application the planning statement explored the compliance with the most importance determining policies within the Development Plan and National Planning Policy.

4.2.3 As outlined in the Decision Notice, which formally approved the scheme in outline, the proposal was in compliance with the most relevant planning policies. Therefore, the principle of development is already established. The purpose of this

planning application is to provide detail on the Scale, Appearance, Layout and Landscaping of the proposed scheme.

4.2.4 The following sections, and the suite of documents included with this application provide sufficient detail on these subjects and should allow for the discharge of the relevant conditions listed in section 1.4.4.

4.3 Compliance with Outline Planning Permission

4.3.1 The Outline Planning Permission (Ref. 20/01264/OUT) established that the Site could be developed to accommodate the level of development proposed and set parameters for how the development should be achieved. The approved parameters for the development include:

- Up to 110 dwellings;
- Up to 40% affordable housing;
- Provision of access and internal roads;
- Provision of drainage infrastructure measures;
- Provision of open space and strategic landscaping.

4.3.2 The approved Parameters Plan illustrates the fixed land use locations including developable areas and landscape buffers, the approved means of access into the Site, the areas of retained and new landscaping, and the location and extent of the proposed land uses. It also demonstrates the potential internal access routes and the maximum storey heights of dwellings in different areas.

4.3.3 The reserved matters application has built on the approved principles to establish the detail and form of the proposed development.

The Reserved Matters: Scale

4.3.4 The Outline Planning Permission prescribes the building heights for the new development under the approved Parameter Plan, having had regard to the impact of development on the existing development nearby, the surrounding environs and long distance views.

4.3.5 The building heights proposed conform with the approved Parameter Plan which limits the heights in some areas to 2 storey (maximum height of 9.6m) and 2.5 storeys in other areas (maximum height of 11.5m). This is also detailed in the Storey Heights Plan (Ref: G.HP.SHL.01).

4.3.6 The residential development proposed comprises a mix of predominantly 2 storey dwellinghouses with some 2.5 storey and two single storey (bungalows) dwellings also proposed, as outlined in the Storey Heights Plan (Ref: G.HP.SHL.01). The scale of the proposed dwellings therefore accords with the approved Parameter Plan.

The Reserved Matters: Appearance

4.3.7 As previously mentioned, the appearance of the Site draws upon the requirements of the Outline Planning Permission and the approved Parameters Plan.

4.3.8 A site analysis of the existing residential development within the vicinity of the Site and into Hatfield Peverel has been undertaken in order to influence the design ethos within this application. The appearance of the dwellings and design ethos have been selected in order to sensitively merge with the architectural styles of surrounding development. The DAS addendum submitted with this application discusses design analysis and choices in detail and should be referred to for design-based decision making.

4.3.9 Based on this, a range of external materials have been used on different house types in order to create a development which although unique, takes aspects of different architectural styles to sensitively merge with both the natural and built environment in the vicinity of the Site.

4.3.10 The principal route through the development will lead from the Site access off Maldon Road and will exhibit stronger building forms and a consistent building line to denote its importance.

4.3.11 Strategic landscaping is provided along the perimeter of the Site and also along the line of existing hedgerow. A network of open spaces link across the Site to allow free movement of nature. This is especially true of the frontage onto Maldon Road where landscaping and planting will soften the Site's impact on surrounding views.

4.3.12 The development will be sensitive to the topography of the Site and aims to retain and enhance the Site's natural resources. The approved parameter plan accounts for this and has guided the design choices in terms of the Site's natural resources.

The Reserved Matters: Layout

4.3.13 The proposed layout of the development is illustrated on the submitted drawing titled Site Layout (Ref: G.HP.CSL.01 Rev B).

4.3.14 The framework for this layout was informed by the constraints and opportunities plan in the Outline Planning Permission. The extent and general arrangement of varying uses accords with the approved Parameter Plan and Development Framework Plan, whilst achieving a development that meets policy requirements and complies with the Essex Design Guide and wider National Planning Policy.

4.3.15 A simple approach to street hierarchy has been adopted to minimise the dominance of roads through the development and incentivise the use of sustainable travel methods. The principal route through the development leads from the entrance to the Site off Maldon Road to the north, then smaller roads and private drives will serve individual dwellings.

4.3.16 Private drives have been placed in areas adjacent to the landscaped open space to provide the scheme softer edges where possible.

4.3.17 Vehicular and pedestrian access has been informed the approved Parameters Plan and Development Framework Plan as part of the Outline Application. The

proposed tree lined streets and landscaped areas of pocket green spaces seek to reflect the existing characteristics found in Hatfield Peverel. These spaces will provide interest and relief to the development while encouraging social interaction and creating a sense of place.

4.3.18 The proposed layout allows for ease of connectivity for vehicles, pedestrians and cyclists, with a clear street hierarchy in accordance with the Essex County Council Standards.

4.3.19 Secondary streets will provide connections from the spine road to the wider areas of the development and will comprise of lanes, shared surface streets and private drives. These secondary streets are defined by a more informal arrangement of dwellings, with subtle variations in setback distances.

4.3.20 The layout of residential dwellings has been considerate of key points through the development, and to ensuring natural surveillance of areas of public open space and parking.

4.3.21 Careful consideration has been given to ensuring that the layout accords with the Design Standards by providing appropriate distances between properties, this can be seen in the Site Layout Plan (Ref: G.HP.CSL.01 Rev B)

4.3.22 Garden sizes for each dwelling can be found in the Garden Area Layout Plan (Ref: G.HP.GAL.01) which adheres to both the Essex Design Guide and Policy H03 of the Hatfield Peverel Neighbourhood Plan.

Levels

4.3.23 To comply with Condition 4 of the Outline Planning Permission, this Reserved Matters submission is accompanied by full details of the finished levels of the ground floors of the proposed dwellings, in relation to existing ground levels. These details can be found on Engineering Layout Plans (Sheets 1-3 refs. 7074-MJA-SW-XX-DR-C-001 Rev P1, 7074-MJA-SW-XX-DR-C-002 Rev P1 and 7074-MJA-SW-XX-DR-C-003 Rev P1).

Proposed Housing Mix

4.3.24 The proposed scheme would provide a total of 110 dwellings, incorporating a range of house types and tenures in various locations across the site.

4.3.25 The proposed housing mix can be found in the Site Layout Plan (Ref: G.HP.CSL.01 Rev B). This provides details of the accommodation schedule for both market and affordable housing, and includes details of dwelling size, type, and associated parking provision. The Site Layout Plan shows that a range of house types and sizes across the Site would be provided to meet the need in the area while ensuring sufficient choice is available to potential buyers.

4.3.26 The proposed market housing mix complies with the most recent published Strategic Housing Market Assessment (2015), which identifies a higher requirement for 3-bedrooms, followed by 4+ bedrooms and 2-bedrooms.

4.3.27 Core Strategy Policy CS2 requires developers to provide 40% affordable housing. This has been adhered to in the proposed development.

4.3.28 The following table sets out the proposed market and affordable housing mix, including the quantum of each type, size and tenure if the dwelling proposed.

House Type	**No. Units**
Open Market	
2-bed semi/mews	20
3-bed detached	15
4-bed detached	18
5-bed	13
Total Market Dwellings	*66 (60%)*
Affordable Rent	
1 bed cottage flat	4

2-bed bungalow	2
2-bed semi/mews	28
3-bed semi/mews	10
Total Affordable Dwellings	*44 (40%)*

4.3.29 To comply with Condition 6 of the Outline Planning Permission and National Guidance, all housing proposed is designed to meet Nationally Described Space Standards (NDSS) requirements. In addition, all affordable homes have been designed to be M4(2) compliant and have been considered internally and externally with regards to proposed levels and parking standards. A Report produced by approved inspectors Quadrant is included within this submission which confirms that compliance with M4(2)/M4(3) of the Building regulations has been achieved for the following house types:

- House Type 7
- House Type 8
- House Type 9 – Maisonette
- House Type 10 - Bungalow

4.3.30 The below table notes the further housing requirements set out through the Outline Planning Permission, within the S106 or planning conditions.

Requirement	**Proposal**
S106 requirement that affordable units must be deliverable without reliance on public subsidy;	The affordable housing provision will be delivered without reliance on public subsidy.
S106 requirement for proportionate delivery of affordable housing (Occupation of no more than 50% of the Market dwellings until 50% of the	As outlined in the Site Layout Plan, the affordable dwellings are integrated throughout the Site to ensure a range of dwellings are delivered throughout

Affordable Housing Dwellings are available for occupation. Occupation of no more than 80% of the Market Dwellings until all of the Affordable Housing Dwellings have been constructed and have been transferred an Approved Body).	the course of the development's delivery.
Condition 2 requirement for all affordable homes accessible at ground level to be compliant with Building Regulations Part M Cat 2;	All of the affordable dwellings are compliant with Part M Cat 2.
Condition 2 requirement for the provision of 2no. wheelchair accessible affordable bungalows compliant with Building Regulations Part M4 Cat 3a;	The affordable dwellings include 2 no. 2-bed bungalow which would be compliant with Part M4(3).
Condition 2 requirement for affordable dwellings to be compatible with Nationally Described Space Standards;	The floor space of each proposed dwelling is compliant with the NDSS.
Condition 7 requirement (HPNP Policy HO1) for 10% of dwellings proposed to be wheelchair units compliant with either Part M categories 2/3;	Part M Layout Plan ref. G.HP.PMUL.01 shows the units which are compliant with Part M4(2) and M4(3).
Condition 7 requirement (HPNP Policy ECN2) for provision of working from home areas in each dwelling.	All dwellings will be provided with suitable spaces with the necessary electrical, telephone and broadband connectivity to enable residents to work from home flexibly.
Condition 34 requirement for a minimum of 20% of the market dwelling mix to be provided as 1 or 2 bed dwellings;	Of the 66no. market dwellings proposed, 20 units (30%) will be 2-bed dwelling houses.

Working from Home

4.3.31 As previously discussed, Neighbourhood Plan Policy ENC2 requires provision for adequate space to facilitate working from home. The policy suggests this could be achieved via conversion of roof space or other areas or by providing space within the internal layout for flexibility.

4.3.32 The proposed dwellings are provided with the correct facilities to enable flexible use of rooms to be suitable for working from home. This includes the provision of electric, telephone and broadband sockets, and enough electricity sockets in different locations around the room. Studies are also included in some of the larger house types.

4.3.33 High speed Fibre Broadband will also be provided to all dwellings prior to their occupation. The proposal is therefore in accordance with HPNP Policy ECN 3.

Parking

4.3.34 To comply with Condition 11 (Parking and Storage) the layout proposals submitted for approval under this Reserved Matters application include details of the location and design of all parking and garage proposals.

4.3.35 A Car Parking Plan (Ref: G.HP.PSL.01) has also been submitted with this application, demonstrating the proposed quantum, distribution and layout of parking proposed is submitted in support of the application.

4.3.36 In total, 214 off-street allocated vehicle parking spaces are proposed across the Site, in accordance with requirements of the adopted parking standards and Policy RLP 56 (Vehicle Parking). This includes 11 spaces which are M/4(3) compliant spaces.

4.3.37 Additionally, 28 visitor parking spaces are provided which have been distributed evenly across the Site.

4.3.38 The proposal also accords with HPNP Policy FI2 Parking, which discourages the use of large parking courts.

4.3.39 Wall mounted or charging pedestals will be provided to all dwellings to ensure electric vehicles are encouraged.

4.3.40 Cycle parking and storage is also provided within sheds or garages for houses.

Drainage

4.3.41 The proposed layout has also been informed by the proposed water management requirements, which has sought to incorporate SUDS in line with the requirements of Policies RLP 9, RLP 69, RLP 71 and HPE 6.

4.3.42 The proposed water drainage strategy seeks to utilise a range of SUDS features to attenuate all surface water runoff from impermeable areas and infiltrate onsite. The proposed storm water system consists of the following SUDS components:

- Attenuation Basin
- Permeable paving
- Attenuation tanks
- Foul pump station
- Natural outfall into northern watercourse

4.3.43 Surface water runoff from the Site will drain into the attenuation basin in the north-eastern corner of the Site. The basin will provide a lined wet pond that will be used for additional attenuation prior to outfall to an existing ditch.

4.3.44 Foul water from the Site will drain into the existing sewer network. The foul water strategy proposes to drain foul water to a pumping station located along the eastern boundary of the Site. This will be connected to the point of connection on Maldon Road.

The Reserved Matters: Landscaping

4.3.45 To comply with Condition 5 of the Outline Planning Permission a Landscaping Scheme is provided as part of this application (see submitted documents 53 - 59).

The landscaping strategy can also be seen in the Site Layout Plan, Soft Landscaping Proposals and Public Open Space Proposals. The way these will be managed over the coming years is detailed in the Landscape and Ecological Management Plan.

4.3.46 The landscape management proposals include the management of following areas of the proposal:

- Woodland and Wetland Native Scrub Planting
- Individual Trees
- Hedgerows
- Ornamental Native Shrub
- Grassed Areas
- Wetlands (attenuation basin)
- Play area
- Footpaths and Paving
- Street furniture and Boundary Treatment

4.3.47 The landscaping strategy has been developed in partnership with the project's ecologists to ensure biodiversity benefit is at the heart of the proposals.

4.3.48 The strategy has sought to provide variation in character, materials and soft landscaping along streets and pedestrian routes throughout the site. Hard and soft landscaping along street frontages will be utilised along main streets, and where possible a range of materials and areas of soft landscaping and structural planting will be used that responds to the character of the area in a positive but sensitive way.

4.3.49 Having analysed the relevant policies, the sympathetic landscape strategy fully accords with the principles of Policy CS8 (Natural Environment and Biodiversity), Policy RLP 80 (Landscape Features and Habitats), Policy RLP81 (Trees Woodland, Grasslands and Hedgerows) and Policy HPE1 (Natural Environment and Biodiversity).

Open Space

4.3.50 The proposals include distinct areas of public open space across the Site, with an off-lead dog walking area, a children's play area, a wildlife pond, footpath links, and a circular walking route which connects to the wider footpath network. These spaces and amenities are conceived as community spaces and corridors which encourage social interaction, opportunities for safe children's play and recreational for all, and pedestrian accessibility and linkage through the site.

4.3.51 The north-western parcel of the Site will provide new publicly accessible landscaped natural greenspace, in accordance with the approved Parameters plan and Development Framework Plan.

4.3.52 The approach to the extensive provision of accessible, landscaped green open space and recreation areas is compliant with the requirements of Policy RLP 9 (Design and Layout of Housing and Mixed Use Areas) and Policy CS10 (Provision for Open Space, Sport and Recreation), Policy RLP 138 (Provision of Open Space in New Housing Developments) and Neighbourhood Plan Policy HO4 (Creating Safe Communities).

Ecological Enhancements

4.3.53 To accord with Conditions relating to ecology and biodiversity, a Landscape and Ecological Management Plan, Biodiversity Enhancement Strategy and a Construction Environmental Management Plan have been submitted with this application.

4.3.54 The proposals include the creation of wildlife ponds planted with native plants to encourage species rich margins, new hedgerow planting comprising native

species of local provenance, woodland and thicket planting, which will increase the habitats available on Site and improve ecological connectivity in the wider area.

4.3.55 Initial care plans, long-term maintenance and monitoring schedules are set out within the LEMP to ensure the preservation of the proposed implementations.

4.3.56 The CEMP submitted with this application details the necessary mitigation measures in place for the construction of the site to ensure existing wildlife is not impacted by the construction of the proposal.

5 CONCLUSION

5.1.1 This Reserved Matters Planning Application has been prepared by Gladman Developments in respect to the Outline Planning Permission (Ref: 20/01264/OUT) granted in relation to development of land north of Maldon Road, Hatfield Peverel.

5.1.2 The Outline Planning Permission included details of access, with all other matters for reserved for future consideration. This Reserved Matters application therefore seeks approval of the Scale, Layout, Appearance and Landscaping details pursuant with the Outline Permission.

5.1.3 In addition to meeting the requirements of the Outline Planning Permission, the Applicant has considered key policy requirements and objectives of the Hatfield Peverel Neighborhood Plan, the Development Plan, as well as national policy considerations and the relevant SPD documents.

5.1.4 The Neighbourhood Plan (2019) along with the Braintree Local Plan and the Essex Design Guide places strong emphasis on the importance of creating high quality distinctive character and layout that is sympathetic to the local environment. This Reserved matters Application demonstrates how the proposal fully accord with the principles of these Development Plan documents. The proposal presents a sensitive yet distinctive addition to the village which conserves and enhances residential amenity, local character, the local environment and landscape setting.

5.1.5 Accordingly, the proposals fully comply with all the relevant policies of the Development Plan, the objectives of the NPPF and other national policy guidance as well as the overarching requirements of the Outline Planning Permission. We therefore request that this Planning Application is approved without delay. Consequently, it is clear there are significant material considerations in favour of approval, and therefore the planning application should be approved.

APPENDIX 1

	Document Name	Reference
01.	Location Plan	CSA/4411/113
02.	Adoptable Highways Layout	G.HP.AHL.01
03.	Boundary Treatment Layout	G.HP.BTL.01
04.	Colour Layout	G.HP.CL.01 Rev A
05.	CAD Site Layout	G.HP.CSL.01 Rev B
06.	Electric Vehicle Charging Point Layout	G.HP.EVCP.01
07.	Garden Area Layout	G.HP.GAL.01
08.	Parking Strategy Layout	G.HP.PSL.01
09.	Storey Heights Layout	G.HP.SHL.01
10.	Waste Management Plan	G.HP.WMP.01
11.	Street Scenes	G.HP.SS.01
12.	Boundary Treatment Details	G.HP.BTD.01
13.	Garages	G.HP.G.01
14.	House Type 1 – Plans and Elevations	G.HP.HT.01
15.	House Type 2 – Plans and Elevations	G.HP.HT.02
16.	House Type 2CT – Plans and Elevations	G.HP.HT.02CT
17.	House Type 3 – Plans and Elevations	G.HP.HT.03
18.	House Type 4 – Plans and Elevations	G.HP.HT.04
19.	House Type 4CT – Plans and Elevations	G.HP.HT.04CT
20.	House Type 5 – Plans	G.HP.HT.05A
21.	House Type 5 – Elevations	G.HP.HT.05B
22.	House Type 6 – Plans	G.HP.HT.06A
23.	House Type 6 – Elevations	G.HP.HT.06B
24.	House Type 7 – Plans and Elevations	G.HP.HT.07 Rev A
25.	House Type 8 – Plans and Elevations	G.HP.HT.08 Rev A
26.	Maisonette – Plans and Elevations	G.HP.HT.09 Rev A
27.	Bungalows – Plans and Elevations	G.HP.HT.10 Rev A
28.	Addendum Design & Access Statement	G.HP.DAS.01 Rev B

29.	Hardstanding Layout	G.HP.HSL.01
30.	Materials Layout	G.HP.ML.01
31.	Affordable Housing Tenure Layout	G.HP.AHTL.01
32.	Part M Unit Layout	G.HP.PMUL.01
33.	Engineering Layout Sheet 1	7074-MJA-SW-XX-DR-C-001 Rev P1
34.	Engineering Layout Sheet 2	7074-MJA-SW-XX-DR-C-002 Rev P1
35.	Engineering Layout Sheet 3	7074-MJA-SW-XX-DR-C-003 Rev P1
36.	Visibility Layout Sheet 1	7074-MJA-SW-XX-DR-C-005 Rev P1
37.	Visibility Layout Sheet 2	7074-MJA-SW-XX-DR-C-006 Rev P1
38.	Drainage Strategy Layout	7074-MJA-SW-XX-DR-C-010 Rev P1
39.	Flood Exceedance Flow Plan	7074-MJA-SW-XX-DR-C-011 Rev P1
40.	Street Lighting Sheet 1	7074-MJA-SW-XX-DR-C-020 Rev P1
41.	Street Lighting Sheet 2	7074-MJA-SW-XX-DR-C-021 Rev P1
42.	Indicative Service Margin Layout	7074-MJA-SW-XX-DR-C-050 Rev P1
43.	Long Sections Sheet 1	7074-MJA-SW-XX-DR-C-100 Rev P1
44.	Long Sections Sheet 2	7074-MJA-SW-XX-DR-C-101 Rev P1
45.	Highway Construction Details	7074-MJA-SW-XX-DR-C-200 Rev P1
46.	Drainage Construction Details	7074-MJA-SW-XX-DR-C-201 Rev P1
47.	External Works Layout Sheet 1	7074-MJA-SW-XX-DR-C-400 Rev P1
48.	External Works Layout Sheet 2	7074-MJA-SW-XX-DR-C-401 Rev P1

49.	External Works Layout Sheet 3	7074-MJA-SW-XX-DR-C-402 Rev P1
50.	Refuse Vehicle Swept Path Analysis	7074-MJA-SW-XX-DR-C-500 Rev P1
51.	Fire Tender Swept Path Analysis	7074-MJA-SW-XX-DR-C-501 Rev P1
52.	Private Car Swept Path Analysis	7074-MJA-SW-XX-DR-C-502 Rev P1
53.	POS General Arrangement P02 Sheet 1 of 4	12065-FPCR-XX-XX-L-DR-0001
54.	POS Detailed Proposals P02 Sheet 2 of 4	12065-FPCR-XX-XX-L-DR-0002
55.	POS Detailed Proposals P02 Sheet 3 of 4	12065-FPCR-XX-XX-L-DR-0003
56.	POS Detailed Proposals P01 Sheet 4 of 4	12065-FPCR-XX-XX-L-DR-0004
57.	On Plot Planting Plan P01 Sheet 1 of 3	12065-FPCR-XX-XX-L-DR-0005
58.	On Plot Planting Plan P01 Sheet 2 of 3	12065-FPCR-XX-XX-L-DR-0006
59.	On Plot Planting Plan P01 Sheet 3 of 3	12065-FPCR-XX-XX-L-DR-0007
60.	Energy Statement	N/A
61.	Outdoor Lighting Report	N/A
62.	SUDS Management and Maintenance Plan	N/A
63.	Plans Approval – Compliance with M4(2) and M4(3)	N/A
64.	Planning Statement	N/A
65.	LEMP	N/A
66.	Construction Environmental Management Plan: Biodiversity	N/A
67.	Biodiversity Enhancement Strategy	N/A
68.	Ecological Impact Assessment	N/A

GLADMAN

PLANNING STATEMENT

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2J: Land North of London Road Kelvedon First Reserved Matters Planning Committee Report and Minutes

Minutes

Braintree District Council

Planning Committee
7th January 2025

Present

Councillors	Present	Councillors	Present
J Abbott	Yes	A Hooks	Yes
J Beavis	Yes	A Munday	Yes
K Bowers	Yes (from 7.17pm)	I Parker (Chairman)	Yes
L Bowers-Flint	Yes (from 7.17pm)	F Ricci	Yes
T Diamond	Yes	P Schwier	Yes
M Fincken	Yes	G Spray	Yes
D Holland	Apologies		

Substitute

Councillor G Prime attended the meeting as a substitute for Councillor D Holland.

54 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

55 **MINUTES**

DECISION: That the Minutes of the meetings of the Planning Committee held on 12th November 2024 and 3rd December 2024 be approved as a correct record and signed by the Chairman.

It was reported that the Minutes of the meeting of the Planning Committee held on 10th September 2024 were not available for approval.

56 **QUESTION TIME**

INFORMATION: There were four statements made about the following applications. The statements were made immediately prior to the Committee's consideration of each application.

Application No. 23/00703/REM – Land East of Broad Road, Braintree
Application No. 24/01550/FUL - Broadfield Nursery, Broad Road, Braintree
Application No. 24/02384/REM - Land North of London Road, Kelvedon

Application No. 24/02385/FUL - Land North of London Road, Kelvedon

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

57 PLANNING APPLICATION WITHDRAWN

INFORMATION: The Committee was advised that the undermentioned planning application had been withdrawn by the applicant and that it would not be considered by the Planning Committee, or by the Council. Details of this planning application are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*24/01817/OUT (WITHDRAWN)	Braintree	Mr Steven Foxley	Outline planning permission for the construction of 14 no. apartments with associated access, parking, amenity space and landscaping with permission sought for access, appearance, layout and scale with landscaping reserved, Builders Yard rear of 138 to 142 South Street.

58 PLANNING APPLICATIONS APPROVED

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*23/00703/REM (APPROVED)	Braintree	Gallagher Estates Ltd	Application for approval of Reserved Matters (in respect of layout, scale, landscape and appearance) for a section of spine road from the approved Broad Road and A131 accesses, pursuant to outline planning permission 18/01318/OUT granted 31.01.2021 for: Outline application with all matters reserved except

			access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment, land East of Broad Road.

Plan No.	**Location**	**Applicant(s)**	**Proposed Development**
*24/02384/REM (APPROVED)	Kelvedon	BDW Trading Limited	Application for approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 17/00679/OUT granted 30.01.2023 (allowed at appeal) for the construction of a vehicular access (south) from London Road, initial stretch of internal road, sub-station, surface water drainage and landscaping, land North of London Road.

In considering this application, Members of the Planning Committee were advised that Feering Parish Council had objected to the application and the reasons for the objection.

The Committee approved this application, subject to the Lead Local Flood Authority (LLFA) confirming that they either have no objection to the application, or no objection subject to conditions relating to surface water drainage, which will be added to the planning permission.

Plan No.	Location	Applicant(s)	Proposed Development
*24/02385/FUL (APPROVED)	Kelvedon	BDW Trading Limited	Construction of a vehicular access (North) from London Road, land North of London Road.

In considering this application, Members of the Planning Committee were advised that Feering Parish Council had objected to the application and the reasons for the objection.

59 **SECTION 106 AGREEMENT**

Plan No.	Location	Applicant(s)	Proposed Development
*24/02090/FUL (APPROVED)	Witham	Mr Paul Denney	Proposed new commercial unit with a flexible planning use of Class E(g)iii (for any industrial purposes), Class B2 (general industry), and Class 8 (storage and distribution), 16 - 18 Freebournes Road.

DECISION: That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Term:

- Open space contribution
- Travel Plan monitoring fee

the Planning Development Manager, or an authorised Officer, be authorised to grant planning permission in accordance with the approved plans and documents and the conditions and reasons set out in the Agenda report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within

three calendar months of the Planning Committee's decision, the Planning Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition Nos. 6 and 7 and to the addition of an Informative as follows:-

Amended Conditions

6. Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

   All areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority.

   All planting, seeding, or turfing contained in the approved details of the landscaping scheme shall be carried out in accordance with the agreed implementation programme.

   All hard surface areas agreed as part of the scheme shall be carried out in accordance with the approved implementation programme.

   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 in accordance with the approved landscaping scheme.

7. No above ground development shall commence until a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include (but not necessarily limited to) the following details:

   - Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;

   - Details of the angle/tilt of all column lighting and/or building mounted lighting;

   - Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;

- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;

- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first use of the development and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

Additional Informative

3. The Applicant is strongly encouraged to consider the provision of solar photovoltaic panels in the interests of climate change and a low carbon future.

60 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report. Details of this planning application are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*24/01550/FUL (REFUSED)	Braintree	Mr S McGinley	Change of use of land for the siting of 15 no. mobile homes, Broadfield Nursery, Broad Road.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 9.10pm.

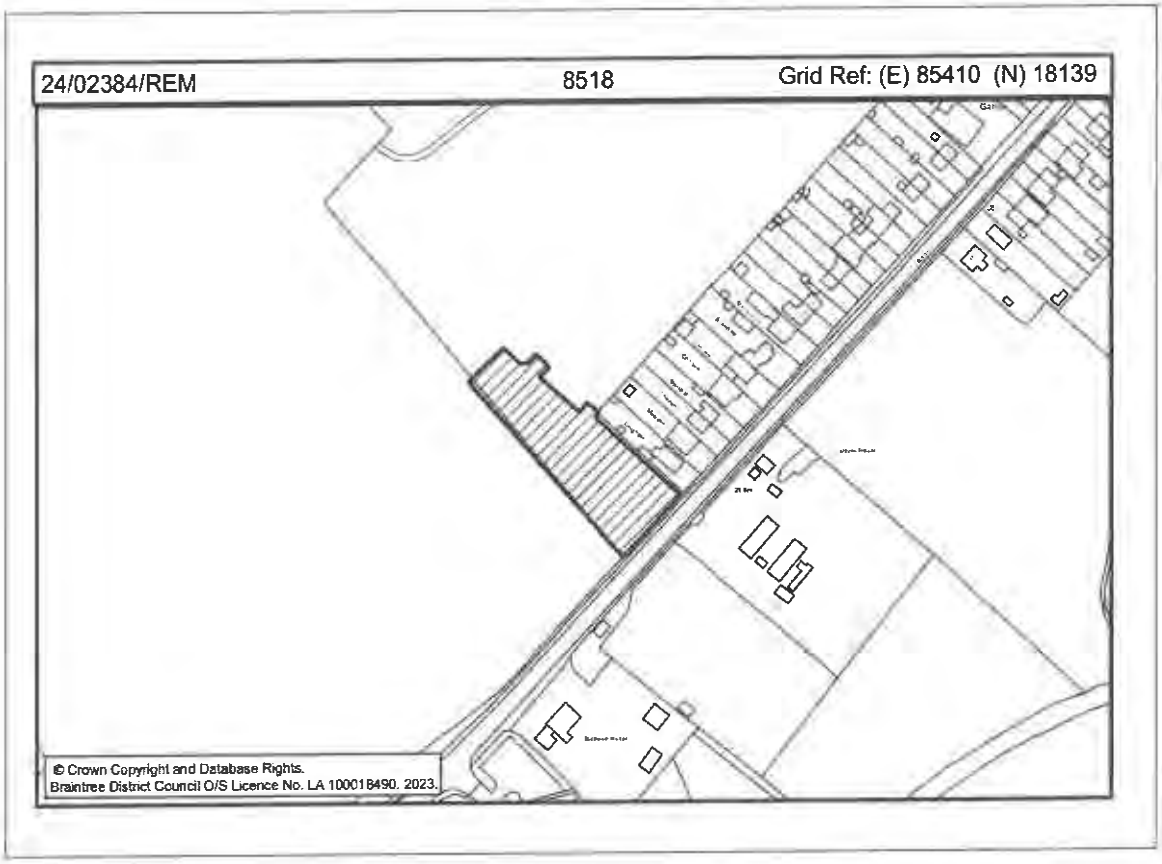
Councillor I Parker
(Chairman)

Braintree District Council

Agenda Item: 5e

Report to: Planning Committee		
Planning Committee Date: 7th January 2025		
For: Decision		
Key Decision: No	**Decision Planner Ref No:** N/A	
Application No:	24/02384/REM	
Description:	Application for Approval of Reserved Matters (in respect of Access, Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 17/00679/OUT/OUT granted 30.01.2023 (Allowed at Appeal) for the construction of a vehicular access (south) from London Road, initial stretch of internal road, sub-station, surface water drainage and landscaping.	
Location:	Land North Of London Road, Kelvedon	
Applicant:	BDW Trading Limited, c/o Agent	
Agent:	Oliver Milne, Savills, 33 Margaret Street, London, W1G 0JD	
Date Valid:	14th November 2024	
Recommendation:	It is RECOMMENDED that the following decision be made: ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) **Agree** the Recommendation b) **Vary** the Recommendation c) **Overturn** the Recommendation d) **Defer** consideration of the Application for a specified reason(s)	
Appendices:	**Appendix 1:**	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 312774, or by e-mail: neil.jones@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the Applicant for the determination of the application. There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.
Legal Implications:	If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision. Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable. All relevant policies are set out within the report, within Appendix 2.
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to: a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a). The consideration of this application has not raised any equality issues.

Background Papers:	The following background papers are relevant to this application include:
	
	▪ Planning Application submission:
	  ▪ Application Form
	  ▪ All Plans and Supporting Documentation
	  ▪ All Consultation Responses and Representations
	
	The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 24/02384/REM.
	
	▪ Policy Documents:
	  ▪ National Planning Policy Framework (NPPF)
	  ▪ Braintree District Local Plan 2013-2033
	  ▪ Kelvedon Neighbourhood Plan
	  ▪ Supplementary Planning Documents (SPD's) (if applicable)
	
	The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.
	
	The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.

1. EXECUTIVE SUMMARY

1.1 This application relates to 0.39ha of former agricultural land within a larger 20.8ha site that benefits from Outline planning permission for a mixed-use development containing a health centre, local retail area, care home, an early years and childcare facility, up to 300 dwellings, along with open space and supporting infrastructure.

1.2 The Applicant seeks approval of the Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) for one of the two accesses from London Road that are referred to in the Outline planning permission. The Applicant is keen to bring the site forward for delivery. In addition to requiring approval from the Local Planning Authority for the Reserved Matters, the Applicant will also need to obtain a highway works agreement from the Highway Authority. The Highway Authority will only agree to prepare highway works agreements where planning permission exists. Once planning permission is in place, these agreements can take some time to be drawn up and completed which is why the Applicant has chosen to seek approval for this access in advance of the Reserved Matters for the wider site.

1.3 Officers consider that the proposed access and highway does not conflict with the condition or obligations from the Outline planning permission and that it is consistent with what was envisaged at the outline stage, once the Planning Inspector made the decision that the community hub must be located at the north-eastern end of the site, in accordance with views expressed by local residents and their representatives.

1.4 The proposed road and footways comply in principle with Essex Highways design guidance, although further technical design work will need to be undertaken as part of the highway works agreement with the Highway Authority, in order that the road can be offered for adoption. The provision of an electricity sub-station and SuDS attenuation basin form part of the associated infrastructure which needs to be provided to support the wider development and is also considered to be appropriate and acceptable.

1.5 To create the access it will be necessary to remove approximately 39m of hedge on the London Road frontage but the loss of some hedge in this part of the site was always going to be necessary if an access was to be provided into the site. Approval of the application is recommended, which will allow the developer to obtain a highway works agreement and create an appropriate and safe access into the site, which in turn will support delivery of the wider scheme. Accordingly, it is recommended that the Reserved Matters application is approved.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager. The application is the first application for approval of Reserved Matters in relation to the Major mixed-use development.

2.2 The application site forms part of a larger site of 20.8 hectares which has planning permission for a mixed-use development, under Appeal Reference APP/Z1510/W/22/3306479. The appeal site comprised two parcels of land located between London Road to the south and the Greater Anglia mainline railway to the north. The Outline planning permission allows for the development of a mixed-use community hub, comprising a health centre, local retail area, care home, and an early years and childcare facility, alongside up to 300 dwellings and associated public open space and supporting infrastructure, which includes sustainable drainage and two accesses from London Road.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located at the south-western end of the village of Kelvedon and covers an area of 0.39ha of land previously used for agriculture. The site has a frontage onto London Road, standing on the north-western side of the highway. Approximately 300m further south of the site, along the London Road, is the junction with Cranes Lane and the slip road off the A12 beyond lies beyond that.

5.2 The application site abuts a residential property, known as Loughton, which is located at the southern end of a ribbon of residential development comprising twenty-one dwellings and a commercial vehicle garage, continuing along London Road away from the site towards the centre of the village. The site is not located within or adjacent to a Conservation Area, and there are no listed buildings on or adjacent to the application site. There are however a number of Listed Buildings around the wider development site, including; Crabbs Farm (two Grade II Listed Buildings) to the west, the Church Hall Farm Complex (four Grade II Listed Buildings) to the east, and slightly further away the St Mary the Virgin Church (Grade I Listed Building). Environment Agency Flood Risk Maps identify the land as being within Flood Zone 1 (having the lowest probability of fluvial flooding).

6. PROPOSAL

6.1 This application seeks approval of the Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) for a relatively small part of the site that has Outline planning permission on Land North of London Road, Kelvedon (Outline planning permission Reference 17/00679/OUT / APP/Z1510/W/22/3306479).

6.2 Approval is sought for the construction of a vehicular and pedestrian access off London Road. It is proposed that a new priority junction will be constructed, with the access road continuing 110m into the site, with a further priority junction formed 90m from London Road. The Illustrative Masterplan shows this junction is intended to provide access to a further residential estate road. The road accessing the site would have a 6m wide carriageway and either side a 3m wide grass verge which would also contain street trees and a 2m wide footway beyond the verges.

6.3 In addition the application also seeks approval for an electricity sub-station, surface water drainage, including an attenuation basin, and soft landscaping of the application site.

7. SUMMARY OF CONSULTATION RESPONSES

External Consultees

7.1 NHS (Integrated Care Board)

7.1.1 The ICB does not wish to submit any comments on this occasion.

BDC Consultee

7.2 BDC Ecology

7.2.1 At the time of writing this report no response has been received from the Council's Ecologist. Officers will update Members at the Planning Committee meeting on the advice that is received.

7.3 BDC Environmental Health

7.3.1 The Council's Environmental Health Officer has reviewed the Outline planning permission and the conditions imposed by the Planning Inspector. With reference to the Planning Inspector's conditions, Environmental Health raise no objection to the proposed access arrangements. A condition is recommended requiring details of a Construction Method Statement to manage and mitigate the potential impact of construction activity on local residents.

ECC Consultee

7.4 ECC Highways

7.4.1 No objection. The proposed layout is acceptable in principle, subject to following comments.

1. The SuDS feature located immediately to the south-west of the site access junction with London Road must either not be designed as an infiltration feature or be located at least 6 metres from highway.
2. The planting schedule should not be approved. All planting within proposed highway would need to be agreed with the Highway Authority as part of highway works agreements.
3. Highway design details, except layout, as these would need to be agreed with the Highway Authority as part of highway works agreements.

7.5 ECC SuDS (Lead Local Flood Authority)

7.5.1 At the time of writing this report no response has been received from the Lead Local Flood Authority. If comments are received before the Planning Committee Officers will update Members at the Planning Committee meeting.

8. PARISH / TOWN COUNCIL

8.1 Kelvedon Parish Council

8.1.1 Object to the application. This application should not be determined until a decision is made on the application to vary Condition 9 (Landscape Buffer) and Condition 8 (Landscape details) plus the variations of the Section 106 agreement, as this application has significant ramifications on the location and position of this entrance point.

8.1.2 Condition 8 of the Outline planning permission requires the identification of trees and hedgerows to be retained, translocated and the protection measures. This should cover the whole and the agreed protection should also be in place for all retained trees prior to the commencement of works to any part of the site. The current drawings do not show the retention of trees and the extent of the tree protection measures.

8.1.3 As a part of the highways works, it is proposed that the footpaths be widened across the frontages of the site at both the north and south areas. These works are not clearly shown on the submitted drawings.

8.1.4 Missing or inconsistent information, including missing key from Southern Access General Arrangement; the Arboricultural Plan does include a description of H11-C; apparent typographical errors on SuDS basin levels; no planting specification details for soft landscaping; discrepancies between the Landscape Proposals and the topographical survey and description used within the Arboriculturist report; the arboricultural report

shows H9-C as a continuous hedge, where the trees are described as being on the south side of the ditch but the landscape drawing appears to show them extensively on the north side of the ditch in clumps.

8.1.5 Existing trees will have to be lost from the hedgerows in order to construct the proposed attenuation basin and the outfall connection and possibly vehicular sight lines.

8.1.6 In at least two locations the excavation of the SuDS basin will adversely affect the extent of the retained hedge 9-C.

8.1.7 The General Arrangement drawing doesn't show the retained hedgerow at all nor the details of the retained ditch in relation to the SuDS basin. If it is intended to culvert the ditch in this location then that should be explicitly noted on these drawings and the impact assessed on the retained hedge.

8.1.8 SuDS basin is overly engineered with a uniform profile with straight sides. Should have a more natural appearance. The basin design is contrary to the Neighbourhood Plan Design Guide - Objective 1 which requires that they are integrated into the landscape and public realm and Objective 5 that they provide positive year round features capable of supporting an aquatic habitat. The submitted drawing indicates that on average and particularly in the late spring and summer months there would be less than 14mm of water at the bottom of the basin.

8.1.9 The retained hedgerow (H9-C) should be reinforced with additional native hedge and standard tree planting.

8.1.10 Some of the shrub and perennial planting is not appropriate to the location (heavy clay and often water logged). Detailed layout drawings are required given the number and mix of species.

8.1.11 Tree root membrane barriers should be installed along the outside of both grass verges to contain roots and prevent conflict with underground pipes and services.

8.2 Feering Parish Council

8.2.1 The Parish Council were consulted on the application on 25th November and responses were requested by 23rd December. At the time of writing this report no response has been received. If any comments are received prior to the Planning Committee then Officers will update Members at the Planning Committee meeting.

9. REPRESENTATIONS

9.1 One representation has been received to the application, from the Kelvedon and Feering Heritage Society. The main grounds for the objection are:

- This application is supported by an Illustrative Master Plan, which is the same as has been submitted under the VAR application, and so this Reserved Matters application should not be determined until the variation has been decided.
- As approved, a reserved matter application for the landscaping had to be submitted and approved before any development takes place. The variation application seeks to have this relate to "a relevant phase" although no such phasing has not been proposed. Without this information, no variation should be considered.
- Object to the reduction in the width of the landscape buffer required by Condition 9, which was to protect visual amenities of the Listed Church Farm buildings. As this depth of buffer was required by the Planning Inspector no such variation should be permitted.

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of the development of the site has been established under the Outline Planning Permission (Application Reference 17/00679/OUT) which was granted on 30th January 2023 at appeal by a Planning Inspector (APP/Z1510/W/22/3306479). The granting of Outline planning permission establishes the principle of this site being developed with up to 300 dwellings; a health centre to be used by the local GP practice; local retail area; 64-bed care home, and an early years and childcare facility, along with open space and supporting infrastructure. The description of development also referred to the provision of two new vehicular accesses off London Road.

10.2 Whilst the Outline permission approved the principle of developing the site, the planning permission was granted with all matters reserved, which means that the developer of the land will need to get approval from the Council for the details of the access; appearance; landscaping; layout; and scale of the development.

10.3 This application seeks approval for of the reserved matters for 0.39ha of land which it is proposed will contains a pedestrian and vehicular access into the site from London Road, along with 110m of new highway, a further priority junction, electricity sub-station, surface water drainage, and soft landscaping.

10.4 Whilst the application includes an illustrative layout which shows how the land around this application site could be developed, those details do not form part of this application. A developer will need to submit separate application(s) for approval of the reserved matters for the remainder of the development in the future.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

11.1.1 The application seeks approval for the construction of a new highway access onto London Road and an initial stretch of 110 metre of highway running north into the site. It is proposed that the new road would have a carriageway width of 6m, with 3m wide verges and 2m wide footways running parallel to the carriageway. The width of the carriageway and footways is considered to be appropriate to serve a development of this size given that it is not anticipated that a bus service would run through the site. The carriageway and footways would be surfaced in black tarmac. At the northern end of the road a raised table is indicated which would help manage vehicle speeds. The verges between the carriageway and footway would be planted to provide a tree lined street.

11.1.2 A new electricity Sub Station is proposed to serve the development. The structure has a footprint of 4m x 4m, standing 2.85m high to the eaves and 4.1m high to the tip of the pyramidal roof form. It is proposed that is located beyond the rear boundary of the garden of the garden known as Loughton. Whilst proposed landscaping would soften the appearance of the structure, this will be one of the first built features that visitors to the site will see. It is unfortunate that the sub-station building will not add positively to the visual experience on entering the development, but this is essential infrastructure that will need to be provided somewhere to serve the development and there is no objection to this location, being also partly obscured by the adjoining residential boundary. No details are provided of the external materials proposed, or the design of the doors to the building, or means of enclosure. It is recommended that these details are required by planning condition. A vehicle parking space is located in front of the sub-station for access purposes. On the southern side of the new road is an attenuation basin (which forms part of the site wide drainage strategy for the wider development) and an area of landscaping.

11.1.3 On the northern side of the new road, between London Road and the sub-station, a landscape strip is proposed separating the footway from the boundary with the property known as Loughton. The landscape tapers down from 4.9m to 3.7m wide at the site frontage on the London Road. On the southern side of the road, it is proposed that there would be a surface water attenuation basin which would be landscaped along with the land around the basin. The Parish Council have objected to the design of the SuDS basin. They consider that it will have an engineered appearance and will not appear as a natural feature. The Kelvedon Neighbourhood Plan Design Guide states that SuDS features are integrated into the landscape and public realm (Objective 1) and provide positive year round features capable of supporting an aquatic habitat (Objective 5). The Applicant has been asked to amend the design in order that the attenuation appears more natural and hold some water year round. The project engineer has responded to say that it is not possible to reengineer the feature to provide a more natural appearance as this would either result in reduced capacity

or require more space than is available. They have confirmed that it may be possible to retain a permanent water level beneath the outlet level, but due to space constraints this would be a very small pool of water.

11.1.4 Whilst the SuDS basin design does not accord with objectives contained within the Kelvedon Neighbour Plan Design Guide this is not considered to be grounds for refusing the application. Overall, the layout and appearance of the application site is considered to be acceptable.

11.2 Landscaping

11.2.1 Policy LPP65 of the Adopted Local Plan encourages Applicants to retain trees of value and where tree is necessary to mitigate this. Policy LPP66 of the Adopted Local Plan more generally encourages the protection and enhancement of biodiversity.

11.2.2 To create the access and achieve the necessary visibility splays, the Applicant proposes to remove 39m of hedge (identified as H11 in the Applicants Arboricultural Impact Assessment) along the frontage with London Road. The hedge contains a mix of hawthorn, elm and brambles. Within and adjacent to the application site is a further hedge (H9 in the Applicant's report) which previously formed a field boundary. This hedge is to be retained, although some localised pruning works are required to the hedge to allow suitable access to construct the SuDS attenuation basin.

11.2.3 The Applicant has submitted a landscaping scheme for the application site. This includes street trees planted in a 3m wide verge on either side of the internal road, and planting shrub beds and grasses on the land between the footway and Loughton, and a wildflower mix in and around the SuDS attenuation basin and aquatic planting within the basin.

11.2.4 The choice of street trees will be important to the character and appearance of the development. The submitted plans show Hornbeam is proposed to be the main species planted along the street, supplemented with individual Rowan, Ornamental Pear and Field Maple. Whilst planting details are included in the Applicant's submission, the Highway Authority has advised that details of the tree species and mix should not be approved at this time. The Applicant will need to agree details of the street trees as part of the highway works agreement, as the intention is that the road will be adopted by the Highway Authority. Officers consider that less reliance on a single species would make the tree lined street less susceptible to potential disease in the future. It is proposed that the details of the type and mix of trees are conditioned and that Officers will work with the Applicant and Highway Authority to agree the planting details. A suitable planting condition is therefore recommended (see Condition 1 in Appendix 1).

11.2.5 The application did not include details for the setting and establishment of the soft landscaping, so a condition is recommended that will require these details. The Parish Council raised a concern about the suitability of some of the shrubs and perennials proposed for use and that there should be

details of how the specified plants would be set out. The proposed planting is varied and intended to provide an interesting entrance feature with year round interest. Further details of the arrangement of planting can be required as part of a planning condition. The landscaping condition on the Outline permission requires that all landscaping is carried out in accordance with an implementation programme to be approved in writing with the Local Planning Authority.

11.2.6 It is noted that there were some visual discrepancies regarding how the retained hedge (H9) is shown in the application. It was also noted that there is a small area where the excavation of the SuDS attenuation basin will be within the root protection area of the retained hedge (H9). The project arboriculturist has confirmed that the hedge originates on the southern side of the ditch, and as such they consider that it is very unlikely to have laid down significant root material within the area that is to be excavated to form the basin. Furthermore, because the hedge is an old field boundary the hedge will have been impacted by compaction, ploughing and facing back. Whilst the hedge will need some localised trimming to allow works, they are satisfied that any further remediation or protective measures are required to protect the retained hedge.

11.3 Ecology

11.3.1 Policy LPP63 of the Adopted Local Plan states that development proposals should seek to ensure the protection and enhancement of the natural environment, habitats, and biodiversity. The ecological value of the wider site was assessed as part of the Outline planning application. The Planning Inspector concluded that the site comprised of common habitats of generally low ecological value, although a hedgerow and deciduous woodland pocket on site were identified as being of local importance. A number of conditions were imposed that require the submission and approval of details prior to the commencement of development for ecological mitigation and enhancements. As these matters are covered by the conditions, they would not need to be considered as part of this application.

11.3.2 The new road, which will have street lighting, will be constructed parallel to a retained hedge. The bat survey that accompanied the Outline planning application found no evidence of roosting bats on the site although bats were recorded as being sighted in the area. The Council had recommended the usual lighting condition to protect sensitive areas where bats might commute as part of the appeal process, but the Planning Inspector rejected that condition and simply required lighting details be submitted with the Reserved Matters applications. A lighting scheme has been provided but this will need to be developed with the Highway Authority as part of the adoption process. In line with the Highway Officers recommendation, a further condition requiring approval of a lighting scheme which seeks to minimise the potential impact of bats is recommended (see Condition 3 in Appendix 1).

11.4 Highway Considerations

11.4.1 Whilst access was one of the matters that was reserved by the Outline planning permission, the description of development refers to two vehicular accesses off London Road. The illustrative material submitted as part of the Outline planning application showed an access at the northern end of the site, between Sunnymeade and the entrance to Church Hall Farm, and a southern access located to the south of the dwelling known as Loughton.

11.4.2 The application proposes that the road would comprise a 6m wide carriageway (not 5.5m wide as shown on the submitted Highway Construction Details drawing), with a 3m wide verge on either side of the carriageway and 2m wide footways beyond that.

11.4.3 The Highway Authority have been consulted on the application and they advise that the proposed layout is acceptable in principle. They have no objection to the approval of the application providing that the SuDS feature located immediately to the south-west of the site access junction with London Road is an infiltration feature, otherwise it will need to be located a minimum 6 metres from highway to reduce the likelihood of it undermining the structural integrity of highway. They also recommend that the details of the planting within the proposed highway, and the detailed highway design would need to be agreed with the Highway Authority as part of an application for a highway works agreement. The Applicant has confirmed that the attenuation basin is not designed to drain through infiltration, but instead will discharge through the outfall draining to a watercourse to the south. Noting the Highway Officers advice, Officers recommend that the details of the highway design are not approved. The Council have no need to approve the technical highway details, however the Council would want to approve the planting details, so a condition is recommended in this respect.

11.5 Impact upon Neighbouring Residential Amenity

11.5.1 Policy SP7 of the Adopted Local Plan states that new development must protect the amenity of existing and future residents and users with regard to amongst over things noise, vibration, smell, and overlooking.

11.5.2 The new access runs broadly parallel to the dwelling known as Loughton, with the footway being between 3.7 & 4.8m from their boundary, with the carriageway located a further 5 metres from the property boundary. The developer is proposing to plant a hornbeam hedge along the boundary which would be left to grow to 1.8m high with a bed of ornamental shrub planting in front of that. No new boundary treatment is proposed.

11.5.3 Currently there is a low 1m high closed board fence panel along the side boundary to front of the Loughton property with further close board fence panels to the rear garden boundary. Whilst the presence of built development in the fields adjoining the property will result in additional noise and lighting, it is considered that this single storey dwelling would be

sufficiently separated from the road that the occupants would not suffer an unacceptable impact on their residential amenity.

11.6 Flooding and Drainage Strategy

11.6.1 The application is located in Flood Zone 1, which is the lowest level of fluvial flood risk. Policy LPP76 of the Adopted Local Plan states that all new development of 10 dwellings or more and major commercial development, will incorporate Sustainable Drainage Systems (SuDs) appropriate to the nature of the site.

11.6.2 Condition 17 (Foul Water Drainage) and Condition 18 (Surface Water Drainage) on the Outline planning permission requires that details of the drainage schemes be submitted to the Council for a relevant phase before above ground development is commenced. Whilst there is no requirement to submit these details to the Council with the Reserved Matters application, the Applicant has submitted a Flood Risk Compliance and Maintenance Plan to demonstrate that the proposed drainage design for the application site complies with the drainage scheme that formed part of the original Outline planning application.

11.6.3 The application drawings shows that the hardstanding within the application site will drain to a detention basin which will discharge at a controlled rate to the existing ditch in the southern end of the site.

11.6.4 The Lead Local Flood Authority have been consulted on the Reserved Matters application but at the time of writing this report their response has not been received. Officers will update Members at the Planning Committee on any response from Essex County Council SuDS.

11.7 Other Matters

11.7.1 Kelvedon and Feering Heritage Society have objected to the application. They argue that approval of the Reserved Matters for the southern access should not be approved until the application to vary Condition 9 (the landscape buffer) has been determined, on the grounds that the Reserved Matters application is supported by the same Illustrative Master Plan as the application to vary Condition 9. The purpose of the illustrative layout is to show how the site could be developed, and that approval of the access would not be prejudicial to the development of the remainder of the site. This application does not seek approval for the details of any part of the wider site. Officers consider that the southern access is located far enough away from the landscape buffer required by Condition 9 that approval would not affect the depth of the landscape buffer or be a factor that would affect the determination of the application to vary Condition 9. The application to vary the condition will need to be determined on its own merits, which will need to include an assessment of the impact on designated heritage assets.

11.7.2 The other issue raised is that Condition 1 of the Outline planning permission currently requires that details of the Reserved Matters for the site needs to be approved before development commences. A separate application to vary Condition 1 – to allow for the phased development of the site – has been submitted and will be reported to the Planning Committee at a later date. The current wording of Condition 1 does not preclude the Council from considering or approving this Reserved Matters application. The condition would however currently prevent the developer from commencing development unless they have approval of the Reserved Matters for the whole site.

11.7.3 The target date for the determination of this application is 13th February 2025. Whilst consideration of the application could have been delayed until the Planning Committee meeting on 28th January 2025, Officers considered it would be logical to consider the Reserved Matters application for access alongside the Full application for the northern access, which need to be determined at Planning Committee on 7th January if it is to be determined within the Governments statutory timeframe. This has meant that the Committee Report has been completed before some consultation responses have been received. Officers will update Members at the Planning Committee on any further consultations and representations that are received.

12. CONCLUSION

12.1 The application site benefits from Outline planning permission already, and Officers consider that the proposed access and highway arrangements are consistent with the Outline permission and what was envisaged at Outline stage, once the Planning Inspector made the decision that the community hub must be located at the north-eastern end of the site, in accordance with views expressed by local residents and their representatives.

12.2 The proposed road and footway comply with current design guidance and have been designed so that they can be offered for adoption by the Highway Authority. Some of the technical aspects regarding the design and construction of the road will need to be agreed through a highway works agreement that the developer will enter into with the Highway Authority, and conditions are recommended that details of lighting and planting are agreed in parallel through planning conditions.

12.3 Whilst the loss of approximately 39m of hedge on the London Road frontage is regrettable, the loss of some hedge was also going to be required to be able to provide an access at the southern end of the site. New hedge planting is proposed as part of this application. The wider scheme will provide further opportunities to supplement retained hedgerows.

12.4 Whilst there are proposals to vary other aspects of the Outline planning permission, these do not impact on the consideration of this application. Approval of the application is recommended, which will allow the developer

to obtain a highway works agreement and carry out work to provide a safe access into the site, which in turn will support delivery of the wider scheme.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Landscape Plan	GLS_083_168_1550	A
Location Plan	19507-KELV-5-123	B
Access Details	19507/KELV/5/121	E
Tree Plan	HWA12026.01-APIII-3.0	N/A
Substation Details	SUB-2A-SP-001	P01

Condition(s) & Reason(s)

Condition 1
Approved Plan(s) / Document(s)

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above, except as follows:

- The tree species shown on the Southern Access Landscape Proposals (Drawing No. GLS_083_168_1550 Rev A) are not approved.

Prior to the commencement of development, details of the species and mix of trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: For the avoidance of doubt and in the interests of proper planning. The mix of trees proposed for planting along the highway are not approved and will need to be agreed with the Local Planning Authority, in consultation with the Highway Authority, to ensure that the mix and species are appropriate in terms of urban design, without compromising the ability for the highway to be adopted by the Highway Authority. This information is required before development commences as the tree planting specification could have implications for the highway construction.

Condition 2
External Materials - Sub Station

No above ground development shall commence until a schedule of the types and colour of the materials to be used in the external finishes, including the external doors, of the sub-station building hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 3
Means of Enclosure - Sub Station

No above ground development of the sub station hereby permitted shall commence until details of all gates / fences / walls have been 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 first use of the sub station and shall be permanently retained as such.

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

Condition 4
Lighting Details

No above ground development shall commence until a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include the following details:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

Reason: To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as

amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

Condition 5
Soft Landscaping Implementation

No above ground development shall commence until a detailed specification for the setting out of soft landscaping works shown in the Southern Access Soft Landscape Proposals (Drawing GLS_083_168_1550 Rev A). This specification shall include plant distances and the arrangement of the planting, and written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in accordance with the approved implementation programme.

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 in accordance with the approved landscaping scheme..

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

Condition 6
Compliance with Arboricultural Impact Assessment

The development shall only be implemented in accordance with the approved Arboricultural Impact Assessment and associated Tree Protection Plan, undertaken by Domonic Poston of Hallwood Associates, dated 17/12/2024 (HWA12026.02-APIII-3.0). This shall include submission of short written reports to the Local Planning Authority following each supervisory visit by the Applicant's Arboricultural Consultant as set out in Section 16.

Reason: To ensure existing trees, shrubs and hedges that are identified for retention are protected as they are considered essential to enhance the character of the development and for their ecological value.

Condition 7
Vehicular Visibility Splays

Prior to the first beneficial use of the new access onto London Road hereby approved, visibility splays with dimensions of 2.4m x 70m to the north of the access junction, and 2.4m x 160m to the south as measured from and along the nearside edge of the carriageway shall be provided. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason: To provide adequate visibility in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance in February 2011.

Positive and Proactive Statement

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.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP44	Transport Related Policy Areas
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

Kelvedon Neighbourhood Plan 2017-2033

MA2	Traffic Calming
MA3	Transport and Access
MA4	Parking Provision
HO1	New Housing and Associated Infrastructure
HO2	Phasing of New Homes over the period 2017 to 2033
HO3	Development Briefs and Community Consultation
DE1	Design of New Development
DE2	High Quality Building and Design
NE2	The Provision of New Recreational and Play Spaces
NE3	Protection of Green Infrastructure And Biodiversity
NE7	Pollution
NE8	Flood Prevention

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
22/00066/REF	Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road.	Appeal Allowed	30.01.23
17/00679/OUT	Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road.	Refused	10.03.22
17/01979/OUT	Outline planning permission for up to 125 dwellings and up to 2000m2 of employment floorspace (Class B1).	Pending Decision	
24/02383/VAR	Variation of Condition 9 (Landscape Buffer to North-East Site Boundary); Condition 1 (The Reserved Matters); Condition 6 (Control on Noise, Disturbance, Visual Intrusion, Light Pollution from Community Hub);	Pending Consideration	

	Condition 7 (Details - Layout and Appearance); Condition 8 (Landscape Details); Condition 19 (Construction Method Statement); Condition 21 (Construction Environmental Management Plan); Condition 23 (Travel Plan - Community Hub) and Variation of Section 106 Agreement - Definition of Land Use Plan and Community Hub; Schedule 2 (Retail Units); Schedule 3 (Care Homes); Schedule 4 (Health Centre); Schedule 5 (Early Years Facility); Schedule 8 (Open Space); Schedule 13 (Education Contribution) of approved application 17/00679/OUT granted 30.01.23 (Allowed on appeal) for Outline planning permission, with all matters reserved for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road		
24/02385/FUL	Construction of a vehicular access (North) from London Road.	Pending Decision	

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2K: Land North of London Road Kelvedon Completed proforma

Braintree District Council Planning Policy

Housing Land Supply Review 2023

Braintree District Housing Trajectory Questionnaire

The Council is subject to the Freedom of Information Act 2000 and Environmental Information Regulations 2004, and laws concerning the protection of personal information. If you consider that any of the information that you provide as part of your response is commercially sensitive or personal information, please identify it as such in Question 6a and please explain in question 6b how disclosure would be detrimental to your organisation. The Council cannot guarantee non-disclosure of this information, but will apply any relevant exemption where one is clearly engaged.

SITE SUMMARY (completion by BDC)	
Site Reference:	TR129
Site:	Land North of London Road Kelvedon
Ownership: (eg. Housebuilder, developer, landowner)	Housebuilder.
Contact details	Matthew Lees Development Director BDW Eastern Counties 7 Springfield Lyons Approach. Chelmsford, Essex, CM2 5EY
Planning status: e.g. allocation, outline permission, detailed permission, resolution to grant planning permission)	Outline permission granted on appeal 30.01.2023 for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road. (application reference 17/00679/OUT)
Braintree District Council assessment of progress towards delivery of this site based on our current knowledge:	Site was purchased by Barratt David Wilson Homes (BDW) on 30th April 2024.
To be completed by BDC following review of information provided by development representative:	
Total site capacity	300 residential dwellings plus care home and other uses as approved by OPP 17/00679/OUT
Total completed at March 2023	0
Total outstanding at March 2023	300
Qualify for 5YS2028: Yes/No 5YS forecast 2023-2028:	

.....

Continued overleaf: Pages 2-4 for completion by site development representative

For completion by site development representative:

SECTION 1: CONFIRMATION OF SUMMARY SITE DETAILS		
1a	**Please confirm if the site details set out by the Council above, including the Council's assessment, are correct. If not, please provide update details.**	Site is in the ownership of BDW and an RM application is currently in preparation.

SECTION 2: AVAILABILITY:		
2a	**Is the site currently available for development? Please indicate, is the site in the control of a developer, or a site promoter**	Yes, the site is in the control of Housebuilder BDW Homes.
2b	**If not, why not?** *e.g. is there an existing use on site?*	N/A
2c	**If the site is not available yet, when will it become available**	Site is available
2d	**Are you still undertaking site assessment work? If so, please give further details.**	RM application in preparation
2e	**When do you plan to submit Reserved Matters?**	RM for access August 2024 and RM for Residential and Health Centre November 2024. .
2f	**If your site has outline permission and you have submitted or will be submitting a Full application rather than Reserved Matters, please explain why**	N/A

SECTION 3: ACHIEVABILITY	
(defined as having a realistic prospect that housing will be delivered on site within 5 years)	
Are there current barriers delaying/preventing development? Please explain what they are and how/when they will be overcome.	None – the site will be coming forward at the earliest opportunity under a PPA with the Council and looking for an Planning Approval by March 2025.

SECTION 4: DELIVERY TIMETABLE AND HOUSING TRAJECTORY		
4a	**When do you estimate you will start works on site?**	August 2025
4c	**When do you estimate you will deliver the first housing completions?**	June 2026
4d	**When do you estimate site development will be completed?**	June 2029
4e	**Please complete the Housing Trajectory Table (see final page) with details of forecast housing completions by year**	**See final page**
4f	**Any additional comments you wish to make**	The site will be a dual branded Barratt and David Wilson Homes Development and will be sold from two sales outlets. Should the market improve delivery timeframes may come forward.

SECTION 5: DECLARATION		
I confirm that the information provided is correct to the best of my knowledge:	**Name: Matthew Lees**	**Signature:** 

6: COMMERCIALLY SENSITIVE INFORMATION		
6a	**Have you provided information that you would regard as commercially sensitive? If yes, please specify which answers this applies to.**	No
6b	**Please explain how disclosure of this information would be detrimental to your organisation.**	N/A

Please return to: planningpolicy@braintree.gov.uk

4e: HOUSING TRAJECTORY TABLE: FORECAST COMPLETIONS BY YEAR

Please complete the housing trajectory table below with details of your anticipated housing completions in future years:

Please note: All years are based on financial years i.e. 1 April to 31 March. If you can only provide a forecast based on a different period, eg January to December by year, please make this clear in the response

BDW financial Year runs July 1st to June 30th and therefore we base our completions as follows:

	2023-2024	**2024-2025**	**2025-2026**	**2026-2027**	**2027/2028**	
Current best estimate of **MARKET DWELLING COMPLETIONS**	0		4	65	65	
Current best estimate of **AFFORDABLE DWELLING COMPLETIONS**	0		4	54	54	
= **TOTAL DWELLINGS** (market + affordable)	0		8	119	119	
	2028-2029	**2029-2030**	**2030-2031**	**2031-2032**	**2032-2033**	**Post 31.03.2033**
Current best estimate of **MARKET DWELLING COMPLETIONS**	46	Site Complete				
Current best estimate of **AFFORDABLE DWELLING COMPLETIONS**	08	Site Complete				
= **TOTAL DWELLINGS** (market + affordable)	54	Site complete				

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2L: Land East of Braintree Road Cressing Ongoing work on preparation of Reserved Matters, and submission

Invicta Planning Ltd.
Chart House
10 Western Road
Borough Green
Kent
TN15 8AG

Tel: 01732 885563

Planning Department
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

BY PLANNING PORTAL

23 January 2025

Dear Sir/Madam,

APPROVAL OF CONDITION 11 OF OUTLINE PERMISSION 21/03053/OUT
LAND EAST OF BRAINTREE ROAD, CRESSING, ESSEX

Please find enclosed an application for the approval of condition 11 of Outline Permission 21/03053/OUT relating to the residential development of up to 35 dwellings at Land East of Braintree Road, Cressing, Essex. This application is submitted on behalf of our Client, Chartway Partnerships Group.

Condition 11- Drainage Strategy

Condition 11 requires the submission of a drainage strategy prior to the commencement of development. The Condition outlines a number of requirements for the drainage strategy including:

- to be based upon sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development;
- to be in general accordance with the principles included in the Flood Risk Assessment and Drainage Strategy submitted in support of the Outline planning permission;
- Accordance with the approach set out in Building Research Establishment Digest 365 and CIRIA SuDS Manuel 753; and
- Submission of details of maintenance arrangements and responsibilities, including funding.

Invicta Planning Ltd.
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10 Western Road
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In order to discharge this condition, the following documents have been submitted for approval:

Drawing Number	Description
B0612-CTP-P02	Drainage Statement
B0612-3200-P08	Engineering Strategy Sheet 1 of 2
B0612-3201-P10	Engineering Strategy Sheet 2 of 2
B0612-3202-P09	Overall Engineering Strategy
B0612-3270-P02	Long Section Sheet 1 of 2
B0612-3271-P02	Long Section Sheet 2 of 2
B0612-3275-P01	Cross Sections
B0612-3276-P02	Cross Sections

The submitted Drainage Statement sets out the drainage proposals for the Site as follows:

- The Site is generally unsuitable for infiltration drainage due to the underlying geology; as such surface water will be directed to a watercourse beyond the north western boundary of the Site;
- The on-site surface water drainage system comprises of elements of conventional pipes, an attenuation basin and a pumping station;
- The attenuation basin provides storage during critical storm events and provides additional functionality in improving water quality;
- The drainage strategy would provide storage up to a 1:100 year + 40% climate change storm event. The discharge rate would match that included within the Outline Flood Risk Assessment produced by Jubb Consulting Engineers.
- The new on-site drainage system will be privately owned and maintained, and all maintenance will be carried out by the occupiers of the dwelling/private management company. The maintenance will be carried out in accordance with the maintenance schedule provided at paragraph 4.2 of the Drainage Statement.

Application Fees

The application fee for an Approval of Condition application is £145. This has been paid through the Planning Portal.

Next Steps

I trust the above and enclosed is sufficient to allow the application to be registered and validated; however, if you require any further information at this point, please do let me know.

Yours Sincerely,

Chloe Berkhauer-Smith
Planner

ctp consulting engineers

Land east of Braintree Road, Tye Green
Drainage Statement
B0612-CTP-R001

December 2024

B0612

Contents

Document Status and Signatures

1.0 Introduction

2.0 Existing Site

3.0 Proposed Drainage Strategy

4.0 Maintenance Strategy

5.0 Conclusion/Summary

Appendices:

Appendix A – Drainage Strategy Drawing

Appendix B – Topographical Survey

Appendix C – Anglian Water Sewer Records

Appendix D – Site Layout

Appendix E – Soakage Testing Extract

Appendix F – Greenfield Calculations

Appendix G – Surface Water Drainage Calculations

Document Status and Signatures

Document Status		
Document Reference: B0612-CTP-R001 – Drainage Statement		
Issue Date	Version	Rev
11/10/2024	Preliminary Submission	P01
19/12/2024	Minor Amendments	P02

File location: N:\Jobs\B0500-B0749\B0612\4 - Reports and Specifications

Signed on behalf of CTP	
Prepared by:	Stephanie McClellan – MEng (Hon) – Graduate Civil Engineer
Reviewed by:	Daniel Kent – BEng (Hon) – Associate Designate

1.0 Introduction

1.1 CTP Consulting Engineers have been appointed by Chartway Group (Client) to provide a Drainage Strategy and Statement to demonstrate how the drainage design meets the requirements set out in the approved Flood Risk Assessment, for the residential development of 35 houses on land east of Braintree Road, Tye Green.

1.2 This report has been prepared to be read in conjunction with the drainage strategy drawings B0612-3200, 3201 which are included within Appendix A.

1.3 CTP has no responsibility to any other parties to whom this report may be circulated, in part or in full, and any such parties rely on the contents of this report solely at their own risk.

1.4 All copyright and other intellectual rights in and over this report and its contents shall remain vested in CTP. The 'client' and any person authorised by them is granted an irrevocable royalty free license to use and reproduce this report for all purposes relating to the property, but CTP shall not be liable for any use of the report for any purpose other than that for which it was originally prepared.

2.0 Existing Site

2.1 The site is accessed from the east of Braintree Road, Tye Green which runs along the western boundary of the site. To the east of the site lies farmland and to the north and south are residential properties.

2.2 The site is centered on approximate OS Grid Reference X: 577859, Y: 221252

2.3 The land is considered greenfield which is currently used as farmland.

2.4 The site extends to a total size of 1.68 ha (16823m2).

2.5 The site is generally flat with a gradual fall from east to west, existing levels within the site range from 66.00mAOD along the eastern site boundary to 66.58mAOD in the southwestern corner.

2.6 A topographical survey has been carried out and this is included within Appendix B.

2.7 Through a review of the site, it has been noted there is a ditch beyond the site boundary to the northeast and a ditch running along the western edge of the site boundary which serves the runoff from Braintree Road.

2.8 Environment Agency Flood Maps (extract below) show that the entirety of the site falls within Flood Zone 1.



2.9 Anglian Water Asset Plans (a copy included in Appendix C) show existing foul sewers in Braintree Road to the west of the site.

2.10 There are no surface water sewers shown in the vicinity of the development and it is assumed that greenfield runoff discharges into the adjacent ditches.

3.0 Proposed Drainage Strategy

3.1 The proposed development comprises 35 residential dwellings with associated infrastructure including roads, parking, and private garden areas. A site layout is included in Appendix D.

Surface Water Strategy

3.2 In accordance with the drainage hierarchy set out in Building Regulations, surface water disposal should be considered in the following order of preference:

- Infiltration
- Watercourse
- Surface Water Sewer
- Combined Sewer

3.3 As detailed on the British Geological Survey (BGS) mapping, shown in extract below, the site is underlaid by London clay. This therefore suggests that surface water disposal via infiltration is likely unsuitable.



3.4 Initial infiltration testing was conducted as part of a site investigation report undertaken by Jubb Consulting Engineers dated 14/06/2023. Soakage tests in accordance with the BRE365 were undertaken in two trial pits up to a depth of 2.5m with soils consisting of clay. The results stated that the pits failed to drain sufficiently after 5hrs during the first cycle. Therefore, the site is not considered suitable for infiltration. (extra in Appendix E).

3.5 The drainage strategy (Appendix A) is based on the disposal of surface water via the existing watercourse at the northwest boundary of the site. Flows will be restricted to the pre-development greenfield rate and an attenuation basin is included to provide storage up to the 1:100 yr + 40% climate change storm event. The discharge rate of 4.1l/s, from the approved Flood Risk Assessment (by Jubb Consulting Engineers), has been used for the detailed strategy. It was stated that the rate was calculated based on ICP SuDs method (Appendix F). The 4.1l/s rate is the maximum offsite discharge for storm events up to the 1:100year plus climate change. Surface water calculations for this (based on FEH data) are included within Appendix G.

3.6 The watercourse that the surface water is being discharged into has a base level of 65.12 which is too shallow for the surface water to connect via gravity. Therefore, a pumping station is to be used to connect into the watercourse, which will also act as the flow control device for the site to restrict flows to match the greenfield runoff rate.

3.7 The proposed surface water drainage system comprises conventional pipes, attenuation basin and a pumping station.

3.8 The overall volume of the proposed basin is 1278 m3 (which is based on tying into proposed levels at shallow gradients). The attenuation basin, in addition to providing attenuation during critical storms, also provides an additional function of improving water quality.

3.9 As part of the scheme a new footpath is being installed adjacent to Braintree Road on the eastern side of the site access. There is an existing drainage ditch running along the side of Braintree Road in this location and as part of the works this is to be relocated as indicated on the strategy drawing. The location of the ditch has been placed to avoid the existing gas main easement, which currently runs adjacent to the existing ditch, and the proposed ditch levels are based on replicating the existing ditch levels. The existing gullies leads will be reconstructed to connect into the relocated ditch to replicate the pre-development scenario.

3.10 A culvert pipe has been placed under the site access to provide continuation between the two sections of ditch which are severed by the site access to replicate the existing scenario.

Proposed Foul Water Drainage

3.11 The foul water from the new residential properties has been proposed to connect into the existing foul sewers to the west of the site on Braintree Road. This is shown on the drainage strategy drawing in Appendix A.

3.12 Based on levels currently proposed and site provided level for the existing sewers, a connection to the existing sewers can be made via gravity (via new manhole). The condition of the existing drainage is to be confirmed through a CCTV survey.

3.13 In the Flood Risk Assessment (carried out by Jubb Consulting Engineers) they have confirmed that Anglian Water has assessed the existing network. Anglian Water has confirmed that the proposed point to the 150mm diameter pipe on Braintree Road has sufficient capacity to accommodate the flows from the site.

3.14 The connection to existing foul sewer will be subject to receipt of all necessary approvals including a Section 106 Connection Approvals (Water Industry Act) from Anglian Water.

4.0 Maintenance Strategy

4.1 The new on-site drainage system (foul and surface water) will be privately owned and maintained. All maintenance to the drainage system will be carried out by the occupiers of the dwelling / private management company and the system will not be offered for adoption to the Water Authority.

4.2 To ensure the continual operation of the SUD's features, it is important that the system is regularly inspected and maintained. It is suggested that the maintenance will be carried out in accordance with the below schedules (as taken from CIRIA C753):

Operation and Maintenance Requirements Detention basin (Attenuation Basin)

TABLE 22.1 Operation and maintenance requirements for detention basins

Maintenance schedule	Required action	Typical frequency
Regular maintenance	Remove litter and debris	Monthly
	Cut grass – for spillways and access routes	Monthly (during growing season), or as required
	Cut grass – meadow grass in and around basin	Half yearly (spring – before nesting season, and autumn)
	Manage other vegetation and remove nuisance plants	Monthly (at start, then as required)
	Inspect inlets, outlets and overflows for blockages, and clear if required.	Monthly
	Inspect banksides, structures, pipework etc for evidence of physical damage	Monthly
	Inspect inlets and facility surface for silt accumulation. Establish appropriate silt removal frequencies.	Monthly (for first year), then annually or as required
	Check any penstocks and other mechanical devices	Annually
	Tidy all dead growth before start of growing season	Annually
	Remove sediment from inlets, outlet and forebay	Annually (or as required)
	Manage wetland plants in outlet pool – where provided	Annually (as set out in Chapter 23)
Occasional maintenance	Reseed areas of poor vegetation growth	As required
	Prune and trim any trees and remove cuttings	Every 2 years, or as required
	Remove sediment from inlets, outlets, forebay and main basin when required	Every 5 years, or as required (likely to be minimal requirements where effective upstream source control is provided)
Remedial actions	Repair erosion or other damage by reseeding or re-turfing	As required
	Realignment of rip-rap	As required
	Repair/rehabilitation of inlets, outlets and overflows	As required
	Relevel uneven surfaces and reinstate design levels	As required

5.0 Conclusion/Summary

5.1 The proposed site comprises 35 residential units on Land east of Braintree Road in Tye Green.

5.2 The drainage strategy is based on the disposal of surface water via the existing watercourse at the northwest boundary of the site. Flows will be restricted to the pre-development greenfield rate and an attenuation basin is included to provide storage up to the 1:100 yr + 40% climate change storm event. The discharge rate of 4.1l/s, from the approved Flood Risk Assessment (by Jubb Consulting Engineers), has been used for the detailed strategy.

5.3 Foul water from the development will connect into the existing public sewer network in Braintree Road west of the site.

Invicta Planning Ltd.
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Jack Street
Development Management
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

23 January 2025

Dear Jack

APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR DEVELOPMENT OF 35NO. DWELLINGS
LAND EAST OF BRAINTREE ROAD, TYE GREEN

Please find enclosed Reserved Matters application for the development of 35no. new homes at Land East of Braintree Road, Tye Green. This application is submitted on behalf of our Clients, Chartway Partnerships Group.

This application is submitted pursuant to conditions 1 (submission of Reserved Matters) and 2 (levels details) of Outline planning permission 21/03053/OUT.

The proposed application description is as follows:

Reserved Matters application to consider (Appearance, Landscaping, Layout and Scale) for a development of 35no. dwellings including the provision of open space and play space, landscaping, parking, drainage and earthworks pursuant to planning permission 21/03053/OUT, and the discharge of details pursuant to Conditions 1 and 2.

Invicta Planning Ltd.
Chart House
10 Western Road
Borough Green
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TN15 8AG

Tel: 01732 885563

Background

Outline application (21/03053/OUT), dated 11th October 2021, was refused by Braintree District Council (hereinafter referred to as the Council) on 8th October 2021 for 'outline planning permission with all matters reserved apart from access, for the residential development of up to 35 dwellings (including 40% affordable housing), with vehicular access, areas of landscaping and public open space'. It was, however, allowed subsequently through appeal on 14th March 2023 (Ref. APP/Z1510/W/22/3307493).

As per the description of the outline consent, the means of access was determined at the outline stage. Details of appearance, landscaping, layout and scale are reserved matters (RM) to be considered in the future. In terms of timescales, Condition 1 of the appeal decision requires for the RM application to be submitted by March 2026. Development then needs to commence within two years of the date of approval of the reserved matters.

The submission of this application follows on from pre-application discussions with Braintree District Council and a public consultation exercise undertaken with the local community. Details of this consultation are included in the supporting Statement of Community Involvement.

The Proposed Development

As set out in the above application description, the proposals are for a development of 35no. new homes, all of which would be affordable. The development also includes the provision of open space and play space to the eastern side of the Site, together with the installation of new drainage features.

Further details in respect of design development and compliance with Local Plan Policies are included in the supporting Design and Access Statement produced by On Architecture and Planning Statement produced by Invicta Planning.

Invicta Planning Ltd.
Chart House
10 Western Road
Borough Green
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TN15 8AG

Tel: 01732 885563

Application Fees

The application fee for a Reserved Matters application for 35no. homes is £21,840. This has been paid through the Planning Portal.

Next Steps

I trust the above and enclosed is sufficient to allow the application to be registered and validated; however, if you require any further information at this point, please do let me know.

Yours sincerely

Kate Holland BSc MA MRTPI
Planning Director

Invicta Planning Ltd.
Chart House
10 Western Road
Borough Green
Kent
TN15 8AG

Tel: 01732 88 55 63

Reserved Matters Application for Construction of 35no. dwellings

Land East of Braintree Road, Tye Green, Cressing

Planning Statement

On Behalf of
Chartway Partnerships Group

January 2025

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared in support of a Reserved Matters application for Appearance, Landscaping, Layout, and Scale submitted pursuant to Outline Permission 21/03053/OUT. The Outline planning permission provided for the erection of up to 35no. dwellings (including 40% affordable housing), with vehicular access, areas of landscaping and public open space. The Outline permission was Allowed at appeal on 14 March 2023 (Appeal reference APP/Z1510/W/22/3307493).

1.2 The Site is being developed in partnership between the landowner, Chelmer Housing Partnership; a local Essex-based Registered Provider of Social Housing, and Chartway Partnerships Group; a land-led south east partnership housebuilder. Chelmsford Housing Partnership intend to deliver additional grant-funded affordable homes within the site outside the secured affordable housing secured through the s106 agreement. Chartway will take the site through the planning, design and construction process.

1.3 This Planning Statement sets out how the proposals the subject of this Reserved Matters application comply with Development Plan Policy and the parameters of the Outline planning permission.

1.4 It is the conclusion of the Planning Statement that the proposals accord with National and Local Planning Policy and Guidance and the parameters of the Outline Consent, therefore representing a sustainable form of development that should be supported by Braintree District Council and approved without delay (NPPF, para 11).

2.0 APPLICATION SITE & PLANNING HISTORY

i) The Site & Surrounding Area

2.1 The Site is a rectangular parcel of land measuring 1.68ha and is located to the eastern edge of the settlement of Tye Green. The site was last used as an arable field, fronting onto the eastern side of Braintree Road, a main road passing through Tye Green linking to Braintree to the north.

2.2 The site is surrounded to the north, south and west by existing residential properties which are of a mixed design and appearance, ranging from 2-storey dwellings to single storey bungalows. Immediately to the south of the site is a bungalow known as The Nook and to the north is a 2-storey dwelling known as Deans Farmhouse.

2.3 To the immediate east of the site are open arable fields.

2.4 The boundary with Braintree Road is marked by a native hedge which runs along the edge of the road. There is no footway to the eastern side of Braintree Road.

2.5 Tye Green is in the Parish of Cressing and forms one of 3no. residential areas which make up the Parish. Tye Green provides a limited range of services including a petrol station, corner shop, 2 village halls, a post office and a primary school. All these facilities are within the walking distance of the Site. There are also bus stops located on Mill Lane to the south and a railway station in Cressing which is approximately 1km distance from the Site.

2.6 The Site is not subject to any special policy or environmental designations and is located within Flood Zone 1.

ii) Planning History

2.7 The site was grated Outline Permission on Appeal for up to 35no. dwellings (including 40% affordable housing), with vehicular access, areas of landscaping and public open space on 14 March 2023 (application reference 21/03053/OUT).

2.8 This Outline planning permission granted permission for the 'Access' into the Site but reserved matters of 'Appearance', 'Scale', 'Layout' and 'Landscaping' for future consideration. Plans approved by the Outline planning permission include detailed drawings of the site access and the Site Location Plan. The Outline planning permission was accompanied by a number of parameter plan drawings and an illustrative layout, none of which were approved.

2.9 The S106 Agreement accompanying the Outline planning permission sets out a number of obligations to be delivered with the Site including the provision of an equipped area of play and a minimum area of open space of 0.45ha.

(iii) Pre Application Advice

2.10 Pre application advice was sought from the Council in relation to the development proposals and a Public Consultation exercise was undertaken with the Parish Council and the local community. Details of this pre-application engagement are included in a Statement of Community Involvement which accompanies this application.

3.0 DEVELOPMENT PROPOSALS

i) Overview of the Development Proposals

3.1 This application seeks Reserved Matters consent for a development of 35no. dwellings including 40% affordable housing to be provided within the terms of the S106 Agreement. The remaining 60% of homes are currently proposed to be delivered as additional affordable housing. The Reserved Matters also includes details of landscaping, provision of play space, parking and drainage pursuant to Outline planning permission 21/03053/OUT.

3.2 Accompanying the Reserved Matters application are a number of technical reports and documents. This technical work has informed the development of the proposals.

3.3 The proposed application description is as follows:

Reserved Matters application to consider (Appearance, Landscaping, Layout and Scale) for a development of 35no. dwellings including the provision of open space and play space, landscaping, parking, drainage and earthworks pursuant to planning permission 21/03053/OUT, and the discharge of details pursuant to Conditions 1 and 2.

3.4 Vehicular access to the Site is proposed from a new access onto Braintree Road. This access was approved at Outline stage.

3.5 The development proposals include a total of 35no. new dwellings all of which would be affordable homes as a mix of 2, 3 and 4 bedroom properties. The detailed housing mix is included in the table below. Whilst the whole site would provide affordable homes, there are 14no. dwellings secured through the S106 Agreement (40%) which are detailed separately.

Dwelling Size	Additional Affordable (outside of S106)	Affordable (S106)
2-bedoom	-	4
3-bedroom	19	9
4-bedroom	2	1

3.6 The Site layout proposes substantial areas of landscaping located to the front (west) and rear (east) of the development. The open space would provide a children's play space and a multifunctional area of open space which would provide a place for residents to enjoy, together with offering a drainage and ecological function.

3.7 Dwellings on the Site are primarily proposed to be 2-storey in height with 1no. bungalow to be provided to the south western corner. Each dwelling would benefit from its own allocated parking space(s) with an Electric Vehicle Charging Point (EVP), solar panels or air source heat pump and private garden. Visitor parking would also be provided for within the development.

4.0 PLANNING POLICY FRAMEWORK

4.1 The following section of this report identifies the most relevant planning policy and guidance. Generally, only policies relevant to the consideration of this application are included. The proposals are assessed against the relevant policy and guidance on a topic basis in the following section.

4.2 The starting point for the determination of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires all applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the development plan includes:

- Braintree District Local Plan 2013-2033
- Cressing Parish Neighbourhood Plan 2017-2033

4.3 The principle of development has been accepted by the granting of the Outline planning permission and therefore the policies and guidance within this section solely relate to the planning considerations for the detailed elements of the proposals.

i) Local Planning Policy

Braintree District Local Plan 2013-2033

4.4 The Braintree Local Plan is split into 2no. sections. Section 1 is a strategic Plan for North Esses and was adopted in February 2021. Part 2 contains policies, maps and sites for development and was adopted on 25 July 2022.

4.5 The Plan as a whole provides a vision and planning framework for how the district will develop and grow up to 2033. It allocates land for appropriate development, sets out strategic planning policies and an overall strategy to guide decisions on the location, pattern, scale, and quality of development and/or changes in the way land and buildings are used.

4.6 The policies most relevant to the determination of this Reserved Matters application are listed as follows:

- LPP35- Housing Mix, Density and Accessibility
- LPP42- Sustainable Transport
- LPP43- Parking Provision
- LPP52- Layout and Design of Development

- LPP67- Landscape Character and Features
- LPP70- Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- LPP71- Climate Change
- LPP72- Resource Efficiency, Energy Generation and Energy Efficiency
- LPP74- Flood Risk and Surface Water Drainage

Cressing Parish Neighbourhood Plan 2017-2033 (adopted 2020)

4.7 The Site lies within the Cressing Parish Neighbourhood Plan area. The Neighbourhood Plan sets out the vision for Cressing Parish until 2033 as being 'a village community enjoining rural surroundings, clearly separated from the town of Braintree but within easy access of the town's facilities'.

4.8 The Neighbourhood Plan includes the following policies relevant to the determination of this Reserved Matters application:

- Policy 8: Design, Layout, Scale, Character and Appearance of New Development
- Policy 10- Provision of Electric Vehicle Charging Points

ii) Supplementary Planning Documents

4.9 The Council has adopted a number of Supplementary Planning Documents and Guidance Notes to help inform development proposals. The SPD's and Guidance Notes most relevant to the determination of this Reserved Matters application are:

- Affordable Housing SPD (2006)
- Essex Design Guide (2005)
- Parking Standards Design and Good Practice Guidance (2009)
- Sustainability Statement Guidance Note (2023)

iii) S106 Requirements

4.10 The Outline planning permission is accompanied by a S106 Agreement which includes the following requirements:

- Provision of the bungalow as a wheelchair dwelling under Part M4(3b) of the Building Regulations.

- Provision of all other dwellings in compliance with Building Regulations Part M4(2).
- Provision of 40% affordable housing, of which 30% to be Intermediate Housing and 70% Affordable Rented
- Financial contributions towards the provision of healthcare, ecological mitigation, outdoor sports, and education.
- Provision of 0.45ha of open space on site including an equipped area of play.

5.0 PLANNING APPRAISAL

i) Principle of the Development

5.1 The Site is located adjacent to the village of Tye Green and benefits from an Outline planning for up to 35no. dwellings.

5.2 Parameter Plans and an illustrative masterplan were submitted at Outline application stage; however, were not approved as part of the Outline planning permission. These Plans were before the Inspector in the determination of the Outline application and demonstrated how 35no. new homes could be accommodated within the Site.

5.3 The principle of the development has already been established together with details of 'Access' and therefore the only considerations are 'Layout', 'Scale', 'Appearance' and 'Landscaping'.

ii) Affordable Housing and Housing Mix

5.4 The Outline planning permission and S106 Agreement do not specify a housing mix for either the market or affordable housing to be delivered by the proposed development. Local Plan Policy LPP35 requires development to comply with the housing mix as set out within the Strategic Housing Market Assessment (SHMA). Condition 4 of the Outline planning permission requires that the size and mix of the development to be aligned with local need.

5.5 The S106 Agreement accompanying the Outline planning permission requires 40% of the dwellings on Site to be constructed for affordable housing, of which 70% is required to be Affordable Rented Housing and 30% Intermediate Housing.

5.6 The development proposes the delivery of 10no. affordable rent and 4no. Shared Ownership dwellings. The mix is included in the table below and the Council has confirmed through pre-application discussions that this affordable housing provision including house type, mix and tenure is acceptable.

Dwelling Size	Affordable Rent	Shared Ownership
2-bedoom	3	1
3-bedroom house	5	3
3-bedroom bungalow	1	-
4-bedroom	1	-
Total	**10**	**4**

5.7 The development would provide a mix of 2, 3 and 4 bedroom dwellings which would meet the varying needs of the local and wider community. The Affordable Homes are primarily proposed

as 2 and 3 bedroom properties in order that they are able to remain affordable to potential renters and buyers. The proposals also include an affordable rent tenure 3-bed bungalow which is suitable for wheelchair users.

5.8 As detailed previously in this Statement, the whole site is proposed to be delivered as affordable housing. The non-S106 housing mix – referred to as additional affordable homes - is included in the table below.

Dwelling Size	Development Mix
1-bedroom	0
2-bedoom	0
3-bedroom	19
4-bedroom	2

5.9 The table below provides details of the housing mix against the requirements of the SHMA. Overall, the proposals are generally in accordance with the SHMA requirements. As all the homes are intended to be affordable, there is a greater quantum of smaller 2 and 3 bedroom properties to ensure the dwellings are affordable for first time buyers and small families:

Dwelling Size	Housing Mix	SHMA	Difference
1-bedroom	0%	4%	-4%
2-bedroom	11%	31%	-20%
3-bedroom	80%	45%	+35%
4-bedroom	8.5%	20%	-11.5%

5.10 Each dwelling is proposed to meet space requirements as set out in the Nationally Described Space Standards (NDSS) and would benefit from a private garden. In accordance with the S106 Agreement all the dwellings would be constructed in compliance with Building Regulations Part M4(2) and the bungalow would be constructed in accordance with Building Regulations Part M4(3).

5.11 The development proposals would therefore provide a range and mix of dwelling types in accordance with Policy LPP35 and the requirements of Condition 4 of the Outline Consent and the S106 Agreement.

iii) Design & Visual Impact

5.12 Paragraph 127 of the NPPF states that development should add to the overall character of the area and be visually attractive as a result of good architecture, layout and appropriate

landscaping. Building on the requirements of the NPPF, Policy LPP52 of the Local Plan states the Council will seek a high standard of layout and design in all developments and encourage innovative design where appropriate. It sets out a set of criteria (a-s) which development is required to comply with. This includes the avoidance of single aspect dwellings, the need for development to reflect or enhance the area's local distinctiveness and the need for high architectural quality.

5.13 The key design principles informing the development of the development proposals are the need to create an attractive and legible layout that has a strong focus on landscaping.

5.14 The design evolution of the proposals is set out within the supporting Design and Access Statement and follows on from pre-application engagement with Braintree District Council and the public consultation exercise. Key site layout principles include:

- The provision of open views towards the countryside through the site from Braintree Road;
- The provision of significant areas of open space at both the front and rear of the Site;
- Provision of children's play space within the development;
- A strong connection with the local character of Tye Green through the design of the dwellings;
- Improving streetscape character by incorporating street trees and landscaping; and
- Delivering much needed new homes at a density in keeping with the approved capacity, whilst delivering a streetscape character in keeping with the local context

5.15 The design of the dwellings has been informed by reference to the appearance of dwellings local to the Site. The development proposes some variation to the design of the dwellings to provide architectural interest; however, the materials palette and overall form would allow the buildings to relate to one another to provide a visually cohesive form of development. Materials are proposed to wrap around the buildings and the dwellings have been designed to 'turn corners' where appropriate.

5.16 The proposals would comply with Policy LPP52 of the Local Plan and the NPPF with regard to matters of layout and design.

iv) Sustainability

5.17 Paragraph 154 of the NPPF states that new development should avoid increased vulnerability to the range of impacts arising from climate change. The Local Plan includes Policy LPP72: Resource Efficiency, Energy Generation and Energy Efficiency which states the Council will encourage appropriate energy consideration and efficiency measures in the design of all new

development. Such measures could include the site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling.

5.18 The Design and Access Statement provides further detail on the sustainability benefits of the proposals in addition, the following sustainability benefits are incorporated into the proposals:

- Provision of Solar PV panels to each of the dwellings;
- Active electric vehicle charging points to serve each dwelling;
- A 'fabric first' approach to sustainable construction would be adopted including improvements to insulation specification, a reduction in thermal bridging and unwanted air leakage paths to ensure energy demand and carbon emissions are minimised;
- Dual aspect dwellings to prevent overheating and allow a through flow of air;
- Non-gas heating and hot water systems (air source heat pumps) to each dwelling; and
- Incorporation of SuDS within the open spaces.

v) Residential Amenity

5.19 The application site is currently an undeveloped field with residential neighbours to the south and north, and to the west on the opposite side of Braintree Road.

5.20 To the south of the site is The Nook, a bungalow with windows to the side elevation looking onto the Site. It is not clear what rooms the side windows to The Nook serve; however, there are clear views over the Site due to the existing low boundary fencing. The southern area of the layout has been developed following principles set out within the Outline planning permission and following pre-application discussions with Braintree District Council.

5.21 The closest proposed dwelling to The Nook is a single storey bungalow. This dwelling is positioned in line with the front elevation of The Nook and set 15m from the shared boundary. This allows for the provision of open space to the site frontage to create a more open view from the front of The Nook. The 15m garden depth would provide an acceptable separation distance in accordance with the Essex Design Guide. The proposals have therefore been sensitively designed to prevent any adverse impact being caused to the occupants of The Nook.

5.22 To the north of the Site is a 2-storey residential dwelling known as Deans Farmhouse. There is dense boundary hedging on the boundary between the Site and this neighbour which is proposed to be retained as part of the development proposals. The closest proposed dwellings to Deans Farmhouse would have 15m deep gardens, the dwellinghouse at Deans is located in excess of 5m from the shared boundary which would create an overall separation distance in

excess of 20m even without retention of the hedgerow. The development would therefore provide an acceptable relationship with the residential neighbour to the north in accordance with the Essex Design Guide.

5.23 Neighbours to the west of Braintree Road are a mixture primarily of bungalows and 1.5 storey dwellings which have been incrementally changed over time. These dwellings are separated from the site by Braintree Road. The proposed dwellings fronting onto Braintree Road would be set back behind a landscaping buffer. The proposals would therefore provide adequate separation with these neighbours without causing harm to their residential amenity.

5.24 The proposed dwellings would meet the requirements of the Nationally Described Space Standards and all dwellings have been designed to meet the requirements of Building Regulations Part M4(2) and M4(3) where applicable.

5.25 The Essex Design Guide sets minimum garden size requirements of 50sqm for a 2-bedroom home and 100sqm for 3 + bedroom homes, together with minimum back to back distances of 25m. The application is supported by a garden strategy plan illustrating how these required garden sizes have been met and, in many instances, significantly exceeded.

5.26 The proposals would therefore be in accordance with Policy LPP52 of the Local Plan, the Essex Design Guide (2005) and paragraph 130 of the NPPF.

vi) Highways, Access, and Parking

5.27 Matters of highway impact associated with the construction of 35no. new homes and the design of the Site Access were considered as part of the Outline planning permission. The Outline Permission secured the provision of a 2m wide new footway to the site frontage (B1018) to the south of the access and upgrades to two bus stops as necessary. All these measures were considered appropriate to adequately mitigate the approved development of 35no. dwellings.

5.28 The access and vehicular routes throughout the site have been appropriately tracked for refuse vehicle and fire access. Whilst the majority of the roads within the Site are not to be adopted, the S106 accompanying the Outline planning permission secures an indemnity for refuse vehicles to access over the private drives (Schedule 8).

5.29 In terms of parking, the scheme has been designed to provide 2no. parking spaces to serve each dwelling in accordance with the Essex Vehicle Parking Standards (adopted under Policy LPP43 of the Braintree District Local Plan). Parking has been located so as to be convenient for the dwelling it serves and discretely designed into the street scene.

5.30 A total of 10no. visitor parking spaces are proposed which exceeds the adopted requirement of 0.25 spaces per dwelling (i.e. requirement of 8.75 spaces). The visitor spaces are distributed and clearly marked within dedicated bays.

5.31 The proposals include for the provision of 1no. cycle space per dwelling which would be located within private rear gardens within cycle stores. This would be in accordance with the requirements of the Essex Vehicle Parking Standards. Each dwelling would also be provided with 1no. Electric Vehicle Charging Point either on plot or on a bollard where vehicle parking is not provided on-plot.

vii) Open Space, Landscaping, Lighting and Trees

5.32 The Outline planning submission was accompanied by an illustrative layout and parameter plan drawings to provide layout principles for any subsequent Reserved Matters application(s). Whilst these plans were not approved by the Outline planning permission the principles relating to open space were considered to be important elements of the design. The provision of an expansive area of open space to the east provides an open buffer with the countryside and a landscape buffer to the site frontage were included in the outline proposals.

5.33 It is a requirement of the Outline planning permission to provide a minimum of 0.45ha open space together with the provision of an equipped area of play space. The development proposals provide a total of 0.5ha multifunctional open space which provides play provision, amenity areas for residents to enjoy, ecological enhancement and sustainable urban drainage. The attenuation basin has been designed with shallow sides and would only be wet during critical storm events. It would therefore be useable for the majority of time and forms a fundamental and functional part of the open space provision.

5.34 The application is supported by a comprehensive Landscape Masterplan (produced by Lloyd Bore) which sets out the following features:

- Retention of existing hedgerows;
- Planting of new native hedgerows to the south of the new access onto Braintree Road and to the east of the Site where the land abuts the countryside;
- Considerable areas of new tree planting including within the streets and the open space
- Provision of wildlife friendly shrub planting;
- Feature planting throughout the frontages to provide height and structure to residential gardens;
- Strategic use of picket fences to demarcate public amenity areas and private garden spaces
- Use of wildflower meadow mixes; and
- Provision of children's play area within the open space

5.35 The site layout includes street lighting to help with wayfinding and safety at nighttime. The use of street lighting is characteristic of Tye Green, with street lights currently present along Braintree Road and the proposals would therefore not appear out of character with the local area.

viii) Surface Water Drainage

5.36 Policy LPP76 of the Braintree Local Plan requires all development of 10 dwellings or more to incorporate sustainable drainage systems (SuDS) appropriate to the nature of the site. SuDS design is expected to reflect up to date standards and the Essex County SuDS Design Guide.

5.37 A Drainage Statement is submitted in support of the Reserved Matters application which sets out the drainage proposals for the Site as follows:

- The Site is generally unsuitable for infiltration drainage due to the underlying geology; as such surface water will be directed to a watercourse beyond the north western boundary of the Site;
- The on-site surface water drainage system comprises of elements of conventional pipes, an attenuation basin and a pumping station;
- The attenuation basin provides storage during critical storm events and provides additional functionality in improving water quality;
- The drainage strategy would provide storage up to a 1:100 year + 40% climate change storm event. The discharge rate would match that included within the Outline Flood Risk Assessment produced by Jubb Consulting Engineers.

5.38 The proposed drainage strategy design principles follow the same fundamental principles accepted through the extant Outline planning permission. The proposed development is therefore considered to be in accordance with Policy LPP76 of the Local Plan.

6.0 SUMMARY & CONCLUSION

6.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 (the "2004 Act") confirms that, where planning applications are to be determined in accordance with the Development Plan unless material circumstances dictate otherwise.

6.2 The Reserved Matters proposes the construction of 35no. dwellings, structural planting and landscaping, informal public open space and children's play area in accordance with the Outline planning permission granted in March 2023.

6.3 The proposals offer 'significant social benefit' with the delivery of 14 affordable homes (10 of which to be affordable rented) within the scope of the S016 Agreement. In addition, it is intended that the balance of the site would be provided as additional affordable housing by local Registered Provider, Chelmsford Housing Partnership, representing a significant social benefit to the local area.

6.4 The development proposals have been informed by reference to the character of the local area, following local analysis and feedback from the Local Planning Authority during early pre-application discussions. The proposals would integrate high quality hard and soft landscaping, boundary treatments and planting, including the use of native planting wherever practicable. The proposals would therefore be in accordance with Local Plan Policy LPP52.

6.5 A total of 0.5ha multifunctional open space would be provided on site, meeting and exceeding the requirements of the Outline planning permission (0.45ha). New boundary hedgerow would be planted to the front of the site to replace that identified to be removed through the Outline consent; together with the provision of a new 2m wide pedestrian footway installed to the southern side of the new access along the B1018 to link the development site into the wider Tye Green settlement, in accordance with the Outline consent.

6.6 Site access was approved as part of the Outline planning permission. In respect of parking provision, the scheme has been designed in accordance with Policy LPP43 of the Local Plan and the Essex Parking Standards. Each dwelling would be furnished with an electric vehicle charging point and cycle parking.

6.7 The development proposes significant sustainability measures including integrating a fabric first approach to construction, provision of solar panels and air source heat pumps to the dwellings, and electric vehicle charging points. Each of the dwellings would meet the Nationally Described Space Standards and Building Regulations Part M4(2). One bungalow would be

constructed to meet Building Regulations Part M4(3) and each dwelling would have access to a substantial private garden, meeting and exceeding garden design standards set out in the Essex Design Guide. These measures would positively contribute to the residential amenity of future occupants and to environmental sustainability.

6.8 A sustainable drainage strategy has been integrated into the development proposals, with surface water being directed to a SUDS attenuation basin located within the open space and then ultimately discharged off site into a water course. The SUDS design principles follow the agreed drainage strategy established through the extant Outline consent.

6.9 Therefore, following a thorough assessment of the proposals against the Outline planning permission, current and emerging planning policy guidance, it is concluded that the proposals represent an acceptable form of development. As such the proposals should be supported and Reserved Matters consent should be granted.

LAND TO THE EAST OF BRAINTREE ROAD

TYE GREEN, CRESSING, BRAINTREE, ESSEX, CM77 8HU

DESIGN AND ACCESS STATEMENT - RESERVED MATTERS APPLICATION

DECEMBER 2024



Land to the East of Braintree Road: Design and Access Statement - Reserved Matters Application

This Design and Access Statement - Reserved Matters Application has been prepared by On Architecture on behalf of Chartway Partnerships Group.

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Unless otherwise stated all drawings, maps, images and diagrams contained within this document are not to scale.

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01 Land to the East of Braintree Road, Tye Green, Cressing, Braintree

Introduction

INTRODUCTION

On Architecture has been appointed by Chartway Partnerships Group to consider the redevelopment of a parcel of land (approximately 1.68 Ha), which is located on the north-eastern edge of Tye Green.

Tye Green is a village in the civil parish of Cressing, and the Braintree district of Essex. It is situated approximately 3.7km south-east of the thriving town centre of Braintree, where an extensive array of services and facilities is available.

The application site benefits from extant Outline planning consent granted at Appeal (ref: 21/03053/OUT). All matters are reserved apart from access, for the residential development of up to 35 dwellings (including 40% affordable housing), with vehicular access, areas of landscaping and public open space.

This Design and Access Statement therefore accompanies a reserved matters application for all matters, besides access. The document includes studies of the surrounding area, the site and the proposed development. It explains how the proposed development is a suitable response to the site and local environment, whilst demonstrating the commitment of the applicant and designers to achieving good design and meeting the requirements of planning policy, legislation and good practice guidance.

The statement describes the design ethos and architectural principles underpinning the use, amount, layout, access and scale and should be read in conjunction with our drawings and the survey information submitted with the planning application.



Aerial view showing site location

Image courtesy of Google

Land to the East of Braintree Road, Tye Green, Cressing, Braintree

02 Assessment

SITE LOCATION

The application site is located to the east of Braintree Road, Tye Green, Cressing, Braintree, Essex, CM77 8HU. The site covers a rectangular parcel of land measuring 1.68ha, as shown on the adjacent aerial image.

The existing site comprises part of an arable field, extending northeast into the adjacent fields. Beyond the adjacent fields to the north, lies an approved development for 250 dwellings, which is currently under construction (ref: 21/03214/REM), this application includes a new link road connecting the Braintree Road (B1018) to Long Green.

The western boundary is defined by low lying hedgerows, beyond this lies Braintree Road, along which the existing agricultural access point is located. This road runs from Braintree to Witham and is served by the 38/A bus service, providing direct routes to these towns within 20-40 minutes.

The southern and northern site boundaries, lie adjacent to residential development and comprise boundary treatments of varying degrees of vegetation cover. The site topography is relatively flat but broadly slopes downwards from west to east.

Whilst the site contains no existing built form or formal footpaths, a Public Right of Way, lies approximately 100m north of the site and runs along River Brain, through Brain Valley Park into Braintree town centre. This connection is beneficial to the site in providing sustainable options of transport for prospective residents.



Red boundary line indicates application site

Image courtesy of Google

PHOTOGRAPHS OF THE SITE

Photographs of the application site are set out below:



A



B



C



Image courtesy of Google

N



D



E



F

CONTEXTUAL STUDY

The area surrounding the site comprises an eclectic mix of houses, of mixed age, architectural style and scale (see photographs below):



1 Bungalows along Braintree Road



2 2 storey terraced housing along Leyfield



3 Dovehouse Field, The Paddock (new residential development)



Image courtesy of Google



4 2 storey detached house, Braintree Road



5 6-8 Mill Road



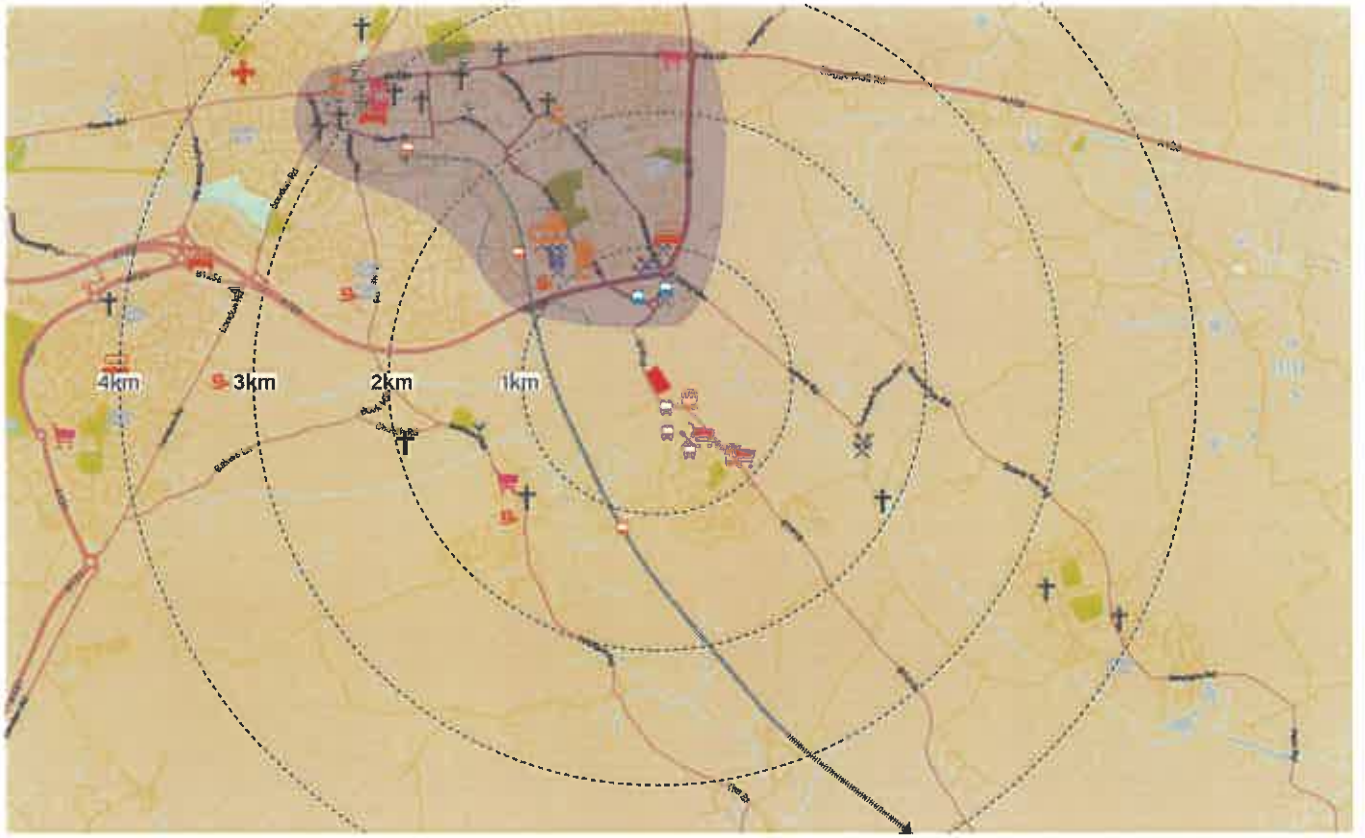
6 2 storey semi-detached homes along Wrights Avenue

LOCAL AMENITIES

The adjacent diagram shows the local facilities and transport infrastructure surrounding the application site. There are ample facilities in close proximity to the site, which makes the site a sustainable choice for development.

Key

- Braintree town centre
- Train Station
- Bus Stop
- Hospital
- Supermarket
- Shops
- Churches
- Leisure centre
- Primary school
- Hotel
- Pub
- Restaurant
- Train-line
- Motorways
- Main Roads
- Rivers
- Green spaces



21/03214/REM - Site Layout Plan

Distances from Site:
Braintree Town Centre – 20 min (walking)
Chelmsford – 29 min (driving)
London Bridge – 1hr 28 min (train & walking)

RECENTLY APPROVED DEVELOPMENTS

21/03214/REM- Land Opposite Sandiacres

Application for the approval of reserved matters (in respect of layout, scale, appearance, and landscaping) pursuant to outline planning permission 18/00549/OUT granted 14.12.2020 (Allowed on appeal) for 250 dwellings, open space and associated ancillary works.

Located directly North of the application site, approved 28.03.2023 and currently under construction.



21/03214/REM - Site Layout Plan



21/03214/REM - Street Scene

RECENTLY APPROVED DEVELOPMENTS

16/02144/OUT- Dovehouse Field The Paddock

Development of up to 225 residential dwellings; associated access (including provision of a new roundabout on Braintree Road); public open space; play space; pedestrian and cycle links; landscaping; and provision of land for expansion of Cressing Primary School

Approved 18.12.2018 - Some phases complete and other phases currently under construction.



Dovehouse Field, The Paddock (new residential development)



16/02144/OUT - Illustrative Masterplan

03 Land to the East of Braintree Road, Tye Green, Cressing, Braintree

Outline Planning Consent

OUTLINE PLANNING CONSENT

The application site benefits from extant Outline planning consent granted at Appeal (ref: 21/03053/OUT). All matters are reserved apart from access, for the residential development of up to 35 dwellings (including 40% affordable housing), with vehicular access, areas of landscaping and public open space.

The Appeal was granted consent on 14th March 2023. With the decision notice stating as follows:

'The Appeal is allowed and planning permission is granted for residential development of up to 35 dwellings, including 40% affordable housing, with vehicular access, areas of landscaping and public open space at land to the east of Braintree Road, Tye Green, subject to the conditions in the first schedule to this decision and the obligations contained within the section 106 agreement dated 15 February 2023 (the 'S106').'

The Outline planning application was supported by a number of parameter plans to demonstrate how the site could satisfactorily accommodate a development of 35no. homes. Whilst these parameter plans were not approved as part of the Outline planning permission, they were before the Inspector in the consideration of the Appeal.



Building Heights Parameter Plan

Key

- Site boundary
- Up to 1.5 storeys
- Up to 2 storeys
- Green space



Density Parameter Plan

Key

- Site boundary
- Up to 25dph
- Up to 30dph
- Green space



Open Space Parameter Plan

Key

- Site boundary
- Residential Development Area
- Green space - amenity open space and landscape buffer
- Attenuation basin
- Play space

OUTLINE PLANNING - ACCESS & LAYOUT

The Outline planning permission also granted approval for the access into the site which is shown on the drawing below. The approved access drawings also include the provision of a new footway to the southern side of the access to the eastern side of Braintree Road.



Approved Vehicular Access Plan

Key

- Site boundary
- Visibility Splays: North 2.4m x 115.m South 2.4m x 90m
- Extent of adopted highway



Illustrative Site Layout Plan

03 Land to the East of Braintree Road, Tye Green, Cressing, Braintree

Evaluation

OPPORTUNITIES AND CONSTRAINTS

Key

- Consent for 250 homes (ref. 21/03214/REM)
- Proposed access
- Residential dwellings fronting Braintree Road
- Neighbouring residential dwellings
- 21/03053/OUT - Indicative residential development area 1.19 Ha @ 30 dph (gross) = 35 homes
- 21/03053/OUT - approved access position
- 21/03053/OUT - proposed attenuation basin location
- 21/03053/OUT - proposed play space (LAP)
- 21/03053/OUT - proposed open space
- 21/03053/OUT - proposed pedestrian access route
- 21/03053/OUT - area of lower scale development
- Existing access retained for cyclists and pedestrians
- Proposed pedestrian access route
- Potential green corridors
- Existing building line to be retained
- Medium Pressure gas main 3m buffer
- Existing trees / hedgerows to be retained where possible
- Root protection areas
- Single storey buildings
- 2 storey buildings
- 1.5 storey buildings
- Landscape buffer
- Existing PROW



Opportunities and Constraints Diagram

Not to scale

Opportunities

- Existing Outline Planning Permission for 35 homes (ref: 21/03053/OUT).
- Existing access retained for pedestrians and cyclists - increase connectivity to PROW.
- Opportunity for new access off Braintree Road as approved at outline stage.
- Existing tree and hedgerow buffers can be enhanced to provide screening.
- Opportunity to provide much needed housing to the local area.
- Improved connections to the village via the creation of the new footway.
- Open space & play area provision to the North East of the site.
- Ecological enhancements provided.

Constraints

- Root Protection Areas in north-western corner to be observed and kept clear.
- Topography of site has a gradual slope to the north-eastern edge - orientation of streets and drainage strategy to carefully consider contours .
- Hedgerows on southern and western boundaries are formed of native species - representing 'priority habitat' hedgerows.
- Medium pressure gas main located along western boundary (requires 3m buffer from proposed buildings).
- Public foul sewer located along Braintree Road.

THE NATIONAL DESIGN GUIDE

The proposed development aims to display good design and address fully the ten key characteristics set out in the National Design Guide – ensuring a efficient, suitable and sustainable development enhancing the local area.

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.



The 10 characteristics of a well designed place [National Design Guide]

1. **Context –** The proposed design of the development relates to the existing buildings in the local area and replicates characteristics in materials, detailing and scale. Refer to pages 9 -10 of this document for further details. The surrounding land uses, transport connections, historic assets, and environmental constraints and opportunities have been thoroughly analysed.

2. **Identify –** The proposal strives to draw from the identity and character of the surrounding area in order to inform a more sensitive development, incorporating relevant materials and details in order to produce a more attractive and appropriate development.

3. **Built form –** The scale of the development has been considered in detail taking on board the size of local existing buildings as well as aiming to respond to and mitigate impact on buildings in the immediate local vicinity. Secure perimeter blocks create outward-looking housing which face onto streets and spaces, ensuring active and safe frontages.

4. **Movement –** The proposals will seek to utilise all of the connections and movement opportunities highlighted, including access to the designated roadside pedestrian route to the nearby town centre and amenities. All properties can store bicycles in their garages or gardens. Wide pavements and 6m shared street surfaces promotes walking and cycling.

5. **Nature –** The landscape-led scheme incorporates a landscape buffer and attenuation basin, enhancing the overall green and blue infrastructure palette of the site and surrounding area.

6. **Public spaces –** Green public spaces and play areas promote communal interaction, bringing together both new and existing residents by celebrating the outdoors.

7. **Uses –** A range of house sizes from 2 to 4 beds, including bungalows - accommodates a diverse demographic residency and helps establish a blended community, whilst boosting the local supply of housing to meet rising demands.

8. **Homes and buildings –** All homes meet National Minimum Standards to ensure high and healthy standards of living. Gardens range from 100-183m2 gardens, offering private spaces for play and relaxation whilst facilitating local food production.

9. **Resources –** Gable roofs provide opportunities for solar panel installations. SUDs mitigate against potential flood risks by absorbing excess water whilst offering further biodiversity benefits.

10. **Lifespan –** Incorporating hard and soft landscaping, attractive public spaces, establishing a clear street hierarchy, and designing beautiful homes will make residents feel proud of where they live.

THE ESSEX DESIGN GUIDE

The proposed development aims to display good design and address fully the 11 key characteristics set out in the Essex Design Guide – ensuring a high quality development while enhancing its Essex context.

The Essex Design Guide was established by the Essex County Council in 1973. It seeks to address the socio-economic impacts on place making. It aims to highlight the aspects that make quality places and spaces. The guide looks into the architectural details of layouts, streets, road and greenery.

- Emergency Services

A planned increase of around 400,000 residents in all areas of Essex leads to regulation control between all of the emergency services.

Developers and Local Authorities will work directly with the Emergency Services to influence the design of the new places, and will collectively make the new and existing space safe (for both leisure and business activities).

- Garden Communities

Garden communities are to reflect a place of living, working and climate change resilience. 10 garden communities principles are collated within The Essex Design Guide.

- Built Context

The Essex Design Guide promotes a context-led approach for all new developments, it provides suggestions on context appraisals and Design and Access Statements.

7 Context themes are highlighted to take into consideration. (Themes include: Built, Environmental, Functional, Spatial, Operational, Community, Historic Context).

- Layout Details

The layout of the spaces should be permeable to connect well with the existing networks, inside and outside the redevelopment. All residential layouts should encourage walking and cycling through the direct routes. Community facilities should be co-located in the new development layouts.

- Parking Design Details

This section looks at design solutions to accommodating the car. All forms of parking should be clearly identifiable yet integrated into the public realm. The parking should not dominate the public.

Parking provision and detailed design should follow the Essex Parking Standards.

- Architectural Details

The Essex Design Guide includes a series of key principles which should be applied any new development. Noise, daylight, rear privacy and garden size. Elevation design, materials, and fenestration design are all designed to ensure the development is settled into the context.

- Highways Technical Manual

This section should have connections with the 'Street and Road' and 'Parking' guide.

The aim is to ensure that mixed used and new residential environments create movement and circulation that is pleasant, convenient and safe. Therefore, following closely with the objective to discourage inappropriate traffic and driver speeds.

- Developers Contributions

The Essex Design Guide includes new socio-economic themes alongside best practice design standards. These new design themes address Active Design, Ageing Population, Health and Wellbeing, Digital and Smart Technology and Garden communities.

- Essex Local Authorities

Essex Local Authorities comprise of 15 local planning authorities, each set out key policies to ensure the local design guidance.

- Air Quality

The Essex Design Guide has aligned 'Health and Well-being' to provide practical guidance to support the best practise development for Essex.

A written guide with an Environmental Consultant provides a range of subject areas comprising of general topics, national guidance and advise for planning applications to ensure air quality is met.

- SuDS

SuDS should be incorporated if designed, constructed and maintained appropriately. The development design should combine water management with green spaces.

The Essex Design Guide

04 Design

Land to the East of Braintree Road, Tye Green, Cressing, Braintree

DESIGN STRATEGY

Key

- Site boundary
- 1 Approved vehicular and pedestrian access
- 2 Open space / buffer to medium pressure gas main
- 3 Open space / buffer to adjacent agricultural field
- 4 Proposed access road into the site
- Vehicular access
- Pedestrian access
- Existing trees to be retained
- Proposed new trees
- Proposed dwellings
- Proposed car parking
- 3m buffer to medium pressure gas main



N

Not to scale

Proposed Site Strategy Diagram

This reserved matters site layout plan, has built upon the fundamental design principles within the outline planning permission (ref: 21/03053/OUT). The layout has also been sensitively developed in response to the opportunities and constraints set out on page 17 of this document.

A key focus of the design strategy is to ensure that a large greenspace and landscaped buffer is provided to Braintree Road, to encompass the required 3m buffer to the existing medium pressure gas main, as well as preserving the setting of the site, providing screening from Braintree Road and following the existing building line of the street.

Open space is also proposed along the eastern edge of the application site, this allows for biodiversity enhancement as well as protecting the setting of the application site.

The proposed housing is set back from all site boundaries in order to reduce impact on neighbouring properties and vegetation buffers are proposed to be reinforced an enhanced, to ensure privacy is retained.

As approved at outline stage a new vehicular and pedestrian access is proposed along the eastern site boundary, off The Braintree Road, which leads on to a new access road to serve the development. Car parking spaces have been sensitively incorporated within the development, providing adequate parking that is set back from the street.

Multi-functional SuDS features are proposed along the north eastern edge of development, where the site's topography is lowest, this will ensure an efficient drainage strategy is achieved.

LAYOUT

The scheme delivers 35no. new homes with associated landscape and outdoor amenity provision.

Following on from the key principles inherent within the Outline planning consent, the Reserved Matters proposal seeks to deliver a landscape-led addition to Tye Green. In order to reflect the edge of settlement character of the site's setting within the village, enhanced hedgerows, planting and new soft and native vegetation are proposed to all site boundaries. This planting is especially important along the western boundary to safeguard views from Braintree Road, and along the eastern edge to aid screening to the countryside beyond.

The generous open spaces and enhanced vegetation and hedgerows will provide new habitats and improve the ecological value of the site. The introduction of an attenuation swale along the north-eastern edge of the site will further contribute to the site's Biodiversity Net Gain, whilst helping to mitigate drainage issues.

Vehicular and pedestrian access are proposed off Braintree Road, with the new primary street leading to a number of private shared-lane loop roads.

Tree-lined, green corridors are proposed to soften the building lines, providing ecological benefits, as well as a green outlook for resident's. Outward-looking streets are enhanced, through incorporation of continuous building frontages.

Streets are orientated perpendicular to the site boundary to ensure that long-distance views of the countryside are retained. A play area is proposed along the eastern open space, maximising public views across the countryside.

A new footpath connection along Braintree Road, will link to the existing footpath network to the south of the site , allowing access to the facilities and services in the centre of Tye Green, including bus stops along Mill Lane. A pedestrian access point here, will further encourage active travel.

The scheme provides:

- New vehicular primary access road and pedestrian access
- Retains existing high-quality vegetation where possible and enhanced
- Landscaped outdoor amenity, including on-site landscaped children's play area
- 100% Affordable units
- Carefully integrated sustainable drainage system



Proposed Site Layout Plan

Not to scale N

UNIT MIX

The unit mix proposed for the site responds to the varied demand for housing in the area as well as meeting NDSS, M4(2) & M4(3) standards, both current and projected. In order to accommodate a range of future residents, as well as to ensure a suitably sized development for the local area and community, a range of dwelling sizes from 2 bedroom homes to 4 bedroom houses has been proposed.

2 Bed	4
3 Bed	28
4 Bed	3



Unit Mix Plan

Key

- 2 Bed
- 3 Bed
- 4 Bed

N

Not to scale

TENURE

The scheme provides 100% affordable housing, of mixed size, compliant with local policy.

[illegible]	[illegible]
Affordable Rental	10
Shared Ownership	25
[illegible]	[illegible]



Tenure Plan

Key

- s106 Affordable Rental
- s106 Shared Ownership
- Additional Shared Ownership

N

Not to scale

SCHEDULE OF ACCOMMODATION

Accommodation Schedule

Plot Number	Unit Name	Tenure	Unit Type	Area sqft	Area sqm
1	Jackdaw	ADD-SO	3B5P	1,035	96.2
2	Jackdaw	ADD-SO	3B5P	1,035	96.2
3	Bullfinch	s106 ART	2B4P	865	80.4
4	Bullfinch	s106 ART	2B4P	865	80.4
5	M4(3) Bungtaow	s106 ART	3B5P	1,151	107.0
6	Jackdaw	ADD-SO	3B5P	1,035	96.2
7	Jackdaw	ADD-SO	3B5P	1,035	96.2
8	Jackdaw	ADD-SO	3B5P	1,035	96.2
9	Owl	ADD SO	4B7P	1,307	121.5
10	Owl	ADD-SO	4B7P	1,307	121.5
11	Kite	s106 ART	3B5P	1,011	94.0
12	Bullfinch	s106 ART	2B4P	865	80.4
13	Woodpecker	s106 ART	4B7P	1,249	116.0
14	Kite	s106 ART	3B5P	1,011	94.0
15	Osprey V2	s106 SO	3B5P	1,033	96.0
16	Kite	s106 ART	3B5P	1,011	94.0
17	Jackdaw	ADD SO	3B5P	1,035	96.2
18	Jackdaw	ADD-SO	3B5P	1,035	96.2
19	Kite	s106 ART	3B5P	1,011	94.0
20	Kite	s106 ART	3B5P	1,011	94.0
21	Tern	ADD-SO	3B5P	1,033	96.0
22	Bullfinch	s106 SO	2B4P	865	80.4
23	Tern	s106 SO	3B5P	1,033	96.0
24	Tern	ADD-SO	3B5P	1,033	96.0
25	Tern	ADD-SO	3B5P	1,033	96.0
26	Osprey V2	s106 SO	3B5P	1,033	96.0
27	Tern	ADD SO	3B5P	1,033	96.0
28	Tern	ADD-SO	3B5P	1,033	96.0
29	Tern	ADD-SO	3B5P	1,033	96.0
30	Tern	ADD-SO	3B5P	1,033	96.0
31	Tern	ADD-SO	3B5P	1,033	96.0
32	Jackdaw	ADD-SO	3B5P	1,035	96.2
33	Jackdaw	ADD-SO	3B5P	1,035	96.2
34	Jackdaw	ADD-SO	3B5P	1,035	96.2
35	Jackdaw	ADD-SO	3B5P	1,035	96.2
Total				36,277	3,371.8

Unit Mix

Number of Units	Unit Name	Tenure	Unit Type	Area sqft	Area sqm
2	Osprey V2	s106 SO	3B5P	2,066	192.0
1	M4(3) Bungtaow	s106 ART	3B5P	1,151	107.0
3	Bullfinch	s106 ART	2B4P	2,595	241.2
1	Bullfinch	s106 SO	2B4P	865	80.4
11	Jackdaw	ADD-SO	3B5P	11,385	1,058.2
1	Owl	s106 SO	4B7P	1,307	121.5
8	Tern	ADD SO	3B5P	8,264	768.0
3	Kite	s106 ART	3B5P	3,033	376.0
1	Woodpecker	s106 ART	4B7P	1,249	116.0
2	Owl	ADD SO	4B7P	2,614	243.0
35				35,266	3,277.8

Tenure Key

s106 Affordable Rent	s106 ART	10
s106 Shared Ownership	s106 SO	4
Additional Shared Ownership	ADD-SO	21
		35

SCALE

The scale of the proposed dwellings is drawn from the surrounding developments and character of the area, and follows the parameters as part of the Outline planning permission.

This ensures that the development is suitable for the site and mitigates any impact on the identity of the surrounding dwellings and landscape.

The vast majority of structures in and around Braintree Road are 1 - 2 storeys. This is reflected in the design of the scheme. As well as drawing from the materials and architectural features of the surrounding area, the scale ensures that the proposals are an appropriate addition to the local area.



Building Heights Plan

Key

1 Storey

2 Storey

N

Not to scale

MATERIALS

A palette of contemporary materials are proposed, including:



White weatherboarding



Black weatherboarding



Green weatherboarding



Red roof tile



Grey roof tiles



Dark red multi-stock brick



Light red multi-stock brick



Timber canopy details



White uPVC windows

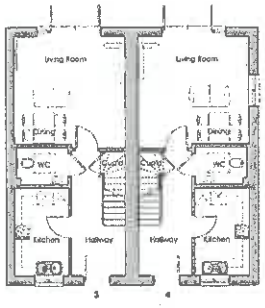


Proposed Street Scene

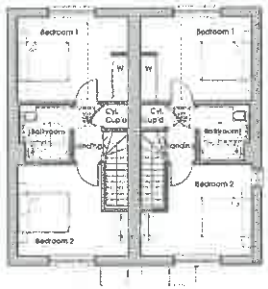
Not to scale

TYPICAL PROPOSED DWELLINGS

Bullfinch, 2 Bedrooms Semi-detached



Ground Floor Plan



First Floor Plan



Front Elevation

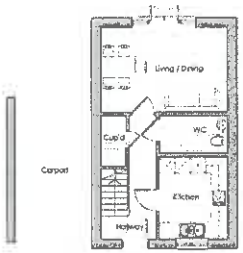


Rear Elevation



Side Elevation

Jackdaw, 3 Bedrooms Detached



Ground Floor Plan



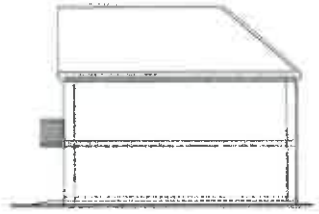
First Floor Plan



Front Elevation

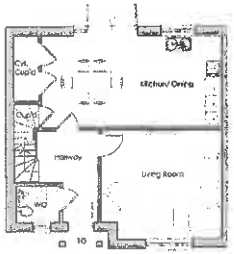


Rear Elevation

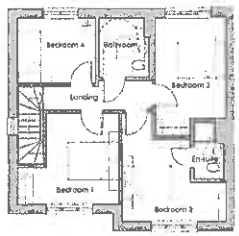


Side Elevation

Owl, 4 Bedrooms Detached



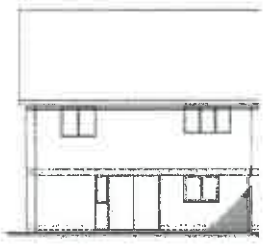
Ground Floor Plan



First Floor Plan



Front Elevation



Rear Elevation



Side Elevation

SUSTAINABLE DESIGN AND CONSTRUCTION ASSESSMENT

As an integral part of creating a well designed and attractive development, care must be taken to ensure a sustainable construction and community. This is one of the central aims of the scheme, with heavy focus on the use of sustainably sourced and where possible local materials. In addition, focus on issues such as water and energy conservation are integral in the design. The location of the development and its connections to local amenities and transport links contributes further to the sustainability of the proposal.

Materials and Construction

Sustainability must be considered in both building materials and construction process. In order to minimise waste and disruption, steps will be taken to reduce waste and mitigate negative impact on the site and its surroundings. A palate of materials will be derived from the surroundings not only in order to blend the development into the heritage of the area, but also to maximise the use of local materials.

Location and Connection

The site has been assessed to ensure development can promote social incorporation and mobility, strengthening the character of the area. Having public transport links, amenities and services, such as local shops, schools and restaurants a short distance away, ensures that the development will be well equipped to maintain a thriving community as well as offer connection to the nearby shops, schools and services of the surrounding areas.

These connections will be promoted as a sustainable alternative to car travel and the proximity to Cressing train station connecting with other towns and villages encourages this. A Public Right of Way, lies approximately 100m north of the site and runs along River Brain, through Brain Valley Park into Braintree town centre. This connection is beneficial to the site in providing sustainable options of transport for prospective residents.

Water and energy

Minimising energy and water waste will be ensured by the inclusion of preservation features into the design. These will include light and movement sensors for external lights as well as low energy internal lights, good thermal insulation and low water use taps and appliances. Natural light entering the properties will be maximised to reduce reliance on internal lights - reducing energy consumption. As an addition to these proposed methods and built features, infrastructure can be considered to facilitate water butts to collect rainwater for uses such as irrigation of gardens.

Through the good design of the site, it is considered that opportunities will arise to link to green infrastructure and enhance biodiversity. In addition to this, the employment of large green spaces will allow the scheme to endeavour to mitigate against the effects of climate change.

All plots to use an air source heat pump system, which include time and temperature zone controls. Flow temperature no higher than 45 degrees.



LANDSCAPE STRATEGY

The landscape strategy is based closely on the Illustrative Masterplan and Open Space Parameter Plans, approved as part of the Outline Planning Permission for the site. These show areas of open space to the site frontage on Braintree Road (south-western boundary) and along a larger area of open space including a play area and native species boundary hedgerow to the north-eastern boundary.

In terms of soft landscape treatment, under-pinning the scheme is the use of native species wherever possible and practical. These will form a structural matrix throughout the scheme, for example as a key component of hedgerows and trees in open space areas.

In smaller spaces, where a specific design function is required, e.g. to better suit more enclosed areas, or where formality and definition of public and private space is required, the use of near-native species or carefully selected ornamental species is required. These species also offer the opportunity for year-round interest and will help to meet the challenges faced by climate change and sustainability, by offering more efficient plant maintenance.

In addition, many appropriate near natives and non-invasive, wildlife friendly species introduce additional biodiversity and wildlife benefit (e.g. Rosemary, Lavender), especially those which are attractive to pollinators and provide a good source of foraging and food opportunities for birds, insects and other wildlife. In some instances, careful use of species such as Hebe and Euonymus as low hedging are considered appropriate alternatives for native Box hedging, which is no longer readily used due to pests and disease.

In all cases, plants used in the scheme will be subject to appropriate bio-controls and plant passports in accordance with best practice, in order to control the suitability of the origins of plants and plant products, ensuring traceability and compliance with plant health regulations.

Incorporating street trees and other plants such as multi-stem specimens and architectural / accent trees and shrubs has also been an important consideration within the scheme. These help provide landscape structure and visual linkages, while offering shade, seasonality and benefits for amenity, biodiversity and wildlife interest.

As before, the use of native trees (where applicable) has been the priority, with the careful use of some varieties of native species (such as Cherry, Lime and Hornbeam) where a specific size/shape of canopy is required to ensure compatibility with the access and operational requirements of the development in the long-term.



Illustrative Landscape Masterplan (Outline Planning Stage)



Open Space Parameter Plan (Outline Planning Stage) Provided by Lloydbore Ltd







LANDSCAPE SCHEME COMPONENTS

The landscape scheme is summarised on the Landscape Masterplan (shown opposite).

The landscape scheme provides:

- Open space to the frontage of site (Braintree Road), providing attractive landscape areas for informal recreation. These also provide a setting to the site with naturalistic tree and shrub planting, native species grass / wildflower seeding and amenity grass.
- Open Space area to the north-eastern boundary, including a min. 100m2 equipped play area, amenity grass and native grass / wildflower seeding to the water attenuation basin. The open space features a variety of native trees and a mixed native species hedgerow along the northern and north-eastern boundaries.
- Cohesive street planting and multi-stem / architectural trees and shrubs along the central and secondary access roads, combined with a variety of shrub and herbaceous planting with wildlife interest and biodiversity value. Low-level hedgerows and picket fencing in selected areas will help define the curtilages of private properties and amenity landscape areas to be managed in perpetuity.

The Landscape Masterplan shows the soft landscape proposals in greater detail, including the composition of hedgerow and grass / wildflower seed mixtures, as well as the palette of trees, shrubs and other plants selected for the scheme. This is supported by:

- A suite of detailed Planting Plans, with Planting Schedules showing the species and numbers of plants, their densities and specifications.
- A written Landscape Specification, detailing the specifications and workmanship for the delivery of soft landscape elements such as, topsoil, grass and seeding and planting of trees and shrubs.
- A Landscape Management / Maintenance plan for residential areas, and Open Space and Amenity Areas, as required by the S106 Agreement.



Landscape Masterplan provided by Lloydbore Ltd

Not to scale

VEHICLE PARKING, EVCP AND CYCLE PARKING STRATEGY

Parking for both residents and guests is provided throughout the site, with a number of houses including a carport, as well as open allocated spaces.

Allocated spaces are located close to the related plots, ensuring any impact on surrounding roads and parking is mitigated. Parking is generally designed to be less prominent in street scenes and views, retaining the rural character of the area. This is achieved by strategic planting, locations on site, and walls and fencing.

ACCESS

The new access located off Braintree Road, was granted permission during the outline application stage under (ref: 21/03053/OUT). The outline application stated that:

'The existing site access point along Braintree Road will be retained solely for pedestrian and cyclist access, to increase the connectivity of active travel and provide better links to the existing Public Rights of Way network. A new vehicular access point is proposed further down the road, in the middle of the site's western border. As Braintree Road has a 40mph speed limit, moving the primary access junction here will improve the visibility of approaching and leaving traffic from and to the site. This access should be 6m wide and flanked by a 2m footway on either side. A 2m footway is proposed as part of a nearby development, and will be positioned between the access to the site and the existing footway to the north of Braintree Road. An uncontrolled pedestrian crossing point should further be provided on Braintree Road immediately to the south of the proposed vehicular access. This upgrade forms part of the approved access



Parking and EVCP Strategy Plan

Key

- Car port
- Allocated spaces
- Visitor spaces
- Cycle Store
- Bollard EV Charging Point
- Wall Mounted EV Charging Point

N

Not to scale

REFUSE STRATEGY

The layout has been designed with careful provision of spaces for reuse storage and accessible routes from these locations to collection points which are in line with local and government distance guidelines. In addition, sufficient stopping and turning space has been proposed to ensure access by refuse vehicle is possible.

Sufficient provision for refuse storage within the curtilage of each property. This will ensure that bins are not left on the streets. Homes have been designed with adequate storage space to encourage recycling and composting to minimise overall waste.



Refuse Plan

Not to scale

N

Key

- Owner route
- Refuse collector route
- Refuse vehicle route
- Refuse location
- Refuse Storage

GARDEN STRATEGY

The rear gardens to all units comply with The Essex Design Guide requirements reaching 25m back to back distance with rear to side 15m distance gardens.

Two bedroom units - 50sqm (minimum).

Three/ four bedroom units - 100sqm (minimum).



Key

Compliant Rear Garden Space

Garden Strategy Plan

Not to scale

MATERIALS STRATEGY

The materials are comprised of various materials within the local vernacular of the surrounding properties. Using two different types of brick and roof tiles with three varying weatherboarding colours.

The proposal mirrors the organic evolution and expansion of properties in the local area. Creating an eclectic street scene that draws on the varied architectural styles and forms that have naturally emerged over time, the design acknowledges the informal, incremental growth of the neighbourhood.



Materials Strategy Plan

Not to scale

Key

- Red Roof Tiles
- Grey Roof Tiles
- White Weather Boarding
- Dark Green Weather Boarding
- Black Boarding
- Dark Red Brick
- Light Red Brick

PART M STRATEGY

A planning condition of the outlined planning approval states that all units are to be Part M4(2) compliant, with one unit being M4(3) compliant (as highlighted on the plan below).



Part M Strategy Plan

Key

- M4(2) Complaint Units
- M4(3) Complaint Unit

Not to scale

N

SUSTAINABILITY STRATEGY

The sustainability strategy indicates the indicative PV Panels location on the site as well as Air Source Heat Pumps locations to the rear garden of plots.



Sustainability Strategy Plan

Key

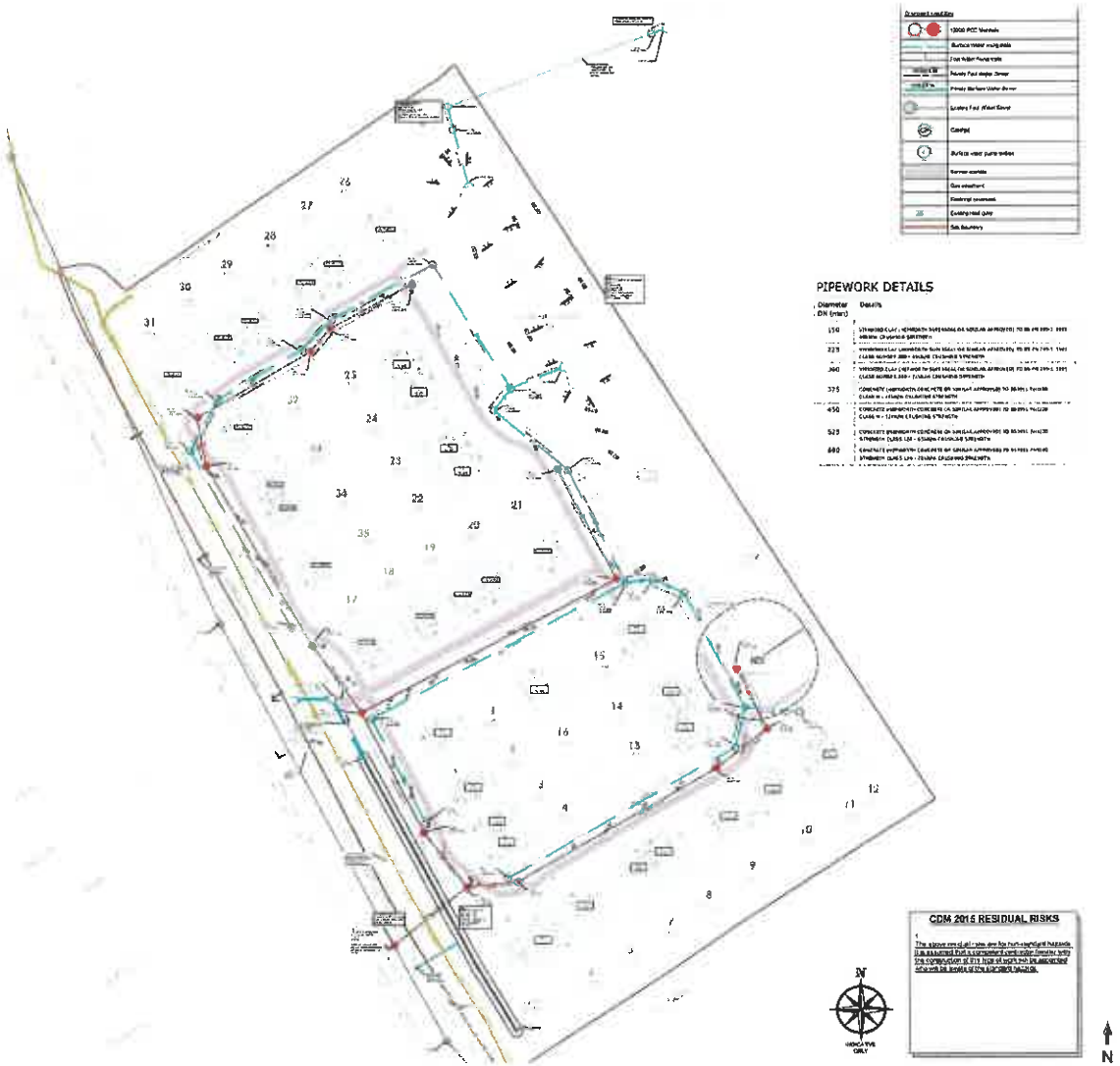
- Indicative PV Panel Location
- Air Source Heat Pumps

N

Not to scale

DRAINAGE PLAN

An assessment on the liability of the site to flood, as well as into the topography and drainage features around the site was conducted by CTP consulting engineers in order to inform the drainage and flood mitigation features proposed on the site. Details of which are shown on the plan.



Drainage Engineering Layout by ctp consulting engineers

Not to scale

COMPUTER GENERATED IMAGE



Proposed CGI View

Land to the East of Braintree Road, Tye Green, Cressing, Braintree

05 Conclusion

CONCLUSION

This Design and Access Statement accompanies a reserved matters planning application for a residential development comprising of 35no. dwellings, access, parking facilities and suitable landscaping on land to the East of Braintree Road, Tye Green, Cressing, Braintree, Essex, CM77 8HU.

The provision of 35no. units split between 2-4 bedrooms in size is in accordance with local policy and will aim to deliver a diverse addition to the local community at Tye Green. This mix , which includes smaller unit types is suited to first time buyers and younger families looking to remain in the village.

The reserved matters scheme has been informed by the extant outline planning permission 21/03053/OUT, as well as the assessment of the existing site context, planning opportunities and constraints and is supported by a series of technical reports.

The intention of the development is to create an integrated and well-designed community which contributes positively to the housing and land supply mix in the local area whilst contributing a suitable and above all sympathetic addition to Tye Green.

The principle of good design underpins the proposal, as does the aim to enhance the visual character of the site. Particular care and attention have been given from the outset to the setting of the nearby buildings and maintaining the rural setting.

The proposals are suitable for the site in terms of land use, amount of development, access, layout and appearance. They represent an exciting opportunity to deliver a new and well-designed addition to Braintree, benefit the wider neighbourhood, and sustain a key local amenity asset, continuing to serve the local and wider community.

The Reserved Matters Proposal is in accordance with the existing outline planning consent and achieves:

- The delivery of 35 dwellings contributing to Policy SP4 in the Braintree District Council Local Plan (2013-2033) whereby the Braintree Authority has been allocated a housing target of 14,320 new homes;
- Policy SP7, through the provision of mix of market and affordable housing, including bungalows, which 'responds positively to the local characters and contexts' of Tye Green;
- The creation of 'streets and spaces which are overlooked and active and promote inclusive access' to further satisfy Policy SP7;
- An attractive, 'landscape-led' residential development which incorporates a landscape buffer to the east of the site, to 'conserve' its setting within the Countryside Buffer whilst strengthening the settlement edge of Tye Green, as requested in Policy SP3;
- Overlooked green spaces providing safe and welcoming areas for recreation, including a new play area;
- Retention and enhancement of existing landscaping on the site boundaries to ensure that the development is sensitive to the existing landform, setting of the site and neighbouring properties;
- Integration of additional tree planting and landscaping to improve the ecological value of the site and provide a net gain for biodiversity;
- All dwellings benefit from 80-210m2 gardens as recommended in the Essex Design Guide (2005), and also benefit from a public play space (100m2) to promote communal interaction;
- Improved links to the existing footpath network in the village encouraging active modes of travel into Tye Green and its existing facilities and services. This will help to minimise car dependency;
- Development that exceeds the requirements of current policy relating to open space, biodiversity and other environmental issues;
- Creation of construction jobs and financial support towards improving local infrastructure, services and facilities.

It is therefore concluded that the proposals are fully supported and acceptable in design and access terms.



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Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2M: Phase 4 Land at Rectory Lane Rivenhall Reserved Matters Planning Committee Report

Minutes

Planning Committee
20th August 2024

Braintree District Council

Present

Councillors	Present	Councillors	Present
J Abbott	Yes	A Hooks	Yes
J Beavis	Yes	A Munday	Yes
K Bowers	Yes	I Parker (Chairman)	Apologies
L Bowers-Flint	Yes	F Ricci	Yes
T Diamond	Yes	P Schwier	Yes
M Fincken	Yes	G Spray	Yes
D Holland (Vice-Chairman in the Chair)	Yes		

Substitute

Councillor G Prime attended the meeting as a substitute for Councillor I Parker.

24 **DECLARATIONS OF INTEREST**

INFORMATION: The following interest was declared:-

Councillor J Abbott declared a non-pecuniary interest in Application No. 24/00696/REM - Phase 4, Land North East of Rectory Lane, Rivenhall as a Member of Rivenhall Parish Council, which had submitted a representation about the application. However, Councillor Abbott stated that he had not participated in the Parish Council's consideration of the application. Councillor Abbott stated also that one of the people speaking at the meeting during Question Time was known to him and that she was a relative of Councillor R Wright, his fellow Elected Member for Braintree District Council's Silver End and Cressing Ward. Councillor Abbott stated that he had taken advice from Council Officers and, whilst he had opposed the outline planning application for this site, he had not commented publicly about this current reserved matters application and that he would view the application with a fresh approach. Councillor Abbott remained in the meeting when the application was considered and determined.

25 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 13th August 2024 be approved as a correct record and signed by the Chairman.

26 **QUESTION TIME**

INFORMATION: There were two statements made about the following application. The statements were made immediately prior to the Committee's consideration of the application.

Application No. 24/00696/REM - Phase 4, Land North East of Rectory Lane, Rivenhall

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

27 **PLANNING APPLICATIONS APPROVED**

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*24/00696/REM (APPROVED)	Rivenhall	Miss Catherine Williams, Bellway Homes Limited	Application for the approval of Reserved Matters (Access, Appearance, Landscaping, Layout, Scale) for 225 dwellings (including 69 Affordable Homes); public open space (including sports pitches and facilities, equipped area for play, parkland and other greenspace); an all-vehicle access from Evans Way; a vehicular access from Rickstones Road and section of spine road on-site restricted to bus, motorcycle and taxi use only; cycle and pedestrian connections to Rickstones Road; sustainable drainage systems; landscaping; and associated infrastructure and development pursuant to outline planning

			permission 20/02060/OUT granted 05.01.2023 and as varied by application 23/01901/VAR for: Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans Way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development, Phase 4, Land North East of Rectory Lane.

The Committee approved this application, subject to the deletion of Condition No. 2 and the amendment of the list of Approved Plans as follows; and to the proposed 'Ryder' house type being approved in respect of the internal configuration of the living space (to include a study on the first floor) and the garden size:-.

Deleted Condition (and re-numbering of subsequent Conditions)

2. (Arboricultural Method Statement) No development, including site clearance, preparatory works, or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

   The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the

site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works, or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

Amended Approved Plans

Amend:-

House Types 'P22-3095_02F/Aug2024' to 'P22-3095_02G'
Boundary Treatment 'P22-3095_DE_001_B_12' to 'P22-3095_DE_001_C_12'
Play Area Plan 'A/SD/S80/A/11 C' to 'PR180-03 Rev.C'

Add:-

'Proposed Bus Gate – 2002472-016'
'Proposed Access Arrangements – 2002472-003 Rev.B'

Plan No.	Location	Applicant(s)	Proposed Development
*24/00988/VAR (APPROVED)	Twinstead	National Grid Electricity Transmission (NGET)	Variation of Condition 2 (Approved Plans) of approved application 23/01488/VAR granted 22/09/2023 for: Variation of Condition 2 (Approved Plans) & Condition 3 (Surface Water Drainage) of approved application 22/01147/FUL granted 25.10.2022 for: A new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers,

			associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage. Variation would allow for: Change in layout of substation, land adjacent to Butlers Wood and Waldergrave Wood, West of A131, Sudbury Road.

The Committee approved this application, subject to the amendment of Condition No. 3 as follows:-

Amended Condition

3. The development shall be carried out in accordance with the drainage scheme, as approved by application 23/02836/DAC on 14th August 2024.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 8.47pm.

Councillor D Holland
(Vice-Chairman in the Chair)

Braintree District Council

PLANNING COMMITTEE AGENDA

Tuesday, 20th August 2024 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:
http://www.braintree.gov.uk/youtube

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor J Abbott
Councillor J Beavis
Councillor K Bowers
Councillor L Bowers-Flint
Councillor T Diamond
Councillor M Fincken
Councillor D Holland (Vice-Chairman)
Councillor A Hooks
Councillor A Munday
Councillor I Parker (Chairman)
Councillor F Ricci
Councillor P Schwier
Councillor G Spray

Substitutes: Councillor M Green, Councillor J Hayes, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor M Staines, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright.

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than 24 hours before the start of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI)

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

Public Question Time - Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration online form by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

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

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the Council's website.

PUBLIC SESSION **Page**

1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Planning Committee held on 13th August 2024 (copy to follow).

4 Public Question Time

Only Registered Speakers will be invited by the Chairman to speak during public question time.
Please see the agenda notes for guidance.

5 Planning Applications

To consider the following planning applications.

5a App. No. 24 00696 REM - Phase 4, Land North East of Rectory Lane, RIVENHALL **5 - 48**

5b App. No. 24 00988 VAR - Land adjacent to Butlers Wood and Waldergrave Wood, West of A131, Sudbury Road, TWINSTEAD **49 - 71**

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this agenda there were none.

PRIVATE SESSION **Page**

8 Urgent Business - Private Session

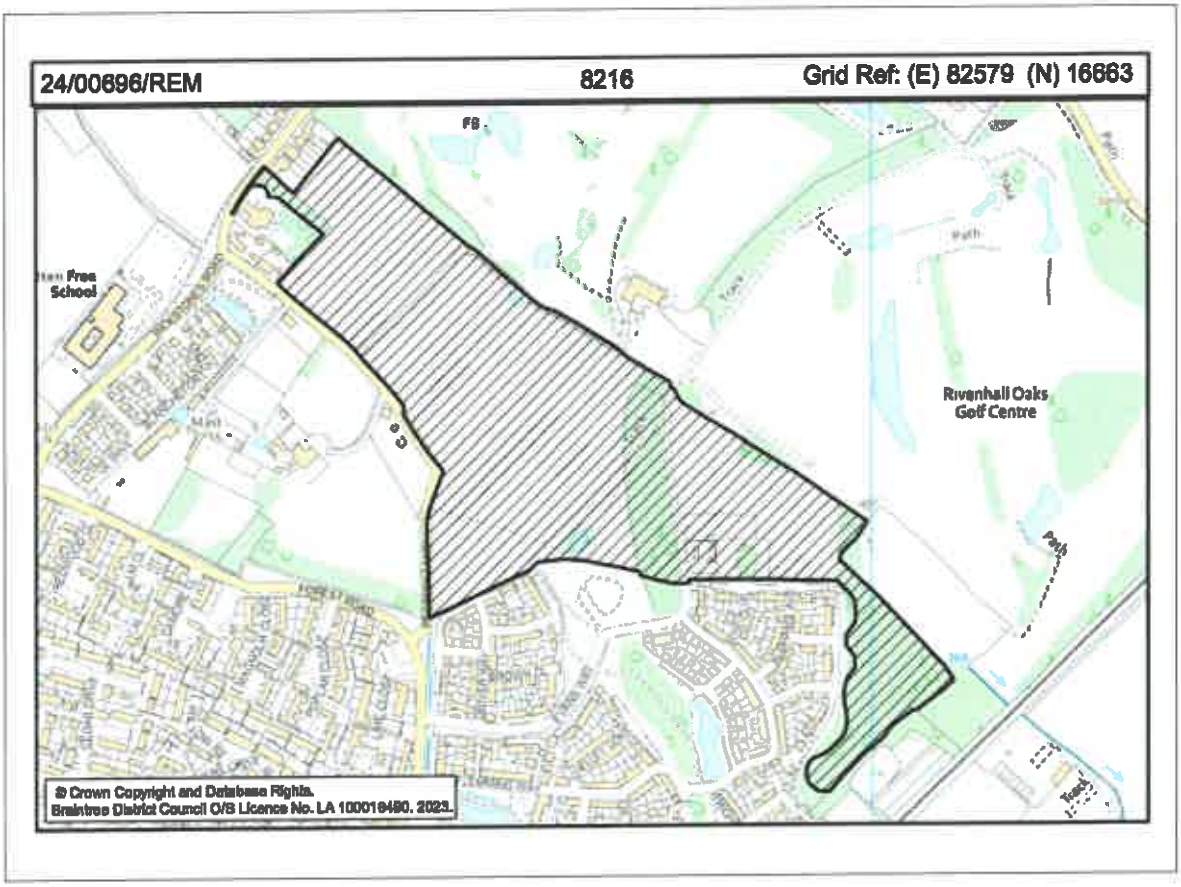
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Braintree District Council

Agenda Item: 5a

Report to: Planning Committee		
Planning Committee Date: 20th August 2024		
For: Decision		
Key Decision: No		**Decision Planner Ref No:** N/A
Application No:	24/00696/REM	
Description:	Application for the approval of Reserved Matters (Access, Appearance, Landscaping, Layout, Scale) for 225 dwellings (including 69 Affordable Homes); public open space (including sports pitches and facilities, equipped area for play, parkland and other greenspace); an all-vehicle access from Evans Way; a vehicular access from Rickstones Road and section of spine road on-site restricted to bus, motorcycle and taxi use only; cycle and pedestrian connections to Rickstones Road; sustainable drainage systems; landscaping; and associated infrastructure and development (Full description in report).	
Location:	Phase 4, Land North East Of Rectory Lane, Rivenhall	
Applicant:	Miss Catherine Williams, Bellway Homes Limited	
Agent:	Mr Olivier Spencer, Andrew Martin - Planning Limited, Town Mill, Mill Lane, Stebbing, Dunmow, CM6 3SN	
Date Valid:	28th March 2024	
Recommendation:	It is RECOMMENDED that the following decision be made: ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) **Agree** the Recommendation b) **Vary** the Recommendation c) **Overturn** the Recommendation d) **Defer** consideration of the Application for a specified reason(s)	
Appendices:	**Appendix 1:**	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 312774, or by e-mail: neil.jones@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the Applicant for the determination of the application. There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.
Legal Implications:	If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision. Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable. All relevant policies are set out within the report, within Appendix 2.
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to: a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a). The consideration of this application has not raised any equality issues.
Background Papers:	The following background papers are relevant to this application include: ▪ Planning Application submission: ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 24/00696/REM. ▪ Policy Documents: ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Affordable Housing SPD ▪ External Lighting SPD ▪ Open Spaces SPD ▪ Essex Design Guide (2005) ▪ Parking Standards – Design and Good Practice The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/. The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.

1. EXECUTIVE SUMMARY

1.1 Outline planning permission was granted for a residential development for up to 230 dwellings on 5th January 2023, by a Planning Inspector appointed by the Secretary of State, following an appeal against the Planning Committee's refusal of the application.

1.2 The site consists of 16.755ha of land, situated to the north east of Witham and is 16.755ha in size, consisting of agricultural land, plantation woodland, and formerly part of a golf course.

1.3 The Outline planning permission was subject to 45 planning conditions, including a condition which requires that the development is built in accordance with a set of Parameter Plans. The approved Parameter Plans covered Land Use, Green Infrastructure, Pedestrian & Cycle Access & Movement, Vehicle Access & Movement and Building Heights.

1.4 Following an extensive programme of Pre-Application advice meetings, and the approval of a Site Wide Design Code by the Planning Committee in October 2023 (Application Reference 23/01288/DAC) the Applicant has worked to develop the current application which seeks approval for the Reserved Matters (Access, Appearance, Landscaping, Layout & Scale) for the development of 225 dwellings, including 69 Affordable homes.

1.5 In respect of access, the Applicant proposes the creation of an all vehicle access from Evans Way and a second vehicular access from Rickstones Road which, with a section of spine road, will be restricted to bus, motorcycle and taxi use only as well as providing a cycle and pedestrian connection.

1.6 The application also includes the details for a 2.39ha sports park, including two football pitches, a pavilion building and car park; 2.44ha of parkland and open space, including a neighbourhood equipped area for play (NEAP); 3.00ha of existing woodland, including alternative natural greenspace; and 0.13ha for an extension to the existing allotment site.

1.7 The current proposal has been carefully considered by Officers and technical consultees, which has led to a series of modifications and amendments. The resulting scheme complies with the Outline planning permission, the Parameter Plans and the Site Wide Design Code, and is recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

2.2 Outline planning permission (Application Reference 20/02060/OUT) was granted on appeal in January 2023 for up to 230 dwellings, public open space, sustainable drainage systems, landscaping and associated development at the site. The Council subsequently approved an application to vary Condition 27 in September 2023 to allow the removal of two pine trees, that had been proposed to be retained, and the planting of four replacement nursery-stock trees on-site (Application Reference 23/01901/VAR).

2.3 This current application seeks approval of the reserved matters pursuant to the most recent planning permission (Application Reference 23/01901/VAR) for the whole site, with the exception of the five custom / self-build plots that are excluded from the application site, and which will be subject to separate reserved matters applications in due course.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site is located north east of Witham, within the Parish of Rivenhall, and comprises 17.1 hectares of agricultural land, of which a small portion contains the construction site compound that had been used by the Applicant (Bellway) during the construction of Phase 1 & 2 of the adjacent development. The southern end of the application site abuts the current Town Development Boundary of Witham where the site adjoins Phase 1 & 2. Phases 1 & 2 were granted permission in 2016 and the construction of the 385 dwellings is now completed. These dwellings are accessed from Forest Road by two roads – Fleming Way and an internal spine road, Evans Way. To the north-east lies the Rivenhall Oaks Golf Course. To the north, the site abuts the rear gardens of a ribbon of properties on Rickstones Road, which are part of the hamlet known as Rickstones End.

5.2 Travelling west along Rickstones Road in the direction of Witham, there is the Bellway (Phase 3) development, known as the Bluebells. This development is also now built out and the dwellings occupied. The Phase 3 development is also within the Town Development Boundary in the

Adopted Local Plan. The remainder of the Town Development Boundary runs along Forest Road.

5.3 Beyond the Bluebells development lies the education complex on Conrad Road containing Elm Hall Primary School, New Rickstones Academy and Southview School as well as the recently constructed Chatten Free School, built on part of the playing fields of the New Rickstones Academy, which is a new school for children with Special Educational Needs (SEN). Included in the red line of the application site is a footpath link through Phase 3 from Rectory Lane to Rickstones Road and visibility splays within the highway on both sides of the proposed bus access junction onto Rickstones Road.

5.4 The site is relatively flat and is bordered on its north-east and western perimeter by hedges and trees. A substantial tree belt also crosses the centre of the site, located east of the existing access road to the Golf Course. In the south, the site contains an isolated triangle of woodland, with an existing area dedicated for use as allotments beyond. To the west, on the opposite side of Rectory Lane, lies the Grade II listed Old Rectory.

5.5 An existing maintenance access to the Golf Course crosses the application site within the northern field, connecting the Golf Course to Rectory Lane. Two Public Rights of Way (PROW) lie within the site: PROW 105_58 runs east from Rectory Lane meeting PROW 105_59 at the juncture with the earlier phase of residential development in the south and then travels northeast towards the Golf Course. These footpaths form part of the John Ray Walk; a linear recreational route connecting Braintree with Witham. Rectory Lane is also designated as a 'Protected Lane' as identified under Policy RLP69 of the Adopted Local Plan. Essex County Council have also designated Rectory Lane as a Quiet Lane. Highway Authorities are able to designate country lanes as 'Quiet Lanes' in rural areas, under the Transport Act 2000. Quiet Lanes are intended to be a positive way of providing a chance for people to walk, cycle and horse ride in a safer environment and widening transport choice; and protecting the character and tranquillity of country lanes.

5.6 A high-pressure gas main crosses within the site, running north to south, parallel and adjacent to Rectory Lane.

6. PROPOSAL

6.1 This application seeks approval for Reserved Matters, including access, layout, scale, appearance and landscaping for 225 dwellings. The full description of the proposal, is as follows:

Application for the approval of Reserved Matters (Access, Appearance, Landscaping, Layout, Scale) for 225 dwellings (including 69 Affordable Homes); public open space (including sports pitches and facilities, equipped area for play, parkland and other greenspace); an all-vehicle access from Evans Way; a vehicular access from Rickstones Road and section of spine road on-site restricted to bus, motorcycle and taxi use only;

cycle and pedestrian connections to Rickstones Road; sustainable drainage systems; landscaping; and associated infrastructure and development pursuant to outline planning permission 20/02060/OUT granted 05.01.2023 and as varied by application 23/01901/VAR for: Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans Way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development.

6.2 All matters were reserved, meaning that the detailed access, appearance, landscaping, layout, and scale of the proposed development must be considered at the Reserved Matters stage.

6.3 The current Reserved Matters application seeks permission for all the matters reserved at the Outline planning permission stage for the whole site, with the exception of the five self-build / custom build plots. Approval of the Reserved Matters for these plots will be subject to separate applications at a later date.

6.4 Details of the proposed development contain the following elements:

- 225no. dwellings, of which 156 are market homes & 69 affordable homes with associated parking and amenity spaces.
- Landscaping and Public Open Space, including a 2.39ha sports park, including two football pitches, a pavilion building with changing facilities and car park; 2.44ha of parkland and open space, including a neighbourhood equipped area for play (NEAP) for older children; 3.00ha of existing woodland, including alternative natural greenspace; and 0.13ha for an extension to the existing allotment site.
- All vehicle access from Evans Way.
- Vehicular access from Rickstones Road and adjoining stretch of highway restricted to use by bus, motorcycle and taxi use only, along with cycle and pedestrian access.

6.5 The proposed dwellings would consist of a mixture of apartments, detached, semi-detached and terraced house and bungalows ranging from 1 to 5 bedroom units. The mix of housing and tenure is set out in the table below and this complies with Condition 44 of the Outline planning permission which required that a minimum of 25% of the market homes will be two-bedroom dwellings.

No. of bedrooms	Affordable Rent	Shared Ownership	Market
1-bed apartment	6	-	-
2-bed apartment	12	6	-
2-bed bungalow	2	-	-
2-bed house	12	11	46
3-bed bungalow	2	-	-
3-bed house	8	6	66
4-bed house	4	-	44
Total (225 Homes)	**46**	**23**	**156**

6.6 In addition to the details that have submitted for the reserved matters (access, appearance, landscaping, layout, scale) the Applicant has also submitted additional information pursuant to conditions on the Outline planning permission. The Applicant is seeking approval of the following details as part of this application: Affordable Housing – Accessibility, Building Regulations – M4 Compliance (Condition 7); Updated Noise Report (Condition 8); External Lighting Scheme (Condition 9); Biodiversity Enhancement Strategy (Condition 10); Hard & Soft Landscaping (Condition 11); Arboricultural Impact Assessment (Condition 12); Refuse Scheme (Condition 13); Electric Vehicle Charging (Condition 14); Means of Enclosure (Condition 15); Parking (Vehicle & Cycle) (Condition 16); & Solar PV (Condition 17); details of four new trees (Condition 27) and Ball Stop Mitigation (Condition 37).

6.7 The application is supported by a suite of plans and documents, including the following:

- Arboricultural Impact Assessment
- Arboricultural Note
- Biodiversity Enhancement Strategy
- Design & Access Statement
- Indicative Streetscenes
- Landscape Masterplan, including Detailed Planting Plans, Allotment Extension & Equipped Play Area
- Lighting Report & Plans
- Planning Statement
- Site Layout, including boundary treatments; building heights; character areas; conveyance; EV charging; garden sizes; housing tenure; materials; PV panels; refuse collection
- Site Sections
- Sports Park Layout & Pavilion Plans
- Statement of Community Involvement
- Surface Water Drainage Strategy & Plans
- Transport Statement
- Verge Details

6.8 During the course of the application the Applicant revised some of the submitted plans and provided additional information to respond to some of the issues raised by technical consultees. The revised / supplemental information included:

- Design Response Document
- Drainage Strategy
- Football Ball Strike Assessment
- Highways – Technical Note
- Housetype Plans & Elevations
- Lighting Report & Plans
- Noise Assessment
- Suite of revised Planning & Housetype Drawings

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

7.1.1 Revised Response (10th May) - No objection.

7.1.2 Foul Water - We have reviewed the Applicant's submitted Drainage Statement March 2024 and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

7.1.3 Surface Water - The submitted surface water drainage information states that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such we are unable to provide comments on the suitability of the surface water discharge.

7.2 Cadent

7.2.1 No comment to make on this application.

7.3 Essex Fire & Rescue

Holding Objection (7th May)

7.3.1 Fire Appliance Access - Plots 1-4, 5-8 - The premises situated in the left of 13-16, and 17-20 cannot be reached within a total distance of 65m from a turning point, as required by relevant regulations. Provided that it can support a weight of 18 tonnes, the pathway leading round Plots 1-12 could be used for fire access, with collapsible posts and bollards to control access.

7.3.2 Water Supplies - The developer is reminded that additional water supplies for firefighting may be necessary for this development.

7.3.3 Sprinkler Systems - Essex County Fire & Rescue Service urge building owners and developers to consider the installation of sprinkler systems.

Revised Response (July 2024)

7.3.4 No objection. The Service would ask that the following are considered during the development:

- Use of community spaces for Prevention teams to deliver Fire Safety and Education visits.
- Adherence to the requirements of the Fire Safety Order and relevant building regulations.
- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building.
- Implementation of vision zero principles where there are introductions of or changes to the road network.
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Consideration for road widths and use by emergency service vehicles.
- New roads to be constructed with reference to the Essex Act 1987 – Section 13, including design to carry 18 tonne fire appliances with minimum road widths and turning facilities.
- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions.
- A risk reduction strategy for construction & completion phases of the project.

7.4 Essex Police (Designing out Crime Officer)

7.4.1 Policy LPP52 of the Adopted Local Plan highlights the need for designs and layouts promoting a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes. The Policy also refers to need for appropriate lighting proposals and that development should not have a detrimental impact on the safety of highways or any other public right of way.

7.4.2 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the physical security measures and recommend that the developer aim to achieve Secured by Design Homes award.

7.4.3 The Roads Policing Unit were notified of this planning application.

7.5 Health & Safety Executive

7.5.1 No objection. Does not advise on safety grounds, against the granting of planning permission in this case. The proposed development is within the Consultation Distance of a major hazard pipeline. HSE advise consulting the pipeline operator as they may have a legal interest (easement,

wayleave etc.) in the vicinity of the pipeline, and this might restrict certain forms of developments within a certain proximity of the pipeline.

7.6 Natural England

7.6.1 No comment - Natural England has no comments to make. Natural England has not assessed this application for impacts on protected species but has issued Standing Advice which you can use to assess impacts on protected species, or you may wish to consult your own ecology services for advice.

7.7 Sport England

7.7.1 No objection. Sport England, in consultation with the Football Foundation (who represent the Football Association and Essex County FA) initially registered a Holding Objection (3rd May). Amendments were made to address the Sport England holding objection.

7.7.2 Football Pitch Sizes: The Football Foundation requested clarification as to whether the site could accommodate a 100 x 64m pitch to provide potential for the site to accommodate adult football in the future if needed. Plans produced by the Applicant show that the larger pitch is not feasible due to conflict with the vegetation along the site boundary and proximity to the proposed bus lane. The 91x55m pitch (U15/U16) as currently proposed would be acceptable, given the site constraints, as it would allow youth football and adult football even though it would not meet the FA recommendations for an adult sized pitch. The FA have confirmed that the current demand for pitches is for youth football in the Witham area.

7.7.3 Spine Road: A raised table has been added to the proposed bus lane to slow buses along with an uncontrolled crossing point addressing concerns about pedestrian safety.

7.7.4 Landscaping: Trees proposed between the pavilion and the U13/14 football pitch to the south of the site are to have a 2m clear stem to address visibility restrictions between the pavilion and the pitch.

7.7.5 Ball Strike: A ball strike risk assessment has now been produced and this has made recommendations for fencing mitigation to address the risks that have been identified in the submitted report. It is now proposed that a 4m high fence be erected along the eastern boundary of the playing field, a 2.5m high fence along the frontage to the pavilion and a 2m high fence along part of the bus spine road in response to the recommendations.

7.7.6 Pavilion: The pavilion design has been amended to provide an external serving hatch from the kitchen which is welcomed.

7.7.7 The amendments and additional information address the issues raised in the initial consultation response and Sport England withdraw their holding objection. Sport England is supportive of the design and layout of the proposed sports park. However, it should be noted that both Sport England

and the Football Foundation would prefer the reserved matters development option comprising the bus loop rather than the bus gate due to the reduced potential safety implications for the users of the playing fields.

7.8 BDC Environmental Health (Public Health & Housing Team)

Initial response (8th July 2024) - Holding Objection

7.8.1 The application includes a link road for buses from the site onto Rickstones Road. The outline planning application assessed the potential for this route to disturb existing residents on Rickstones Road. The noise assessment concluded that this would not cause significant increase in noise, but it is understood that there will be some negative noise impact.

7.8.2 Further information is required to confirm the use of the site and pavilion building; conditions to control noise; and a lighting assessment where sports pitch lighting is proposed. The noise report should consider the potential intrusive impact of noise from the outdoors sports pitches in more detail as the gardens backing onto the pitches are not currently exposed to noise. The adequacy of the separation distance from the rear gardens to the sports pitches should be confirmed and justified as adequate in a more detailed assessment of the proposed sports pitch noise.

7.8.3 The report also suggests that in most cases comparing with AVO (Acoustic Ventilation and Overheating) criteria then over heating risks are low - where windows are required to be closed due to traffic noise. Given the closer proximity to the A12/railway and spinal roads for some properties, then the report needs to clarify which properties require closed windows, details of LAfmax and SEL shall be provided as these levels where elevated typically infer the need for closed windows. Details of the ventilation strategy proposed shall be provided. Where necessary a CIBSE TM59 assessment shall be carried out to confirm that adequate ventilation maybe achieved to those properties requiring closed windows. Any introduced mechanical ventilation shall be shown not to lead to unacceptable internal noise levels.

Updated recommendation (5th August) - No objection

7.8.4 Environmental Health acknowledged the Applicant's response to the consultation response. Following further consideration Environmental Health do not require further submissions where the matter has been concluded earlier in the planning process and notes that the consideration of the location of sports grounds has been established and approved so makes no further comments on this matter. The absence of floodlighting and envisaged use, and ownership, of the pavilion building are acknowledged.

7.8.5 The comments on the ventilation of the dwellings are noted and the response indicates that wall fans are used rather than MVHR to avoid noise

impacts. Conditions are recommended to confirm the sound insulation and ventilation installed.

7.9 BDC Environmental Health (Food, Health & Safety & Licencing)

7.9.1 No objection. No concerns with this application, provided the kitchen of the proposed sports pavilion supplying teas, burgers and biscuits is constructed in full compliance with relevant hygiene regulations, including an extractor hood with adequate externally venting mechanical extraction to remove heat, fume and water vapor. The subsequent operator of the sports pavilion will need to register the food business with the Council.

7.10 BDC Housing

7.10.1 Support the application. Confirm that the proposed affordable units and tenure mixes shown below accords with the Section 106 Agreement, including the provision of 4 much needed wheelchair accessible bungalows, and fulfil the requirements of Policy LPP31. The mix overall is considered fully appropriate to match housing need. With the exception of the bungalow types, it is stated that all other affordable homes accessed at ground level will be compliant with Building Regulations Part M(2).

7.11 BDC Waste

Initial Response (23rd July)

7.11.1 No objection. Bin collection points are compliant with the 20 metre drag distance requirement. The bin stores will need to be built so they can accommodate enough capacity for 45 litres per week per resident for refuse and the same again for dry mixed recycling. Also, enough space needed for a 240 litre communal food waste bin.

Revised Response (30th July)

7.11.2 No objection. Waste see no issues with waste collection in this phase of properties.

7.12 BDC Ecology

Initial Response (June 2024) - Holding Objection

7.12.1 Condition 29 of the Outline planning permission requires a licence for Great Crested Newt (GCN) prior to any works which could affect the European Protected Species. It is noted that additional fieldwork, after the Outline permission was granted, has identified a pond which was not identified in earlier surveys. No presence / likely absence surveys have been completed to confirm the likely impacts upon GCN.

7.12.2 The Applicant would prefer to use the GCN District Level Licence (DLL), as an alternative to traditional mitigation licensing for Great Crested Newt

where no survey effort or mitigation is required. It is recommended that the Council should be provided a countersigned Impact Assessment and Conservation Payment Certificate (IACPC) to demonstrate the developer's intention and eligibility to enter the strategic licensing approach, and to allow the Council to demonstrate legal compliance under the Conservation of Habitats and Species Regulations 2017 (as amended).

7.12.3 With regard to soft landscaping, it is indicated that we support the planting specifications and schedules at an ecological perspective. However, it is highlighted that a Landscape Ecological Management Plan should be provided as a pre-commencement requirement, and that they would expect woodland management measures to be included for the south-east woodland.

7.12.4 No updated biodiversity metrics have been provided to support the reserved matters application. Whilst this was not a mandatory requirement at the time of the Outline planning application, it is highlighted that the Planning Inspector assigned 'moderate weight' to benefit of delivering biodiversity net gains as part of the appeal decision. Therefore, we recommend that the LPA should consider whether further information should be provided to demonstrate whether measurable biodiversity net gains can be achieved based on the finalised proposals.

7.12.5 With regard to bespoke biodiversity enhancement measures, the Biodiversity Enhancement Strategy sets out appropriate technical details, locations, heights and orientations for the proposed measures and provides an exemplar example of incorporating bespoke biodiversity enhancements into detailed designs.

7.12.6 The Outdoor Lighting scheme at ecological perspective and with considerations to bats and lighting is considered acceptable.

Updated Response (8th August) - No objection

7.12.7 Having assessed the further clarification provided by the Applicant to addressing the loss of the pond (which could provide suitable breeding habitat for GCN and was not identified at the outline planning application) it is agreed that a pragmatic approach should be taken. As a result, the finalised mitigation strategy for GCN must be secured via the CEMP (prior to commencement) as part of Condition 19. The proposed compensation ponds are also supported as they give confidence that the appropriate measures to off-set impacts will be secured at reserved matters stage.

7.12.8 With regard to BNG, it is not clear why updated calculations are not being sought, given the scheme has been amended and refined from the outline planning application. Therefore, I still recommend that this should still be provided, to set out that measurable biodiversity net gains can still be achieved.

7.13 ECC Highways

7.13.1 No objection. Having reviewed the revised layout, provided the development is constructed in accordance with planning application Drawing Number P22-3095_DE_001_Y_02, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

7.14 ECC Historic Buildings

7.14.1 No objection. Based on the appeal decision and the details of the scheme contained within this application, the proposals are not considered to affect the setting and significance of the listed building, The Old Rectory.

7.15 ECC Historic Environment (Archaeology)

7.15.1 No objection. A programme of archaeological evaluation was recommended, and the Outline planning permission included a pre-commencement condition, requiring that a Written Scheme of Investigation will need to be submitted and approved to part discharge the condition and allow the archaeological evaluation to take place. No further conditions are required.

7.16 ECC Minerals & Waste

7.16.1 No objection or comment. Initial holding objection withdrawn after ECC realised that Outline planning permission had already been granted for the site.

7.17 ECC SuDS (Lead Local Flood Authority)

Initial Response (June 2024) - Holding Objection

7.17.1 There are areas where the use of above ground SuDS have not been maximised, in particular areas where the use of permeable paving could be utilised; the pollution hazard level should be assessed as a medium risk, not low risk; detailed engineering drawings are required for the SuDS components along with further information showing storm simulations and control features; some dwellings do not appear sufficiently elevated to stand clear of exceedance flow routes.

Revised Response (August 2024) - No objection

7.17.2 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission for the approval of Reserved Matters.

8. PARISH / TOWN COUNCIL

8.1 Rivenhall Parish Council

8.1.1 First Consultation (May 2024). A consultation response was received in connection with application 24/00697/REM. In the absence of a separate, specific comment on 24/00696/REM the comment on 24/00697/REM are listed below. The Councillors comment is that no notification has been received, as yet, relating to the diversion of footpaths No. 58 and 59 that cross the building site. There has been no clarification on the bus routes relating to the bus gate and the bus loop. Councillors would also like to have information on who will be managing the sports facilities and pavilion.

8.1.2 Second Consultation (August 2024). Objection. The Councillors strongly object to the bus-gate. Egress route for the buses is thought to be highly dangerous. There is a danger of balls hitting passing buses.

8.2 Witham Town Council

8.2.1 First & Second Consultation. Recommend Refusal. No objection subject to the affordable housing having equal provision of EV charging points, as well as providing charging points in the visitor parking bays and sports pavilion parking area; and solar panels being provided on the sports pavilion but would recommend refusal for the bus gate element. It should be noted that there is a lack of highways and transport infrastructure to accommodate this new development.

9. REPRESENTATIONS

9.1 The application was publicised by way of letters to residents adjoining the site; notice in the local newspaper and site notices around the site. The receipt of revised / additional plans was publicised in the same manner.

9.2 Seven representations were received from residents at four properties, objecting to the application. A summary of the main issues identified in the representations is listed below.

9.3 **Principle of Development**

- Witham Rivenhall is being turned into a concrete jungle.
- Development was not wanted by residents and the Parish Council.

9.4 **Highways**

- The proposed pedestrian/cycle/bus access onto Rickstones Rd is at a dangerous point near a bend. The traffic speeds are generally higher than 30mph with regular near misses on the stretch outside the No.302-318. Sight lines at the proposed junction are not sufficient for the actual traffic speeds. There should be no access at this point and the bus should use Forest Road.
- Object to the bus entering the development down a really small country lane.

- Essex Police recently had to destroy a dear which had been struck by a motorist where the proposed Bus-gate will be.
- The development will make the roads busier – moved to the area for quieter roads.
- Evans Way will be a busy road with traffic to the new houses, the golf course, and the bus route.
- Bus-gate is not required and adds nothing to the development. Location is near a dangerous double bend and although it is a 30mph limit, the majority of vehicles speed up leaving Witham because they believe they are on a 60mph limit road. Question whether it will be attractive to a bus operator.
- It is not known which bus will be diverted to use the bus-gate, but this could result in existing residents / bus users losing out. A better solution would be to have the bus turning circle at the football pitches (as proposed in 24/00697/REM).
- Why is there a need for three crossings on a busy road in the space of a few hundred yards.
- Number of accidents on Rickstones Road has increased over the last few years due to the amount of traffic, and the opening of the Special Needs school. The proposed development will add more than 50 traffic movements per day.
- Traffic surveys have been undertaken but the results do not seem to have been published anywhere.
- Access for pupils to the Rickstones Academy and the other primary and secondary schools in the area is poor with narrow or no footways. This is another development in Rivenhall with no improvements to the infrastructure i.e. roads and pavements.
- A bus service with a 15min frequency over at least a 12hr period per day seven days a week, so over a day there would be around 96 two-way buses using the proposed bus access off Rickstones Road.
- Because of the lack of parking parents are now "abandoning" their vehicles anywhere at school drop off / pick up times.

9.5 **Design & Layout**

- Object to the use of Rectory Lane, and the land in general as we feel it is destroying an area that gives the locals an area to walk and escape, as well as the wildlife.
- Insufficient Open Space - a few swings on the edge of the building plot is not a green space.
- They are not affordable homes, there are a hand full of smaller houses, but the majority are 4/5 bedrooms.

9.6 **Air Quality / Health**

- Development will result in more air pollution.
- An increase in the number of large diesel powered vehicles, which are more polluting than petrol, using the Rickstones Road entrance/exit will be detrimental to local residents' health, including young families and elderly residents, some of whom have existing respiratory health problems.

9.7 **Other Matters**

- No doctors or dentist close to the development.
- Residents need access to better facilities – a doctor's surgery could be provided at Dorothy Sayers Drive.

9.8 Officers note that the other Reserved Matters application that has been submitted, without the bus lane / access onto Rickstones Road, has attracted representations which have not been submitted in connection with this application despite the substance of the objection relating to both applications. Whilst these are not technically objections to this application (Application Reference 24/00696/REM), for completeness a summary of the additional main issues noted on the other application (Application Reference 24/00697/REM) are listed below.

9.9 **Highways / Access**

- Traffic is dreadful having increased over the last 5 years.
- Children walk along Rickstones Road and there is no continuous pathway which is an accident waiting to happen.
- Bus turning into the commercial site is a joke – a bus will not fit through the gap.
- Speeds of vehicles and Visibility: The proposals include for visibility splays based on Manual for Streets (MfS) calculations, however MfS advises that these calculations need to be based on an 85th percentile speed which can only be calculated by undertaking a speed survey, in addition the quantum of HGV's / Buses also needs to be included for a MfS assessment because if the daily volume is 5% or greater a slower deceleration value need to be applied (MfS para 10.1.7) / longer visibility splays needed. No details of a speed survey have been provided. If a speed survey is not submitted as supporting evidence, the splays need to be based on DMRB calculations which is based on the signed speed limit and for a 30mph speed limit is 70m which cannot be achieved.
- Slow Moving Buses: The proposal is for this access to be served by slow moving buses which unlike cars/vans, accelerate at a much slower speed making the potential for conflict much greater. The bus gate would result in a significant increase in vehicles using this access and by much slower moving vehicles. Concerns over the safety of pedestrians/cycles crossing at this location is also raised for the same issues raised above. The potential of a pedestrian conflict would be a much greater as this is not a safe location for pedestrians to cross.
- Scheme should also be assessed by an independent Road Safety Auditor. The responses to the RSA are dismissive and do not address the concerns raised, simply advise that traffic calming features could be provided if speeds are higher than 30mph. If traffic calming is the proposed solution, then a scheme should be submitted as part of the application to demonstrate that a suitable scheme can be provided including physical measures.
- The alternative proposal of a bus turning circle by the football pitches would mean no vehicular movements between grass pitches reducing the potential risk of injury or death.

9.10 **Other Issues**

- 200 new houses and only 6 affordable.

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of the residential development of the site has been established under the original Outline planning permission (Application Reference 20/02060/OUT) which was granted on 5th January 2023 at appeal, and was subsequently varied by Application Reference 23/01901/VAR. The Outline planning permission includes a condition that requires that the development is in accordance with five Parameter Plans covering Land Use, Green Infrastructure, Pedestrian & Cycle Access & Movement, Vehicle Access & Movement and Building Heights. These Parameter Plans establish the principles for the layout and form of the development.

10.2 The current application seeks approval for the reserved matters pursuant to the Outline planning permission for Access; Appearance; Landscaping; Layout; and Scale.

10.3 The application covers the whole site, with the exception of the five self-build / custom properties. The principle of the five custom / self-build plots is also established by the Outline planning permission but there will need to be separate Reserved Matters to approve the details for these plots in the future.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

11.1.1 Policy LPP52 of the Adopted Local Plan requires a high standard of design and layout in all developments. Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design.

11.1.2 At the national level, the NPPF is also clear in its assertion at Paragraph 131 that: *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.*

11.1.3 In addition to the strong policy basis for achieving a high degree of quality in terms of the appearance, landscaping, layout and scale of the development, the original Outline planning permission required the submission and approval of a site-wide Design Code. The Design Code builds upon the work set out in the Outline planning application and in-particular the 'September 2021 Vision Statement' for the site. The Design Code adds detail to the vision and provides a framework for the

development of the site. The main site-wide Design Code (Application Reference 23/01288/DAC) was approved by the Planning Committee in October 2023.

11.1.4 The proposed access arrangements, land uses, including open space and other green infrastructure, and heights of buildings are all in accordance with the Parameter Plans.

11.1.5 In terms of the detail of the proposal, the built form has been designed to accord with the five character areas identified in the Design Code. The character areas are: the Internal Spaces; the Country Edge; the Avenue; the Parkland; and the Recreation Ground.

11.1.6 The Internal Spaces character area covers dwellings in the centre of the site, transitioning between the formal character of The Avenue and in the informal character of the Country Edge. Dwellings are generally served from secondary streets or shared surface streets, with a uniform building line that is close to the back edge of the street. The Character Area includes design references from Guithavon Street, with buildings that are predominantly semi-detached and terraced. Black vertical railing, hedges or brick walls are key boundary treatments, with red or buff brick, with artificial slate or red concrete roof tiles being the predominate external materials.

11.1.7 The Country Edge character area is characterised by dwellings fronting onto the existing northern landscape framework and the perimeter of the eastern development parcel. The architectural approach is less formal, being inspired by Chipping Hill. Dwellings are generally served by private drives with a less regimented relationship to the street, which contributes to the area having a lower density than other character areas in the site. External materials are typically pastel coloured render or red or buff brick, with red or brown concrete roof tiles.

11.1.8 The spine road runs through the centre of The Avenue character area. This area has the most formal character, with larger trees planted in a regular rhythm along both sides of the carriageway. The formal character is reinforced through a consistent building line and dwellings being set back from the street. Architecturally the dwellings contain features, often used repetitively, drawn from the character study of Collingwood Road, The Avenue and Avenue Road. Dwellings are predominantly 2-storey in height, with some 2.5 storey homes, and external materials are typically white coloured render with timber effect framing or red brick, with artificial slate or brown concrete roof tiles.

11.1.9 The Parkland character area contains homes that have an outlook onto some of the main open spaces, and again the views from the houses would be one of the key characteristics of the area. The inspiration for this character area is the Chipping Hill area. Dwellings are generally served by private drives, which allows a more irregular street pattern and a more informal character, resulting in a lower density which again aids the transition from built development to open space. The use of black boarding

provides an obvious distinction in terms of appearance and character, with other external materials being used including red or buff brick, with red or brown concrete roof tiles and some artificial slate.

11.1.10 Finally, The Recreation Ground character area is situated at the north-western edge of the development, overlooking the sports park. The dwellings feature a distinctive pavilion-like architectural style in a continuous built frontage, with parking to the rear of dwellings, contributing an obvious and distinct difference in appearance. Other architectural features include dual pitch built form with projecting gables, bay windows, enlarged porches, timber effect boarded gables and distinctive chimneys. The external materials draw on the existing characteristics found in the Old Rectory and Rectory Lane and estate railings are used to provide a clear boundary between public open space and residential properties, whilst maintaining natural surveillance of the open space.

11.1.11 The proposed house types accord with the Design Code and the illustrative streetscenes show a visually interesting and varied composition, with care taken to ensure that key vistas are framed by built form; that buildings on corner plots address both streets; and that exposed side elevations have visual interest where possible. Overall, Officers consider that the Applicant has produced a higher standard of design quality and features.

Heritage Assets

11.1.12 The development site stands on the opposite of Rectory Lane to The Old Rectory, which is a Grade II listed building standing within substantial grounds. The Planning Inspector considered whether the development of the site would result in harm to the significance of this designated heritage asset. The Planning Inspector concluded that the site is not a contributing part of the listed building's setting, and that the development would maintain the current, private and enclosed setting of the building within its own grounds. On the basis that the details in the Reserved Matters are consistent with the illustrative material that was included in the Outline planning application. The Council's Historic Buildings Consultant consequently has raised no objection.

Residential Amenity

11.1.13 The new homes have been designed to comply with the Council's design standards which seek to ensure a good standard of amenity for all future residents. Where properties back onto each other there is a minimum of 25m back-to back, which complies with the Essex Design Guide standard to guard against overlooking and loss of privacy.

11.1.14 The footprint of all the new homes also meet the minimum internal space requirements for the Nationally Described Space Standards (NDSS), although Officers do have concerns regarding one house type.

11.1.15 As previously noted there are 46no. 2-bedroom houses. Eight of the 2-bed houses are the 'Ryder' housetype, which has a living room, kitchen / dining room and cloakroom on the ground floor and two bedrooms, one with en-suite bathroom, family bathroom and study on the first floor. The study has a floor area of 2.15m x 2m internally. The NDSS states that in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5sq.m and be at least 2.15m wide. The floorspace of the room annotated as a study is just 57% of the minimum size for a bedroom under the NDSS. The Applicant argues this is clearly too small to be considered a bedroom, and that they would only market and value the property as a 2-bed house with a study and not a 3-bed house. Of course, how a future occupant would use the house could be quite different to how it is marketed by the developer. Officers remain concerned that future residents would be likely to use this as a child's bedroom, as it can just accommodate a single bed (standard single bed size 1.9m x 0.9m). Officers consider that having the study on the first floor increases the likelihood of it being used as a bedroom and that if a study is to be provided on the first floor then the room size should be at least 7.5sq.m so that it has the space and flexibility to be used as third bedroom if preferred / required, without compromising residential amenity.

11.1.16 The concern about the Ryder housetype is compounded by the fact that 6 of the 8 plots with the Ryder housetype have a private amenity space which is below the minimum required for a 3-bed house. The Essex Design Guide specifies that a house with 2 bedrooms should have a minimum private amenity space of 50sq.m, and 3 or more bedrooms should have a minimum private amenity space of 100sq.m.

11.1.17 The stated amenity spaces for the Ryder housetypes are: Plot 115 – 80sq.m; Plot 116 – 68sq.m; Plot 117 – 66sq.m; Plot 118 – 66sq.m; Plot 165 – 70sq.m; Plot 166 – 99sq.m; Plot 184 – 100sq.m & Plot 185 – 103sq.m. Six of the eight Ryder housetypes have gardens below the minimum standard for a 3-bed dwelling, although it is acknowledged that one is very marginally 'undersized' by just 1sq.m. In some instances, the garden is undersized as Officers have requested that the shape of the gardens is regularised to provide more useable spaces. It would be possible to amend some of the garden boundaries to provide 100sq.m rear gardens.

11.1.18 This issue relates principally to just 5 of the 225 proposed dwellings - barely 2% of the development. Officers believe there are several options open to the Council.

(1) If Members considered the internal configuration of the living space and garden sizes to be acceptable, then the dwellings could be approved. A planning condition could be attached requiring the developer to submit evidence of the sales marketing for the Ryder housetype, to prove that the houses would be marketed and sold as 2-bed houses.

(2) An alternative course of action would be to approve the development but not the Ryder housetype and apply a planning condition that

requires a revised floor plan for the Ryder housetype to be provided with a smaller study to prevent a bed from fitting in the study. Officers are not convinced that this would remedy the situation as a smaller room could still be used as a children bedroom using a smaller bed.

(3) A further alternative would be to approve the application but not approve the Ryder housetype and require the developer to submit a revised 2-bed house type that did not contain a study on the first floor.

11.1.19 With the exception of the Ryder housetype all houses are provided with gardens / amenity space that meets or exceeds the Council's minimum standards for amenity space.

Noise

11.1.20 Condition 8 of the Outline planning permission required that the Reserved Matters application include an updated Noise Assessment Report, to ensure that future residents are not exposed to inappropriate levels of noise. A report has been submitted which considers the noise from the golf course, sports park and road and railway noise. The report concludes that it will be necessary to apply mitigation measures to protect properties against noise from roads and the railway.

11.1.21 The mitigation proposed would allow the occupants of affected properties to have the choice to keep windows closed, to prevent exposure to elevated noise levels, and provide alternative means of background ventilation (e.g. trickle ventilation) that the occupants would be able to rely on, in lieu of open windows. Windows would need to remain closed to achieve the required noise standards, but they are not required to be fixed shut and residents will have the option to open them, whilst noting internal sound levels will be slightly elevated.

11.1.22 The Council's Environmental Health Officer raises no objection having assessed the report but recommends a condition to ensure that appropriate sound insulation and ventilation is provided to mitigate risks arising from noise and the noise mitigation.

11.2 Landscaping

11.2.1 The Applicant proposes a hard and soft landscaping scheme across the whole site, excluding the custom / self-build plots, which has been reviewed by the Council's Landscape Consultant and Urban Design Consultant.

11.2.2 The site's green infrastructure broadly accords with the approved Parameter Plans and Design Code for the Outline planning permission, which themselves were the subject of extensive discussion with the Council's previous Landscape Officer.

11.2.3 The site contains a number of significant and varied open spaces that, where possible, have been designed to retain and enhance existing

landscape features as well as the setting out of new areas of Public Open Space.

11.2.4 The scheme designer has worked hard to create tree lined streets across the site, in accordance with the NPPF and Design Code. Street tree planting will play an important part role in helping to establish the street hierarchy within the site. The spine road or 'The Avenue' is characterised by formal, regular, rhythmic tree planting with larger trees sitting within verges, which will result over time, in a tree lined boulevard which will sit at the top of the street hierarchy.

11.2.5 Lower order secondary and tertiary streets and cul-de-sacs also contain tree planting as a key feature with street trees located within landscape areas which would be maintained by the Management Company.

11.2.6 Members will recall the site contains a high number of existing trees, some of which are contained within blocks of dense plantation planting and other more scattered specimens that date back to the previous use of part of the site as a golf course. The loss of trees was discussed at length as part of the Outline application and subsequent planning appeal.

11.2.7 Some trees on the appeal site would be lost, however, they would be moderate and low category trees. The significant band of woodland that runs north-south across the site would be substantially retained, save for a corridor which will need to be cleared to form the spine road and a crescent area to be felled to create a play area. A number of trees on the golf course were also proposed to be removed as it was acknowledged that retaining randomly planted tree cover across this strategic site was not compatible with achieving a high quality and well laid out strategic development which used the land effectively and employed the principles of good place making. The Applicant had proposed to translocate two Pine trees that were identified as being of a higher value, but approval was subsequently given by the Planning Committee in September 2023 to vary Condition 27 of the Outline planning permission to allow the removal of the two pine trees and the planting of four replacement nursery-stock trees on-site. The details required to discharge Condition 27 have been supplied with the application. The trees are to be used as focal points in the Open Space, with three to be planted within the parkland adjacent to Rectory Lane and the fourth to the east of the pond near the extended play area.

11.2.8 In accordance with the Outline planning permission, the Applicant has submitted a detailed tree survey and assessment of Arboricultural implications for the proposed development. The report identifies that the Proposed Development will lead to the complete removal of 28 individual trees, three groups of trees and one shrub, and the partial removal of five groups of trees, three areas of woodland and four hedges. This is consistent with the level of loss that was envisaged by the Planning Inspector when the appeal was granted and they were satisfied that the trees lost would be moderate and low category trees, whose loss could be mitigated through extensive new planting. The proposed landscaping

scheme establishes that tree loss would be offset with a 2:1 ratio which includes the planting of 278 new trees and 416 metres of hedgerow within the areas of public open space. Further hedgerow would be planted within the residential parcels.

11.2.9 At the request of the Council's former Landscape Officer, the equipped play area has been equipped to form a NEAP (Neighbourhood Equipped Area of Play) and provides a wider range of play experiences, including those that will appeal to older children, that will complement the play area already provided as part of the Phase 1 & 2 development.

11.2.10 The sites hard landscaping varies. The spine road, footways and some lower order roads and parking courts would be constructed from tarmac whilst block paving would be used across the site for most lower order streets and driveways.

11.2.11 Part of the Open Space that was secured as part of the Outline planning permission is the provision of grass sports pitches at the northern end of the site. The Section 106 Agreement requires that the developer set out the pitches and provide the pavilion building and associated car park. When completed, the land and the building will be transferred for a nominal fee to the District Council. The facilities have been designed with input from Sports England and the Football Foundation and are as Officers envisaged at the Outline planning application stage. The pavilion building has been sensitively designed to respond to the local context and will provide a functional, inclusive and attractive space for users of the sports pitches. Unfortunately, whilst the pavilion would be overlooked by new housing there is a concern that the glazing could be vulnerable to vandalism. The Applicant has agreed that the building will be equipped with a roller shutter system that will allow the windows and doors to be protected when not in use. Details of the shutters can be controlled by condition.

11.2.12 Overall the site's proposed landscaping scheme has been carefully considered and Officers believe will contribute towards providing an attractive environment for future residents to live in.

11.3 <u>Ecology</u>

11.3.1 The likely impacts on designated sites, protected species and Priority species/habitats was assessed at Outline planning application stage (Application Reference 20/02060/OUT) and a number of conditions or planning obligations were secured to either mitigate the potential impact of the development, or to require the submission of further information to ensure appropriate mitigation would be secured.

11.3.2 The Council's Ecological Consultant has assessed the suite of documents concerning ecology that have been submitted as part of the planning application, including the Landscape Master Plan, Detailed Planting Proposals, Biodiversity Enhancement Strategy; and Outdoor Lighting Strategy.

11.3.3 After Outline planning permission was granted, during work to prepare subsequent applications, a further walkover survey of the site was undertaken by the Applicant's ecologist. An additional pond was discovered within thick undergrowth in the northern part of the site. The pond was identified as providing suitable breeding habitat for Great Crested Newts. The Applicant originally intended to use the District Level Licencing (DLL) process to mitigate for any impacts on GCN which may be present (District level licensing is an alternative approach to mitigation licensing for planning applications to develop sites which could affect great crested newts). DLL aims to increase the number of great crested newts by providing new or better habitats in targeted areas to benefit their wider population.

11.3.4 However, Natural England advised that the DLL process had been temporarily suspended due to excess demand and a lack of off-site mitigation sites. This led the Applicant to develop a scheme for on-site mitigation and the submitted landscape scheme includes the creation of two new ponds adjacent to Rectory Lane. The proposed compensation ponds are intended to provide the Council with confidence that the appropriate measures to off-set impacts will be secured.

11.3.5 The Applicant's preference is still to use the DLL process but if the scheme does not reopen within the coming months the intention is that they will instead apply for a traditional licence from Natural England and mitigate any impacts on GCN on-site.

11.3.6 Condition 29 on the Outline planning permission already includes a requirement for the submission and approval of a licence issued by Natural England prior to the commencement of development. The licence to discharge Condition 29 could either be a traditional licence but could be a DLL if the scheme reopens in time.

11.3.7 The Council's Ecological consultant has confirmed that they agree that this pragmatic approach is acceptable. They recommend that the Applicants finalised mitigation strategy for GCN must be secured through the Construction and Environmental Management Plan (Condition 19 of the Outline planning permission) prior to commencement of development.

11.3.8 With regard to lighting, the lighting scheme is considered to be appropriately designed from an ecological perspective with considerations to bats and lighting.

11.3.9 With regard to bespoke biodiversity enhancement measures, required under Condition 10 of the Outline planning permission, the Council's Ecologist advises that the submitted Biodiversity Enhancement Strategy provides appropriate technical details, locations, heights and orientations for the proposed measures and provides an exemplar example of incorporating bespoke biodiversity enhancements into detailed designs.

11.3.10 It is acknowledged that the Council's Ecologist has recommend that the LPA should consider whether further information should be provided to demonstrate whether measurable biodiversity net gains can be achieved. Officers note that BNG was not a mandatory requirement at the time of the Outline planning application, and that the ecological enhancements proposed have been assessed to be an exemplar example. In light of the requirements imposed by the Outline planning permission and the quality of the ecological enhancements proposed, Officers consider it would be unreasonable to require the Applicant to carry out further BNG assessment.

11.4 Highway Considerations

11.4.1 Vehicular access to the proposed development by private vehicle would be from Evans Way, which formed the spine road on the now completed Phases 1 & 2 of the North East Witham Growth Location and connects onto Forest Road. It is proposed that the spine road would be extended into the site and provide a new formal tree-lined boulevard, which would comprise a 6.75m carriageway suitable for buses with a 2m footway on one side and a 3.5m pedestrian / cycle path on the other side.

11.4.2 At the northern end of the housing development the spine road would continue north through the sports park to form a new improved junction onto Rickstones Road near the existing commercial premises. This stretch of road will subject to a Traffic Regulation Order which prohibit vehicles other than buses, taxis and motorcycles. This stretch of road is referred to in the application as the 'bus-gate'. The new junction onto Rickstones Road would also be open to pedestrians and cyclists.

11.4.3 These access arrangements are consistent with those set out on the Vehicular Access & Movement Parameter Plan approved by the Planning Inspector at the Outline planning application stage.

11.4.4 Members will be aware that the Applicant has submitted a second Reserved Matters application. The other application is the same as this application in all respects, with the exception of the bus gate. The second application (Application Reference 24/00697/REM) shows a bus turning area next to the entrance to the car park for the sports park, and a pedestrian / cycle park running through the sports park and connecting to Rickstones Road.

11.4.5 A number of objections to the application focus on the proposed bus-gate. The grounds for objection broadly fall into three broad categories – highway safety concerns (vehicular, pedestrian and cyclists); impact on the sports park; and the need for the bus-gate.

Highway safety concerns (vehicular, pedestrian and cyclists)

11.4.6 Residents on Rickstones Road have raised a number of concerns about highway safety, including the belief that there will be inadequate visibility at the junction for buses, which are slower moving vehicles, to enter and leave

Rickstones Road in a safe manner. Very similar concerns were raised during the Outline planning application.

11.4.7 Whilst access was not approved as part of the Outline planning application, the Applicant did provide drawings and information which allowed the Highway Authority to assess whether the proposed new / improved access onto Rickstones Road could be designed in a safe manner. The report to Planning Committee in February 2022 included the following assessment.

'In relation to highway safety considerations, it is evident that the provision of the bus access onto Rickstones Road has generated a great deal of concern from local residents. The Highway Authority has reviewed the objections of the transport consultant who has produced a report on behalf of the Rickstones Road Action Group and having considered their comments, has confirmed that, taking into account the speed limits of the road, they consider the junction arrangement to be safe. The visibility splay for vehicles entering Rickstones Road from the bus lane would be provided with 43m visibility in each direction. In addition, vehicles traveling along Rickstones Road in both directions would have a clear view of a vehicle waiting to turn right into the bus lane should a bus need to wait to turn right. The access has also been designed with a widening taper to allow buses to turn left out of the access without needing to enter the oncoming lane of traffic and a swept path analysis demonstrates that buses can safely enter Rickstones Road without conflicting with traffic leaving Witham. The scheme has been subject to a Stage 1 Road Safety Audit post submission of the application, and the Highway Authority are satisfied with its conclusions'.

11.4.8 The Highway Authority have been consulted on the current application and they have confirmed that they have no comment on the application following detailed assessment of this application, including the revised plans. Given the response of the Highway Authority, as the relevant Statutory Consultee, Officers do not consider there is any basis to conclude that the proposed development would not operate safely for drivers of vehicles and pedestrians and cyclists.

Impact on the Sports Park

11.4.9 It is acknowledged that the bus-gate arrangement running through the sports park is unusual. Some objectors have raised safety concerns arising from the conflict between buses and people using the park and in particular those playing sport. The design and layout has been subject to considerable discussion and investigation, including a Football Ball Strike Assessment which has made recommendations on the location and height of fences that should be provided to mitigate the risk of balls leaving the sports pitches. The Applicant has also reviewed the landscape scheme in light of consultee comments and added a pedestrian crossing point with a raised table to the bus-gate.

11.4.10 In assessing the proposal it should be remembered that a Traffic Regulation Order will restrict use of the bus-gate to bus, motorcycle and taxi use only. This will restrict the type and number of vehicles that will use this stretch of road. Drivers will have good forward visibility and be aware of their surroundings and should drive accordingly. The Highway Authority have raised no objection to the proposals. On this basis Officers believe that the means of enclosure including that specified in the Ball Stike Assessment, and other measures shown in the landscaping scheme, including a landscape bund and planting scheme will suitably mitigate for the presence of some vehicles.

Need for the Bus-Gate

11.4.11 The request for a bus-gate connection to / from Rickstones Road was made by Essex County Council Officers. It was considered that the bus gate was a key element in seeking to serve the development by buses. The Essex Design Guide states that it is desirable to plan new housing developments in a manner than means residents would not be more than 400m from a bus stop. Parts of the proposed development would be more than 400m from the existing bus stops on Forest Road. The provision of the bus-gate would provide an opportunity for a bus company to operate a 'through' service rather than a service that only runs 'to' the site.

11.4.12 The Section 106 Agreement secures a financial contribution of £2.9 Million towards improvements towards pedestrian and cycle improvements between the site and the town centre and to provide new or improved public transport services.

11.4.13 Objectors say that it is unclear what sort of bus service would use the bus-gate if this was provided. That is correct as it would be premature to make a decision on changes to bus services now when it could be some time until the bus-gate is provided and available for use. The intention is that the public transport team at Essex County Council would consider how a service or services could be provided serving the site and using the bus-gate. Part of the sustainable transport contribution could be used to procure a bus service(s) to serve the site.

11.4.14 It also acknowledges that the bus industry is currently facing pressure at the moment resulting in changes to the level and frequency of services that are operated commercially, or under contract to Essex County Council. The public transport team will need consider a range of factors including the level of service(s) that are being maintained on a commercial basis at the time. It could be desirable to look at providing a service that provides connections to other towns / villages if this can be provided using the financial contribution, but it is important that an attractive, regular service is provided more locally within Witham itself and in doing so seek to link the development to other attractors within the town, reducing the need for localised car trips. Planning Officers understand that the public transport team would engage locally and consult on new or variations to bus services.

11.4.15 Officers support the highway authority recommendation of securing the bus-gate facility as this provides greater opportunities to improve public transport services within the development and this part of the town. For this reason, Officers are recommending approval of this application and are not reporting the second application (Application Reference 24/00697/REM) with the bus turning area and a pedestrian / cycle path running through the sports park, however if Members did not approve the current application due to concerns over the bus-gate, then the second application would be progressed and the application reported to Planning Committee for consideration.

11.4.16 The development would provide a policy compliant level of vehicle and cycle parking. Dwellings would be provided with one off-street parking space per 1-bed dwelling and at least two spaces for dwellings with two or more bedrooms. Parking is provided either on plot, usually to the sides of the dwelling, or in perpendicular bays adjacent to the carriageway, or in the case of the apartments within relatively contained parking courts. Parking has been carefully designed so as to mitigate the visual impact that this can have on the Streetscene, often through the use of soft landscaping.

11.4.17 The proposals also reflect the pedestrian and cycle connections that were set out in the Pedestrian & Cycle Access & Movement Parameter Plan approved at the outline stage. An extensive package of off-site highway works and improvements were also secured through the Outline planning permission to further promote walking and cycling and reduce the reliance on the private car.

11.5 Impact upon Neighbouring Residential Amenity

11.5.1 In terms of neighbouring amenity, the proposed new housing does not directly abut any existing residential development, but the grass sports pitches are adjacent to a couple of properties which stands on Rectory Lane. Immediately to the north of the Sports Park there are also the rear gardens of ten dwellings that front onto Rickstones Road.

11.5.2 The location of the Open Space, and the principle of creating the Sports Park, were established as part of the Outline planning application. There is sufficient space that the larger pitch is set back almost 25m from the northern site boundary with the gardens on Rickstones Road. Existing boundary vegetation is shown to be retained and long grass and thicket planting proposed to form a buffer between activity in the public open space and the residential gardens. This relationship is considered to be reasonable and appropriate.

11.5.3 Concerns have been raised about air quality and pollution from additional diesel engine vehicles that will use the new bus-gate. The same concerns were raised when the Outline planning application was assessed. The Applicant has submitted an Air Quality Assessment which concludes that there will be no exceedances of the air quality objective levels, whilst

recognising the need to employ mitigation to minimise the emissions of dust/particulate matter at the time of site clearance and construction works.

11.5.4 The Council's Environmental Health Officer raised no concerns with the methodology of the assessment that was provided by the Applicant, or the conclusion that the assessment reached which was that concentrations of these pollutants, at worst case receptors, are predicted to be below the relevant objectives and the change in concentrations will lead to negligible impacts at all receptors. Impacts on local air quality are therefore considered to be not significant. On this basis there are no grounds to refuse the application over concerns about air quality and specifically pollution arising from the bus-gate.

11.6 Flooding and Drainage Strategy

11.6.1 Flood risk and drainage were considered at the outline planning application stage and three planning conditions were attached to the outline planning permission that require the submission of details and approval of the details prior to the commencement of development.

11.6.2 Whilst the Lead Local Flood Authority recommended that the details of the Surface Water Drainage scheme only needed to be approved prior to the commencement of development, the Applicant has chosen to submit the details as part of this application.

11.6.3 For the site as a whole, the Applicant proposed to utilise a sustainable urban drainage (SUDS) system incorporating a network of swales and surface water drains, which would primarily drain down into two new attenuation basins which would be excavated on the south side of the site where the land falls. The surface water would be detained in the basin before being discharged at a controlled rate, either into the existing SuDS network that serves Phases 1 & 2, or the ditch on the eastern side of Rectory Lane. The existing network was designed to accommodate the predicted surface water flows from future development on Phase 4 and therefore has adequate.

11.6.4 In relation to the current reserved matters, Essex County Council have been consulted as the Lead Local Flood Authority and have no objection to the proposal.

11.6.5 The SUDS conditions attached to the outline planning permission remain in place covering the full technical detailed drainage strategy for the site.

11.7 Habitat Regulations Assessment (HRA / RAMS)

11.7.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- Blackwater Estuary Special Protection Area and Ramsar site;
- Dengie Special Protection Area and Ramsar site;

- Essex Estuaries Special Area of Conservation.

11.7.2 HRA mitigation was secured at the outline planning application stage under Application Reference 23/01901/VAR and therefore no further mitigation is required in relation to this Reserved Matters application.

11.8 Foul Water

11.8.1 Anglian Water provided a consultation response which referred to forthcoming applications to discharge Condition(s) on the Outline planning permission. No conditions were attached to that permission, as Anglian Waters consultation response on the Outline planning application did not advise that any conditions were necessary. Officers have questioned this with Anglian Water, and it has been confirmed that the original response was incorrect and that no planning conditions were required, and that Anglian Water have no objection to the proposed development.

11.9 Photovoltaic Panels

11.9.1 As part of a package of design enhancements that the Applicant offered, when seeking Outline planning permission, to instal solar photovoltaic generation equipment (panels) on the roofs of every dwelling. Condition 17 of the Outline planning permission secured this provision.

11.9.2 The Reserved Matters submission includes a drawing which provides the location of the panels on each dwelling. The detailed design of the panels / equipment can be secured by a pre-occupation condition.

12. CONCLUSION

12.1 The principle of the residential development of the site is established under the existing Outline planning permission. The Applicant seeks permission for reserved matters pursuant to this outline consent consisting of the access, appearance, landscaping, layout, and scale of the whole development, with the exception of the five custom / self-build plots.

12.2 In addition details have been provided to discharge a number of the Outline planning conditions, namely conditions:

- 7 (Part M4 Compliance)
- 8 (Noise)
- 9 (Lighting)
- 10 (Biodiversity Enhancement Strategy)
- 11 (Detailed landscaping)
- 12 (Arboriculture)
- 13 (Refuse)
- 14 (EV Charging)
- 15 (Means of Enclosure)
- 16 (Parking)
- 17 (Solar PV)

- 27 (Details of four new trees)
- 37 (Ball stop mitigation)

12.3 There are no objections from the relevant statutory consultees and Officers consider that the proposed access, appearance, landscaping, layout, and scale of the development is acceptable in planning terms.

12.4 Overall it is considered that the Reserved Matters proposals are consistent with the approved Parameter Plans and the Site Wide Design Code, and that this is a well-designed and carefully considered proposal and accordingly it is recommended that the Reserved Matters are approved.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Boundary Treatments	P22-3095_DE_001__20	N/A
Materials Details	P22-3095_DE_001_A_27-1	N/A
Parking Strategy	P22-3095_DE_001_B_08	Bus Gate
Refuse Information	P22-3095_DE_001_B_10	N/A
Building Heights Plan	P22-3095_DE_001_B_11	N/A
Boundary Treatment	P22-3095_DE_001_B_12	N/A
Movement and Permeability Plan	P22-3095_DE_001_B_13	N/A
Garden Study	P22-3095_DE_001_B_14	N/A
Solar Panel Plans	P22-3095_DE_001_B_16	N/A
Electric Vehicle Charging Points Plan	P22-3095_DE_001_B_17	N/A
Tenure Plan	P22-3095_DE_001_B_18	N/A
Other	P22-3095_DE_001_B_19 Bus Gate	Character Area Plan
Site Layout	P22-3095_DE_001_Y_02	N/A
Conveyance Plan	P22-3095_DE_001_Y_32	Bus Gate
Proposed Elevations and Floor Plans	P22-3095_DE_008_D_21	Pavilion
Planning Layout	P22-3095_EN_002 REV.G	Sports Park Layout Opt 1
Landscaping	PR180-02.1 REV.D	Sheet 1
Landscaping	PR180-02.2 REV.D	Sheet 2
Other	PR180-04 REV.A	Extended Allotment Plan
Other	PR180-05 REV.B	SW SuDS Planting Plan
Other	PR180-07 REV.C	Native Thicket Hedge
Landscape Plan	PR180-08.1 REV.D	N/A
Landscape Plan	PR180-09 REV.C	N/A
Landscape Plan	PR180-10 REV.C	N/A
Landscape Plan	PR180-11 REV.C	N/A
Landscape Plan	PR180-12 REV.C	N/A
Landscape Plan	PR180-13 REV.C	N/A
Landscape Plan	PR180-14 REV.D	N/A
Landscape Plan	PR180-18.1 REV.B	N/A
House Types	P22-3095_02F	AUG 2024
Noise Details	2002472-R01A	July 2024
Other	LSUK.24-0413_FBRA-03/06/2024	Ball Strike Assessment
Location Plan	P22-3095-DE-001-A-09	N/A

Play Area Plan	A/SD/S80/A/11	C
Landscape Plan	PR180-06 A	SE SuDS Planting Plan
Landscape Specification	PR180-17	N/A
Section	P22-3095-DE-001-A-34	N/A
Lighting Plan	ECC-23-565-4-1300-005 REV 2	N/A
Lighting Plan	ECC-23-565-4-1300-006 REV 2	N/A
Lighting Plan	ECC-23-565-4-1300-007 REV 2	N/A
Lighting Plan	ECC-23-565-4-1300-008 REV 2	N/A
Lighting Plan	FEBRUARY 2024 (REV 1)	LIGHTING DESIGN CONSIDER
Lighting Plan	9th Feb 2024	OUTDOOR LIGHTING REPORT
Arboricultural Report	Arboricultural Note - Condition 27	30/01/24
Biodiversity Details	J002201 REV.A	Biodiversity Enhancement

Condition(s) & Reason(s)

Condition 1
The development hereby permitted shall only be implemented in accordance with the Approved plan(s) / document(s) listed above, except as follows:

- The Wooden Bollards as shown on Drawing Number P22-3095_DE_001_ _ 20 (Enclosure Details) are not approved.

Prior to above ground development, drawings providing alternative details for the elements listed above shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: For the avoidance of doubt and in the interests of proper planning, and in respect of the wooden bollards, the design should be amended to provide a more robust and long lasting specification.

Condition 2
No development, including site clearance, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service

routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges. 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 development commencing.

Condition 3
No development above ground level shall take place unless and until additional drawings that show details of the Solar Photovoltaic Panels to be used on each dwelling by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. The elevational drawings will include details that show the precise location and number of panels that will be installed on each dwelling. Development shall be implemented in accordance with the approved details and the Solar Photovoltaic Panels approved for each dwelling have been installed on the dwelling they will serve prior to the first occupation of the dwelling.

Reason: To ensure that the detail of the panels and the arrangement of the fitting is not detrimental to the character and appearance of the area.

Condition 4
No development above ground level shall take place unless and until additional drawings that show details of proposed new eaves, verges and ridges to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the detail has the traditional appearance required for the traditional architecture that has been used in the design of the dwellings.

Condition 5
No development above ground level shall take place unless and until details of any meter cupboards to be fitted on the external front and side (if a corner plot) elevations of the dwelling(s) hereby approved, details of the location, design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 6
No construction above ground level on the Sports Park Pavilion Building shall take place unless and until additional drawings and details that show details of proposed roller shutters to be fitted to all the doors and windows of the building by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the installation of shutters provides suitable protection against damage without being detrimental to the appearance of the building.

Condition 7
No construction above ground level on the Sports Park Pavilion Building shall take place unless and until details of fences / walls identified as being necessary in the Football Ball Strike Assessment (produced by LaboSport, dated 03/06/24) have been 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 first use of the Sports Park by the public.

Reason: In order to secure the satisfactory development of the site and allow the pitches to be used in the manner that is intended, limiting the loss of footballs and in the interests of personal safety.

Condition 8
All service intakes to dwellings (apart from gas), including soil and waste plumbing, shall be run internally and not visible on the exterior.

Reason: To ensure that the buildings are attractive and not cluttered and the development does not prejudice the appearance of the locality.

Condition 9
Prior to the first occupation of each dwelling details of the EV charging unit to be installed shall be submitted to and approved in writing by the Local Planning

Authority. The approved EV charging unit shall be installed in accordance with the locations indicated on the EV Charging Plan Bus Gate - Darwing P22-3095_DE-001_B_17 Rev I and be available for use prior to the first occupation of the dwelling that it will serve.

Reason: To provide future residents with the opportunity to charge an electric vehicle, reducing reliance on vehicles powered by fossil fuels and thereby reducing vehicle emissions and using more sustainable forms of energy.

Condition 10
Ventilation systems to prevent overheating and sound insulation to meet BS8233 Table 4 noise levels, WHO LAmax, nighttime limit of 45dB(A) in bedrooms and agreed guideline values in external garden areas shall be implemented prior to occupation of each dwelling.

Prior to occupation of the dwellings identified as requiring mitigation on Figure 8.1 of the Noise Assessment (Ardent, Ref 2002472-R01A), details including appropriate post completion validation, shall be submitted to and approved in writing by the Local Planning Authority which confirm that the specification of mechanical ventilation provides adequate air flow and heat removal where necessary for habitable rooms to prevent over heating (using thermal modelling/assessment) and in turn do not raise noise levels to above BS8233 Table 4 room noise levels nor in excess of LAmax 45dB(A) in any dwelling.

Reason: To ensure that future residents are provided with appropriate noise mitigation in order that they are not exposed to excessive noise or put at risk of suffering over-heating.

Positive and Proactive Statement

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.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP67	Landscape Character and Features
LPP68	Green Buffers
LPP69	Protected Lanes
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP73	Renewable Energy Schemes
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
22/00063/REF	Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans way, a bus, cycle and pedestrian connection to Rickstones road, sustainable drainage systems, landscaping and all associated infrastructure and development.	Appeal Allowed	05.01.23
20/02060/OUT	Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans way, a bus, cycle and pedestrian connection to Rickstones road, sustainable drainage systems, landscaping and all associated infrastructure and development.	Refused	18.03.22
21/03473/FUL	Retention of temporary (for a period of 6 months) construction site offices, storage containers and	Granted	14.01.22

	skips on the temporary contractor car park and a revised pedestrian bridge leading to Rectory Lane, to serve the consented development on the land south of Rickstones Road (in relation to planning permission ref. 18/00947/OUT).		
23/01288/DAC	Application for approval of details as reserved by condition 6 of approved application 20/02060/OUT (allowed at appeal) - Submission of Design Code.	Partial Discharge	16.02.24
23/01555/FUL	Enabling infrastructure for the NE Witham Phase 4 development (approved under 20/02060/OUT), including: a priority junction and revised site access off Rickstones Road; section of spine road restricted to bus, taxi and motorcycle use only; sustainable drainage system; landscaping; and, all associated development.	Withdrawn	25.04.24
23/01901/VAR	Variation of Condition 27 (Relocation of 2 No. Pine Trees) of approved application 20/02060/OUT (allowed at appeal) granted 05.01.2023 Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans	Granted with S106 Agreement	29.02.24

	way, a bus, cycle and pedestrian connection to Rickstones road, sustainable drainage systems, landscaping and all associated infrastructure and development. Variation would allow the condition to read 'Concurrent with the submission of reserved matters for layout or landscaping under Condition 1 of this decision, a plan shall be submitted identifying the location, type and size of four new trees to be planted on the site to compensate for the removal of the two Pine trees identified as T93 & T94 in 'The Proposed Tree Management Location Details Based on Outline Plan' (SES, 24 Nov 2021). The plan shall include details of a five-year aftercare package for these new trees. The plan shall subsequently only be implemented in accordance with the approved details.		
23/03049/DAC	Application for approval of details as reserved by condition 6 of approved application 20/02060/OUT (allowed at appeal) - Submission of Self Build Design Code.	Granted	16.02.24
24/00697/REM	Application for the approval of Reserved Matters (Access, Appearance, Landscaping, Layout, Scale) for 225 dwellings (including 69 Affordable Homes); public	Pending Consideration	

	open space (including sports pitches and facilities, equipped area for play, parkland and other greenspace); an all-vehicle access from Evans Way, a bus turning loop on-site; cycle and pedestrian connections to Rickstones Road; sustainable drainage systems; landscaping; and associated infrastructure and development pursuant to outline planning permission 20/02060/OUT granted 05.01.2023 and as varied by application 23/01901/VAR for: Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans Way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development.		

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2N: Phase 4 Land at Rectory Lane Rivenhall Reserved Matters Planning Decision

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.:	24/00696/REM	**Date Received:**	28th March 2024

APPLICANT:
Miss Catherine Williams
Bellway Homes Limited
C/o Agent

AGENT:
Mr Olivier Spencer
Andrew Martin - Planning Limited
Town Mill
Mill Lane
Stebbing
Dunmow
CM6 3SN

DESCRIPTION:
Application for the approval of Reserved Matters (Access, Appearance, Landscaping, Layout, Scale) for 225 dwellings (including 69 Affordable Homes); public open space (including sports pitches and facilities, equipped area for play, parkland and other greenspace); an all-vehicle access from Evans Way; a vehicular access from Rickstones Road and section of spine road on-site restricted to bus, motorcycle and taxi use only; cycle and pedestrian connections to Rickstones Road; sustainable drainage systems; landscaping; and associated infrastructure and development pursuant to outline planning permission 20/02060/OUT granted 05.01.2023 and as varied by application 23/01901/VAR for: Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans Way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development.

LOCATION:
Phase 4, Land North East Of Rectory Lane, Rivenhall, Essex

APPROVED PLAN(S):

Plan Description	Plan Ref	Plan Version
House Types	P22-3095_02G | AUG 2024	N/A
Noise Details	2002472-R01A	July 2024
Other	LSUK.24-0413_FBRA-03/06/2024	Ball Strike Assessment
Location Plan	P22-3095-DE-001-A-09	N/A
Play Area Plan	PR180-03	C
Landscape Plan	PR180-06 A	SE SuDS Planting Plan
Landscape Specification	PR180-17	N/A
Section	P22-3095-DE-001-A-34	N/A
Lighting Plan	ECC-23-565-4-1300-005	N/A

Planning Decision Notice

	REV 2	
Lighting Plan	ECC-23-565-4-1300-006 REV 2	N/A
Lighting Plan	ECC-23-565-4-1300-007 REV 2	N/A
Lighting Plan	ECC-23-565-4-1300-008 REV 2	N/A
Lighting Plan	FEBRUARY 2024 (REV 1)	LIGHTING DESIGN CONSIDER
Lighting Plan	9th Feb 2024	OUTDOOR LIGHTING REPORT
Arboricultural Report	Arboricultural Note - Condition 27	30/01/24
Biodiversity Details	J002201 REV.A	Biodiversity Enhancement
Highway Plan	2002472-003	B
Highway Plan	2002472-016	N/A
Enclosures etc	P22-3095_DE_001_20	N/A
Materials Details	P22-3095_DE_001_A_27-1	N/A
Parking Strategy	P22-3095_DE_001_B_08	Bus Gate
Refuse Information	P22-3095_DE_001_B_10	N/A
Height Parameters Plan	P22-3095_DE_001_B_11	N/A
Boundary Treatment	P22-3095_DE_001_C_12	N/A
Movement and Permeability Plan	P22-3095_DE_001_B_13	N/A
Garden Study	P22-3095_DE_001_B_14	N/A
Solar Panel Plans	P22-3095_DE_001_B_16	N/A
Electric Vehicle Charging Points Plan	P22-3095_DE_001_B_17	N/A
Tenure Plan	P22-3095_DE_001_B_18	N/A
Other	P22-3095_DE_001_B_19 Bus Gate	Character Area Plan
Site Layout	P22-3095_DE_001_Y_02	N/A
Conveyance Plan	P22-3095_DE_001_Y_32	Bus Gate
Proposed Elevations and Floor Plans	P22-3095_DE_008_D_21	Pavilion
Planning Layout	P22-3095_EN_002 REV.G	Sports Park Layout Opt 1
Landscaping	PR180-02.1 REV.D	Sheet 1
Landscaping	PR180-02.2 REV.D	Sheet 2
Other	PR180-04 REV.A	Extended Allotment Plan
Other	PR180-05 REV.B	SW SuDS Planting Plan
Other	PR180-07 REV.C	Native Thicket Hedge
Landscape Plan	PR180-08.1 REV.D	N/A
Landscape Plan	PR180-09 REV.C	N/A

Landscape Plan	PR180-10 REV.C	N/A
Landscape Plan	PR180-11 REV.C	N/A
Landscape Plan	PR180-12 REV.C	N/A
Landscape Plan	PR180-13 REV.C	N/A
Landscape Plan	PR180-14 REV.D	N/A
Landscape Plan	PR180-18.1 REV.B	N/A

DECISION:
The Braintree District Council as local planning authority has considered your application and hereby gives notice of its decision to **APPROVE** reserved matters in accordance with outline planning permission, ref: 23/01901/VAR granted on 29 February 2024 subject to the following conditions and reasons:

Condition 1
The development hereby permitted shall only be implemented in accordance with the Approved plan(s) / document(s) listed above, except as follows:

- The Wooden Bollards as shown on Drawing Number P22-3095_DE_001_ _ 20 (Enclosure Details) are not approved.

Prior to above ground development, drawings providing alternative details for the elements listed above shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: For the avoidance of doubt and in the interests of proper planning, and in respect of the wooden bollards, the design should be amended to provide a more robust and long lasting specification.

Condition 2
No development above ground level shall take place unless and until additional drawings that show details of the Solar Photovoltaic Panels to be used on each dwelling by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. The elevational drawings will include details that show the precise location and number of panels that will be installed on each dwelling. Development shall be implemented in accordance with the approved details and the Solar Photovoltaic Panels approved for each dwelling have been installed on the dwelling they will serve prior to the first occupation of the dwelling.

Reason: To ensure that the detail of the panels and the arrangement of the fitting is not detrimental to the character and appearance of the area.

Condition 3
No development above ground level shall take place unless and until additional drawings that show details of proposed new eaves, verges and ridges to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be

permanently retained as such.

Reason: To ensure that the detail has the traditional appearance required for the traditional architecture that has been used in the design of the dwellings.

Condition 4
No development above ground level shall take place unless and until details of any meter cupboards to be fitted on the external front and side (if a corner plot) elevations of the dwelling(s) hereby approved, details of the location, design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 5
No construction above ground level on the Sports Park Pavilion Building shall take place unless and until additional drawings and details that show details of proposed roller shutters to be fitted to all the doors and windows of the building by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the installation of shutters provides suitable protection against damage without being detrimental to the appearance of the building.

Condition 6
No construction above ground level on the Sports Park Pavilion Building shall take place unless and until details of fences / walls identified as being necessary in the Football Ball Strike Assessment (produced by LaboSport, dated 03/06/24) have been 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 first use of the Sports Park by the public.

Reason: In order to secure the satisfactory development of the site and allow the pitches to be used in the manner that is intended, limiting the loss of footballs and in the interests of personal safety.

Condition 7
All service intakes to dwellings (apart from gas), including soil and waste plumbing, shall be run internally and not visible on the exterior.

Reason: To ensure that the buildings are attractive and not cluttered and the development does not prejudice the appearance of the locality.

Condition 8
Prior to the first occupation of each dwelling details of the EV charging unit to be installed shall be submitted to and approved in writing by the Local Planning Authority. The approved EV charging unit shall be installed in accordance with the locations indicated on the EV Charging Plan Bus Gate - Darwing P22-3095_DE-001_B_17 Rev I and be available for use prior to the first occupation of the dwelling that it will serve.

Reason: To provide future residents with the opportunity to charge an electric vehicle, reducing reliance on vehicles powered by fossil fuels and thereby reducing vehicle emissions and using more sustainable forms of energy.

Condition 9
Ventilation systems to prevent overheating and sound insulation to meet BS8233 Table 4 noise levels, WHO LAmax, nighttime limit of 45dB(A) in bedrooms and agreed guideline values in external garden areas shall be implemented prior to occupation of each dwelling.

Prior to occupation of the dwellings identified as requiring mitigation on Figure 8.1 of the Noise Assessment (Ardent, Ref 2002472-R01A), details including appropriate post completion validation, shall be submitted to and approved in writing by the Local Planning Authority which confirm that the specification of mechanical ventilation provides adequate air flow and heat removal where necessary for habitable rooms to prevent over heating (using thermal modelling/assessment) and in turn do not raise noise levels to above BS8233 Table 4 room noise levels nor in excess of LAmax 45dB(A) in any dwelling.

Reason: To ensure that future residents are provided with appropriate noise mitigation in order that they are not exposed to excessive noise or put at risk of suffering over-heating.

Positive and Proactive Statement

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.

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

Braintree District Local Plan 2013 – 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
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LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP73	Renewable Energy Schemes
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

Dated: 23rd August 2024 Signed: 

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

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) 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.

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2 O: Phase 4 Land at Rectory Lane Rivenhall completed site proforma

Braintree District Council Planning Policy

Housing Land Supply Review 2023/2024

Braintree District Housing Trajectory Questionnaire

The Council is subject to the Freedom of Information Act 2000 and Environmental Information Regulations 2004, and laws concerning the protection of personal information. If you consider that any of the information that you provide as part of your response is commercially sensitive or personal information, please identify it as such in Question 6a and please explain in question 6b how disclosure would be detrimental to your organisation. The Council cannot guarantee non-disclosure of this information, but will apply any relevant exemption where one is clearly engaged.

SITE SUMMARY (completion by BDC)	
Site Reference:	TR121
Site:	Phase 4 Land at Forest Road Rivenhall
Ownership: (eg. Housebuilder, developer, landowner)	landowner
Contact details	Bellway Homes, fao Catherine Williams Bellway House 1 Cunard Square Townfield Street Chelmsford Essex CM1 1AQ
Planning status: e.g. allocation, outline permission, detailed permission, resolution to grant planning permission)	Outline permission granted on appeal 05.01.2023 (ref 20/02060/OUT).
Braintree District Council assessment of progress towards delivery of this site based on our current knowledge:	Design Code approved 16 February 2024 under Discharge of conditions applications 23/01288/DAC, and 23/03049/DAC for the Self Build plots design code. PPA negotiated for Reserved Matters, 23/70001/PPA. Variation application approved 29.02.2024 for proposed planting of four new trees, rather than the relocation of 2 existing trees on site, 23/01901/VAR. Reserved Matters submitted 28 March 2024 for a) 225 homes, and b) (in a separate submission) the 5 self build/custom build homes.
To be completed by BDC:	
Total site capacity	230, 225 + 5 self build/custom build
Total completed at March 2023	0
Total outstanding at March 2023	230, as above
Qualify for 5YS2028: Yes/No 5YS forecast 2023-2028:	Yes

.....

Continued overleaf: Pages 2-4 for completion by site development representative

For completion by site development representative:

SECTION 1: CONFIRMATION OF SUMMARY SITE DETAILS		
1a	**Please confirm if the site details set out by the Council above, including the Council's assessment, are correct. If not, please provide update details.**	YES

SECTION 2: AVAILABILITY:		
2a	**Is the site currently available for development? Please indicate, is the site in the control of a developer, or a site promoter**	YES
2b	**If not, why not?** *e.g. is there an existing use on site?*	
2c	**If the site is not available yet, when will it become available**	
2d	**Are you still undertaking site assessment work? If so, please give further details.**	
2e	**When do you plan to submit a Reserved Matters application?**	Reserved Matters submitted 28 March 2024

SECTION 3: ACHIEVABILITY	
(defined as having a realistic prospect that housing will be delivered on site within 5 years)	
Are there current barriers delaying/preventing development? Please explain what they are and how/when they will be overcome.	NO

SECTION 4: DELIVERY TIMETABLE AND HOUSING TRAJECTORY		
4a	**When do you estimate work on site will start?**	JAN 25 (SUBJECT TO ACQUIRING THE SITE)
4b	**When do you estimate you will deliver the first housing completions?**	APRIL 26
4c	**When do you estimate you will complete development of the site?**	APRIL 2030
4d	**Please complete the Housing Trajectory Table (see final page) with details of forecast housing completions by year**	**See final page**
4e	**Any additional comments you wish to make**	

SECTION 5: DECLARATION		
I confirm that the information provided is correct to the best of my knowledge:	**Name: CATHERINE WILLIAMS**	**Signature:** 

6: COMMERCIALLY SENSITIVE INFORMATION	
6a	**Have you provided information that you would regard as commercially sensitive? If yes, please specify which answers this applies to. NO**
6b	**Please explain how disclosure of this information would be detrimental to your organisation.**

4e: HOUSING TRAJECTORY TABLE: FORECAST COMPLETIONS BY YEAR

Please complete the housing trajectory table below with details of your anticipated housing completions in future years:

Please note: All years are based on financial years i.e. 1 April to 31 March. If you can only provide a forecast based on a different period, eg January to December by year, please make this clear in the response. If only total completions forecasts is possible by year (i.e. with no market/affordable split) then please provide that.

	2023-2024	**2024-2025**	**2025-2026**	**2026-2027**	**2027/2028**	
Current best estimate of **MARKET DWELLING COMPLETIONS**	0	0	0	48	48	
Current best estimate of **AFFORDABLE DWELLING COMPLETIONS**	0	0	0	20	30	
= **TOTAL DWELLINGS** (market + affordable)	0	0	0	68	68	
	2028-2029	**2029-2030**	**2030-2031**	**2031-2032**	**2032-2033**	**Post 31.03.2033**
Current best estimate of **MARKET DWELLING COMPLETIONS**	48	12				
Current best estimate of **AFFORDABLE DWELLING COMPLETIONS**	19					
= **TOTAL DWELLINGS** (market + affordable)	67	12				

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2P: Phase 4 Land at Rectory Lane Rivenhall commencement notification

Ref. 20/02060/OUT

FAO: Head of Asset Management
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

[By email and post]

Bellway Homes Limited
Essex Division
Bellway House
1 Cunard Square
Townfield Street
Chelmsford
Essex
CM1 1AQ

Telephone 01245 259989

Fax 01245 259996

DX 121935 Chelmsford 6

14/01/2025

Dear Sir/Madam,

Re: Commencement Notice pursuant to paragraph 4.2.1 of the S106 Agreement for Outline Planning Permission 20/02060/OUT relating to Phase 4, Land North East of Rectory Lane, Rivenhall, Essex

I write with regard to the above-mentioned site and, in particular, commencement of works in accordance with Reserved Matters approval Ref. 24/00696/REM.

In line with the s106 Agreement, Bellway Homes are required to serve notice on the Council not less than 20 working days of the anticipated date of commencement of development.

Accordingly, I note that Bellway intends to commence works on site on 7th February 2025.

I look forward to receiving confirmation of receipt of this notice.

Yours faithfully

BELLWAY HOMES LIMITED (ESSEX DIVISION)

Anna Light
Planner

Bellway is proud to be supporting Cancer Research UK as their charity of the year.

Registered Office: Bellway Homes Limited, Woolsington House, Woolsington, Newcastle upon Tyne, NE13 8BF. Registered in England Number 670176
Bellway Homes Limited is a member of the Bellway p.l.c. Group of Companies

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2Q: Boars Tye Road Silver End Planning Performance Agreement

Green Lodge Halstead Hall Braintree Road Greenstead Green

LPA Ref: 22/02211/FUL; PINS Ref: APP/Z1510/W/24/3346178

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 16B: Boars Tye Road Silver End Planning Performance Agreement Project Plan

Braintree District Council

Planning Performance Agreement (PPA)

Planning Performance Agreement (PPA) between: Braintree District Council (BDC) and Bellway Homes Ltd	
PPA Reference:	24/70009/PPA
Site:	Land West Of Boars Tye Road, Silver End, Essex
Dated:	2nd July 2024

Agreement

BDC and the Applicant hereby agree to the content of this Project Programme.

Braintree District Council	
Name:	Christopher Paggi
Position:	Planning Development Manager
Signature: (On Behalf of BDC)	
Date:	

Applicant	
Name:	Catherine Williams
Position:	Regional Planning Director
Signature: (On Behalf of Applicant)	
Date:	

Braintree District Council

Appendix 1: Project Programme

BDC and the Applicant shall work to ensure that the consideration of the proposal is progressed in accordance with the Project Programme set out below (unless a variation to the Project Programme is agreed in writing in accordance with the Planning Performance Agreement).

Project Programme

Date	Meeting / Milestone	BDC Officers Required
28th February 2024	1st Meeting Pre-App meeting (General overview and discussion. Agreement of Pre-App work programme)	• Case Officer • Design Officer
21st May 2024	2nd Meeting Pre-App meeting (Review and discussion re detailed layout and house type design)	• Case Officer • Design Officer • Highway Officer
27th June 2024	3rd Meeting Pre-App Meeting (Review and discussion re elevations, detailed design, and landscaping) (Landscape plans to be provided circa 10th June to allow external consultant time to review them prior to this meeting)	• Case Officer • Design Officer • External Landscape Consultant
29th July 2024	4th Meeting (Pre-App Meeting Review and discussion re elevations, detailed design, and landscaping) (All plans/documentation to be provided by 22nd July)	• Case Officer • Design Officer • External Landscape Consultant • Highway Officer
27th August 2024	**Planning Members Forum** (Applicant to present scheme to Members prior to the formal submission of the application)	• Case Officer • Planning Development Manager

	Copy of Briefing Note to be provided to BDC by 9th August) Copy of presentation to be provided to BDC by 23rd August)	
Mid- Sept 2024	Electronic submission of Reserved Matters Application by the Applicant team Within 3 working days of submission of application Assessment of application for validation and confirmation of validation, or outstanding validation requirements	• Case Officer
w/c 28th October 2024	5th Meeting 1st Post Application meeting (General overview and discussion on any key consultation responses)	• Case Officer • Design Officer • External Landscape Consultant • Housing Enabling Officer
TBC	Applicant team to work-up and submit any revised drawings (if necessary)	• N/A
TBC	Amended plans submitted and sent out for re-consultation (if necessary)	• Case Officer
TBC	6th Meeting 2nd Post Reserved Matters Application meeting (To address any outstanding matters and agree draft conditions-Assumes no amendments required)	• Case Officer
TBC	7th Meeting – Reserved meeting	• Case Officer
TBC	8th Meeting – Reserved meeting	• Case Officer
3rd January 2025	Deadline for Draft Committee Report	• Case Officer

17th January 2025	Publication Deadline for Committee Report (subject to all issues being resolved)	• Case Officer • Planning Development Manager
28th January 2025	**Planning Committee** (Target Committee Date)	• Case Officer
24th January 2025	Deadline for Draft Committee Report	• Case Officer
7th February 2025	Publication Deadline for Committee Report (subject to all issues being resolved)	• Case Officer • Planning Development Manager
18th February 2025	**Planning Committee** (Reserve Committee Date)	• Case Officer
14th February 2025	Deadline for Draft Committee Report	• Case Officer
28th February 2025	Publication Deadline for Committee Report (subject to all issues being resolved)	• Case Officer • Planning Development Manager
11th March 2025	**Planning Committee** (Reserve Committee Date)	• Case Officer
By COP 21st March 2025	Issue Decision	• Case Officer • Planning Development Manager

Braintree District Council

Appendix 2: Site Location Plan



Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2R: Boars Tye Road Silver End Reserved Matters Planning Statement

Planning Statement

Reserved Matters Application for 94 dwellings, public open space, SuDS, landscaping and associated infrastructure and development

on behalf of

Bellway Homes

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at

Land west of Boars Tye Road, Silver End

November 2024 | AM-P Ref: 24008

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Appendix 1 – Silver End Housing Mix Assessment (July 2024), prepared by Lichfields

DOCUMENT CONTROL SHEET

DATE	ORIGINATORS	APPROVED
27/11/2024	OS	IB

Distribution and Limitations

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of Andrew Martin – Planning Limited; we accept no responsibility of liability for the consequences of this document being used for a purpose other than for which it was commissioned.

1.0 INTRODUCTION

1.1. This Planning Statement has been prepared by Andrew Martin – Planning Limited (AM-P) on behalf of Bellway Homes Limited. It supports a reserved matters application for 94 dwellings, public open space, SuDS, landscaping and associated infrastructure and development, on land west of Boars Tye Road, Silver End.

1.2. Outline planning permission (ref. 21/00850/OUT) was granted on appeal for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure in January 2023. The outline permission also included details of vehicular and pedestrian access onto Boars Tye Road. The current application seeks consent for the four outstanding 'reserved matters', namely appearance, landscaping, layout and scale.

1.3. This Planning Statement explains and justifies the proposal in planning terms. The following sections of this Statement:

1. Provide an introduction to the Applicant and the Application Site;
2. Describe the main elements of the Proposed Development;
3. Review the relevant national and local planning policies;
4. Review the planning history at the Application Site;
5. Assess the key planning merits of the scheme, in accordance with the statutory development plan and other material considerations; and
6. Conclude and provide a justification for the Proposed Development.

1.4. The Planning Statement also addresses the following planning conditions contained on Decision Notice 21/00850/OUT, as summarised in Table 1.1 below.

Table 1.1 – Summary of where matters are considered in this Planning Statement

Condition	Subject	Requirement	Paragraphs in this Statement
1	Reserved Matters	Details of appearance, landscaping, layout, and scale (hereinafter called "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.	5.6-5.12 5.25-5.31
3	Approved Plans	The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 19.1396.100; Access Plan W961_PL_SK_202 rev D.	5.13-5.18
4	Landscaping	The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. These details shall include: tree types and sizes; plant numbers and siting; soil specification; seeding and turfing treatment; colour and type of material for all hard surface areas and method of laying; minor artefacts and structures (e.g. street furniture, signs and lighting).	5.25-5.31
6	Biodiversity Enhancement Plan	Prior to the commencement of above slab work a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance (where relevant).	5.35

Condition	Subject	Requirement	Paragraphs in this Statement
7	Landscape Ecological Enhancement Plan	Prior to the occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the 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 organisation responsible for implementation of the plan; h) ongoing monitoring and remedial measures. The LEMP shall 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 bodies) 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 shall be implemented and maintained in accordance with the approved details.	5.36
9	Refuse	The appearance, layout and scale details required by Condition 1 of this permission shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.	5.70-5.72
10	Drainage Scheme	Prior to the commencement of the proposed development hereby permitted, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, must be submitted to and approved in writing by the Local Planning Authority. The scheme should include: • Limiting discharge rates to 1.9l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated; • 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 all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event; • Rainwater reuse should be utilised as much as feasibly possible; • Final modelling and calculations for all areas of the drainage system; • The appropriate level of treatment for all runoff leaving the site, in line	5.49-5.51

Condition	Subject	Requirement	Paragraphs in this Statement
		with the Simple Index Approach in chapter 26 of 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 the occupation of the development hereby permitted.	
15	Residential Travel Plan	Prior to the commencement of the development hereby permitted a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented for a minimum period of 1 year from first occupation of the development.	5.19-5.21
19	Air Quality	Prior to the commencement of the development hereby permitted an Air Quality Assessment shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The assessment shall be in accordance with current guidance Land Use Planning and Development Control: Planning for Air Quality (Institute of Air Quality Management) or equivalent. The report shall present details of how any adverse effects will be offset, and where necessary the development shall be carried out in accordance with the outcomes of this report.	5.67-5.69
20	Noise	In conjunction with the submission of reserved matters pertaining to layout a noise assessment in relation to the adjacent commercial use shall to submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the recommendations of the noise assessment report and shall thereafter be retained in the approved form.	5.62-5.66

1.5. The plans and documents submitted with the reserved matters application are listed in Table 1.2 below.

Table 1.2 – List of Submitted Plans and Documents

Plan / Document Title	Drawing No. / Date	Revision
Application Forms	November 2024	
Site Location Plan	24.1893.001	-
Existing Block Plan	24.1893.002	-
Proposed Site Layout (Colour)	24.1893.101	AK
Proposed Site Layout (Black & White)	24.1893.101	AK
Parking Layout Plan (inc. EV Charging Points)	24.1893.2000	C
Storey Heights Plan	24.1893.2010	C
Materials Plan	24.1893.2030	E
Garden Areas Plan	24.1893.2040	H
Refuse Strategy Plan	24.1893.2050	D
Housing Tenure Plan	24.1893.2060	D
Housetype Distribution Plan	24.1893.2070	C
Illustrative Street Scene A-A	24.1893.3000	E
Illustrative Street Scene B-B	24.1893.3001	E

Plan / Document Title	Drawing No. / Date	Revision
Illustrative Street Scene C-C	24.1893.3002	E
Illustrative Street Scene D-D	24.1893.3003	E
Schedule of Accommodation	1893.SOA	AI
Plan & Elevations – Stationer & Bookbinder V1	24.1893.4000	A
Plan & Elevations – Stationer & Bookbinder V2	24.1893.4001	A
Plan & Elevations – Woodcarver V2	24.1893.4051	B
Plans – 2B 4P Bungalow V1	24.1893.4150	A
Elevations – 2B 4P Bungalow V1	24.1893.4151	A
Plan & Elevations – 2B 4P Bungalow V2	24.1893.4152	B
Plans & Elevations - Coiner	24.1893.4200	A
Plans & Elevations – Baker V1	24.1893.4250	A
Plans & Elevations – Baker V2	24.1893.4251	A
Plans & Elevations – Tillman V1	24.1893.4300	A
Plans & Elevations – Tillman V2	24.1893.4301	-
Plans & Elevations – Ostler V1	24.1893.4350	A
Plans & Elevations – Ostler V2	24.1893.4351	A
Plans & Elevations – Ostler V3	24.1893.4352	A
Plans & Elevations – Ostler V4	24.1893.4353	-
Plans & Elevations - Crittall	24.1893.4400	A
Plans – Mason V1	24.1893.4450	-
Elevations – Mason V1	24.1893.4451	A
Plans – Mason V2	24.1893.4452	A
Elevations – Mason V2	24.1893.4453	A
Plans – Mason V3	24.1893.4454	-
Elevations – Mason V3	24.1893.4455	-
Plans – Mason V4	24.1893.4456	B
Elevations – Mason V4	24.1893.4457	A
Plans & Elevations – Mason V5	24.1893.4458	-
Plans – 3B 5P Bungalow	24.1893.4500	A
Elevations – 3B 5P Bungalow	24.1893.4501	B
Plans – Brazier V1	24.1893.4550	-
Elevations – Brazier V1	24.1893.4551	-
Plans – Brazier V2	24.1893.4552	-
Elevations – Brazier V2	24.1893.4553	-
Plans – Caulker V1	24.1893.4600	A
Elevations – Caulker V1	24.1893.4601	A
Plans – Weaver V1	24.1893.4650	-
Elevations – Weaver V1	24.1893.4651	-
Plans – Weaver V2	24.1893.4652	-
Elevations – Weaver V2	24.1893.4653	-
Plans – Weaver V3	24.1893.4654	-
Elevations – Weaver V3	24.1893.4655	-
Plans – Jeweller V3	24.1893.4704	B
Elevations – Jeweller V3	24.1893.4705	B
Plans – 2B 4P Maisonette	24.1893.4750	-
Elevations – 2B 4P Maisonette	24.1893.4751	A
Plans & Elevations – 4B 7P HA Unit	24.1893.4800	A
Plans & Elevations – Proposed Garages	24.1893.7000	A
LEAP Play Area Plan	CSA/6920/104	
Allotment Proposals	CSA/6920/105	
Hard Landscape Proposals Sheet 1 of 3	CSA/6920/106	
Hard Landscape Proposals Sheet 2 of 3	CSA/6920/107	
Hard Landscape Proposals Sheet 3 of 3	CSA/6920/108	
Soft Landscape Proposals – Sheet 1 of 3	CSA/6920/109	
Soft Landscape Proposals – Sheet 2 of 3	CSA/6920/110	

Plan / Document Title	Drawing No. / Date	Revision
Soft Landscape Proposals – Sheet 3 of 3	CSA/6920/111	
Landscape Masterplan	CSA/6920/112	
Landscape Amenity Areas Plan	CSA/6920/113	
Design & Access Statement	December 2024	
Planning Statement	November 2024	
Surface Water Drainage Statement including: - Proposed Drainage Plan - Proposed Levels Plan - Drainage Construction Details Sheets 1 to 6	2400591-R03, November 2024	
Arboricultural Impact Assessment	November 2024	
Statement of Community Involvement	October 2024	
Technical Transport Note inc.: - Stage 1 RSA and Designers Response - Proposed Pedestrian Crossing Drawing - Proposed Access Arrangements Drawing - Adoption and Visibility Splay Plan - Swept Path Analysis Plan	2400591-R01, November 2024	
Noise Impact Assessment	November 2024	03
Air Quality Assessment	October 2024	01
Residential Travel Plan	2400591-R02, November 2024	
Biodiversity Enhancement Plan	CSA/6920/103	
LEMP	CSA/6920/02, November 2024	

THE APPLICANT

1.1 The Applicant is Bellway Homes Limited, one of the UK's largest house builders. Bellway's homes are designed, built and marketed by local teams operating from regional offices. Bellway is committed to building houses that respond to the local vernacular, rather than standard house types. Bellway is already involved in a number of local development projects in Chelmsford, Colchester, Halstead, Cressing and Witham / Rivenhall.

THE APPLICATION SITE

1.2 The land west of Boars Tye Road (hereafter referred to as 'the Application Site') is situated immediately adjacent to the northern edge of the village of Silver End and is 5.32 hectares (ha) in size, as shown on the accompanying Site Location Plan.

1.3 The Application Site is bounded by Boars Tye Road to the northeast, the Old Slaughterhouse site to the southeast, existing homes off Broadway and Broomfield to the south, open countryside to the west and northwest, and an auto paint workshop to the north.

1.4 The Site currently comprises agricultural land and is relatively flat, sloping slightly from west to east.

1.5 Opposite the Application Site is a row of existing residential properties, including the Grade II listed Rolph's Farmhouse. The recent Manor Grove development is also situated on the opposite side of Boars Tye Road, further to the southeast, and includes a 2-metre-wide footway leading into the village.

1.6 The Application Site is located less than a 1 km walk from the existing facilities in Silver End, including a Co-op foodstore, pharmacy, several other shops and hot food takeaways, GP surgery, care home, library and village hall, memorial gardens, bowls club, skate park and sports pitches.

1.7 The no. 38 bus service can be accessed from the unflagged bus stops immediately in front of the Application Site. These provide a half hourly service Monday to Saturday and link the Site to higher order centres such as Halstead, Braintree and Witham. Regular mainline train services are available from Witham railway station and connect this part of the District to Norwich, Ipswich, Colchester, Chelmsford and London.

1.8 Developed between the mid-1920s and early-1930s by Francis Crittall, Silver End is a model garden village built in a modern / art deco architectural style. The village and its amenities were built to provide homes and a community for the employees of the Crittall window factory, which was located in the centre of the village. Although the factory closed in 2006 and was largely demolished in 2008, the Crittall commissioned houses, public buildings and spaces located in the heart of the village retain their original character and are protected as a designated Conservation Area. The Application Site is located approximately 500 metres to the north of the Conservation Area boundary.

2.0 PROPOSED DEVELOPMENT

2.1 The Proposed Development comprises:

> *"Reserved matters application seeking approval for appearance, landscaping, layout and scale, in accordance with planning permission 21/00850/OUT, for 94 dwellings (including 37 affordable homes), public open space including local equipped area for play and allotments, sustainable drainage systems, landscaping and associated infrastructure and development. Details also provided in respect of hard and soft landscaping (Condition 4), biodiversity enhancement plan (Condition 6), LEMP (Condition 7), refuse storage and collection (Condition 9), drainage (Condition 10), residential travel plan (Condition 15), air quality (Condition 19) and noise (Condition 20)."*

RESIDENTIAL

2.2 The Proposed Development incorporates 94 dwellings of which 37 will be affordable homes, with a 70:30 split of affordable rent to shared ownership. The proportion, split and mix of affordable homes set out in Table 2.1 below accords with the requirements in the signed s106 agreement and subsequent advice received from Braintree District Council's (BDC's) housing officer in February 2024. Furthermore, the market housing mix is broadly consistent with the needs identified in BDC's Strategic Housing Market Assessment (SHMA) (2015).

2.3 The Proposed Development comprises the following mix of dwelling types and sizes.

Table 2.1 – Proposed Housing Mix

Dwelling	Bedrooms	People	Study	Storey	Floor space (sqm)	NDSS (sqm)	Tenure		
							Market	Afforda-ble Rent	Shared Ownership
Stationer (GF Maisonette)	1	2	×	1	50	50		4	
Bookbinder (FF Maisonette)	1	2	×	1	51	50		4	
Woodcarver	2	4	×	1	76	70		2	2
Baker	2	4	×	2	81	79		3	2
GF Maisonette	2	4	×	1	70	70			1
FF Maisonette	2	4	×	1	75	70			1
Bungalow M4(3)	2	4	×	1	80	70		2	
Bungalow M4(3)	3	5	×	1	107	86		2	
Tillman	3	5	×	2	95	93		7	5
HA4B7P	4	7	×	2	124	115		2	
Coiner	2	4	×	2	81	79	4		
Bungalow M4(3)	2	4	×	1	80	70	3		
Ostler	2	4	✓ (FF)	2	95	79	9		
Crittall	2	4	✓ (FF)	2	95	79	1		
Mason	3	5	×	2	98	93	13		
Brazier	3	5	✓ (FF)	2	113	93	5		
Caulker	3	5	✓ (FF)	2	126	93	10		
Weaver	4	8	×	2	157	124	7		
Jeweller	4	7	✓ (GF)	2	161	115	5		
						Total	57	26	11

Note: GF – Ground Floor. FF – First Floor

2.4 The Proposed Development includes 30 dwellings with a dedicated study / home workspace, which equates to 32% of the total number of dwellings and will help to address the need for such space following the significant increase in home and hybrid working since the Covid-19 pandemic.

2.5 The majority of the proposed buildings are two storeys in height – comprising either two-storey houses or two-storey buildings with ground floor and first floor maisonettes, each with their own ground floor entrance. However, the housing mix also includes single storey affordable and market bungalows.

2.6 All of the affordable and market dwellings comply with the minimum standards set out in the Nationally Described Space Standards (NDSS) and several of the dwellings exceed those standards by a significant proportion. Notably the following affordable dwellings exceed the NDSS standards by between 7% and 24%: Woodcarver (9%); FF Maisonette (2B4P) (7%); M4(3) Bungalow (2B4P) (14%); M4(3) Bungalow (3B5P) (24%); and, HA4B7P (8%). While the following market dwellings exceed the NDSS standards by between 5% and 40%: M4(3) Bungalow (2B4P) (14%); Ostler (20%); Crittall (20%); Mason (5%); Brazier (22%); Caulker (35%); Weaver (27%); and, Jeweller (40%).

2.7 All of the affordable ground floor maisonettes and houses have been designed to comply with Part M4(2) (accessible and adaptable dwellings) and all of the affordable wheelchair user bungalows have been designed to comply with Part M4(3) (wheelchair accessible) of the Building Regulations. In addition, at least 10% of the market dwellings comply with Part M4(2) or Part M4(3).

2.8 The Garden Areas Plan demonstrates that each:

- one or two-bedroom maisonette has at least 25 sqm of communal or private garden;
- two-bedroom house or bungalow has a private rear garden of at least 50 sqm; and
- three or four-bedroom house or bungalow has a private rear garden of at least 100 sqm.

2.9 Furthermore, the majority of the two-bedroom dwellings with first floor studies (i.e. Ostler and Crittall dwellings) have been designed with private rear gardens of at least 100 sqm, in case some homeowners decide to try to use their study as a third bedroom.

2.10 The detailed design, appearance and materials of the proposed dwellings reflects the best elements of Silver End and the Conservation Area. Further information on the design and appearance of the dwellings is set out in the Design & Access Statement that accompanies this application.

PUBLIC OPEN SPACE

2.11 The Proposed Development includes a total of 1.54 ha of public open space and greenspace, excluding the surface water attenuation basins. This equates to 29% of the total application area and includes:

- 0.06 ha for a local equipped area for play (LEAP) on the northern part of the site;
- 0.14 ha of allotments and associated parking on the southern part of the site; and
- 1.34 ha of informal public open space along the northwestern, northeastern and eastern boundaries of the site.

2.12 This proposed provision is consistent with that indicated at the outline stage and required in Schedules 3 and 4 of the signed s106 agreement.

2.13 During pre-application discussions with BDC the LEAP was proposed to be located on the eastern side of the development, but the final design now incorporates this on the northern part of the site, near the site entrance. The reasons for this change in the layout are explained in paragraph 5.24 of this Statement.

DRAINAGE

2.14 Surface water will be managed via a sustainable drainage system (SuDS), covering approximately 0.32 ha, which treats surface water on-site and then releases it into the receiving watercourse at a greenfield runoff rate for all storms up to and including the 1 in 100-year event, plus an additional 45% allowance for climate change.

2.15 The Drainage Statement confirms that the SuDS network will utilise three new detention basins, located near the site frontage with Boars Tye Road, to provide attenuation, water quality treatment, amenity and biodiversity. The hardstanding areas of the development will drain through two basins before discharging into the diverted ditch / ordinary watercourse that runs adjacent to Boars Tye Road. The basins will be vegetated and the soil surface can absorb some runoff, and therefore support the prevention of surface water runoff from the Application Site.

ACCESS

2.16 Vehicular and pedestrian access was approved in detail at the outline stage. This is shown on the approved Access Plan (drawing no. W961_PL_SK_202 rev D) and comprises:

(i) a new priority junction onto Boars Tye Road, approximately midway along the Site frontage; and
(ii) a new 2-metre-wide footway leading from the priority junction, along the southern side of Boars Tye Road, towards the village.

2.17 Pedestrians will be able to cross Boars Tye Road at the eastern-most corner of the Site, via a new uncontrolled crossing point, onto the footway on the northern side of the road. This will provide a safe walking route into Silver End to access the existing services and facilities.

2.18 The approved vehicular and pedestrian access arrangements have been subject to a successful Stage 1 Road Safety Audit (RSA).

OTHER DETAILS

2.19 Further information on the proposed hedge removals necessary to facilitate the Proposed Development is set out in the accompanying Arboricultural Impact Assessment prepared by Barton Hyett Associates.

2.20 The Soft & Hard Landscape Proposals demonstrate that a combination of:

- 1.8-metre-high brick walls and close timber board fencing will be used around the periphery of the rear gardens;
- 1.8-metre-high separation fencing will be used between the rear gardens; and
- 0.6-metre-high dwarf walls or landscape planting (including hedges) will be used to delineate front gardens.

2.21 A combination of 1.1-metre-high rustic post and rail or timber post and rail fencing will also be used near the SuDS basins along the development's frontage.

2.22 Car and cycle parking will be provided on-site as shown on the accompanying Parking Layout Plan and in accordance with the Essex Parking Standards (2009). This includes:

- at least 1 allocated resident parking space for every one-bedroom dwelling and at least 2 allocated resident parking spaces for every two-bedroom (or larger) dwelling;
- at least 0.25 unallocated visitor parking spaces per dwelling, except where dwellings already provide at least 3 parking spaces on each plot; and
- at least 1 cycle parking space per dwelling, provided in garages or sheds.

2.23 The Parking Layout Plan also demonstrates how every dwelling will have access to an electric vehicle (EV) charging point.

2.24 The Applicant intends to provide solar photovoltaic (PV) generation equipment for every dwelling. The precise location, design and specification of the solar PV panels will be set out in due course and these details can be secured by planning condition.

2.25 The Refuse Strategy Plan demonstrates how waste and recycling materials will be separated, stored and collected onsite, with bin drag and collection distances that comply with the Essex Design Guide. The roads intended for refuse collection vehicles will be constructed to take a load of at least 26 tonnes.

3.0 PLANNING POLICY

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

3.2 In this case the 'development plan' comprises the Braintree Section 1 (2021) and Section 2 (2022) Local Plan. The National Planning Policy Framework (NPPF) (2023), the Essex Design Guide (2018), the Essex Parking Standards (2009) and the Braintree Open Space SPD (2009) are all material considerations.

NPPF

3.3 Revised and reissued in December 2023, the NPPF sets out the Government's planning policies for England.

3.4 Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 11 includes a presumption in favour of sustainable development which, for decision-taking, means approving development proposals that accord with an up-to-date development plan without delay.

3.5 Paragraph 60 explains that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

3.6 Paragraph 96 expects planning decisions to aim to achieve healthy, inclusive and safe places which:

(a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space; and
(c) enable and support healthy lifestyles – for example through the provision of safe and accessible green infrastructure, sport facilities, local shops, allotments and layouts that encourage walking and cycling.

3.7 Paragraph 104 advises that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

3.8 Paragraph 114 advises that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be (or have been) taken up and safe and suitable access to the site can be achieved for all users. Paragraph 115 directs 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'.

3.9 Paragraph 131 explains that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

3.10 Paragraph 135 directs that planning decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.11 Paragraph 136 expects new streets to be tree-lined and opportunities to be taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

3.12 Paragraph 137 directs that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.

3.13 According to paragraph 162, when determining planning applications local planning authorities should expect new development to:

(a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
(b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

3.14 Paragraph 173 requires all planning applications to ensure that flood risk is not increased elsewhere and paragraph 175 expects major development to incorporate SuDS on-site.

3.15 Paragraph 180 directs that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

3.16 Paragraph 191 expects planning decisions to mitigate and reduce potential adverse impacts resulting from noise to a minimum and to avoid noise giving rise to significant impacts on health and quality of life.

3.17 Paragraph 192 expects planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

PROPOSED CHANGES TO NPPF

3.18 The Government recently consulted on Proposed Changes to the NPPF and expects to published a revised version of the NPPF later this year. However, until such time that all of the consultation responses have been considered and the final revised NPPF is published, the Proposed Changes are worthy of no more than limited weight in decision making.

3.19 Furthermore, given that outline planning permission has already been granted and a s106 agreement signed for up to 94 dwellings at the Application Site, only the following Proposed Changes are relevant to the current reserved matters application:

- Paragraph 66 proposes to remove the requirement for 10% of all homes to be for affordable home ownership.
- Paragraph 94 and Section 12 proposes to remove reference to achieving 'beautiful buildings' or 'beautiful places'.

BRAINTREE LOCAL PLAN

3.20 The Braintree Section 1 Local Plan was adopted in January 2021 and followed by the Braintree Section 2 Local Plan in July 2022.

3.21 Policy SP1 confirms that development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise.

3.22 Policy SP3 explains that existing settlements will be the principal focus for additional growth across North Essex within the local plan period and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role.

3.23 Policy SP6 expects all development to be supported by the provision of infrastructure, to serve the needs arising from the development. As part of this, the local authority will work with partners to deliver: changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles; and, improved urban and inter-urban public transport and new and innovative ways of providing public transport.

3.24 Policy SP7 set outs place shaping principles and expects all new development to meet high standards of urban and architectural design. Design codes are to be prepared in consultation with stakeholders to meet this objective and development should:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect and enhance assets of historical or natural value;
- Incorporate biodiversity creation and enhancement measures;
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;
- Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;
- Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
- Provide streets and spaces that are overlooked and active and promote inclusive access;
- Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;
- Provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites;
- Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and

- Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

3.25 Policy LPP1 directs that development outside defined development boundaries will be confined to uses appropriate to the countryside.

3.26 Policy LPP31 requires 40% affordable housing provision across the District, except for sites located in or directly adjacent to Braintree (including Great Notley, Bocking and High Garrett), Witham, Halstead and Sible Hedingham. The affordable mix should reflect current local needs.

3.27 Policy LPP35 expects development to create sustainable, inclusive and mixed communities by providing a mix of house types and sizes at an appropriate density for the local area. The housing mix should be in line with the identified local need set out in the 2015 SHMA Update or its successor and all new homes should be in accordance with the NDSS. On-site amenity space should be provided in accordance with the adopted guidance – which is set out towards the end of this section. A minimum of 10% of new market homes and all new affordable homes (on ground floor level) should be Category M4(2) or Category M4(3), plus 5% of all new affordable homes should be Category M4(3)(2)(a/b).

3.28 Policy LPP42 expects sustainable transport to be facilitated through new development to promote accessibility and integration into the wider community and existing networks. Priority should be given to cycle and pedestrian movements and access to public transport. In particular, development proposals are expected to provide public transport, through measures that will improve and support public transport and provide new public transport routes.

3.29 Policy LPP43 requires development to provide vehicular and cycle parking in accordance with the Essex Parking Standards – which are set out towards the end of this section.

3.30 Policy LPP46 confirms that all new residential development must be served by a fast and reliable broad connection to the premises.

3.31 Policy LPP47 a high standard of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic areas, where development may affect the setting of listed buildings.

3.32 Policy LPP48 expects development to achieve a high standard of accessible and inclusive design to ensure that they: can be used safely, easily and with dignity by all; are convenient and welcoming with no disabling barriers; are flexible and responsive taking account of the needs of different users; and, are maintained and managed to ensure they remain inclusive.

3.33 Policy LPP50 expects all new development to provide new open spaces in line with the requirements set out in the Braintree Open Space SPD (2009) or its successor - which are set out towards the end of this section.

3.34 Policy LPP52 seeks a high standard of layout and design in all developments and encourages innovative design where possible. Planning permission should be granted where the following relevant criteria are met:

- The scale, layout, height and massing of buildings and overall elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline and the building line.
- Buildings and structures should be of high architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, but not necessarily replicate, the local architectural character.
- There shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact.



- The public realm including buildings, open areas, circulation spaces, and other townscape and landscape features shall be of a high standard of design and materials and they shall be consistent with affordable long term maintenance which is appropriate to the character and historic value of the area.
- Designs shall be sensitive to the need to conserve and enhance local features of architectural, historic and landscape importance, particularly in proximity to heritage assets.
- Development proposals will incorporate measures for environmental sustainability throughout the construction, occupation and demolition of the development; in relation to energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistant construction and the use of materials with low overall energy requirements.
- Designs shall incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised.
- Designs and layouts shall promote a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes.
- Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. Biodiversity net gain in line with the requirements of national policy through the provision of new priority habitat where appropriate is encouraged. Development layouts must be appropriately designed to accommodate structural tree and hedge planting and ensure that future interference with highway safety, roads, pavements, services and properties is minimised.
- The design and level of any lighting proposals will need to be in context with the local area, comply with national policy and avoid or minimise glare, spill and light pollution on local amenity, intrinsically dark landscapes and nature conservation.
- Use of sustainable modes of transport are promoted in the design and layout of new development.
- The development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users.
- Developments shall be legible and accessible to all and create or contribute to a coherent sense of place that is well articulated and visually interesting and welcoming.
- Developments shall be permeable and well-connected to walking and cycling networks, open spaces and facilities.
- Residential developments shall provide a high standard of accommodation and amenity for all prospective occupants.
- The provision of private outdoor amenity space shall be provided having regard to the standards set out in the Essex Design Guide, or its successor, and shall be accessible, usable and well-related to the development.

3.35 Policy LPP63 expects all development proposals to take measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity of the District. It also expects all development to contribute towards the delivery of new green infrastructure. Leading on from this, Policy LPP64 notes that proposals that result in a net gain in priority habitat will be supported in principle. Policy LPP66 expects development proposals to provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts.

3.36 Policy LPP65 sets out that trees that make a significant positive contribution to the character and appearance of their surroundings should be retained unless there is a good arboricultural reason for their removal. Trees of higher quality are a material consideration in the development process.

3.37 Policy LPP67 expects additional landscaping including the planting of native trees, hedgerows and other flora to maintain and enhance existing landscape features.

3.38 Policy LPP69 confirms that the District Council will conserve the traditional landscape and nature consideration character of the protected lanes, including their verges, banks, ditches and hedgerows.

3.39 Policy LPP70 directs that development will not be permitted where, individually or cumulatively and after mitigation, there are likely to be unacceptable impacts arising from the development in relation to general amenity and tranquillity, health and safety, air quality, noise, surface water and groundwater quality, odour or environmental quality standards.

3.40 Policy LPP71 expects applicants to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the impacts of climate change have been incorporated into their schemes.

3.41 Policy LPP72 requires all new dwellings to meet the Building Regulations optional requirement for water efficiency of 110 litres per person per day. It also expects all new residential development to include renewable and low carbon technology to provide at least a 19% improvement in energy performance over the requirements of the 2013 Building Regulations unless revised Building Regulations superseded this requirement.

3.42 Policy LPP76 expects major development proposals to incorporate SuDS.

3.43 Policy LPP77 sets out that proposals for external lighting within development will be permitted where all of the following criteria are met:

- The lighting is designed as an integral element of the development and shall be capable of adoption by the Highway Authority when it is on the public highway.
- Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls, and hours of illumination shall be controlled.
- The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky.
- The lighting intensity is no greater than necessary to provide adequate illumination.
- There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users.
- There is no harm to biodiversity, natural ecosystems, intrinsically dark landscapes and/or heritage assets.

ESSEX DESIGN GUIDE

3.44 The Essex Design Guide was published in 1997, revised in 2005 and updated again in 2018. It encompasses urban design advice, principles and aims that should be implemented throughout Essex to create places of quality and identity. The Guide specifically refers to the need for at least: 50 sqm of private garden for one and two-bedroom houses; 100 sqm of private garden for three-bedroom (or larger) houses; and, at least 25 sqm of communal or private amenity space per flat.

3.45 On top of this, the Guide recommends a minimum 25-metre back-to-back distance and a minimum 15-metre back-to-boundary distance between new and existing dwellings.

ESSEX PARKING STANDARDS

3.46 The Essex Parking Standards document was approved in September 2009 and was one of the first such documents in England to introduce minimum, rather than maximum, parking provision for the residential properties.

3.47 For residential (Class C3) uses, the standards expect:

- a minimum of one resident vehicle parking space per one-bedroom dwelling or two resident vehicle parking spaces per two-bedroom or larger dwelling;
- a minimum of 0.25 visitor vehicle parking spaces per dwelling; and
- a minimum of one secure cycle space per dwelling.

BRAINTREE OPEN SPACE SPD

3.48 The Braintree Open Space SPD was approved in 2009 and sets out the Council's open space requirements for new development. Table 2 in Appendix 2 of the SPD expects a total of 2.63 ha of total open space (including outdoor sport, outdoor equipped playgrounds, casual or informal space within housing areas and allotments) per 1,000 people.

3.49 Applying a district-wide average of 2.36 people per household, the current application for 94 dwellings could accommodate 222 people and generate a need for at least 0.584 ha of open space at the Application Site.

4.0 PLANNING HISTORY

APPLICATIONS

4.1. Outline planning permission with all matters reserved except access (ref. 21/00850/OUT) was granted at appeal in January 2023 for the following at the Application Site:

> *"Up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure."*

4.2. As set out in Condition 3 of the permission, only two plans were formally approved at the outline stage – a Location Plan (drawing no. 19.1396.100) and an Access Plan (drawing no. W961_PL_SK_202 Rev D). Detailed matters including appearance, landscaping, layout and scale were 'reserved' for future consideration.

4.3. However, the outline permission was accompanied by a signed s106 agreement which secures the onsite provision of public open space, allotments and 40% affordable housing, as well as offsite financial contributions towards education, library, ecological mitigation, healthcare, outdoor sport and playspace improvements in the local area.

4.4. Two other applications have been made subsequently on the Application Site:

- 24/01134/ADV – An application for advertisement consent was submitted in May 2024 and granted in July 2024 for one post mounted sign v-board and two flags and flagpoles, with Bellway branding.

- 24/02143/FUL – An application for a temporary construction access (for a period of three years) was submitted in September 2024 and is currently being processed by BDC. This is to serve the Proposed Development and enable construction vehicles to access the site separately from the main (permanent) site access, which is to be used by new residents.

PRE-APPLICATION DISCUSSIONS

4.5. The Applicant has undertaken extensive pre-application discussions with officers and members from BDC and Essex County Council (ECC), along with other local stakeholders. This has included:

- Officer-level meetings on 28th February, 21st May, 26th June, 29th July and 4th September 2024 to discuss: the approved access and other highway matters; the proposed housing mix; the emerging layout and design of the development; the landscape strategy approach; the function and design of the public open space; and, a programme for the reserved matters submission.

- A Member's Forum at BDC on 27th August 2024 to discuss the proposed detailed site layout and the proposed design of the new homes.

- Specific stakeholder presentations and Q&A sessions with Silver End Parish Council (SEPC) on 29th August, County Councillor Playle on 30th August and Cressing Parish Council (CPC) on 3rd September 2024.

4.6. The Applicant has also engaged the local community on the emerging plans for the site through a leaflet drop and consultation website. Further details of this are set out in the accompanying Statement of Community Engagement, prepared by Connect.

4.7. The main changes made to the design and plans as a result of these discussions include:

- The market and affordable housing mix which now reflects officer's advice and closely accords with BDC's SHMA.
- The arrangement of the carriageway, footway and tree verge on the spine road leading into the development and the provision of additional street trees generally.
- The quantum and design of vehicle parking across the site.
- The design, elevational treatment and materials used on the dwellings, which now reflect the character of the best parts of Silver End and provide greater homogeneity.
- The landscape treatments along Boars Tye Road and to the northwest, along with the boundary treatments for the proposed front gardens.
- The visual focus at the end of the secondary streets.

5.0 KEY PLANNING CONSIDERATIONS

5.1. The following section assesses the key planning considerations for the Proposed Development.

PRINCIPLE OF DEVELOPMENT

5.2. The Application Site is located outside of Silver End's defined development boundary, where Policy LPP1 directs that development should be confined to uses appropriate to the countryside.

5.3. However, in this case the principle of the Proposed Development has been established by the grant of outline planning permission (ref. 21/00850/OUT) in January 2023 for a new residential-led development, in accordance with the presumption in favour of sustainable development at paragraph 11 of the NPPF.

5.4. Furthermore, Policy SP3 recognises that existing settlements will be the principal focus for additional growth across North Essex and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role. The Application Site immediately adjoins the Silver End development boundary and the Proposed Development is proportionate to the Village's scale, sustainability and existing role.

5.5. In summary the principle of the Proposed Development has been established by the outline planning permission which was granted in accordance with paragraph 11 of the NPPF (2023) and, despite some conflict with Policy LPP1 in the Braintree Section 2 Local Plan (2022), is supported by Policy SP3 in the Braintree Section 1 Local Plan (2021).

LAYOUT AND APPEARANCE

5.6. The layout of the Proposed Development has been influenced by the Framework Plan (drawing no. 19.1396.010) that was submitted, but not formally approved, at the outline stage. In general terms the layout includes:

(i) a central tree line avenue, which provides a vista towards the Grade II listed Rolph's Farmhouse;
(ii) seven residential blocks / parcels either side of this avenue and accessible from a network of secondary streets and shared private drives;
(iii) surface water drainage basins near Boars Tye Road and either side of the approved access, which sits midway along the site frontage;
(iv) formal public open space in the form of a LEAP which provides visual interest near the site entrance and new allotments and associated parking to the south of the site; and
(v) informal public open space and a mixture of new tree, hedge and other planting along the western edge of the development, where the Application Site meets the wider countryside beyond.

5.7. The Proposed Development is made up of three 'character areas', as explained in the accompanying Design & Access Statement. The character areas, although subtle in their differences, have been ascribed certain elements to help create identity, to promote wayfinding and as a response to the Site's surroundings. These have been designed to incorporate the following appearance:

- The Avenue Character Area serves as a central hub, beginning at the site entrance and extending along the spine road to the south. This area features medium-density development, accommodating both semi-detached and detached units. Key materials in this area include larger detached gateway buildings along the main spine road, characterised by full render and projecting brick plinths that provide a distinctive brick feature. The remaining dwellings will incorporate yellow stock brick or similar as the primary material, complemented by one third strip of white render along the top of the elevations wrapping around each unit. Additionally, units with full render and projecting brick will have orange roof tiles, while other buildings will be finished with black tiles to create a visual distinction between gateways and different character areas.

- The Western Edge Character Area overlooks the existing green farmland to the west of the Site. This low-density area features large detached units that face expansive green spaces and private drives. The size and spacing of these dwellings underscore the area's low-density nature, with the majority of garages located here. The primary materials in this area include full white render and projecting brick plinths for added visual appeal on the larger detached properties. Other residences will feature full brick construction with the same projecting brick detail to enhance the Site's rural ambience. Yellow stock brick will be the dominant material complementing the white render and blending with the Site's natural landscape. Additionally, buildings with full render and projecting brick will have orange roof tiles, while others will feature black roof tiles.

- The Village Edge Character Area is situated closest to Silver End itself. Due to its boundary with the village, this area features a comparatively higher density of development to reflect the surrounding context and the increasing density as one approaches the village. This heightened density relies more on semi-detached and terraced units than other areas of the site, incorporating maisonettes to achieve an appropriate housing mix throughout the proposal. Key materials in this area include full white render and projecting brick plinths on the larger properties, as well as buff brick on the remaining properties to reflect the vernacular of the neighbouring area. Additionally, units with full render projecting brick will feature orange roof tiles, while other buildings will have black roof tiles.

5.8. The Proposed Development incorporates back-to-back distances of at least 25 metres between new dwellings and back-to-boundary distances of at least 15 metres where new dwellings back onto existing dwellings (except where the new home is at an angle of at least 30 degrees to the existing dwelling), in accordance with the Essex Design Guide (2018).

5.9. The main design consideration behind the Proposed Development is to create a high-quality place, consistent with the expectations in paragraph 131 of the NPPF (2023) and Policy SP7 in the Braintree Section 1 Local Plan (2021). However, the Proposed Development also seeks to: (a) function well – being designed in accordance with the standards set out in the Essex Design Guide; (b) be sympathetic to the local character and history of the Village, and reinforce the strong sense of place found locally – through the character and appearance of the development which takes its cues from the defined Conservation Area; and, (c) create a safe, inclusive and accessible place – with new and enhanced pedestrian connections into the Village, as explained below. This is consistent with paragraph 135 of the NPPF (2023) and Policies LPP42 and LPP52 in the Braintree Section 2 Local Plan (2022).

5.10. Further information on the layout, design and appearance of the Proposed Development is set out in the accompanying Design & Access Statement, prepared by Finc Architects.

SCALE

5.11. In terms of 'scale', the Proposed Development comprises 94 market and affordable dwellings and cumulatively accommodates 9,475 sqm of residential (Class C3) floorspace. This is in accordance with the original outline planning permission which allowed 'up to 94 dwellings' at the Application Site.

5.12. Of the 94 dwellings proposed in this application, 83 are accommodated in two-storey buildings – comprising either two-storey houses or two-storey buildings containing separate ground floor and first floor maisonettes, each with their own ground floor entrance. However, the housing mix also includes 11 single-storey bungalows located towards the interior of the Site. The outline planning permission does not restrict the scale of the new dwellings and the extent and height of development proposed is consistent with existing properties found elsewhere in Silver End, including along Boars Tye Road.

ACCESS

5.13. Vehicular and pedestrian access for the Application Site was approved in detail at the outline stage. This is shown on the approved Access Plan (drawing no. W961_PL_SK_202 rev D) and comprises:

(i) a new priority junction onto Boars Tye Road, approximately midway along the Site frontage; and
(ii) a new 2-metre-wide footway leading from the priority junction, along the southern side of Boars Tye Road, towards the village.

5.14. Pedestrians will be able to cross Boars Tye Road at the eastern-most corner of the Site, via a new uncontrolled crossing point, onto the footway on the northern side of the road. This will provide a safe walking route into Silver End to access the existing services and facilities.

5.15. The approved vehicular and pedestrian access arrangements have been subject to a successful Stage 1 RSA.

5.16. This provision will ensure that sustainable modes of transport are promoted and enhanced, that safe and suitable access to the site can be achieved for all users and that there are no severe impacts on the wider road network, in accordance with paragraphs 114 and 115 of the NPPF (2023).

5.17. The measures will also facilitate pedestrian movements and access to public transport in accordance with Policy LPP42 and achieve a high standard of accessible and inclusive design in accordance with Policy LPP48 of the Braintree Section 2 Local Plan (2022).

5.18. Although not required to make the development acceptable in planning terms or to comply with the outline planning permission (or its associated s106 agreement), the Applicant has:

(i) reserved land for a potential future footway extension from the approved priority junction to the northwest; and
(ii) accommodated a shared surface access towards the boundary of the Old Slaughterhouse site on the proposed plans, in the event that this adjacent site comes forward for development in the future and cannot obtain consent for its own access onto Boars Tye Road.

RESIDENTIAL TRAVEL PLAN

5.19. A Residential Travel Plan has been prepared by Ardent to comply with Condition 15 of planning permission 21/00850/OUT and with the aim of minimising single occupancy car trips associated with the Proposed Development, by promoting and encouraging the use of more sustainable alternatives.

5.20. The measures and initiatives identified in the Travel Plan include:

- the appointment of a travel plan coordinator;
- the use of partnerships to help with the implementation of the travel plan;
- a travel information pack will be provided to each residential unit to promote the existence of alternative modes of transport to the private car;
- the travel plan coordinator will ensure suitable pedestrian and cycle route links are provided and negotiate discounts on the purchase of bikes and equipment with local cycle outlets;
- the travel plan coordinator will liaise with local providers seeking to provide residents with a voucher that promotes sustainable travel;
- promotion of locations of car sharing through provision of information; and
- the travel plan coordinator will arrange sustainable travel events at the site, as well as the provision of promotional material that supports sustainable travel.

5.21. These measures will support the sustainable transport objectives set out in the NPPF (2023) and the Braintree Section 2 Local Plan (2022).

PUBLIC OPEN SPACE

5.22. The Proposed Development includes a variety of public open space and greenspace. As set out in Section 2 of this Statement, it equates to 29% of the total Application Site and includes:

- 0.06 ha for a local equipped area for play (LEAP) on the northern part of the site;
- 0.14 ha of allotments and associated parking on the southern part of the site; and
- 1.34 ha of informal public open space along the northwestern, northeastern and eastern boundaries of the site.

5.23. The proposed areas of public open space and greenspace total 1.54 ha. Notably this total provision is over two and a half times greater than the minimum open space requirements (0.584 ha) set out in Policy LPP50 of the Braintree Section 2 Local Plan (2022) and the Braintree Open Space SPD (2009) for a development of this size - as calculated in paragraph 3.49 above.

5.24. It is noted that the LEAP was originally proposed to be on the eastern side of the development, between the pumping station and one of the new surface water drainage basins. However, when the final plans for the site were drawn up and all of the technical requirements and setback distances were factored in for the sub-station, pumping station and drainage basins, insufficient space was left to accommodate a high-quality and well-designed LEAP. The result would have been an awkwardly shaped play area, squeezed in between two pieces of infrastructure and only overlooked by one new dwelling (Plot 90). Instead, the Applicant considered other options and found that by altering the shape and size of the drainage basins, a more prominent and better designed LEAP could be accommodated on the northern part of the site. This has the added advantage of creating an attractive gateway feature and visual interest near the site entrance, and benefits from far better natural surveillance (including from Plots 1, 2, 3, 4, 77 & 94). Locating the play area in this position also means that any visitors from other parts of the village are not required to travel through the development itself and potentially along shared private drives, in order to access the LEAP. Although the LEAP is now proposed near the site entrance, it will be bounded by self-closing gates and a fence, and a new hedge will be planted along the site frontage – as shown on the LEAP Play Area Plan and Soft Landscape Proposals – which will ensure that children cannot accidentally wander from the play area onto the public highway.

LANDSCAPING, TREES & HEDGES

5.25. The accompanying Landscape Masterplan and Soft & Hard Landscape Proposals identify where new tree, hedge and other planting will take place on site, both around the areas of public open space and within the front gardens and verges in the residential development area itself.

5.26. The key landscape objectives involve:

- the creation of an appropriate edge to the existing settlement, through the inclusion of a linear open space along the western boundary of the site, with planting to partially screen views of the new housing;
- carefully referencing the character of the adjacent area with a suitably landscape frontage to Boars Tye Rd;
- the provision of a high-quality public realm with open space wrapping around three sides of the development;
- maximising opportunities for street tree planting especially along the main spine road;
- accommodating sustainable forms of drainage along the site frontage as a gateway into the site, to be both visually attractive and fit for purpose as surface water attenuation; and
- including areas for play, informal recreation, relaxation and social interaction.

5.27. The detailed Soft & Hard Landscape Proposals and the LEMP submitted alongside this application specify the exact size, type, distance and number of new trees and hedgerow to be planted, soil specifications, seeding and turfing treatments, the colour and type of all hard surface treatments in the public realm, watering and maintenance regimes, and the programme for these works.

5.28. The accompanying Arboricultural Impact Assessment, prepared by Barton Hyett Associates, confirms that the Proposed Development will not lead to the loss of any trees on or adjacent to the Application Site. However, four sections of frontage hedgerow are proposed to be removed. These hedgerows have a significant proportion of elm which is succumbing to elm disease. They are also scrubby, with damson and blackthorn suckering. The removed hedgerows will be offset with new hedgerow planting as part of the landscape scheme. Replacement hedgerows will provide much greater longevity.

5.29. The Soft Landscape Proposals provide comprehensive new tree, woodland and thicket planting and a specification that will deliver a significant net gain in tree canopy cover, species diversity and connectivity at the site. New tree planting includes 181 standard, extra heavy and semi-mature trees to provide a tree-lined primary street (in accordance with paragraph 136 of the NPPF), a mixed species frontage avenue along Boars Tye Road and more informal planting in the open spaces and along the western site boundary.

5.30. To ensure that all new trees onsite are given the best opportunity to survive and flourish, aftercare and maintenance arrangements have been put forward in the accompanying LEMP.

5.31. In summary the Proposed Development: includes a detailed landscaping scheme as required by Condition 4 of planning permission 21/00850/OUT; ensures that all new streets are tree lined in accordance with paragraph 136 of the NPPF (2023); and, retains trees that make a significant positive contribution to the character and appearance of their surroundings, where feasible, and includes new native tree, hedgerow and other planting, in line with Policies LPP65 and LPP67 of the Braintree Section 2 Local Plan (2022).

BOUNDARY TREATMENTS

5.32. The boundary treatments along the northeastern and western edges of the Application Site are to comprise existing and proposed trees, hedges and other planting, as set out on the accompanying Soft Landscape Proposals.

5.33. Within the development area on-site, the Soft & Hard Landscape Proposals demonstrate that a combination of:

- 1.8-metre-high brick walls and close timber board fencing will be used around the periphery of the rear gardens;
- 1.8-metre-high separation fencing will be used between the rear gardens; and
- 0.6-metre-high dwarf walls or landscape planting (including hedges) will be used to delineate front gardens; and
- 1.1-metre-high rustic post and rail or timber post and rail fencing will be used near the SuDS basins along the development's frontage.

5.34. These boundary treatments and the materials used will contribute towards the creation of a high-quality place and ensure that each new dwelling has acceptable levels of privacy and residential amenity. In particular the provision of hedges around the front gardens on the main avenue closely reflects the character and appearance of the historic parts of Silver End, including the Conservation Area.

BIODIVERSITY ENHANCEMENT PLAN

5.35. A Biodiversity Enhancement Plan has been submitted alongside the application. This sets out the purpose and objectives for the enhancement measures, the detailed design and locations to achieve these objectives, the

persons responsible and the aftercare and maintenance arrangements for these measures. In doing so, the Biodiversity Enhancement Plan complies with Condition 6 of planning permission 21/00850/OUT.

LANDSCAPE & ECOLOGICAL ENHANCEMENT PLAN

5.36. The application is accompanied by a LEMP, prepared by CSA Environmental. The LEMP describes the features to be managed, the aims and objectives of management, appropriate management options and actions, sets out a work programme, explains that management company will be responsible for implementation of the LEMP and includes ongoing monitoring and remedial measures. The management company will be funded by an annual service charge paid by the residents of the development.

5.37. The LEMP complies with Condition 7 of planning permission 21/00850/OUT.

HOUSING MIX

5.38. The Proposed Development incorporates a broad mix of dwellings, across affordable rent, shared ownership and market tenures, as set out at Table 2.1 above. Notably this includes: one and two-bedroom maisonettes; two and three-bedroom bungalows; and, two, three and four-bedroom houses.

5.39. The proportion and mix of affordable housing are consistent with the requirements in the signed s106 agreement, which secures 40% affordable housing with a 70:30 split of affordable rent to shared ownership. The affordable mix is also consistent with the advice received from Braintree District Council's (BDC's) housing officer in February 2024.

5.40. The market dwellings provide a balanced mix of 17 x two-bedroom (30%), 28 x three-bedroom (49%) and 12 x four-bedroom (21%) properties, which very closely accord with the preferred mix (i.e. 31% two-bedroom, 45% three-bedroom and 20% four-bedroom) set out in BDC's 2015 SHMA Update.

5.41. It is noted that the SHMA also seeks 4% one-bedroom market properties (which would equate to two dwellings (i.e. 57 x 4% = 2.28, rounded down to 2)) and the Proposed Development does not incorporate these. However, during pre-application discussions the Applicant made very significant changes and compromises on the proposed market housing mix, including a large reduction in the proportion of four-bedroom dwellings, a large increase in the proportion of two-bedroom dwellings and the removal of the Ryder dwelling (a two-bedroom dwelling with a first-floor study), in order to address comments made by BDC's planning officers. Furthermore, the Silver End Housing Mix Assessment prepared by Lichfields in July 2024 (see Appendix 1) found there to be a slightly greater need for four-bedroom dwellings across the District generally and a lesser need for one-bedroom dwellings in Silver End specifically, than previously set out in the 2015 SHMA. Therefore, the Applicant has decided to proceed without any market one-bedroom dwellings.

5.42. As set out in Table 2.1 above, 30 dwellings will include dedicated study / home workspace, which equates to 32% of the total dwellings on-site. This will help to address the need for such space following the significant increase in home and hybrid working since the Covid-19 pandemic. The Silver End Housing Mix Assessment at Appendix 1 demonstrates that a far larger proportion of people work from home or undertake hybrid working since the pandemic in 2020/21 and a result over two-third of those who homework would like an extra room to facilitate homeworking. Lichfields advise that aligning the ONS survey data on homeworking to the occupations profile of local residents – i.e. to allow for those who are retired or not economically active – indicates that 26.7% of all residents in Silver End and Cressing would value an additional room in their home for homeworking. The proposed mix ensures that 32% of the new dwellings incorporate a dedicated study / home workspace, which will address the homeworking needs of this development and also address some of the latent demand in the local area.

5.43. Therefore: (i) the proposed affordable housing mix is consistent with the s106 agreement and the comments received from BDC's housing officer in February 2024; and, (ii) the proposed market housing mix very closely



accords with the housing needs identified in BDC's SHMA (2015) and reflects the latest housing market evidence produced by Lichfields in July 2024. In summary the Proposed Development complies with Policy LPP35 in the Braintree Section 2 Local Plan (2022), which expects housing mixes to be "… in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise."

NDSS

5.44. Table 2.1 above confirms that all of the proposed market and affordable homes comply with the minimum standards set out in the NDSS, as required by Policy LPP35 of the Braintree Section 2 Local Plan (2022).

5.45. The Proposed Development actually goes beyond these 'minimum' standards in many instances, with five of the affordable housetypes exceeding the NDSS by between 7% and 24% and eight of the market housetypes exceeding the NDSS by between 5% and 40%. This reflects the Applicant's commitment to creating a high-quality development and high-quality living conditions for its future occupants.

PRIVATE AMENITY SPACE

5.46. The accompanying Garden Areas Plan demonstrates that each proposed:

- one or two-bedroom maisonette has at least 25 sqm of communal or private garden;
- two-bedroom house or bungalow has a private rear garden of at least 50 sqm; and
- three or four-bedroom house or bungalow has a private rear garden of at least 100 sqm.

5.47. Generally the private rear gardens and communal residents' gardens have been designed to create usable rectangular garden shapes, as far as possible. In doing so, these proposed amenity spaces accord with the quantitative and qualitative expectations set out in the Essex Design Guide (2018).

5.48. Furthermore, the majority of the two-bedroom dwellings with first floor studies (i.e. Ostler and Crittall dwellings) have been designed with private rear gardens of at least 100 sqm, in case some homeowners decide to try to use their study as a third bedroom.

SURFACE WATER DRAINAGE

5.49. As set out in the Drainage Statement, surface water will be managed via a SuDS network which treats surface water on-site and then releases it into the receiving watercourse at a greenfield runoff rate for all storms up to and including the 1 in 100-year event, plus an additional 45% allowance for climate change.

5.50. The SuDS network will utilise three new detention basins, located near the site frontage with Boars Tye Road, to provide attenuation, water quality treatment, amenity and biodiversity. The hardstanding areas of the development will drain through two basins before discharging into the diverted ditch / ordinary watercourse that runs adjacent to Boars Tye Road. The basins will be vegetated and the soil surface can absorb some runoff, and therefore support the prevention of surface water runoff from the Application Site.

5.51. In summary the proposed surface water strategy is consistent with paragraphs 173 and 175 in the NPPF (2023) and Policy LPP76 in the Braintree Section 2 Local Plan (2022). The Drainage Statement and its associated Drainage Plans also address the requirements of Condition 10 of planning permission 21/00850/OUT.

PARKING

5.52. The accompanying Parking Plan demonstrates that every proposed dwelling is served by:

- at least one allocated resident parking space per one-bedroom dwelling or at least two allocated resident parking spaces per two-bedroom (or larger) dwelling; and

- at least one cycle parking space, provided in garages or sheds.

5.53. Furthermore, visitor parking has been pepper-potted across the site to ensure that there is at least one unallocated visitor parking spaces for every four dwellings, except where dwellings include at least three resident parking spaces each and thereby provide their own visitor parking on-plot.

5.54. This proposed vehicle, visitor and cycle parking provision accords with the standards set out in the Essex Parking Standards (2009) and Policy LPP43 in the Braintree Section 2 Local Plan (2022).

EV CHARGING

5.55. Although not required by the outline planning permission, the Applicant has decided that each new dwelling should have access to an EV charging point, either as a wall-mounted or free-standing unit. The proposed location of these units is shown on accompanying Parking Layout Plan.

5.56. The provision of EV chargers will help to reduce carbon emissions and contribute towards addressing climate change.

RENEWABLE ENERGY, ENERGY PERFORMANCE AND WATER EFFICIENCY

5.57. The Applicant intends to provide solar PV generation equipment for every dwelling. The location, design and specification of these solar PV panels will be set out in due course and these details can be secured by planning condition.

5.58. The use of solar PV was not required by the outline planning permission, but the Applicant decided to accommodate it in the proposals to reduce carbon emissions and contribute towards addressing climate change.

5.59. The use of solar PV and the design of the new dwellings generally should ensure that the Proposed Development provides in excess of a 19% improvement in energy performance over the requirements of the 2013 Building Regulations.

5.60. Furthermore, the proposed new dwellings have been designed to achieve a water efficiency standard of no more than 110 litres per person per day.

5.61. In summary the Proposed Development incorporates measures to lower carbon emissions, increase renewable energy production and adapt to the impacts of climate change, in accordance with Policies LPP71 and LPP72 in the Braintree Section 2 Local Plan (2022) and paragraph 162 of the NPPF (2023).

NOISE

5.62. A Noise Impact Assessment has been prepared by Hoare Lea to comply with Condition 20 of planning permission 21/00850/OUT.

5.63. This explains that an environmental sound survey was undertaken at the Application Site which captured noise from both normally occurring environmental sources (i.e. road traffic along Boars Tye Road) and also operational activities from the two adjoining commercial spaces. Results from the survey have been used to identify mitigation measures required to reduce noise from the businesses to appropriate sound levels, both externally in gardens and internally within the new dwellings.

5.64. With regard to gardens, the assessment concludes that noise from the commercial units is commensurate with the normally quoted desirable sound levels, as outlined within the British Standard. As such, no specific mitigation is considered necessary to control noise to gardens.

5.65. For internal areas, the assessment concluded that noise from the commercial units can be controlled to suitable sound levels through the appropriate specification of the facades of the nearest dwellings. The requirements are not considered onerous and can be achieved with conventional thermal grade double glazed window systems and acoustically rated trickle ventilators.

5.66. In summary the report demonstrates that noise will not give rise to any significant impacts on health and quality of life for new residents or lead to any unacceptable impacts arising from the development, in accordance with paragraph 191 of the NPPF (2023) and Policy LPP70 of the Braintree Section 2 Local Plan (2022).

AIR QUALITY

5.67. The application package is accompanied by an Air Quality Assessment (AQA) prepared by Hoare Lea.

5.68. The AQA concludes that there will be no significant impact from additional road traffic on local air quality, that no local air quality impacts are anticipated from combustion emissions from energy plant (i.e. boilers) and that the Application Site is considered suitable for residential use without any permanent mitigation.

5.69. However, the AQA recommends that a dust management plan is used during the construction phase to avoid impacts from dust soiling and ambient particulate matter. This temporary mitigation measure has already been secured in Condition 14 of planning permission 21/00850/OUT and will ensure that the Proposed Development complies with paragraph 192 of the NPPF (2023) and Policy LPP70 in the Braintree Section 2 Local Plan (2022).

REFUSE COLLECTION

5.70. Details of the refuse collection arrangements for the Proposed Development are set out on the accompanying Refuse Strategy Plan. These illustrate the proposed location and presentation points for refuse and recycling bins, travel and carry distances. A Swept Path Analysis Plan, showing how refuse collection vehicles can access and circulate within the site, has been appended to the Transport Technical Note prepared by Ardent.

5.71. In particular, refuse / recycling collection points have been designed to be no more than 30 metres from dwellings and a maximum of 25 metres from the nearest adoptable road. All adoptable roads have been designed to accommodate the 26-tonne carrying capacity of the local authority's refuse vehicles.

5.72. This complies with requirements in Condition 9 of planning permission 21/00850/OUT.

BROADBAND

5.73. The Applicant will provide fibre broadband connectivity to all new dwellings on-site, prior to their occupation. The Home Builders Federation (HBF) has an arrangement in place whereby Openreach provides Fibre to the Premises (FTTP) on all new developments. The Applicant utilises this arrangement to ensure that fibre broadband is installed on all of its new developments, as a matter of course.

5.74. In summary the Proposed Development complies with Policy LPP46 in the Braintree Section 2 Local Plan (2022) which expects all new residential development to be served by a fast and reliable broad connection to the premises.

6.0 CONCLUSION

6.1. This Planning Statement has been prepared by AM-P on behalf of Bellway Homes Limited. It supports a reserved matters application for 94 dwellings, public open space, SuDS, landscaping and associated infrastructure and development, on land west of Boars Tye Road, Silver End.

6.2. The Application Site is situated immediately adjacent to the northern edge of the village of Silver End and is 5.32 ha in size. It is bounded by Boars Tye Road to the northeast, the Old Slaughterhouse site to the southeast, existing homes off Broadway and Broomfield to the south, open countryside to the west and northwest, and an auto paint workshop to the north. The Site currently comprises agricultural land and is relatively flat, sloping slightly from west to east.

6.3. Outline planning permission (ref. 21/00850/OUT) was granted on appeal for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure in January 2023. The outline permission also included details of vehicular and pedestrian access onto Boars Tye Road. The current application seeks consent for the four outstanding 'reserved matters', namely appearance, landscaping, layout and scale.

6.4. The reserved matters application is the product of extensive pre-application discussions with officers and members from BDC and ECC, along with key stakeholders from SEPC and CPC, throughout 2024.

6.5. In this case the 'development plan' comprises the Braintree Section 1 (2021) and Section 2 (2022) Local Plan. The NPPF (2023), the Essex Design Guide (2018), the Essex Parking Standards (2009) and the Braintree Open Space SPD (2009) are all material considerations.

6.6. The principle of the Proposed Development has been established by the outline planning permission which was granted in accordance with paragraph 11 of the NPPF and is supported by Policy SP3 in the Braintree Section 1 Local Plan. Furthermore, the Proposed Development complies with all relevant national and local planning policy, and other planning guidance. In particular:

a) The main design consideration behind the Proposed Development is to create a high-quality place, consistent with the expectations in paragraph 131 of the NPPF and Policy SP7 in the Braintree Section 1 Local Plan. However, the Proposed Development also seeks to: (a) function well – being designed in accordance with the standards set out in the Essex Design Guide; (b) be sympathetic to the local character and history of the Village, and reinforce the strong sense of place found locally – through the character and appearance of the development which takes its cues from the defined Conservation Area; and, (c) create a safe, inclusive and accessible place – with new and enhanced pedestrian connections into the Village. This is consistent with paragraph 135 of the NPPF and Policies LPP42 and LPP52 in the Braintree Section 2 Local Plan.

b) In terms of 'scale', the Proposed Development comprises 94 market and affordable dwellings and cumulatively accommodates 9,475 sqm of residential (Class C3) floorspace. This is in accordance with the original outline planning permission which allowed 'up to 94 dwellings' at the Application Site.

c) Vehicular and pedestrian access for the Application Site was approved in detail at the outline stage. This includes: a new priority junction onto Boars Tye Road, approximately midway along the Site frontage; and, a new 2-metre-wide footway leading from the priority junction, along the southern side of Boars Tye Road, towards the village. Pedestrians will be able to cross Boars Tye Road at the eastern-most corner of the Site, via a new uncontrolled crossing point, onto the footway on the northern side of the road. The approved vehicular and pedestrian access arrangements have been subject to a successful Stage 1 RSA. This provision is consistent with paragraphs 114 and 115 of the NPPF, and Policies LPP42 and LPP48 of the Braintree Section 2 Local Plan.

d) A Residential Travel Plan has been prepared by Ardent to comply with Condition 15 of planning permission 21/00850/OUT and with the aim of minimising single occupancy car trips associated with the Proposed Development, by promoting and encouraging the use of more sustainable alternatives.

e) 29% of the Application Site (i.e. 1.54 ha) will comprise public open space, including a LEAP, allotments and informal open/green space. Notably this total provision is over two and a half times greater than the minimum open space requirements (0.584 ha) set out in Policy LPP50 of the Braintree Section 2 Local Plan and the Braintree Open Space SPD for a development of this size.

f) The Proposed Development: includes a detailed landscaping scheme as required by Condition 4 of planning permission 21/00850/OUT; ensures that all new streets are tree lined in accordance with paragraph 136 of the NPPF; and, retains trees that make a significant positive contribution to the character and appearance of their surroundings, where feasible, and includes significant new native tree, hedgerow and other planting, in line with Policies LPP65 and LPP67 of the Braintree Section 2 Local Plan.

g) The proposed boundary treatments and materials used will contribute towards the creation of a high-quality place and ensure that each new dwelling has acceptable levels of privacy and residential amenity. In particular the provision of hedges around the front gardens on the main avenue closely reflects the character and appearance of the historic parts of Silver End, including the Conservation Area.

h) A Biodiversity Enhancement Plan and a LEMP have been prepared to specifically address the requirements of Conditions 6 & 7 of planning permission 21/00850/OUT.

i) The proposed affordable housing mix is consistent with the s106 agreement and the comments received from BDC's housing officer in February 2024. The proposed market housing mix very closely accords with the housing needs identified in BDC's SHMA (2015) and reflects the latest housing market evidence produced by Lichfields in July 2024. Therefore, the Proposed Development complies with Policy LPP35 in the Braintree Section 2 Local Plan, which expects housing mixes to be "… in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise."

j) All of the proposed market and affordable homes comply with the minimum standards set out in the NDSS, as required by Policy LPP35 of the Braintree Section 2 Local Plan, and some of the dwellings exceed these minimum standards by between 5% and 40%.

k) The proposed private and communal garden sizes comply with the standards expected in the Essex Design Guide.

l) Surface water will be managed via a SuDS network which treats surface water on-site and then releases it into the receiving watercourse at a greenfield runoff rate for all storms up to and including the 1 in 100-year event, plus an additional 45% allowance for climate change. Therefore, the proposed surface water strategy is consistent with paragraphs 173 and 175 in the NPPF and Policy LPP76 in the Braintree Section 2 Local Plan. The Drainage Statement and its associated Drainage Plans also address the requirements of Condition 10 of planning permission 21/00850/OUT.

m) The proposed vehicle, visitor and cycle parking provision accords with the standards set out in the Essex Parking Standards and Policy LPP43 in the Braintree Section 2 Local Plan.

n) The Applicant has decided that each new dwelling should have access to an EV charging point, either as a wall-mounted or free-standing unit.

o) The Applicant intends to provide solar PV generation equipment for every dwelling. Furthermore, the proposed new dwellings have been designed to achieve a water efficiency standard of no more than 110 litres per person per day. In summary the Proposed Development incorporates measures to lower carbon emissions, increase renewable energy production and adapt to the impacts of climate change, in accordance with Policies LPP71 and LPP72 in the Braintree Section 2 Local Plan and paragraph 162 of the NPPF.

p) The accompanying Noise Assessment demonstrates that noise will not give rise to any significant impacts on health and quality of life for new residents or lead to any unacceptable impacts arising from the development, in accordance with paragraph 191 of the NPPF and Policy LPP70 of the Braintree Section 2 Local Plan.

q) The accompanying Air Quality Assessment concludes that there will be no significant impact from additional road traffic on local air quality, that no local air quality impacts are anticipated from combustion emissions from energy plant (i.e. boilers) and that the Application Site is considered suitable for residential use without any permanent mitigation. However, the AQA recommends that a dust management plan is used during the construction phase to avoid impacts from dust soiling and ambient particulate matter. This temporary mitigation measure has already been secured in Condition 14 of planning permission 21/00850/OUT and will ensure that the Proposed Development complies with paragraph 192 of the NPPF and Policy LPP70 in the Braintree Section 2 Local Plan.

r) Details of the refuse collection arrangements for the Proposed Development are set out on the accompanying Refuse Strategy Plan. This complies with requirements in Condition 9 of planning permission 21/00850/OUT.

s) The Applicant will provide fibre broadband connectivity to all new dwellings on-site, prior to their occupation. The HBF has an arrangement in place whereby Openreach provides FTTP on all new developments. This will ensure that the Proposed Development complies with Policy LPP46 in the Braintree Section 2 Local Plan which expects all new residential development to be served by a fast and reliable broad connection to the premises.

6.7. In summary the Applicant considers that the Proposed Development complies with the statutory development plan as a whole and all key material considerations. Therefore, in the absence of any significant material considerations indicating otherwise, the Applicant respectfully requests that BDC approves this reserved matters application without delay.

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Appendix 1 – Silver End Housing Mix Assessment (July 2024), prepared by Lichfields

Boars Tye Road, Silver End
Housing Mix Assessment

Bellway Homes Limited

25 July 2024

LICHFIELDS

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1.0 Introduction

1.1 This Housing Mix Assessment has been prepared by Lichfields on behalf of Bellway Homes to assess the housing mix proposed for the Proposed Development at Land West of Boars Tye Road, Silver End, Essex ('the Site'), located in Braintree district. The Site has extant outline permission for 94 homes (with all matters reserved) granted at appeal in January 2023.

1.2 Table 1.1 shows the proposed market housing mix for the Proposed Development, which totals 57 dwellings (60.6% of the total 94 dwellings at the Proposed Development). Of these, 29.8% are proposed to have 2 bedrooms, 49.1% to have 3 bedrooms, and 21.1% are to have 4 bedrooms.

Table 1.1 Proposed **market** housing mix

Number of bedrooms	Number of market dwellings	Proportion of market dwellings
2 bedrooms	17	29.8%
3 bedrooms	28	49.1%
4 bedrooms	12	21.1%
Total	**57**	**100.0%**

Source: Bellway Homes

1.3 The purpose of this report is to assess the range of factors which affect and inform an appropriate mix for market housing on the site. The report reviews a range of demographic, socio-economic conditions and housing mixes within precedent applications approved by Braintree district Council ('BDC') in recent years, to understand what mix of housing might be appropriate in the context of the adopted Braintree Local Plan.

1.4 This includes a review of national and local planning policy relating to housing mix, in addition to the 2015 Strategic Housing Market Assessment ('SHMA') for Braintree, Chelmsford, Colchester and Tendring that forms part of the evidence base for the adopted Braintree Local Plan.

1.5 The prevailing conditions in the housing market and demographic and socio-economic outcomes are also considered, in conjunction with forecasts of household formation and changes in working patterns that may influence dwelling sizes. Further, a reassessment of the SHMA is considered, including potential changes between the previous assessment and current levels of need for housing of different tenures and sizes.

1.6 Finally, housing delivery within the Silver End and Cressing ward in recent years has been reviewed to establish the range of dwelling sizes that have been delivered in the local area.

1.7 This document is structured as follows:

- Section 2.0 presents an overview of national policy and guidance, as well as local planning policy and the evidence base underpinning it.
- Section 3.0 sets out the current and projected future housing market and socio-economic conditions within the local area.

- Section 4.0 considers a reassessment of the SHMA to analyse whether more recent evidence would suggest need for a housing mix that deviates from the current evidence base.
- Section 5.0 outlines housing delivery in Braintree – specifically within Silver End and Cressing – to understand whether developments proposing a housing mix contrary to the SHMA have been approved, or refused, in recent years.
- Section 6.0 provides overall conclusions.

2.0 Policy and Evidence Review

National Planning Policy Framework

2.1 Chapter 5 of the National Planning Policy Framework ('NPPF', December 2023), *Delivering a sufficient supply of homes*, states:

"The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community." (Paragraph 60)

2.2 It further advises:

"Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes." (Paragraph 63, emphasis added)

2.3 Of particular relevance is the need to establish the size, type and tenure of housing for families with children. Providing sufficient housing for this group requires the delivery of larger dwellings with multiple bedrooms to prevent overcrowding. Therefore, this group in particular is the core focus of the analysis within this report.

Braintree Local Plan

2.4 The Braintree Local Plan 2013-2033 was adopted in July 2022. Section 1 of the Local Plan presents the Shared Strategic Plan between Braintree district Council, Colchester Borough Council, and Tendring District Council ('the North Essex Authorities').

2.5 The Shared Strategic Plan highlights that:

"The influences of population and economic growth do not stop at administrative boundaries. Settlement patterns, migration flows, commuting and strategic infrastructure needs all have significant influences within and between local authority areas." (Paragraph 1.6)

2.6 The North Essex Authorities, together with Chelmsford City Council, form one Housing Market Area ('HMA'). Reflecting this, the Shared Strategic Plan states:

"The forecast levels of future population growth will include options that have clear cross-boundary implications. These include both the expansion of existing towns and villages as well as possible new communities." (Paragraph 1.8)

2.7 There is therefore a clear acknowledgement that housing market influences are exerted on Braintree from its wider surrounding areas, and these could have implications for housing mix.

2.8 Section 2 of the Local Plan contains local policies and proposal applicable to Braintree district only. Within Section 2, Policy LPP 35, *Housing Mix, Density and Accessibility*, states:

"Development shall create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need … Housing mix should be in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise." (Policy LPP 35) (emphasis added)

2.9 Within the explanatory text to this policy, with regard to housing mix and density the Local Plan states:

"A mix of housing, based on current and future demographic trends and on the needs of different groups in society, should be provided." (Paragraph 4.98)

2.10 This aligns with the requirement of Paragraph 63 of the NPPF (see paragraph 2.2 of this report).

2.11 It further stipulates that:

"The need for open market housing in the district is 4% one bedroom, 31% two bedroom, 45% three bedroom and 20% four bedroom. All new developments are expected to meet this broad range of sizes for open-market housing, unless it can be proven to the satisfaction of the Local Planning Authority that the site may be more suited to an alternative mix of housing types." (Paragraph 4.99)

2.12 While Policy LPP 35 and the supporting text establishes the SHMA as the starting point for housing mix, it does highlight that, where material circumstances or evidence justify, alternative housing mixes which deviate from the SHMA may still be considered to be in line with LPP 35. The remainder of this report seeks to establish whether there is sufficient evidence to provide a material justification of a deviation from the SHMA housing mix.

Local evidence base

Braintree Strategic Housing Market Assessment

2.13 The Braintree, Chelmsford, Colchester and Tendring Strategic Housing Market Assessment ('SHMA') Update was published in December 2015. It follows from the previous Objectively Assessed Housing Need ('OAHN') Study from July 2015, with a focus on the level of affordable housing need and the size and tenure of the dwellings required within the overall OAHN figure.

2.14 The OAHN was subsequently updated in November 2016 to reflect the 2014-based Subnational Household Projections ('SNHP'), however, the most recent SHMA remains as the December 2015 version[1].

2.15 Section 4 of the SHMA, *Type and tenure of future housing need*, breaks down the overall housing figure by tenures, household types and household sizes. The change in household composition is the main driver of the size and tenure demand profiles.

[1] See Section 4.0 of this report for a comparison between the 2012-based, 2014-based, and 2018-based subnational population and household projections.

2.16 The mix of dwelling sizes required for owner-occupied housing and private rental housing in Braintree are presented separately in the SHMA; these have been aggregated in Table 2.1 and shown separately for owner-occupied and private rental housing, respectively, in Table 2.2 and Table 2.3.

Table 2.1 Size of new **market** accommodation required in Braintree, 2015-2037

Dwelling size	Current size profile	Size profile 2037	Change required	% of change required
1 bedroom	3,737	4,330	593	4.2%
2 bedrooms	13,443	17,674	4,231	29.9%
3 bedrooms	21,469	27,539	6,070	42.9%
4 or more bedrooms	14,880	17,591	2,711	19.2%
Total	**52,988**	**67,133**	**14,145**	**100.0%**

Source: HDH (2015) Braintree, Colchester, Chelmsford and Tendring Strategic Housing Market Assessment Update

Table 2.2 Size of new **owner-occupied** accommodation required in Braintree, 2015-2037

Dwelling size	Current size profile	Size profile 2037	Change required	% of change required
1 bedroom	1,481	1,960	479	5.7%
2 bedrooms	8,280	11,158	2,878	34.2%
3 bedrooms	18,253	21,856	3,604	42.8%
4 or more bedrooms	13,913	15,364	1,451	17.2%
Total	**41,926**	**50,338**	**8,412**	**100.0%**

Source: HDH (2015) Braintree, Colchester, Chelmsford and Tendring Strategic Housing Market Assessment Update

Table 2.3 Size of new **private rented** accommodation required in Braintree, 2015-2037

Dwelling size	Current size profile	Size profile 2037	Change required	% of change required
1 bedroom	2,256	2,370	114	2.2%
2 bedrooms	5,163	6,516	1,353	26.1%
3 bedrooms	3,216	5,683	2,467	47.5%
4 or more bedrooms	967	2,227	1,259	24.2%
Total	**11,062**	**16,795**	**5,194**	**100.0%**

Source: HDH (2015) Braintree, Colchester, Chelmsford and Tendring Strategic Housing Market Assessment Update

2.17 As shown, the SHMA finds a substantial proportion of 3-bedroom dwellings are needed within Braintree district, forming 42.9% of new market housing required between 2015 and 2037. A more limited number of 4-bedroom properties are required, with the SHMA recommendation suggesting these should form 19.2% of the overall market mix. The calculation of the housing mix within the SHMA is reappraised in Section 4.0 of this report to reflect more recent 2021 Census data and the 2018-based Subnational Population Projections ('SNPP').

3.0 Local Conditions

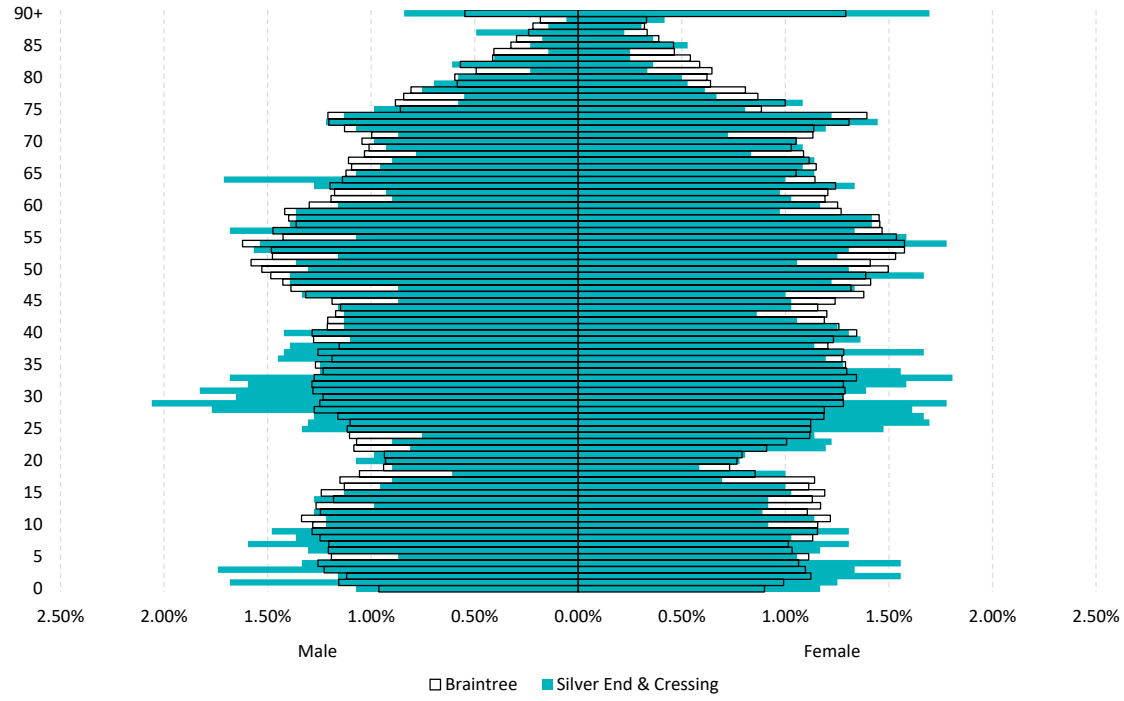
3.1 This section outlines the current demographic and housing market conditions in the local area and within Braintree district, and considers future demographic trends based on the 2018-based SNPP. This seeks to inform an appraisal of whether the demand conditions within the local area would suggest a different housing mix to that set out in the SHMA.

Demographics

3.2 In the 2021 Census, the population of Braintree district was recorded as 155,000[2]. Of this, 7,050 people lived in the ward of Silver End & Cressing, representing 2,850 households of an average size of 2.44 people. This is larger than the district, county, and regional average household size of 2.37 people.

3.3 The population of Silver End & Cressing grew by 12.0% (760 residents) over the period between 2011 and 2021, compared to growth within Braintree district as a whole of 5.3%. The age structure of the ward's population also differs to the wider district, with a higher proportion of young families than the district average, as shown in Figure 3.1.

Figure 3.1 Population pyramid for Braintree district and Silver End & Cressing ward, 2021



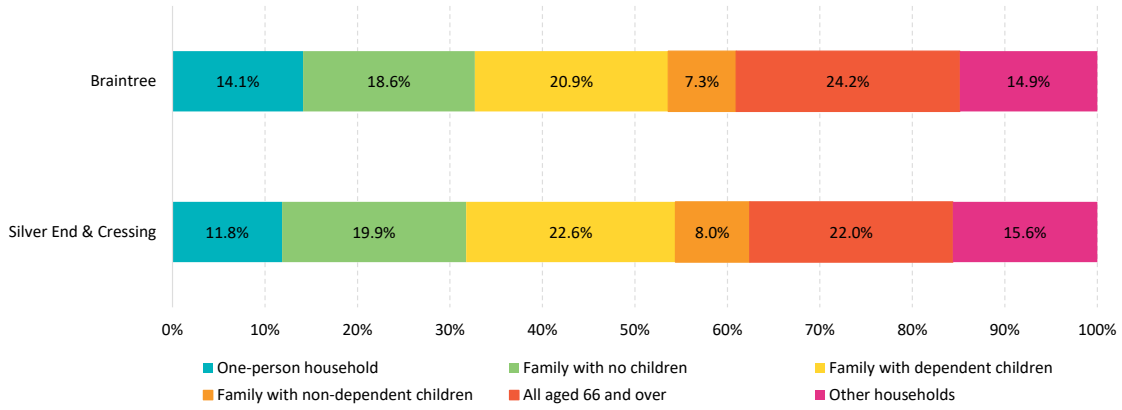
Source: ONS (2021) | Lichfields analysis

3.4 Data on household composition from the 2021 Census, shown in Figure 3.2, reveals that despite the relatively high proportion of young adults in Silver End & Cressing, there is a lower proportion of one-person households in the ward than seen at the district, county, region and national level. There is a higher proportion of families with dependent children

[2] Office for National Statistics ('ONS') (2021) Census 2021.

than observed at the Braintree district level, and fewer households formed solely of over-65s.

Figure 3.2 Household composition at the national, regional, county, district and ward levels, 2021



Source: ONS (2021) | Lichfields analysis

3.5 The higher prevalence of families with young children in Silver End and Cressing relative to Braintree district more widely, in addition to lower proportions of single person households and households formed solely of over-65s, indicate that an appropriate housing mix in this location would be larger than the overall district average.

Concealed families

3.6 In a household with more than one family, a concealed family is the "*second*" family; this could be a young couple living with parents, or an older couple living in their children's home[3]. In 2021, there were 731 concealed families living in Braintree district, of which 37 were within the Silver End & Cressing ward. In Braintree, 27.6% of concealed families had dependent children; this is lower than the regional and national averages (34.5% and 37.6%, respectively).

3.7 The presence of concealed families in the local area, and within Braintree more widely, is an indication of unmet housing need. This data from the 2021 Census was not available when BDC prepared its current evidence base, and where concealed families contain children these households will be in need of family housing, which will result in an increased need for a larger housing mix.

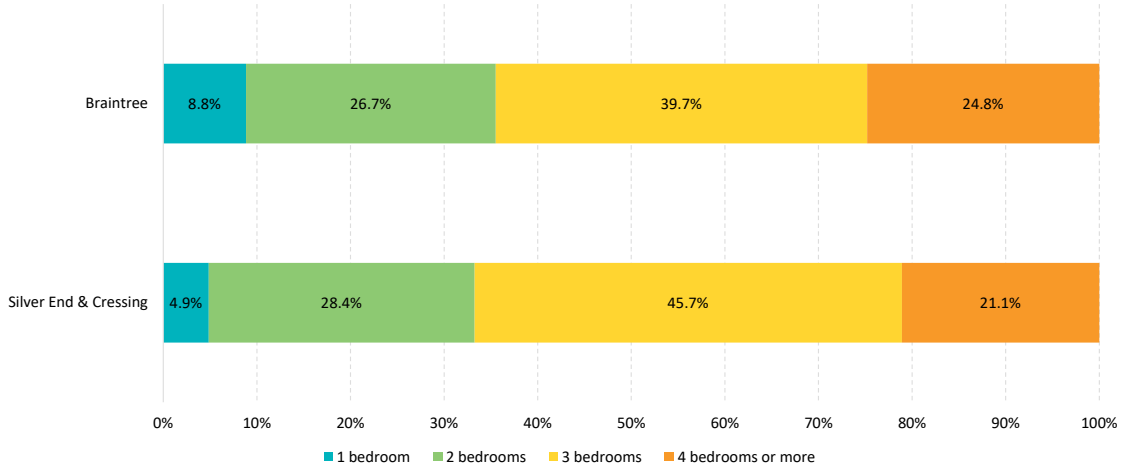
Existing housing stock

3.8 In 2023, there were estimated to be 69,000 dwellings in Braintree district, of which 83.4% (57,500) were privately owned and 16.4% (11,300) were held affordable (either held by Council or private registered providers). Data from the 2021 Census[4] shows that approximately 81.9% of privately owned properties were owner-occupied; this is comparable to the figure for Essex but higher than that for the East of England and at the national level.

[3] https://data.cambridgeshireinsight.org.uk/story/concealed-families
[4] Census data covers occupied dwellings only.

3.9 At the ward level, Silver End & Cressing had a relatively low number of one-bedroom properties in 2021, representing just 4.9% of the occupied stock, compared to 8.8% within Braintree district more widely. Three-bedroom properties were more prevalent in Silver End & Cressing than within the wider district (45.7% and 39.7% of the stock, respectively) while there were fewer four-bedroom properties (21.1% and 24.8%, respectively). This is shown in Figure 3.3. The local housing stock therefore mirrors the local demographic profile, which shows a slightly higher prevalence of young families compared with the district average.

Figure 3.3 Housing mix of existing dwellings in Silver End & Cressing ward and Braintree district, 2021



Source: ONS (2021) Census 2021. *Refers to household spaces which were occupied at the time of the Census.

Overcrowding

3.10 Occupancy ratings (which show whether a household's accommodation is overcrowded, ideally occupied or under-occupied) at the ward level shows that 68 households, or 2.4% of all households in Silver End and Cressing, are overcrowded[5]. Of these households, 36 are families with dependent children. Further, the tenure profile of overcrowded households shows that 27 of the 68 households, or 39.7%, are owner-occupied. Data at the Braintree district level suggests that one-third of overcrowded properties that are owner-occupied have three or more bedrooms.

3.11 The nature of overcrowding in the local area – that is, primarily among owner-occupiers and families with children – may mean that a greater proportion of larger dwellings are required to reduce the number of households in overcrowded accommodation.

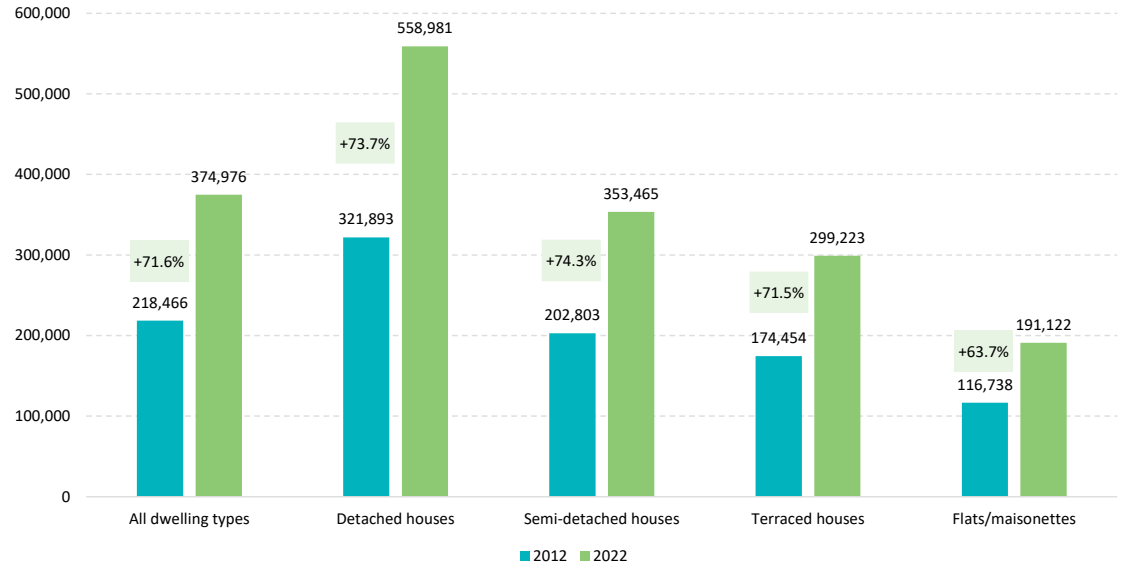
House prices

3.12 Across the district, detached and semi-detached properties have experienced faster price increases than terraced houses and flats over the period 2012 to 2022. As shown in Figure 3.4, the average price for a detached property in Braintree rose from £320,000 in 2012 to £560,000 in 2022; an increase of 73.7%. Prices for semi-detached properties grew marginally faster, from £200,000 in 2012 to £350,000 in 2022, or 74.3%. Conversely, average prices for flats/maisonettes in the district increased by just 63.7% over the period,

[5] ONS (2021) Census 2021

suggesting there has been higher demand for larger properties in Braintree district over the last decade.

Figure 3.4 Mean house prices across different dwelling types in Braintree district, 2012- 2022



Source: ONS (2023) HPSSA Dataset 12

Home-working and impacts on housing demand

3.13 Since the SHMA was published in 2015, and largely stimulated by changes during the Covid-19 pandemic, there have been significant changes in working patterns; a much higher proportion of the population work from home either part-time or full-time. In 2011, 5.4% of workers in England worked mainly at or from home; by 2022, this figure had increased to 16% working from home on a full time-basis[6]. On the basis that there was unlikely to have been any material change in levels of home-working between 2011 and 2015 (when the SHMA was produced), it can be inferred that levels of home-working have tripled since the SHMA was produced.

3.14 According to the ONS Opinions and Lifestyle Survey, 44% of people worked from home or hybrid-worked between September 2022 and January 2023[7]. A further 10% did not homework but were able to; this may be attributed to preferring an office environment, or not having enough space at home.

3.15 As many more workers are choosing to work from home, whether full-time or on a hybrid basis, the priorities of buyers within the housing market are changing. A survey conducted by Lichfields and Savanta on behalf of Barratt Developments in 2021 revealed that 69% of workers would prefer an additional room in their home as a dedicated office space[8]. Further, 62% would value home office space over a spare bedroom.

[6] ONS (2023d) Opinions and Lifestyle Survey
[7] Ibid.
[8] Lichfields for Barratt Developments (2021) Working from home: Planning for the new normal?

3.16 Aligning the breakdown of travel to work patterns by occupation from the Opinions and Lifestyles Survey with the occupations profile for Braintree[9] suggests that 39.7% of the district population are likely to work from home or hybrid-work. This implies that up to 27.4% of households in Braintree may be seeking larger homes. The equivalent figures for Silver End & Cressing ward are 38.8% and 26.7%, respectively. These figures are significantly higher than the levels that would have been seeking larger homes for homeworking at the time the SHMA was produced in 2015.

3.17 This would suggest that prospective buyers and renters are now looking for larger properties – either with more bedrooms or additional home office/study space – than they did previously. This change in trend towards increased homeworking occurred subsequent to the publication of the SHMA in 2015 and therefore is not accounted for within its recommended housing mix. As an increasing proportion of residents work from home full-time, or hybrid work, many will seek additional space to facilitate homeworking. This would have the effect of increasing their (bed)room requirement by at least one room.

Summary

3.18 Overall, evidence of existing and projected future demographic, socio-economic, and housing conditions in the local area provides support to a housing mix that exceeds the SHMA recommendation for larger dwellings. Areas of support include the evidence of a higher proportion of families with children in Silver End & Cressing ward compared to Braintree district, and the presence of families with children in overcrowded owner-occupied dwellings, and most significantly the increased trends in home-working since the Covid-19 pandemic increasing demand for larger properties.

[9] ONS (2021) Census 2021.

4.0 Potential future need

Review of updated projections

4.1 As highlighted previously in Section 2.0, the SHMA for Braintree, Colchester, Chelmsford and Tendring dates back to 2015 and relies upon the 2012-based SNPP and SNHP for the purposes of assessing housing mix, forecasting need forward to a horizon of 2037.

4.2 A 2016 revision updated the objective assessment of housing need using 2014-based household projections, however, it did not revisit housing mix. Therefore, it is important to consider whether these projections suggest a different underlying household profile, and therefore mix. Further, as of July 2024, the latest population and household projections are 2018-based, and Census data is now available for 2021, and as such a comparison with the 2018-based SNHP is also needed.

4.3 A breakdown of the components of change and the mix of household types in Braintree in the three projections is shown in Table 4.1.

Table 4.1 Components of change and household projections for Braintree, 2015 and 2037

Components of change (in year ending)	2012-based projection				2014-based projection				2018-based projection			
	2015		2037		2015		2037		2015		2037	
Births	1,766		1,783		1,673		1,747		-		1,600	
Deaths	1,313		1,987		1,439		1,973		-		1,965	
Net migration	767		1,185		726		1,168		-		807	
Household projections	**2015**		**2037**		**2015**		**2037**		**2015**		**2037**	
One-person households	17,564	27.4%	22,974	29.2%	17,430	27.4%	22,300	29.0%	17,595	28.0%	21,971	31.2%
Families with dependent children	19,279	30.1%	21,360	27.2%	19,107	30.1%	21,079	27.4%	18,454	29.3%	17,247	24.5%
Other household types	27,155	42.4%	34,247	43.6%	26,986	42.5%	33,528	43.6%	26,872	42.7%	31,298	44.4%
Total	**63,998**		**78,581**		**63,523**		**76,907**		**62,291**		**70,516**	

Source: ONS SNPP (2012-based, 2014-based and 2018-based), ONS SNHP (2018-based), DLUHC/MHCLG Household Projections (2012-based, 2014-based).

4.4 As shown in Table 4.1, subsequent revisions of the SNPP and SNHP have alluded to a falling birth rate and a reduction in net migration. While the 2018-based projections demonstrate a significant deviation from the 2012- and 2014-based versions, current government guidance requires local authorities to assess housing need based on the 2014-based projections. The projected mix of household types to 2037 within the 2014-based SNHP is broadly comparable to that within the 2012-based projections, and therefore updating the SHMA to use 2014-based projections would be unlikely to have any material impact on the prescribed housing mix.

4.5 Conversely, updating the SHMA to reflect the 2018-based projections would likely result in a material change to the resulting housing mix. The household mix in 2037 within the 2018-based projections indicates a greater proportion of one-person households who would most likely require smaller dwellings. However, a proportion of these one-person households will be single, older people who 'bed block' family houses and are reluctant to downsize. This would create a need for additional family homes to accommodate newly forming and upsizing families.

Reassessment of the SHMA market housing mix

4.6 Through applying current occupancy patterns to household projections using the most up-to-date data available, a rapid reappraisal of the SHMA can be conducted. This has been assessed at both the Braintree district and Silver End & Cressing ward spatial levels to understand whether the future demographic composition of Silver End & Cressing would suggest a different housing mix to Braintree district more widely.

4.7 The starting point in terms of household profile is taken to be the 2021 Census for each area, with trends as per the 2018-based projection applied. Occupancy patterns from the 2021 Census are applied to estimate housing mix. The results are shown in Table 4.2.

Table 4.2 Projections of additional households in Silver End & Cressing ward and Braintree district by number of bedrooms between 2021 and 2037 (refers to market)

	Silver End & Cressing ward		Braintree district	
	Additional households	Proportion of required change	Additional households	Proportion of required change
1 bedroom	13	5.5%	621	11.4%
2 bedrooms	66	28.8%	1,602	29.3%
3 bedrooms	105	46.0%	1,995	36.5%
4+ bedrooms	45	19.6%	1,253	22.9%
Total	**229**		**5,471**	

Source: Lichfields analysis

4.8 The above analysis demonstrates that while the SHMA for Braintree district current suggests a mix with 19.2% of market dwellings having 4 or more bedrooms, applying the 2021 Census and 2018-based SNHP would result an increased proportion of dwellings with 4 or more bedrooms of 22.9% at the district level and 19.6% at the ward level.

4.9 While the mix of 2- and 3-bedroom dwellings is broadly similar to the SHMA mix (29.9% and 42.9%, respectively) more recent household projections suggest greater levels of growth in the number of one-person households, and this is reflected in the increased requirement for such dwellings from 4.2% in the SHMA to 11.4% for Braintree district. However, at the Silver End & Cressing level a lower proportion of 1-bedroom dwellings would be required (5.5%), demonstrating a divergence in housing mix requirements between the district and ward levels.

Summary

4.10 The SHMA's required housing mix is based on the ONS 2012-based SNHP. Using data from the 2018-based SNPP and SNHP demonstrates two key points:

1 Across Braintree as a whole, the market housing mix for 4+ bed homes would be slightly higher than the SHMA when using more up-to-date data; and

2 Within Silver End specifically, there is a lesser need for the smallest [1-bed] dwellings compared with Braintree as a whole.

4.11 The combination of these factors would suggest that a slightly larger housing mix, than that shown in the SHMA, is appropriate and justified in this location.

5.0 Housing Delivery in Braintree

5.1 This section examines the housing mixes in past delivery of housing across Braintree and within Silver End Parish and neighbouring Cressing and provides an overview of the future pipeline of housing within strategic allocations in Braintree district.

Past delivery

5.2 Table 5.1 shows the change in market housing stock in Braintree between 2011 and 2021. Although this is a different time period to the SHMA (which refers to need from 2015 onwards), it nonetheless demonstrates that the mix of housing delivered has been substantially larger than the SHMA's indicated need. The Proposed Development responds to this by proposing a housing mix with a proportion of 4-bedroom dwellings closer to the SHMA requirement and providing a greater proportion of 2-bedroom dwellings.

Table 5.1 Market Housing Mix Profile Change 2011-2021 in Braintree

Number of bedrooms (market housing)	Change (2011-21)	Profile of change in market housing (2011-21)	SHMA mix required for market housing
1	+312	9.2%	4.2%
2	+405	11.9%	29.9%
3	+737	21.7%	42.9%
4+	+1,948	57.2%	19.2%
Total	**+3,402**		

Source: ONS Census Data 2011, 2021 | Lichfields Analysis | Braintree SHMA 2015

Local Plan site allocations in Silver End

5.3 There are four sites allocated for residential development in Silver End within the Braintree Local Plan. Shown in Table 5.2 are the housing mix for the three sites with approved applications with a total capacity of 445 dwellings, of which 267 are market dwellings.

Table 5.2 Local Plan Site Allocations in Silver End Parish – approved housing mix for market units

Site name	Number of dwellings	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Land North of Western Road	210	0	9	109	92
		0.0%	4.3%	51.9%	43.8%
Land East of Boars Tye Road	30	0	8	14	8
		0.0%	26.7%	46.7%	26.7%
Land South of Western Road	27	0	5	13	9
		0.0%	18.5%	48.1%	33.3%
Total	**267**	**0**	**22**	**136**	**109**
		0.0%	*8.2%*	*50.9%*	*40.8%*

Source: Braintree District Council | Lichfields analysis

Extant permissions

Land Off Western Road (Redrow Homes): ref. 18/01751/REM

5.4 This application sought approval for details of all the Reserved Matters – access, appearance, landscaping, layout and scale – for a residential development of 350 dwellings with associated infrastructure and landscaping, pursuant to outline planning permission 15/00280/OUT that was granted planning permission on 21st March 2017. The mix of market dwellings in the original and amended scheme is shown in Table 5.3.

Table 5.3 Market Housing Mix for Land Off Western Road, ref. 18/01751/REM

Number of bedrooms	Number of market dwellings originally proposed	Proportion	Revised and approved number of market dwellings	Proportion	Change
1	0	0.0%	0	0.0%	-
2	3	1.4%	9	4.3%	+200.0%
3	66	31.4%	109	51.9%	+65.2%
4+	141	67.1%	92	43.8%	-34.8%
Total	**210**	**100%**	**210**	**100%**	

Source: Braintree District Council | Strutt and Parker

5.5 An amended reserved matters application increased the number of 3-bedroom units originally proposed in the outline application and reduced the number of 4-bedroom units. The housing mix for market housing at this development deviates from the housing mix within the 2015 SHMA: the proportion of 1- and 2-bedroom dwellings is lower than the SHMA specifies and the proportion of 3- and 4-bedroom dwellings is higher.

Land East of Boars Tye Road (Sanctuary Homes): ref. 19/00634/REM

5.6 This application sought approval for details of Reserved Matters of outline planning consent 18/01172/VAR for the delivery of 50 residential units, parking, landscaping and all associated works at Land East of Boars Tye Road, Silver End.

Table 5.4 Market Housing Mix for Land East of Boars Tye Road, Silver End, ref. 19/00634/REM

Number of bedrooms	Number of market dwellings	Proportion of market dwellings
1	0	0.0%
2	8	26.7%
3	14	46.7%
4	8	26.7%
Total number of market dwellings	**30**	**100%**

Source: Tenure Plan and Site Layout Plan |Unit 1 Architects| Sanctuary Homes

5.7 The mixture of unit sizes within the submission broadly aligns with the mix required by the SHMA. However, there is a smaller proportion of 1-bedroom dwellings than the SHMA specifies (i.e., 0% in comparison with the 4.2% SHMA requirement), and an over-delivery of 4-bedroom dwellings (26.7% in comparison with the 19.2% SHMA requirement).

The Garden Field, Land South of Western Road (Croudace Homes): ref: 20/01343/REM

5.8 This application sought approval for details of reserved matters with regard to a previously approved outline permission for 45 new dwellings at The Garden Field (Land South of Western Road) in Silver End.

5.9 The housing mix within the application deviates from the SHMA's requirements, resulting an under-delivery of 1- and 2-bedroom dwellings (0% and 18.5% in comparison with SHMA requirements of 4.2% and 29.9%, respectively) and over delivery of 4+ bedrooms (33.3% in comparison with SHMA figure of 19.2%).

Table 5.5 Market Housing Mix for The Garden Field, Land South of Western Road, ref: 20/01343/REM

Number of bedrooms	Number of market dwellings	Proportion of market dwellings
1	0	0.0%
2	5	18.5%
3	13	48.2%
4+	9	33.3%
Total	**27**	**100%**

Source: Site Layout Plan | Croudace Homes

Land Adjacent to Braintree Road, Cressing (Countryside Homes): ref 19/00739/REM

5.10 This application sought approval for details of reserved matters for a development of up to 225 residential dwellings on the Land Adjacent to Braintree Road in the neighbouring village of Cressing.

Table 5.6 Market Housing Mix for Land Adjacent to Braintree Road, Cressing, ref: 19/00739/REM

Number of bedrooms	Number of market dwellings	Proportion of market dwellings
1	0	0.0%
2	28	20.7%
3	68	50.4%
4+	39	28.9%
Total	**135**	**100%**

Source: Unit Sizes Plan | Scott Brownrigg | Countryside Homes

5.11 The housing mix for this development broadly aligns with the SHMA's requirements, however, it still results in an over-delivery of 3 and 4+ bedroom dwellings (50.4% and 28.9% respectively), in comparison with the SHMA's requirements of 42.9% and 19.2% for 3 and 4+ bedroom dwellings.

Summary of extant permissions

5.12 As shown in Table 5.7, the four developments with extant permission in Silver End and Cressing have housing mixes that deviate from the SHMA requirements in terms of large (4 or more bedroom) dwellings. The Council therefore appears to have accepted the principle of housing mixes which are slightly larger than the SHMA in this location.

5.13 These four developments in Silver End and Cressing have provided a larger housing mix than the SHMA stipulates, demonstrating that there is a clear precedent for the Council accepting a deviation from the SHMA mix in this location. The Proposed Development helps increase choice in the village further, by providing more 2-beds than other recent schemes in Silver End.

5.14 Further, the proposed housing mix for the Proposed Development is significantly more aligned with the SHMA's requirements than the other schemes that have been granted permission, shown in Table 5.7.

Table 5.7 Market housing mix of extant permissions in Silver End and Cressing as of June 2024

Site Name	Number of market dwellings	1-bed	2-bed	3- bed	4+ bed	Aligns with SHMA?
SHMA Market Housing Mix		***4.2%***	***29.9%***	***42.9%***	***19.2%***	
Land Off Western Road	210	0%	4.3%	51.9%	43.8%	Not aligned, with the exception of 3-bedroom dwellings. Over-delivery of 4+ bedroom dwellings.
Land East of Boars Tye Road	30	0%	26.7%	46.7%	26.7%	Broadly aligns (within c.5-10% either way), except for 1-bedroom dwellings which under-deliver. Over-delivery of 4+ bedroom dwellings.
The Garden Field, Land South of Western Road	27	0%	18.5%	48.2%	33.3%	Under-delivery of 1- and 2-bedrooms and over delivery of 4+ bedrooms.
Land Adjacent to Braintree Road, Cressing	135	0%	20.7%	50.4%	28.9%	Broadly align. Over-delivery of 3 and 4+ bedroom dwellings
Total	**402**	**0%**	**12.4%**	**50.7%**	**36.8%**	

Source: Lichfields analysis

Future pipeline

5.15 There are a total of 4,945 units which have been allocated for development on strategic sites (defined as sites with 500 or more dwellings) in the Braintree Local Plan. In this context, the proposed development comprising 95 dwellings will have a marginal, or indeed negligible, impact on the overall housing mix within the district.

6.0 Conclusions

6.1 This report has considered both demand- and supply-side factors that would influence the optimal mix of housing sizes within Braintree district, focusing on Silver End & Cressing ward in particular. Analysis of this evidence suggests there are material considerations that would justify a deviation from the market housing mix requirement of the SHMA (which forms the basis for the current adopted Braintree Local Plan's housing mix requirements).

Policy and evidence base

6.2 Policy LPP 35 of the Braintree Local Plan requires housing development to provide a mix of dwellings in line with the 2015 SHMA, or its successor. The SHMA recommends a mix of market housing in Braintree district of 4.2% 1-bedroom dwellings, 29.9% 2-bedroom dwellings, 42.9% 3-bedroom dwellings and 19.2% dwellings with 4 or more bedrooms.

6.3 This mix is adopted within the Braintree Local Plan under Policy LPP 35; however, the policy caveats that this mix may be deviated from if *"material considerations indicate otherwise"* and/or where the SHMA is superseded by other evidence produced by the Council.

Local conditions

6.4 The age profile of Silver End & Cressing shows a higher proportion of young couples and families, including concealed families and some overcrowded families living in owner-occupied housing. Prices of homes have also increased at a faster rate than flats over the last decade in Braintree as a whole.

6.5 Research conducted by Lichfields on behalf of Barratt Developments in 2021 suggests that over two-thirds of those who homework would like an extra room in their home to facilitate homeworking; this is largely as a result of the Covid-19 pandemic which post-dates the SHMA's analysis of housing mix needs. As shown in Section 3.0, aligning ONS survey data on homeworking to the occupations profile of local residents implies that in the region of 26.7% of residents in Silver End & Cressing would value an additional room in their home for homeworking; this may justify a skew towards larger dwellings in the housing mix beyond that recommended by the SHMA[10].

Future housing need

6.6 The SHMA's required housing mix is based on the ONS 2012-based SNHP. Using data from the 2018-based SNPP and SNHP, and using the latest 2021 Census data, demonstrates two key points:

1 Across Braintree as a whole, the market housing mix for 4+ bed homes would be slightly higher than the SHMA when using more up-to-date data; and

2 Within Silver End specifically, there is a lesser need for the smallest [1-bed] dwellings compared with Braintree as a whole.

[10] Lichfields for Barratt Developments (2021) Working from home: Planning for the new normal?

6.7 The combination of these factors would suggest that a slightly larger housing mix, than that shown in the SHMA, is appropriate and justified in this location.

Recent housing delivery in the local area

6.8 The four developments with extant permission in Silver End and Cressing have housing mixes that deviate from the SHMA requirements in terms of large (4 or more bedroom) dwellings. The Council therefore appears to have accepted the principle of housing mixes which are slightly larger than the SHMA in this location.

Conclusions

6.9 The proposed housing mix for the market units of the Proposed Development is shown in Table 6.1.

Table 6.1 Proposed **market** housing mix

Number of bedrooms	Number of market dwellings	Proportion of market dwellings
2 bedrooms	17	29.8%
3 bedrooms	28	49.1%
4 bedrooms	12	21.1%
Total	**57**	100.0%

Source: Bellway Homes

6.10 The village of Silver End has a significant population of young families, who are likely to form the bulk of demand for 3-bedroom properties in the area. This would imply a greater local requirement for family homes (with 3 or 4 bedrooms) relative to other areas in Braintree district.

6.11 Further, increased working from home (as discussed at paragraphs 3.13 to 3.17 inclusive) means many households in the area would prefer a property with additional space to facilitate home-working – this would increase the requirement for 3- and 4-bedroom dwellings, or properties with study spaces, relative to the existing housing stock.

6.12 Whilst there is clear precedent for providing a slightly larger mix (than the SHMA) in this location, as evidenced by recent schemes in Silver End, Bellway's proposed mix is much more closely aligned with the SHMA requirement for market housing mix than the other schemes recently approved in Silver End and Cressing, notably providing significantly more 2-bed homes.

6.13 Overall, material considerations justify a deviation from the SHMA housing mix, in line with LPP 35 of the Local Plan, in favour of providing slightly more larger homes on the Proposed Development. This is because the proposed housing mix reflects more recent evidence on demographic conditions in the local area, wider trends in working patterns, and recent approvals and delivery in the local area.

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Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2S: Boars Tye Road Silver End Completed site proforma

Green Lodge Halstead Hall Braintree Road Greenstead Green

LPA Ref: 22/02211/FUL; PINS Ref: APP/Z1510/W/24/3346178

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 16A: Boars Tye Road Silver End completed site proforma

Braintree District Council

Braintree District Council Planning Policy

Housing Land Supply Review 2023

Braintree District Housing Trajectory Questionnaire

The Council is subject to the Freedom of Information Act 2000 and Environmental Information Regulations 2004, and laws concerning the protection of personal information. If you consider that any of the information that you provide as part of your response is commercially sensitive or personal information, please identify it as such in Question 6a and please explain in question 6b how disclosure would be detrimental to your organisation. The Council cannot guarantee non-disclosure of this information, but will apply any relevant exemption where one is clearly engaged.

SITE SUMMARY (completion by BDC)	
Site Reference:	TR125
Site:	Land West of of Boars Tye Road Silver End
Ownership: (eg. Housebuilder, developer, landowner)	
Contact details	
Planning status: e.g. allocation, outline permission, detailed permission, resolution to grant planning permission)	Outline permission granted on appeal 19.01.2023 (ref 19/00850/OUT) to M Scott Properties Ltd
Braintree District Council assessment of progress towards delivery of this site based on our current knowledge:	
To be completed by BDC following review of information provided by development representative:	
Total site capacity	94
Total completed at March 2023	0
Total outstanding at March 2023	94
Qualify for 5YS2028: Yes/No 5YS forecast 2023-2028:	

Continued overleaf: Pages 2-4 for completion by site development representative

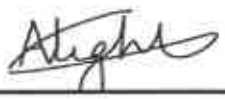
For completion by site development representative:

SECTION 1: CONFIRMATION OF SUMMARY SITE DETAILS		
1a	**Please confirm if the site details set out by the Council above, including the Council's assessment, are correct. If not, please provide update details.**	Yes

SECTION 2: AVAILABILITY:		
2a	**Is the site currently available for development? Is the site in the control of a developer, or site promoter?**	In the control of a developer.
2b	**If not, why not?** *e.g. is there an existing use on site?*	
2c	**If the site is not available yet, when will it become available**	
2d	**Are you still undertaking site assessment work? If so, please give further details.**	Yes, a number of surveys are being carried out including archaeological, ecological and noise.
2e	**When do you plan to submit Reserved Matters?**	Late July 2024
2f	**If your site has outline permission and you have submitted or will be submitting a Full application rather than Reserved Matters, please explain briefly why**	

SECTION 3: ACHIEVABILITY	
(defined as having a realistic prospect that housing will be delivered on site within 5 years)	
Are there current barriers delaying/ preventing development? Please explain what they are and how/when they will be overcome.	No

SECTION 4: DELIVERY TIMETABLE AND HOUSING TRAJECTORY		
4a	**When do you estimate you will start works on site?**	May 2025
4b	**When do you estimate you will deliver the first housing completions?**	January 2026
4c	**When do you estimate you will complete development of the site?**	July 2027
4d	**Please complete the Housing Trajectory Table (final page) with forecast housing completions by year**	**See final page**
4e	**Any additional comments you wish to make**	

SECTION 5: DECLARATION		
I confirm that the information provided is correct to the best of my knowledge:	**Name: Anna Light**	**Signature:** 

6: COMMERCIALLY SENSITIVE INFORMATION		
6a	**Have you provided any information you regard as commercially sensitive? If yes, please specify which answers this applies to.**	No
6b	**Please explain how disclosure of this information would be detrimental to your organisation.**	

Please return to: planningpolicy@braintree.gov.uk

4d: HOUSING TRAJECTORY TABLE: FORECAST COMPLETIONS BY YEAR

Please complete the housing trajectory table below with details of your anticipated housing completions in future years:

Please note: All years are based on financial years i.e. 1 April to 31 March. If you can only provide a forecast based on a different period, eg January to December by year, please make this clear in the response

	2023-2024	2024-2025	2025-2026	2026-2027	2027/2028	Total
Current best estimate of **MARKET DWELLING COMPLETIONS**	0		9	37	11	
Current best estimate of **AFFORDABLE DWELLING COMPLETIONS**	0		0	29	8	
= TOTAL DWELLINGS (market + affordable)	0		9	66	19	**94**
	2028-2029	**2029-2030**	**2030-2031**	**2031-2032**	**2032-2033**	**Post 31.03.2033**
Current best estimate of **MARKET DWELLING COMPLETIONS**						
Current best estimate of **AFFORDABLE DWELLING COMPLETIONS**						
= TOTAL DWELLINGS (market + affordable)						

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Development Management
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

28/05/2024

Dear Sir/Madam,

APPLICATION UNDER TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 2007 (AS AMENDED)

APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENTS AT LAND WEST OF BOARS TYE ROAD, SILVER END

Please find enclosed application for consent to display advertisements at Land West of Boars Tye Road.

The proposed advertisements are to indicate that the site has been purchased by Bellway Homes for residential development and to ensure that this is visible from the public highway. The proposals include a sign flanked by a pair of flags.

Two types of advertisement are proposed:

- Sign – type BH2 as noted in the application document. 1no. sign is proposed and will be located at the edge of the site overlooking existing highway onto Boars Tye Road.
- Flags and flagpoles – type BH10 as noted in the application document. A total of 2no. flags and flagpoles are proposed to emphasise the 'Land Acquired' sign. The flagpoles are six metres tall and the flag is fixed to the top and bottom in a portrait format so that it is always flying.

Consent to display the advertisements is sought until August 2025.

As stated in the PPG, "*Regulation 3 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.*

Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals."

Bellway | Supporting CANCER RESEARCH UK

Bellway is proud to be supporting Cancer Research UK as their charity of the year.

Registered Office: Bellway Homes Limited, Woolsington House, Woolsington, Newcastle upon Tyne, NE13 8BF. Registered in England Number 670176
Bellway Homes Limited is a member of the Bellway p.l.c. Group of Companies

The advertisements have been located to attract interest to the site but to minimise the impact on public safety. In this regard, the advertisements are clear, with large text and do not contain excessive amounts of information that would confuse road users.

In respect of amenity, the number of advertisements is minimal and the designs simplified so as not to impact on visual amenity.

Overall, it is considered that the proposals are acceptable and that advertisement consent should be granted for the temporary period required.

This application comprises the following documents:

- Completed application form;
- This Covering Letter;
- Advertising displays document;

The statutory application fee of £578 and service charge has been paid via the Planning Portal, Ref. PP-13097337

I trust we have provided all the necessary information Braintree District Council to determine this application, however, please do not hesitate to contact me should any further details be required. I look forward to receiving confirmation that the planning application has been validated.

Yours faithfully

BELLWAY HOMES LIMITED (ESSEX DIVISION)

Anna Light

Planner

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2 T: Phase 5 Lodge Farm Witham

Reserved Matters submission Planning Statement

PLANNING STATEMENT

Lodge Farm, Witham Phas5

On behalf of Redrow Homes

June 2024

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1 INTRODUCTION

1.1 This Planning Statement has been prepared by Ceres Property on behalf of Redrow Homes in relation to the submission of a reserved matters application for Phase 5 of Lodge Farm, Witham.

1.2 In May 2016, outline planning consent was granted by Braintree District Council on the site for the following:

'*Outline application with all matters reserved other than strategic access onto Hatfield Road for the erection of up to 750 dwellings, primary school and early years centre, enterprise centre (A1/A2/B2/D1/D2 uses) and retention of existing barn buildings for mixed use purposes (A1/A2/A3/B1/D1/D2 uses), with associated infrastructure and landscaping (Ref: 15/00430/OUT)*

1.3 This application has subsequently been varied under planning application 16/02101/VAR, which gave permission to vary condition 26 relating to the Site Wide Design Gude (SWDG). More recently condition 4 of the consent was varied under planning application 17/02176/VAR and 20/01571/VAR, which granted further planning permission for minor variations to the illustrative masterplan and parameter plans.

1.4 Phase 5 seeks reserved matters consent for the following:

'*Reserved matters for layout, appearance, scale and landscaping for the erection of 110 dwellings with associated open space, landscaping and parking pursuant to outline application 15/0430/OUT as varied by 16/02101/VAR, 17/02176/VAR and 20/01571/VAR'*

1.5 This Planning Statement provides an overview and Planning Assessment of the scheme having regard to local and national planning policy. The application is accompanied by the following documents and plans:

- Design and Access Statement, prepared by MDD Design
- Arboricultural Impact Assessment, prepared by TMA Associates
- Update Ecology Appraisal, prepared by CSa

- Ecological Enhancement Plan, prepared by CSa
- Drainage Statement and drainage plans, prepared by Richard Jackson Associates
- Site masterplan, elevations, floor plans and street scenes, prepared by MDD Design
- Landscape Masterplan and detailed landscape plans, prepared by SES
- Lighting Strategy Plan, prepared by Richard Jackson Associates
- Highway General Arrangement and Tracking Plans, prepared by Richard Jackson Associates
- Site Wide Design Guide Tracker, prepared by Ceres Property
- Energy Statement- Included within Planning Statement
- Statement of Community Involvement- included within Planning Statement

1.6 A summary of the key findings of the technical documents and plans is provided within this Planning Statement.

2 SITE & SURROUNDINGS & PLANNING HISTORY

2.1 Phase 5 is situated to the south- west of the overall development and is the final phase of residential development within Lodge Farm. Phase 5 is located to the north of the enterprise centre land, to the west of the existing public open space as approved as part of Phase 2 (reference 17/00931/REM), and to the south of Phase 4, which is currently being constructed as approved under 21/0049/REM. To the west of the site is Wood End Farm, which is currently agricultural land but has planning permission for 400 residential dwellings and day nursery under planning application 19/01896/OUT. The west boundary of the site is characterised by hedgerow planting, with some intermittent trees. The character of this boundary is described in full detail within the Arboricultural Impact Assessment, prepared by Tim Moya Associates.

2.2 Phase 5 is currently used as construction compound and construction parking in association with the construction of the other phases on the site. A full description of the site and its surroundings is set out within the Design & Access Statement, prepared by MDD Design.

Planning History

2.3 The site has a long planning history, and this represents the final residential phase on the site. Following the grant of Outline planning permission in 2016 under planning application 15/00430/OUT, a number of reserved matters consents have been secured, the vast majority of which have been built out.

2.4 Reserved matters approval for Phase 1A of the site was granted on the 18th September 2017 under application reference 17/00931/REM, to deliver 91 dwellings with associated landscaping, public open space, access and parking. Subsequently a reserved matters application for Phase 1B of the development was submitted to Braintree District Council under application reference 18/00884/REM to deliver 84 dwellings with associated landscaping, access and parking, which was subsequently approved on the 4th September 2018. Reserved matters approval was then secured for Phase 2 on the 26th March 2019 under application reference 18/01912/REM to deliver 61 dwellings and associated landscaping, access and parking. This phase included the delivery of the open space, which immediately adjoins the Phase 5 application site. An application for Phase 3A of

the development was submitted in 2019 under planning application reference 19/02228/REM for 72 dwellings, which was approved on the 10th March 2020. This consent has largely been build out. The most recent residential consent was for 216 dwellings within Phase 3A and 4 for the erection of 216 dwellings, which was approved on the 12 November 2021 under planning application reference number 21/00249/REM. This phase is currently in the process of being built out.

3 DESCRIPTION OF PROPOSAL

3.1 This reserved matters application relates to layout, appearance, scale and landscaping and seeks consent for the erection of 110 dwellings, with associated landscaping, public open space and parking.

3.2 As set out in detail within the Design & Access Statement, prepared by MDD Design this phase provides for a mixed density scheme with provision for a mixture of detached, semi- detached and terraced housing and one apartment building, which is situated in the north- east corner of the site.

3.3 The application comprises of 30% affordable housing and 70% market housing. This equates to 33 affordable dwellings in total. The affordable housing is split into 23 rented and 10 shared ownership dwellings. This accords with the requirements of the Section106 agreement, which requires the provision for 30% affordable houses to be delivered in total across all phases, at a split of 70% rented and 30% for shared ownership. To date a fully Section106 compliant 30% affordable housing at the agreed split has been delivered.

3.4 This phase is characterised by a secondary street that runs centrally from north to south within the parcel and provision for a central green off the secondary street. The central green provides a usable, high-quality area of public open space, but has also allowed the creation of a defined centre to the phase, which assists with both place- making and wayfinding.

3.5 The east boundary is defined by a slightly higher density part of the parcel, with terraced houses and the apartment building in the north- east corner of the site providing a good degree of active and continuous frontage over the existing open space that has already been delivered as part of Phase 2.

3.6 To the north, the density is also relatively high; to reflect the higher density of phase 4 to the north of the site and it is again defined by the apartment building and terraced properties.

3.7 To the south the density is low, and a large quantum of open space is proposed to allow for retention of the existing landscape and drainage features and also allow for a positive and welcoming entrance to the site.

3.8 The west boundary of the site is defined by medium density mainly detached housing, which is served off private drives. A green corridor and pedestrian footpath is proposed along the west boundary of the site.

3.9 The road hierarchy follows the requirements of the SWDG with secondary roads, shared services and private drives following the logical layout as set out within the SWDG.

3.10 Car parking is provided mainly on plot and landscape planting has been provided to the front of dwellings and within parking courts to ensure that the scheme is landscape led throughout. Secure cycle parking and convenient bin and recycling storage locations are also provided throughout.

Ecology and Drainage

3.11 To support the application an ecology report has been prepared by CSa, which sets out a number of measures to enhance ecology, including the provision for bird and bat boxes, and hedgehog highways.

3.12 As set out within the drainage strategy, prepared by Richard Jackson Associates the proposals will utilise the existing Surface Water Drainage features implemented as part of earlier phases, with surface water draining into the attenuation basins provided constructed as part of the open space within phase 2 of the development.

Energy Strategy

3.13 Over the last 50 years, Redrow have developed three sustainable business themes: Creating Thriving Communities by Building Responsibly and Valuing People. This strategy has benefitted the places Redrow create and the people who live there.

3.14 Wherever possible, Redrow aims to enhance its developments by achieving the best biodiversity net gain to improve climate resilience and encourage the return of key habitats, this in turn helps towards addressing the climate crisis by re-establishing local eco-systems to help nature regulate greenhouse gas emissions and support carbon reduction.

3.15 Redrow's latest Eco Electric homes achieve an 84% uplift against 2013 Building Regulations; by ensuring they are more energy efficient, which requires less energy to heat and run. This is achieved by making the following improvements.

- Increasing insulation significantly in the walls, roof and floors
- Low-e high performing double glazed windows
- Improved airtightness by employing better building techniques
- Air Source Heat Pumps
- Smart heating control units
- Underfloor heating to the ground floors
- Industry leading water efficiency rating of 105 ltr / per person / per day

3.16 In addition, as shown on the EV Charging location plan, prepared by MDD Design, the vast majority of dwellings have been designed with passive EV Charging provision, to allow for the ease of use of electric vehicles.

3.17 Our homes continue to be built using traditional masonry methods as with the newly introduced Approved Document, Part O into the Building Regulations, these methods help reduce the risk of overheating as it absorbs heat during the day and slowly releases it during cooler night-time hours, effectively smoothing out the temperature fluctuations within the home.

3.18 Redrow continue to work together with-it suppliers to minimise the carbon footprint of our operations and decarbonise the supply chain. This is being achieved by selecting products that have a lower embodied carbon content, sourcing more local materials, testing alternative, cleaner fuels for site machinery and reducing overall construction waste with the use of recycling partnerships.

4 PLANNING POLICY CONSIDERATIONS

4.1 In accordance with the Planning and Compulsory Purchase Act (2004) all applications should be considered in accordance with the Development Plan unless material planning considerations indicate otherwise.

4.2 In this instance the relevant Development Plan is the Braintree District Local Plan to 2033. It should be noted that with Outline planning consent already being granted on this site, the relevant planning policy matters are those that relate to the relevant reserved matters considerations namely appearance, layout, scale and landscaping.

Braintree District Local Plan to 2033

4.3 The Local Plan is split into two sections. The strategic policies are set out within Section 1 and the detailed policies are set out within Section 2. key policies within the Adopted Braintree District Local Plan are as follows:

Section 1:

Policy SP1 Presumption in Favour of Sustainable Development

Policy SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Policy SP4 Meeting Housing Needs

Policy SP7 Place Shaping Principles

Section 2:

LPP31 Affordable Housing

LPP35 Housing Mix, Density and Accessibility

LPP43 Parking Provision

LPP 47 Built and Historic Environment

LPP63 Natural Environment and Green Infrastructure

LPP65 Tree Protection

LPP66 Protection, Enhancement, Management and Monitoring of Biodiversity

LPP72 Resource Efficiency, Energy Generation and Energy Efficiency

LPP74 Flood Risk and Surface Water Drainage

LPP76 Sustainable Urban Drainage Systems

LPP 77 External Lighting

Supplementary Planning Documents/Guidance

4.4 The following Supplementary Planning Documents/Guidance Notes are not considered to be of relevance to the application:

- Affordable Housing SPD- May 2006
- Essex Coast RAMS SPD 2020
- External Artificial Lighting SPD 2009
- Essex Design Guide 2005 and Urban Place Supplement 2007
- Parking Standards Design and Good Practice Guidance- September 2009

National Planning Policy Framework (2023)

4.5 The National Planning Policy Framework (NPPF) at national level provides the statutory framework for consideration of the application.

5 STATEMENT OF COMMUNITY INVOLVEMENT

5.1 As set out within the Adopted Braintree Statement of Community Involvement (2021) and the NPPF, early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre- application discussion enables better coordination between public and private resources and improves outcomes for the community.

5.2 The Council's adopted SCI recognises that the level of engagement needs to be proportionate to the nature and scale of the proposed development. The more complex or contentious the proposal, the broader Range of consultation methods should be.

5.3 In accordance with the with the requirements of the Adopted Statement of Community Involvement and the NPPF, the applicants have undertaken a detailed programme of community engagement on Lodge Farm over a number of years. This has included holding a number of public exhibitions during the Outline planning application consent period, a number of meetings with Witham Town Council and engagement with the local residents, such as Witham Watch Group. Redrow also employs Raven Communications to ensure ongoing communication with new residents after they have moved into dwellings on the Lodge Farm site.

5.4 Phase 5 of Lodge Farm has been subject to two formal pre- application meetings with Braintree District Council. The first was in August 2022 with a second pre- application May 2023. As set out on page 16 of the Design and Access Statement, prepared by MDD, detailed feedback was received from planning officer and the urban design officers on a range of matters. As a result, a number of positive design amendments, have been made to the scheme. This has included the widening of the green corridor to the west boundary of the site, as required by the SWDG and provision of a footpath along this boundary. In addition, a previously proposed urban square feature in the centre of the site has been replaced with a more traditional green open space, which has also resulted in realignment of the secondary street within the development. The mews court towards the north-east of the site was also removed in order address concerns regarding the access and layout of the mews court at pre- application stage. As part of the pre- application stage, formal input was also received from ECC Ecology and the Highway Authority.

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5.5 Wider engagement on Phase 5 has been more limited, accounting for this being the final phase of the development and that it is not situated in the close proximity to any neighbouring residential dwellings. Consultation has been limited to avoid consultation fatigue. The application team did meet with Whitham Town Council in 2022 to discuss the layout of the allotments on the site, where a general update was also provided in respect of the timescale for phasing of the development.

6 PLANNING ASSESSMENT

6.1 This section of the report provides an assessment of the proposals having regard to the relevant reserved matters namely appearance, scale, layout and landscaping. In addition, an assessment is provided in relation to any technical matters relevant to conditions imposed as part of the outline planning application consent.

6.2 With this being a reserved matters application, the principle of the development has been secured as part of the existing Outline Consent (as varied).

6.3 Lodge Farm has for a number of years made a substantial contribution towards housing delivery within the district and approval of Phase 5 will ensure that a steady supply of dwellings from the site is maintained. In accordance with Paragraph 11 of the NPPF and policies SP1 and SP3 of the Braintree Local Plan, it is considered that the delivery of much needed this should be given substantial weight in favour of approval of the application.

6.4 The key planning policy considerations are therefore considered to relate to the following:

1. An assessment of whether the proposed development accords with the approved parameter plans and SWDG for the site including a review of whether the proposals constitute high quality development having regard to the requirements of policies within the Adopted Braintree District Local Plan.

2. An assessment of whether the proposed development accords with the Essex Design Guide, having regard to garden sizes and back-to-back distances

3. A review of detailed matters relating to landscaping, ecology, drainage, car and cycle parking.

6.5 Policy 47 of the Adopted Local Plan sets out that the Council will seek to promote and secure a high standard of design and layout in all new development and create built environments which are safe and accessible to everyone, and which will contribute towards the quality of life in all towns and villages.

6.6 As described in detail within the Design and Access Statement, prepared by MDD Design the proposed layout has been subject to a period of significant design evolution and provides a high-quality layout in keeping with the character of the previous phases.

6.7 The layout has also sought to accord with the parameter plans approved as part of the Outline application consent and respond to the requirements of the Site Wide Design Guide for the site. In this regard a detailed SWDG Compliance Statement has been prepared in support of the application This provides a detailed analysis of the compliance of the proposals both with the parameter plans and the SWDG. As set out within the Compliance Statement the proposals are considered to fully accord with all 5 parameter plans approved as part of the Outline application consent (as varied). In addition, the proposals overall fully accord with the SWDG. In instances where there has been the need for minor deviation to the SWDG, the changes have been fully justified in planning terms. For example, the central green has resulted in a gap in dwellings fronting the secondary road but has provided substantial benefits in place making and creation of a usable area of open space within the heart of the phase.

6.8 Key design features include provision for a key secondary route through the centre of the site, provision for good frontage of dwellings to the street scene and ensuring that high quality landscape/hedgerow planting is provided to the front of dwellings. This includes a 2-metre-wide grass verge either side of the secondary road.

6.9 As required by the Land Use and Access and Movement Parameter Plans a green corridor and walking route is provided along the west boundary of the site. The width of this green buffer was widened to take on board comments raised within the pre- application response by Braintree District Council.

6.10 The phase also includes the provision for a central green, which although not a requirement of the parameter plans or SWDG provides a key focal point at the centre of the phase, which assists with both placemaking and wayfinding. It also creates a usable area of open space within the heart of the phase.

6.11 Overall, the layout of the Phase is considered to fully accord with Policy LPP 47 of the Local Plan.

Design and Density

6.12 The elevation design of the dwellings are considered to be in keeping with the requirements of the SWDG and provide for a mixed character as identified for this phase. The palette of materials has reflected the requirements of the SWDG and appropriate detailing is allowed for to provide design quality. A full assessment of this is provided within the SWDG.

6.13 The density of the phase has been informed by discussions with Braintree District Council in relation to affordable housing mix, with provision allowed for M4(3) dwellings. The market housing mix provides a mix of dwellings of different sizes and density, but predominantly family housing to reflect the market demand for this type of housing on the edge of Witham. Further assessment of the density of the site is set out within the SWDG Compliance Tracker.

Landscaping

6.14 Policy LPP52 of the Local Plan states that landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity. Development layouts must be appropriately designed to accommodate structural tree and hedge planting and ensure that future interface with highway safety, roads, pavements, services and properties is minimised.

6.15 As set in detail within the SWDG Compliance Statement that accompanies this application, the design of the landscaping within the site has been led by the requirements within the SWDG. The Phase is considered to be of a very high-quality landscape design, with native species proposed in line with the agreed list as set out within the SWDG. The Phase consistent with the requirement of the SWDG, with the secondary street being characterised by verges on either side of the carriageway, with space for trees to be planted within the verges. The front of dwellings has hedgerow and occasional trees planted to create a defensible and soft boundary to dwellings.

Open Space

6.16 The section106 in respect of the Outline application, was subject to a deed of variation under 20/01571/VAR. As set out within this agreement, there is a requirement to provide a total of 7.31 hectares of open space within the Outline planning application site area (excluding the 0.36 hectares to be provided within the allotments). To date as part of earlier phases a total of 6.4 hectares of open space (excluding the allotments) has been delivered.

6.17 This gives a requirement for 0.91 hectares of open space to be delivered as part of Phase 5. As shown on the land use plan, prepared by MDD Design a total of 0.92 hectares of open space is proposed within this phase, which slightly exceeds the requirements of the site as a whole.

6.18 The open space is of a high quality, which has sought to provide both usable and visually beneficial open space, that where possible has also taken on board opportunities for biodiversity net gain enhancement. As set out in detail within the SWDG Compliance Statement and as shown on the Landscape Masterplan and Detailed Planting Plans, prepared by SES, the open space to the west of the phase provides a walking route and green corridor that accords with the requirements of both the SWDG and the Landscape Parameter Plan.

6.19 To the south of the phase, the green corridor includes provision for wildflower meadow planting to enhance biodiversity. This provides a green and welcoming entrance to the phase.

6.20 To the east additional open space is proposed to connect to the existing open space, which has already been delivered as part of the Phase 2 consent. This additional open space seeks to respect the existing landscape features within this part of the site and as such pedestrian/cycle connections have been minimised in order to reduce the quantum of vegetation to be removed as part of the phase, but still ensure good connectivity between Phase 5 and the central area of open space.

6.21 To the north the existing green corridor has been strengthened and maintained. Overall, the landscape planting and open space is considered to be in full accordance with policy LPP52 of the Local Plan and the meets the requirements of the Section 106 agreement.

Ecology

6.22 As set out within conditions 21 and 22 of the approved Outline Consent (as varied), there is a requirement to prepare and submit a Bat Mitigation Strategy and a Reptile Mitigation Strategy with each reserved matters application. In accordance with this requirement a combined Bat Mitigation Strategy and Reptile Mitigation Strategy in the form of an Updated Ecology Report has been prepared by CSa as part of the submission.

6.23 As set out within the Updated Ecology Report the site provides limited opportunities for the foraging or navigating of bats, with the exception of the mature hedgerows and trees along the south and west boundaries of the site, all of which are being retained as a result of the proposed development. To ensure the protection of bats, the lighting has been sensitively designed to minimise light spill from the site.

6.24 In respect to Reptiles, previous surveys had identified that the Phase 5 has the greatest proportion of reptiles (common lizard, slow worm and grass snakes) within the site. As a result, translocation work has already been undertaken for phase 5 comprising of final in- situ translocations of reptiles from hedgerows and field boundaries to the northern boundary to avoid populations becoming isolated within the built environment. As concluded within the report, the areas of habitat to be lost to the development are minimal. To ensure that reptiles are fully protected management of the reptile receptor area within the northern part of the site will be undertaken. This will include annual 'cut and fill' operation in all wildflower grassland areas in the autumn, cutting of grassland areas on a 3-year retention and shrub/thicket trimmed/pruned as required. As set out within the ecology report, these measures will fully mitigate against the minimal area to be lost as a result of the proposed development. Overall, the proposals are considered to be in full accordance with Policy LPP64 of the Local Plan.

Biodiversity Enhancement

6.25 In 2024 Schedule 7A of the Town and Country Planning Act (1990) was introduced to require the mandatory provision of Biodiversity Net Gain (BNG) within new developments. As set out within Schedule 7A and the supporting National Planning Policy Guidance the approval of reserved matters for outline planning permission is not subject to BNG. There is therefore no requirement for BNG in relation to this application.

6.26 The applicants is however committed to biodiversity enhancement, having regard to the requirements of Policy LPP66. As set out within the Update Ecology Appraisal prepared by CSa, along with the accompanying Biodiversity Enhancement Plan, a range of biodiversity enhancement measures are proposed. This includes the planting of wildflower grassland, bird and bat boxes and hedgehog gaps installed within garden fences to promote habitat connectivity and allow movement of small mammals such as hedgehogs within the site. The proposals are therefore considered to be in full accordance with the requirements of Policy LPP66.

Tree Protection

6.27 To support the reserved matters application an arboricultural impact assessment (AIA) has been prepared by Tim Moya Associates. As set out within this assessment the proposed development requires the removal of 1 category C hedgerow. This loss of this low-quality hedgerow is considered to be minor and is mitigated by the substantial new ornamental and native hedgerows that are proposed as part of the phase.

6.28 The proposed development has a low risk to retained trees and it is proposed to follow all of the measures as set out within the Arboricutural Method Statement (Refer to Appendix C) of the AIA to ensure that all trees are fully protected during the construction.

Garden Sizes and Back to Back Distances

6.29 The proposals have been fully informed by the guidance within the Essex Design Guide having regard to garden sizes and the application is accompanied by a garden and POS Areas Plan, GPA-01, Rev A, prepared by MDD Design. As shown on the garden sizes plan all 3- and 4-bedroom dwellings have garden sizes in excess of the 100 square metre requirements as set out within the Essex Design Guide. Most of the 3- and 4-bedroom dwellings have gardens that are significantly larger than the 100 square metre requirements of the Essex Design Guide.

6.30 In respect to 2-bedroom dwellings, all dwellings have at least 50 square metres of private garden space and therefore the proposals fully accord with the requirements of the Essex Design Guide. The 1-bedroom maisonette units (plots 7 & 8) also benefit from more than 25 square metres each of private amenity space, which also fully accords with the requirements of the Essex Design Guide.

6.31 The apartment building within the north- east of the site has its own private amenity space to the south- west of the apartment building. Residents within the apartment building also benefit from direct and easy access onto the open space to the east of the phase.

6.32 In terms of back to back distances, the proposals have sought to respond to the guidance within the Essex Design Guide, which sets out that 2 storey dwellings should have a minimum of 25 metres back to back distances. Nearly all dwellings meet or exceed this standard. There are two examples at plots 50-45 and 49-44 where dwellings are marginally below the 25 metres and provide approximately 24 metres back to back distance. However, in both cases the back of dwellings are not fully aligned with each other and therefore overall, it is considered that the impact upon residential amenity will be minimal.

Flood Risk and Drainage

6.33 As set out within policy LPP76 of the Adopted Local Plan all new developments of 10 dwellings or more will incorporate Sustainable Drainage Systems (SuDs) appropriate for the nature of the site. Such systems shall provide optimum water run- off rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues.

6.34 The application is accompanied by detailed drainage plans and a ECC Detailed Design Checklist Report, prepared by Richard Jackson. The SuDs Strategy for the overall Lodge Farm site was set out within the approved Flood Risk Assessment, prepared by Mayer Brown, as approved as part of the Outline application. This set out the key areas for the provision of SuDs and Phase 2 included the provision for large attenuation basins within the central open space within the site. In accordance with the drainage strategy for the overall site the intention is for Phase 5 to drain into the existing drainage infrastructure already approved and constructed as part of the adjacent Phase 2 development to the east of the Phase.

6.35 To maximise provision for SuDs where possible permeable paving has been provided within private drives and the SuDs within the site have been designed to complement the existing landscaping. Overall, the proposals fully accord with the drainage strategy for the site as approved as part of the Outline planning application consent and the proposals are therefore considered to be in full accordance with policy LPP76 of the Adopted Local Plan.

Energy and Sustainability

6.36 Policy LPP71 of the Adopted Local Plan states that applicants will be required to demonstrate measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes. Policy LPP72 sets out more detailed requirements in respect to energy efficiency and states that all new dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day. It also requires that all planning applications for residential developments shall include renewable and low carbon energy technology to provide at least a 19% improvement in energy performance over the requirements of Building Regulations (2013).

6.37 As described within the energy and sustainability section of this planning statement, within section 3, the proposals provide a substantial improvement against the requirements of Policy LPP72. This includes provision for an 85% improvement against the building regulations and 105 of litres per person per day. As set out within paragraph 3.18 a range of measures are proposed to ensure that this target is met, including the provision for fabric first improvements to the dwellings and air

source heat pumps. Overall, the proposals exceed the requirements of Polices LPP71 and LPP72, which it is considered should be given significant weight in favour of the proposals.

6.38 In respect to EV Charging, as shown on the Electric Vehicle Charging Plan, drawing number EVC-01 Rev A the vast majority of dwellings have been fitted with passive EV charging points. Where possible this has been wall mounted to the dwelling house or garage. For the apartment building in the north- east of the site it has been provided by way of underground infrastructure. The overall provision within the site is significantly in excess of the planning policy requirements and therefore is considered to be supported in planning policy terms.

7 PLANNING BALANCE & CONCLUSION

7.1 This Planning Statement has been prepared by Ceres Property on behalf of Redrow Homes and provides an assessment of the proposed reserved matters application in respect of appearance, scale, layout and landscaping for 110 dwellings within Phase 5 of Lodge Farm.

7.2 As set out within this Planning Statement the proposals provide a high-quality development that fully accords with the approved Parameter Plans and SWDG Compliance Tracker for the site. The development will continue to make a substantial contribution towards housing need within the district, which should be given significant weight in the planning balance.

7.3 The proposals also provide for a number of benefits including the following:

- Delivery of 33 affordable dwellings of a suitable mix and size to meet the affordable housing needs of the area
- Delivery of 0.92 hectares of open space, including a central green and informal walking and open space corridor to the west of the site, an extension to the open space to the east and a green frontage to the south
- Biodiversity enhancements in the form of wildflower meadow planting, hedgehog highways and bird and bat boxes
- Energy efficient dwellings, that substantially exceed the requirements of the Local Plan and provide for a number of fabric first efficiency measures and provision for air source heat pumps and feature passive infrastructure to facilitate the installation of EV charging points.

7.4 As detailed within the technical reports relating to arboriculture, drainage and ecology that support the application there are no technical reasons why the application should be refused. Overall, the proposed development is considered to be strongly supported by the Development Plan and national policy and therefore should be approved without delay.

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2U: Woodend Farm Witham

Reserved Matters 23/00737/REM Planning Committee Report and Minutes

Minutes

Planning Committee
7th November 2023

Braintree District Council

Present

Councillors	Present	Councillors	Present
J Abbott	Yes	A Hooks	Yes
J Beavis	Yes (from 7.16pm)	A Munday	Yes
L Bowers-Flint	Yes	I Parker (Chairman)	Yes
T Diamond	Yes	F Ricci	Yes
M Fincken	Apologies	P Schwier	Yes
J Hayes	Apologies	G Spray	Apologies
D Holland	Yes		

Substitutes

Councillor K Bowers attended the meeting as a substitute for Councillor J Hayes.
Councillor M Thorogood attended the meeting as a substitute for Councillor M Fincken.

35 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a Non-Pecuniary Interest in Application No. 23/00737/REM – Land North of Woodend Farm, Hatfield Road, Witham as he had campaigned to save an elm tree on Hatfield Road, Witham, which was referred to in the Agenda report but was not within the red line delineation of the application. Councillor Abbott stated that he had not made any public comment as to whether he was for or against the application.

Councillor T Diamond declared a Non-Pecuniary Interest in Application No. 23/00737/REM – Land North of Woodend Farm, Hatfield Road, Witham as Councillor J Coleman, who had registered to speak about the application during Question Time on behalf of Witham Town Council was known to him. Councillor Diamond stated that he had not discussed the application with Councillor Coleman. Councillor Diamond abstained from voting on this application.

Councillor A Hooks declared a Non-Pecuniary Interest in Application No. 23/00737/REM – Land North of Woodend Farm, Hatfield Road, Witham as her step-brother was a director of Phase 2 Planning, the agent for the application. Councillor

Hooks stated that her step-brother had not been involved with the application and that she had not discussed it with him.

Councillor M Thorogood declared a Non-Pecuniary Interest in Application No. 23/00737/REM – Land North of Woodend Farm, Hatfield Road, Witham as Councillor J Coleman, who had registered to speak about the application during Question Time on behalf of Witham Town Council was known to her. Councillor Thorogood did not speak when the Committee discussed the application and she abstained from voting on the application.
Councillor Thorogood declared a Non-Pecuniary Interest also in Application No. 23/00738/OUT – Land rear of 231 Witham Road, Black Notley as the applicant was known to her. Councillor Thorogood did not speak when the Committee discussed the application and she abstained from voting on the application.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the applications were considered.

36 MINUTES

DECISION: It was reported that the Minutes of the meeting of the Planning Committee held on 17th October 2023 were not available for approval.

37 QUESTION TIME

INFORMATION: There were three statements made about the following application/item. The statements were made immediately prior to the Committee's consideration of each application/item.

Application No. 23/00737/REM – Land North of Woodend Farm, Hatfield Road, Witham
Item 7 - Tree Preservation Order 06 2023 - 3 The Mall, London Road, Braintree

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

38 PLANNING APPLICATION WITHDRAWN FROM THE AGENDA

INFORMATION: The Committee was advised that the under-mentioned planning application had been withdrawn from the Agenda. Details of this planning application are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*22/02499/FUL (WITHDRAWN FROM AGENDA)	Braintree	Mr Paul Bartholomew, LPB Homes Limited	Erection of 2 No. 2-bedroom bungalows, 6 No. two-storey 3-bedroom dwellings and 1

			No. two-storey 4-bedroom dwelling, together with associated off-street car parking, land rear of Harkilees Way.

39 **PLANNING APPLICATION APPROVED**

DECISION: That the undermentioned planning application be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report. Details of this planning application are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*23/00737/REM (APPROVED)	Witham	Mr W Wood	Application for the approval of Reserved Matters (Infrastructure) (Access, Appearance, Landscaping, Layout and Scale) for the installation of the Spine Road with associated footpaths, cycleways and bus turning head, linking into the approved access works at Hatfield Road to the south pursuant to outline application 19/01896/OUT approved on 21.07.2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure, land North of Woodend Farm, Hatfield Road.

40 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report. Details of this planning application are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*23/00738/OUT (REFUSED)	Black Notley	Mr Douglas Chapman	Outline planning application with all matters reserved, except access, for up to 13 residential units (Use Class C3), associated car parking, landscaping and ancillary works and infrastructure. Access to be directly off Witham Road, land rear of 231 Witham Road.

Members of the Planning Committee were advised that an appeal had been lodged with the Planning Inspectorate against the non-determination of this application and that the Local Planning Authority could not determine it.

The Planning Committee agreed that if it had been able to determine the application it would have been refused for the Reasons contained in the Planning Development Manager's report. The Reasons for Refusal are as follows:-

Reasons for Refusal

1 The proposed development is located outside of any settlement boundary. In such locations, only proposals that are compatible with and appropriate to the countryside will be permitted. The proposal is not one of those forms of development and therefore represents an encroachment into the countryside and an unacceptable form of urbanisation to the detriment of the character and appearance of the area. Furthermore, the lack of adequate measures for landscape mitigation around the boundaries to the site would exacerbate this harm given the location of the site in this edge of settlement location. The proposal is therefore contrary to the National Planning Policy Framework, and Policies SP1, SP3, SP7, LPP1 and LPP52 of the Adopted Braintree District Local Plan (2013-2033).

2 The access road for the proposed development, which would be located in between 229 and 231 Witham Road, would result in an unacceptable level of vehicular movements which would have a harmful impact upon the living conditions of the occupants of these properties in terms of noise and general disturbance and would be harmful to their general residential amenity. The proposal would therefore be contrary to the National Planning Policy Framework, and Policy LPP52 of the Adopted Braintree District Local Plan (2013-2033).

3 The proposal fails to demonstrate that 13no. units can be accommodated on the site in a satisfactory manner to ensure the development would be sympathetic to

local character, including the landscape setting, and would fail to secure a good level of amenity for existing and future occupiers in terms of outlook and privacy. The scheme is therefore contrary to the National Planning Policy Framework, Policy LPP52 of the Adopted Braintree District Local Plan (2013-2033), and the Essex Design Guide.

4 The application was not accompanied by any supporting drainage information. In the absence of this drainage information, the proposal is contrary to Policy LPP76 of the Adopted Braintree District Local Plan (2013-2033) which requires that all new development of 10 dwellings or more and major commercial development, car parks and hard standings will incorporate Sustainable Drainage Systems (SuDs) appropriate to the nature of the site.

5 The proposed development would trigger the requirement for:

- A commuted sum of £523,250 in lieu of on-site provision of affordable housing;
- Financial contribution towards increasing capacity for the benefit of patients of the primary care network operating in the area. This may be achieved through any combination of extension, reconfiguration, or relocation of premises and/or clinical staff recruitment, or training;
- The provision, maintenance and delivery of on-site amenity space;
- Financial contribution towards outdoor sports and allotments;
- Financial contribution towards off-site management measures for the Blackwater Estuary SPA and Ramsar site;
- Refuse vehicle access.

These requirements would need to be secured through a Section 106 planning obligation. At the time of issuing this decision no agreement or unilateral undertaking had been prepared or completed. As such the proposal is contrary to Policy LPP78 of the Adopted Braintree District Local Plan (2013-2033), and the Open Space Supplementary Planning Document (SPD).

41 **TREE PRESERVATION ORDER NO. 04 2023 – 1 FOUNDRY LANE, EARLS COLNE**

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 04 2023 relating to land at 1 Foundry Lane, Earls Colne to which an objection had been submitted. The Order had been made on 22nd May 2023 in respect of a Pine tree (T1) situated at 1 Foundry Lane, Earls Colne. The tree and property were within the Earls Colne Conservation Area.

The Order had been served following the submission of an application (22/00555/TPOCON) by Mr T Beadle to fell the tree. In response to the application, the Council's Tree and Landscape Officer had visited the site and he had viewed the tree from publicly accessible areas. An assessment of the amenity value of the tree had been carried out by the Officer using the standard TEMPO assessment, which had shown that the making of an Order was appropriate. This assessment was

attached at Appendix 2 to the Agenda report. It was considered that the tree had high amenity value, that it contributed significantly to the local landscape and that it should be retained. A provisional Tree Preservation Order (01/2022/TPO) had been served on 19th April 2022, but it had subsequently lapsed on 19th October 2022. The provisional Tree Preservation Order had subsequently been re-served under the reference number 04 2023. A copy of the Order was attached at Appendix 1 to the Agenda report.

An objection had been lodged against the making of the Order by Mr T Beadle and Mrs A Beadle of 1 Foundry Lane, Earls Colne. A copy of the objection was attached at Appendix 4 to the Agenda report. Mr and Mrs Beadle stated that the tree was a woodland tree, which was not native and that its needles and cones were causing a nuisance. Bird faeces falling onto the adjacent pavement were also causing issues for people passing by. Mr and Mrs Beadle had also highlighted that the branches of the tree had to be trimmed regularly to provide clearance for a telephone wire which was within the vicinity.

It was reported that the tree was very visible from publicly accessible areas along the High Street, Massingham Drive and Foundry Lane, Earls Colne and also from adjacent properties. The tree, which was estimated to be over 70 years old, had a balanced form typical of its species and it appeared to be in good condition. It was considered that the tree had great amenity value, that its height and form made it a focal point, and that it contributed to the local landscape. It was acknowledged that the making of a Tree Preservation Order did not exclude maintenance works being carried out to a preserved tree subject to prior consent being obtained.

DECISION: That Tree Preservation Order No. 04 2023 relating to 1 Foundry Lane, Earls Colne be confirmed in the interests of amenity.

42 TREE PRESERVATION ORDER NO. 06 2023 – 3 THE MALL, LONDON ROAD, BRAINTREE

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 06 2023 relating to 3 The Mall, London Road, Braintree to which objections had been submitted. The Order had been made on 22nd May 2023 in respect of an area of Oak trees (A1) mostly along the South and East boundaries at 3 The Mall, London Road, Braintree. The Order had been served on the owner of the land and neighbours.

It was reported that an outline planning application for up to 9 residential units on land at the rear of 3 The Mall, London Road, Braintree (App. No. 23/00651/OUT) had been submitted on 8th March 2023 by Mr J Firth of Frazer Halls Associates on behalf of JVIL (London Road) Ltd. A Tree Survey and Arboricultural Impact Assessment prepared by Underhill Tree Consultancy had been submitted with the application and it had identified one Category A (high) value tree, 21 trees of Category B (moderate) value, 26 trees and 1 group of Category C (low) value, and 3 trees of Category U (unsuitable for retention) value. The Assessment proposed that 12 trees should be

removed to allow for development to take place. One of these trees was Category B, 10 were Category C, and one was Category U.

In response to the Assessment, the Council had considered it expedient to make a Tree Preservation Order to protect the trees on the site on the basis that they contributed significantly to the local landscape and had high amenity value. The consequent Tree Preservation Order (06 2023) had been made on the basis of an Area, with the intention that the Order should be varied at a later stage to include individual trees.

Objections to the making of the Order had subsequently been lodged by Mr D Fugeman of 3 The Mall, London Road, Braintree; Mr J Firth of Frazer Halls Associates and Mr G Underhill of Underhill Tree Consultancy on behalf of JVIL (London Road) Ltd; and by Mr E Warne of 173 London Road, Braintree. The letters of objection were attached at Appendix 4 to the Agenda report. Site meetings had also taken place between the objectors and Council Officers to discuss the Order.

Whilst it was the Council's standard procedure to carry out a TEMPO assessment of a tree(s) before making a Tree Preservation Order, it had not been possible in this case due to several constraints. In the circumstances, an Order had been made to protect an Area of trees. However, it was proposed that a TEMPO assessment should be carried out in order to define the boundaries of the site and to identify the number and species of individual trees on the site. Trees that were deemed to suitable for protection would be included within the Order which would be varied as appropriate.

It was reported that the trees protected by Tree Preservation Order 06 2023 were visible from publicly accessible areas and it was considered that they provided a gentle background and frame to the houses along London Road. It was considered that the trees had significant amenity value and that they provided an important contribution to the sense of place and local character. It was noted that land to the east of The Mall had been designated as a strategic development site within the Adopted Braintree District Local Plan and that the preserved trees would provide screening and separation between built areas. It was acknowledged that the making of a Tree Preservation Order did not exclude maintenance works being carried out to a preserved tree subject to prior consent being obtained.

It was reported that if planning permission was granted for the development of land at the rear of 3 The Mall, London Road, Braintree, including explicit or implicit permission to fell or carry out works to a tree, it would be impractical to issue a Tree Preservation Order for that tree as the planning permission would take precedence rendering an Order ineffective.

It was noted that during a site meeting held on 5th June 2023 between Mr Fugeman, Mr Firth, Mr Underhill and Council Officers discussion had taken place regarding the removal of some trees from the Tree Preservation Order. Specifically, trees identified as being Category U; two willows (T50 and T51); and a few Oak trees

exhibiting a significantly one-sided shape or heavy lean (e.g. T8, T12, T15) had been highlighted. The exact number of trees to be removed from the Order would be determined once the TEMPO assessment had been completed.

DECISION: That Tree Preservation Order No. 06 2023 relating to land at 3 The Mall, London Road, Braintree, as varied following the completion of a TEMPO assessment of the trees located on the land, be confirmed in the interests of amenity.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 8.25pm.

Councillor I Parker
(Chairman)

Braintree
District Council

PLANNING COMMITTEE
AGENDA

Tuesday, 7th November 2023 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:
http://www.braintree.gov.uk/youtube

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor J Abbott
Councillor J Beavis
Councillor L Bowers-Flint
Councillor T Diamond
Councillor M Fincken
Councillor J Hayes
Councillor D Holland (Vice-Chairman)
Councillor A Hooks
Councillor A Munday
Councillor I Parker (Chairman)
Councillor F Ricci
Councillor P Schwier
Councillor G Spray

Substitutes: Councillor K Bowers, Councillor M Green, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright, Vacancy.

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than 24 hours before the start of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI)

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

Public Question Time - Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration **online form** by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

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

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the Council's website.

Health and Safety
Anyone attending a meeting of the Council is asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding, you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point where you should stay until it is safe to return to the building.

Substitute Members
Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

Documents
Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

Data Processing
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https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

Webcast and Audio Recording
Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: http://braintree.public-i.tv/core/portal/home. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions
We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you may send these to governance@braintree.gov.uk

PUBLIC SESSION **Page**

1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 17th October 2023 (copy to follow).

4 Public Question Time

Only Registered Speakers will be invited by the Chairman to speak during public question time.
Please see the agenda notes for guidance.

5 Planning Applications

To consider the following planning applications.

5a	**App. No. 22 02499 FUL - Land rear of Harkilees Way, BRAINTREE**	**6 - 29**
5b	**App. No. 23 00737 REM - Land North of Woodend Farm, Hatfield Road, WITHAM**	**30 - 54**
5c	**App. No. 23 00738 OUT - Land rear of 231 Witham Road, BLACK NOTLEY**	**55 - 86**
6	**Tree Preservation Order 04 2023 - 1 Foundry Lane, EARLS COLNE**	**87 - 100**
7	**Tree Preservation Order 06 2023 - 3 The Mall, London Road, BRAINTREE**	**101 - 128**

8 Urgent Business - Public Session

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

9 Exclusion of the Public and Press

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

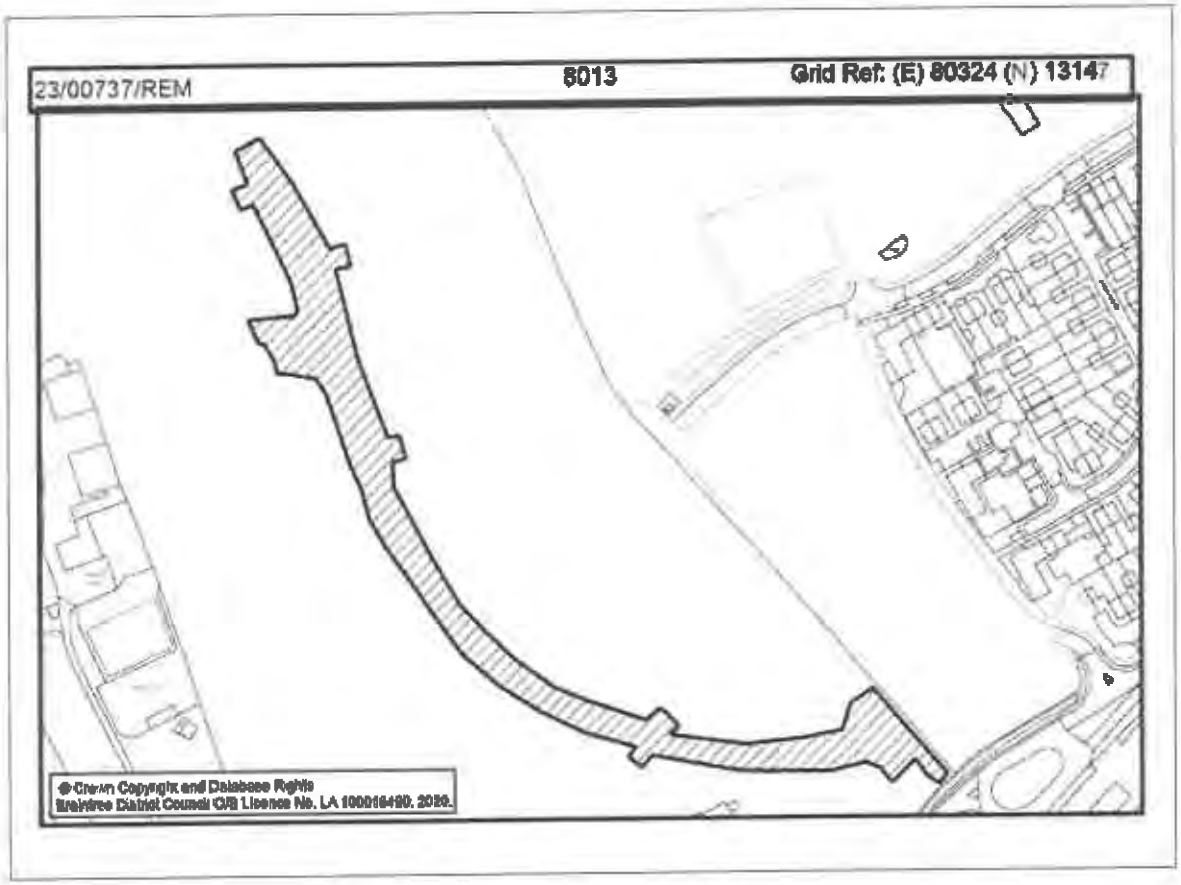
At the time of compiling this agenda there were none.

Braintree District Council

Agenda Item: 5b

Report to: Planning Committee		
Planning Committee Date: 7th November 2023		
For: Decision		
Key Decision: No	**Decision Planner Ref No:** N/A	
Application No:	23/00737/REM	
Description:	Application for the approval of Reserved Matters (Infrastructure) (Access, Appearance, Landscaping, Layout and Scale) for the installation of the Spine Road with associated footpaths, cycleways and bus turning head, linking into the approved access works at Hatfield Road to the south pursuant to outline application 19/01896/OUT approved on 21.07.2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.	
Location:	Land North of Woodend Farm, Hatfield Road, Witham	
Applicant:	Mr W Wood, C/O Agent	
Agent:	Kevin Coleman, Phase 2 Planning, 270 Avenue West, Skyline 120, Great Notley, CM77 7AA	
Date Valid:	17th March 2023	
Recommendation:	It is RECOMMENDED that the following decision be made: ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) **Agree** the Recommendation b) **Vary** the Recommendation c) **Overturn** the Recommendation d) **Defer** consideration of the Application for a specified reason(s)	
Appendices:	**Appendix 1:**	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Alison Rugg For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2522, or by e-mail: alison.rugg@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the applicant for the determination of the application.
Legal Implications:	Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report. If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision. Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable. All relevant policies are set out within the report, within Appendix 2.
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to: a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race,

	religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a). The consideration of this application has not raised any equality issues.

Background Papers:	The following background papers are relevant to this application include:
	
	▪ Planning Application submission:
	  ▪ Application Form
	  ▪ All Plans and Supporting Documentation
	  ▪ All Consultation Responses and Representations
	
	The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/00737/REM.
	
	▪ Policy Documents:
	  ▪ National Planning Policy Framework (NPPF)
	  ▪ Braintree District Local Plan 2013-2033
	  ▪ Neighbourhood Plan (if applicable)
	  ▪ Supplementary Planning Documents (SPD's) (if applicable)
	
	The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.
	
	The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.

1. EXECUTIVE SUMMARY

1.1 The application is located within an area allocated as a Strategic Growth Location for residential redevelopment in the Adopted Local Plan. Outline planning permission was granted on 21st July 2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure (Application Reference 19/01896/OUT).

1.2 The application seeks Reserved Matters approval for access, appearance, landscaping, layout, and scale for the installation of an internal Spine Road with associated footpaths, cycleways and bus turning head, linking into the approved access works at Hatfield Road to the south, to facilitate the construction of residential use on the site.

1.3 The layout, scale, access, and appearance are considered acceptable and in accordance with the approved Parameter Plans and Design Code. The proposal would contribute towards sustainable travel allowing for the creation of footways, cycleways, and a new bus route.

1.4 No existing trees are to be removed to facilitate the development. The landscaping and tree lined streets would create an attractive entrance into the site, as well as increasing biodiversity.

1.5 Given the nature of the development, there is not considered to be any detrimental impact on existing residential amenity. Any disturbance from construction can be mitigated by the conditions imposed on the outline consent and by the proposed recommended conditions.

1.6 There are no objections from the relevant statutory consultees, and Officers consider that the proposed layout, scale, access, appearance, and landscaping are acceptable. The application would act as a catalyst for the wider development of the Strategic Allocation to come forward, allowing for additional housing to be built in the District.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 An Outline application was approved for the site on 21st July 2022 for Outline Planning Permission with all matters reserved. The permission was for up to 400 residential dwellings and a day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space, and utilities infrastructure.

5.2 The Outline application site lies to the north-west of Hatfield Road, on the south side of Witham and is approximately 18.9ha in area. It sits to the west of the site known as Lodge Farm, which is currently being developed by Redrow Homes, and to the north-east of the Maltings Lane Estate. The Site is bounded to the north-west by the London-Norwich railway line (operated by Abellio Greater Anglia), and to the south-east by the A12.

5.3 The Outline application site can be broadly split in to two distinct uses at present. The majority of the site is used for agricultural crop production, whilst the lower southern end of the site is fenced off from the agricultural land and was until recently used for commercial purposes.

5.4 The site comprises a single field unit with the peripheral field boundary marked predominantly by hedgerows, and in places hedgerow trees. A shelterbelt encloses the north of the once commercial area. The landscape beyond the site to the north, west, and south comprises field units interspersed with woodland blocks.

5.5 Immediately adjoining the site on its south-western boundary, but excluded from the site, is Wood End Farm itself. Witham Town Centre is located approximately 2km to the north-east of the site and provides a wide range of shops, services, and facilities, as well as having a mainline railway station. Hatfield Peverel Station is located approximately 2km to the south, on the same line as Witham.

5.6 This application forms a total of 0.89ha of the wider Outline consent and cuts through the centre of the site from south to north.

6. PROPOSAL

6.1 This Reserved Matters application constitutes the first application to be submitted following Outline approval for the Woodend Farm Strategic Growth Location.

6.2 The purpose of this Reserved Matters is to provide the details for the general arrangement of the main development Spine Road and small section of the secondary road north of the bus turning, which provides the link between the approved site access from Hatfield Road and the development parcels.

6.3 The road travels through the centre of the site in a north south direction and is approximately 420m in length and 18.25m in width. The road would be constructed to adoptable standards with a 6.75m width carriageway (Type D Feeder Road), with 3m wide grass verges on either side of the carriageway, and footways. The footway on the southern side of the carriageway would be 2m in width, with the footway on the northern side of the carriageway being a 3.5m shared footway/cycleway. The northern section of the road (approximately 80m), beyond the bus turning loop, then narrows to 5.5m in width.

6.4 The landscaping for the gateway into the site has been included as part of the application.

6.5 A bus stop is located on the western side of the road, approximately 240m from the Hatfield Road junction. A bus turning loop is located at the northern end of the road.

6.6 The application includes 6 junctions, 3 to the eastern residential parcels and 3 to the western residential parcels. All the junctions include tactile paving on the footway.

6.7 Speed tables and speed cushions are proposed along the length of the road. The road would be restricted to 20mph.

6.8 A total of 8 visitor car parking spaces are located along the road. These are defined as single and double spaces along the entire stretch of the road.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Two consultations were carried out, the second consultation was undertaken following the submission of revised plans and documents which sought to address a number of design and layout concerns raised by Officers and consultees.

7.2 Active Travel England

7.2.1 No comment.

7.3 Anglian Water

7.3.1 No comments confirmed.

7.4 Essex Fire and Rescue

7.4.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5.

7.4.2 It should be ensured that access for a pumping appliance is provided to within 45m of all points inside each dwelling house. ADB Vol 1, 13.1, and for the Day Nursery, to within 45m of every point of the footprint of the building or 15% of the perimeter (ADB Vol 2, 15.1.). More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.4.3 It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

7.4.4 The architect or Applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or Applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

7.4.5 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

7.5 Essex Police

7.5.1 We would request particular reference be made to the section of the document relating to 'Traffic Management Considerations' and the enforcement of the 20mph in the new housing estate and emphasis on the developer to provide and be responsible for suitable road safety designing out methodology in the first instance. This ultimately allows the roads to be self-enforcing with street furniture, road design and signage and negating any enforcement expectations on Essex Police. Secondly that the prescribed routes for vulnerable road users are designed and maintained to ensure the safety of users, this sits with Vision Zero and the Safe Systems approach as well as the 'Greener travel' ethos.

7.6 National Highways

7.6.1 No objection.

7.7 Natural England

7.7.1 No comments.

7.8 Network Rail

7.8.1 No further comments to make since the Outline application.

7.9 Sport England

7.9.1 The proposed development does not fall within the statutory or non-statutory remit.

7.10 BDC Arboriculturalist

7.10.1 Landscape Services has been consulted on the above Infrastructure Reserved Matters application due to amendment of plans to now include existing trees within or on the red line boundary to the north east of the proposed entrance surveyed as G4.

7.10.2 G4 have been categorised as a low value, sporadic group of predominantly field maple that form the boundary. There are occasionally younger leylandii, beech and ash within the group, but field maple is the dominant species. The maximum height within the group is recorded to be 8m and the crown spread radius is 3.5m and the largest stem is 300mm.

7.10.3 Collectively G4 forms a boundary hedgerow which is important for habitat contribution and acts as a wildlife corridor improving connectivity and Landscape Services supports the retention of this group.

7.10.4 The group labelled G4 has been afforded C categorisation. There are no proposed removals required. The road and landscape design proposal does not encroach or impact upon the RPA's of group G4.

7.10.5 There is no increased pressure on the existing tree group or burden or maintenance as a result of the proposed entrance layout and retention of these trees.

7.10.6 The group has been provided an RPA zone that is synonymous with the average crown spread of the group, tree protective fencing details have been provided on the Tree Protection Plan drawing which appears to be adequate to offer appropriate protection. It is noted there is a slight change in soil levels near to the RPA of trees however this should have no negative impacts as the ground levels are being increased outside of the RPA with an upwards gradient towards the bank which its orientation matches the same path as the access road. The gradient increases from 40.76m to 40.77m to the perimeter of the proposed level changed which then increases from 40.77 to 42.00m towards the road, effectively creating a small bund.

7.10.7 Providing that the setting out of tree protective fencing is the first operation to be carried on site to ensure the protection of retained trees from the threats of construction activities including the movement or vehicles and machinery or storage of materials, there is no detrimental impact by the proposed design. If the above can be satisfied either through condition or advisory, Landscape Services has no objection to this application for approval of reserved matters for installation of the spine road linking to Hatfield Road.

7.11 BDC Ecology Consultant

7.11.1 We have reviewed the submitted documents for this application, including the Combined Hard and Soft Landscape General Arrangement Plan – P011 (Fabrik Landscape Architects Ltd, October 2022) and the Landscape Maintenance & Management Specification – 05 (Fabrik Landscape Architects Ltd, August 2023). In addition, we have re-assessed the submitted documents at outline stage (Application Reference 19/01896/OUT) including the Ecological Impact Assessment (Green Environmental Consultants Ltd, August 2019). It is indicated that we still support the planting specifications and schedules at an ecological perspective, as included within the Soft Landscape General Arrangement Plan – P011 (Fabrik Landscape Architects Ltd, October 2022).

7.11.2 We also generally support the Landscape Maintenance & Management Specification (Fabrik Landscape Architects Ltd, February 2023) for the soft landscaping proposed for this reserved matters stage. We also still consider that a detailed wildlife sensitive lighting design should be submitted for this application, in line with Condition 8 of the Outline Consent (Lighting). This should include the technical specifications, contour plans and Isolux drawings and should be informed by a suitably qualified ecologist to ensure that lighting will be directed away from any sensitive habitat which would be used by foraging and commuting bats and compliant BCT & ILP guidance.

7.11.3 We still encourage the developer to provide a Biodiversity Net Gain Design Stage Report using the DEFRA Biodiversity Metric 4.0 (or any successor), to demonstrate that biodiversity net gains will be achieved for this development, in line with Paragraphs 174[d] of the NPPF 2021. However, we acknowledge that the secondary legislation of the Environment Act 2021 has not come into force and therefore there is no legal requirement for this to be issued. If developer is minded to include this additional assessment then the Biodiversity Net Gain Design Stage Report, should follow the Biodiversity Net Gain Report & Audit Templates (CIEEM, 2021).

7.11.4 Furthermore, it is indicated that we still query whether any bespoke biodiversity enhancements will be incorporated throughout the development (e.g. bird boxes, bat boxes, invertebrate boxes, log piles), in line with Condition 9 of the outline consent (Biodiversity Enhancement Strategy).

7.12 BDC Waste Management

7.12.1 This application does not refer to the associated 400 residential dwellings this access road serves. As such I cannot provide comments on waste collections or waste storage, due to no associated plans for the dwellings themselves being attached to this application.

7.13 ECC Archaeology

7.13.1 An archaeological condition was applied to Application Reference 19/01896/OUT. A programme of archaeological evaluation has been completed which identified significant archaeological remains within the site. The location of the Spine Road will overlap with areas proposed for further archaeological investigation. No further recommendations are required for this application however a Mitigation Strategy will need to be submitted to discharge Condition 19b and no development can commence within the areas proposed for mitigation until the completion of the archaeological investigation.

7.14 ECC Highways Authority

7.14.1 No objection.

7.15 ECC Lead Local Flood Authority

7.15.1 No comments confirmed.

7.16 ECC Minerals and Waste

7.16.1 No comments confirmed.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 No objection subject to grass verges being kept where possible, the trees on the site being actively nurtured for ten years and failing trees replaced on an annual basis. Also, that a full independent tree and hedge survey be undertaken to the satisfaction of both the Town Council and Witham Tree Group. Members felt that it would also be an opportune time to repeat the Town Council's concerns regarding the proposal to try and move the veteran elm tree in the middle of Hatfield Road.

9. REPRESENTATIONS

9.1 1 letter of representation was received and is summarised below:

- Object to the grant of any permission on this site until the hedgerows removed along Collar Way (Lodge Farm development) are replaced. Exposure to traffic noise, pollution, and risk of injury.

10. PRINCIPLE OF DEVELOPMENT

10.1 The site is identified as a Strategic Growth Allocation within Policy LPP22 of the Adopted Local Plan. The site has the benefit of Outline Planning Permission for up to 400 residential dwellings and a day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure. A suite of Parameter Plans and a detailed Design Code formed part of the approved documents for the site. All matters other than the strategic access point into the site from Hatfield Road were reserved for future determination. This application represents the first Reserved Matters application to come forward for the site.

10.2 This infrastructure application seeks Reserved Matters approval for the construction of the Spine Road running from the approved strategic access, through the centre of the site, to the northern most parcel. The principle of a Spine Road running through the centre of the site was approved at the Outline stage by way of the approved Parameter Plans, and therefore the principle is established. As per Condition 2 attached to the Outline permission, the following matters are considered relevant to this application:

- Scale;
- Appearance;
- Landscaping;
- Layout; and
- Access

10.3 The principle of redevelopment of the site has been established however, the matters stated above will be assessed in detail for this application.

11. SITE ASSESSMENT

11.1 Layout, Appearance and Scale

11.1.1 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design. Policy LPP52 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments in the District.

11.1.2 At the national level, the NPPF is also clear in its assertion at Paragraph 126 that: *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.*

11.1.3 There is therefore a strong policy basis for achieving a high degree of quality in terms of the appearance, layout, and scale of the development whilst ensuring that it complies with the outline planning permission and Design Code for the site.

11.1.4 In terms of layout and scale, the details submitted with the Outline application did include an Illustrative Masterplan, and a suite of approved Parameter Plans, the Transport and Movement Parameter Plan (F00146-FAB-00-XX-DR-Y-424 Rev P15) being of particular relevance to this application. The layout, appearance and scale of the Spine Road have been led by the documents approved at the Outline stage.

11.1.5 The Transport and Movement Parameter Plan indicates the location of the Spine Road continuing from the approved access off Hatfield Road and running through the centre of the site, north to south, with a bus turning loop to the north. The Spine Road is also indicated as the 'bus route' spanning as far as the bus turning loop. An indicative bus stop is shown on the Parameter Plan as being located within this bus turning loop, however this is no longer the case and the bus stop has been located on the western side of the road, adjacent to the central park area. This location offers a larger area of open space for people to congregate and is considered a safer location. The details submitted as part of this application are in general conformity with the approved Parameter Plans.

11.1.6 The Design Code attached to the Outline application set the design of the spine road, verges, footway, and cycleway. The Spine Road forms part of the strategic walking and cycling route for the site and extends from north to south and along the northern boundary of the site, connecting to the informal walkways around the eastern and western perimeters. The guiding design principles for the Spine Road was to prioritise the movement and safety of pedestrians and cyclists through the provision of safe and direct routes and filtered permeability making it easier to walk and cycle rather than drive.

11.1.7 The Spine Road is limited in speed to 20mph, with an abundance of raised tables and cushions. In terms of surface material, the main carriageway and footways will be constructed using tarmac. The vehicular road will be 6.75m in width to provide enough space for buses, however, in accordance with the Design Code, a 3m wide planted verge will be present on either side of the carriageway. Whilst the Design Code indicates that there will be future residential properties fronting the Spine Road with front gardens, there will be no driveways accessed from the main Spine Road. Access from the residential parcels will be via the junctions proposed.

11.1.8 The footway on the eastern side will consist of a 3.5m wide shared cycle/footway, with the western side, running alongside the central park, consisting of a 2m wide footway. A planted verge is absent adjacent to the central park. Visitor parking bays are located along the road at different points, at these points, no planted verge is present.

11.1.9 Street lights would be located on both sides of the Spine Road, the details of which have come forward by way of Condition 8 attached to the Outline consent. The location of the street lighting has been considered as part of this application, in terms of both adoptable standards and conflict with trees, both of which are considered acceptable.

11.1.10 The proposal, essentially being for engineering works, and specifically for the provision of the primary road network with associated footpaths and cycleways is functional as one would expect. The details submitted by way of this Reserved Matters application are in accordance with the approved Parameter Plans and details set within the Design Code. The road is built to adoptable standards and the intention is that it will be adopted by the Highway Authority subject to the appropriate consents. The Highway Authority has raised no objection to the application.

11.2 Landscaping and Ecology

11.2.1 The Outline application adopted a landscape-led approach. Important landscape and ecological features that contributed to the character of the site were to be retained. These existing features, in combination with new strategic planting including new trees, hedges, shrubs and grass, seek to create a comprehensive green infrastructure into which the built form will sit. The landscape-led approach enables the adoption of a strong sense of place and identity.

11.2.2 The Design Code approved 3 different character areas within the site. The Spine Road dissects 2 of these character areas, those being 'The Gateway' and 'The Greens'.

11.2.3 The Design Code set the principles of the landscaping design of the gateway and stated that it must provide a strong entrance and an attractive southern edge to the development with the scale, setting and treatment to reflect its status of the main gateway into the site. It also states that the gateway public realm and landscaping should apply a simple and neutral

palette of hard paving materials in order to provide a complimentary backdrop for tree planting at the entrance.

11.2.4 This application includes the 'Gateway Green' to the east of the entrance which seeks to create a formal arrival point including an area of green space and formal tree planting. The aim was not only to create an attractive entrance to the site, but to also set up the theme of green links throughout the development.

11.2.5 The Gateway Green would onsist of mown lawn with shrubs, ornamental bulb planting, clipped beech hedgerow, 4 large size stock Robinia Pseudoacacia (False Acacia) trees, and 3 translocated Elm saplings from the Elm Tree which sits within the Highway at the front of the site. The tree species have been selected in accordance with the illustrative species identified and agreed within the approved Design Code. The bulb planting would continue to be provided in clusters along the pavement grass verges of the road at the entrance to the site.

11.2.6 A row of existing trees on the eastern boundary would also be incorporated into the planting. The tree belt consists of predominantly Field Maple, with the occasional Leylandii, Beech and Ash within the group.

11.2.7 In terms of landscaping to the Spine Road itself, the road would be tree lined in accordance with the requirements of Paragraph 131 of the NPPF. A total of 25 new trees have been positioned in the verge on both sides along the length of the Spine Road, apart from the stretch adjacent to Central Park in which the trees on the edge of the park will form the pavement edge landscaping.

11.2.8 The Design Code sets out the illustrative planting palette for the primary and secondary street trees, as well at the gateway and feature trees. The species of trees selected along the Spine Road feature London Plane, Field Maple, Hornbeam, Tulip Tree and Small Leaved Lime, forming a mixture of native and non native species, in accordance with Policy LPP52 of the Adopted Local Plan.

11.2.9 In terms of Ecology, the details have been assessed by the Council's Ecology Consultant. No objection has been raised and support is given to the proposed planting schedules and specifications from an ecological perspective. Comments were raised in relation to lighting details and a condition under the Outline consent requires such details to be submitted.

11.2.10 In terms of Biodiversity Net Gain, this application pre-dates the requirements, however, Condition 9 of the Outline consent requires a Biodiversity Enhancement Strategy to be submitted concurrent with each reserved matters applications for the site. This has been submitted (Application Reference 23/00640/DAC), assessed by Ecology consultants and approved by the Council in relation to Biodiversity enhancement for the areas of open space within the site. The Ecology consultant has recommended a further condition on this application for a Biodiversity

Enhancement Layout to be submitted in accordance with the approved Biodiversity Enhancement Strategy.

11.3 Arboricultural Impacts

11.3.1 Paragraph 131 of the NPPF states that existing trees should be retained wherever possible. Policy LPP65 of the Adopted Local Plan sets out that trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal.

11.3.2 The Outline application imposed two conditions in relation to works to trees, those being Conditions 12 and 24. No existing trees are to be removed as part of this proposal. The Arboricultural Report approved as part of the Outline consent indicated a group of trees (Group G3) along the frontage of the site to be removed to facilitate the access into the development site. The principle of removal was approved as part of the Outline consent and the trees have been removed as they fall within Highway Land. However, 2 of the trees which were indicated as due for removal, fall within the red line for this Reserved Matters application. The Applicant has confirmed that they would be retained and they have been incorporated into the landscaping for the Gateway Green area.

11.3.3 An existing group of trees are located on the eastern boundary of the site indicated as trees to be retained (Group G4) within the Arboricultural Report approved at the Outline stage. The trees will be protected during development in accordance with the Arboricultural Impact Assessment accompanying this application, which has been assessed by the Councils Arboriculturalist and is considered to be sound. An Arboricultural Method Statement will come forward by way of Condition 24 attached to the Outline consent, prior to the commencement of development.

11.4 Highway Considerations

11.4.1 Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued. Policy LPP42 of the Adopted Local Plan states that priority should be given to cycle and pedestrian movements and access to public transport. Sustainable travel will be encouraged.

11.4.2 The illustrative location of the Spine Road was agreed at the Outline stage through the approved Parameter Plans, along with the street hierarchy and pedestrian and cycle movement. As previously stated, the Spine Road will make provision for a safe pedestrian and cycle network within the development. This would then continue outside of the development in accordance with the sustainable transport works agreed as part of the Section 106 Agreement attached to the Outline consent.

11.4.3 Discussions between the Applicant and the Highways Authority have been ongoing in relation to the internal design of the road and bus stop location. The matter of the bus stop location was also considered in detail as part of a road safety audit that is being undertaken as part of the Section 38 approval process. Whilst the S38 approval process falls outside the scope of Planning, the Highways Authority have assessed the details put forward as part of this application and have no objection to the proposals.

11.4.4 It is considered that the development has been laid out in a manner that pays regard to the need to plan for sustainable access for all, with connections to future phases and services beyond.

11.5 Impact on Neighbouring Residential Amenities

11.5.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

11.5.2 The nearest residential properties are those of the existing Woodend Farm to the west, and Lodge Farm development to the east. Due to the nature of this application, there will be no impact on existing residential amenity by way of overlooking, overbearing, loss of light or overshadowing, however, there will inevitably be an impact during the construction process.

11.5.3 To mitigate these impacts, conditions were imposed as part of the Outline consent which includes a dust control management scheme, piling restrictions and hours of working in order to ensure that residential amenity is preserved. A further condition has been recommended for a Construction Management Plan to be submitted prior to the commencement of development to mitigate construction work. Subject to adherence thereto, it is considered that the proposal would not have a detrimental effect upon neighbouring residential amenity.

11.6 Heritage

11.6.1 The likely heritage impact was assessed at the Outline application stage. The site is not located within a Conservation Area and there are no heritage assets located on the site or within the vicinity. The Outline consent imposed conditions in relation to archaeology which requires further archaeological investigation to be undertaken. ECC Archaeology Officers have confirmed that no further conditions are considered necessary.

11.7 Flood Risk and Surface Water Drainage

11.7.1 The application site is located in Flood Zone 1 (low probability). Flood risk and drainage were considered in general terms at the Outline planning

stage and relevant conditions were attached to the Outline planning permission for the wider Woodend Farm site.

11.7.2 Essex County Council as the Lead Local Flood Authority, having been consulted on the Outline application, raised no objection to the application in flood risk terms.

12. CONCLUSION

12.1 The application is located within an area allocated as a Strategic Growth Location for residential redevelopment in the Adopted Local Plan. Outline planning permission was granted on 21st July 2022 for up to 400 residential dwellings and a day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.

12.2 The application seeks to construct an internal Spine Road with associated landscaping to facilitate the construction of residential use on the site which would accord with its allocated use in the Adopted Local Plan.

12.3 The layout, scale, access, and appearance of the road are considered acceptable and functional and are in accordance with the approved Outline Parameter Plans and Design Code. The proposal would contribute towards sustainable travel allowing for the creation of footways, cycleways, and a new bus route.

12.4 No existing trees are to be removed to facilitate the development. The landscaping and tree lined streets would create an attractive entrance into the site.

12.5 Given the nature of the development, there is not considered to be any detrimental impact on existing residential amenity. Any disturbance from construction can be mitigated by the imposed Outline and further recommended conditions.

12.6 There are no objections from the relevant statutory consultees, and Officers consider that the proposed layout, scale, access, appearance, and landscaping are acceptable. The application would therefore act as a catalyst for the wider development of the Strategic Allocation to come forward, allowing for additional housing to be built in the District.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1001 P12	N/A
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1002 P12	N/A
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1003 P12	N/A
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1000 P14	N/A
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1004 P14	N/A
Refuse Information	65205612-SWE-ZZ-XX-DR-C-0060-P03	N/A
Highway Plan	65205612-SWE-ZZ-XX-D-C-0050-P05	N/A
Arboricultural Report	HWA10908	N/A
Location Plan	FAB-00-XX-DR-L-1010 P02	
Other	SHA 1507 Rev A	N/A

Condition(s) & Reason(s)

Condition 1
The development hereby permitted shall be carried out in accordance with the approved plans and documents listed above.

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

Condition 2
Prior to commencement of any development, engineering works or other activities within the application site the tree protection measures set out within the Arboricultural Impact Assessment produced by Hallwood Associates Arboricultural and Woodland Consultants dated 12th October 2023 shall be put in place and shall remain in place until after the completion of the development, to the 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. 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 and hedges.

Condition 3
No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- Measures to manage the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control mud during construction;
- A scheme to control noise and vibration during the construction phase,
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

Condition 4
The scheme of landscaping indicated upon the approved plans, shall be carried out during the first available planting season after the commencement of the development. The Elm Tree saplings located within the Gateway Green, will be planted in accordance with the Method Statement (Ref: SHA 1507) dated May 2023.

Reason: To enhance the appearance of the development and in the interests of amenity and to ensure that the Elm Tree saplings are translocated appropriately and to ensure their protection and retention.

Condition 5
Prior to occupation, a Biodiversity Enhancement Layout for bespoke biodiversity enhancements listed in the approved Biodiversity Enhancement Strategy (EPR Ltd,

February 2023) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

a) Detailed designs or product descriptions for bespoke biodiversity enhancements; and
b) Locations, orientations and heights for bespoke biodiversity enhancements by appropriate maps and plans.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

Informative(s)

Informative 1

Your attention is drawn to the need to comply with Condition 11 (Landscaping Scheme) of the Outline Consent (19/01896/OUT), particularly in relation to the submission of a watering maintenance regime for all new areas of planting.

Positive and Proactive Statement

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.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP22	Strategic Growth Location - Wood End Farm, Witham
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP48	An Inclusive Environment
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP65	Tree Protection
LPP71	Climate Change
LPP74	Flooding Risk and Surface Water Drainage
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
19/01896/OUT	Application for Outline Planning Permission with all matters reserved for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.	Granted with S106 Agreement	21.07.22
22/01993/DAC	Application for approval of details reserved by condition 19 (a only) (Archaeological Trial Trenching) of approved application 19/01896/OUT	Granted	15.08.22
23/00350/DAC	Application for approval of details reserved by condition 34 (Feasibility Study) of approved application 19/01896/OUT	Granted	12.10.23
23/00559/DAC	Application for approval of details as reserved by condition 4 (Phasing Plan) of approved application 19/01896/OUT	Granted	08.06.23
23/00637/DAC	Application for approval of details as reserved by Condition 8 (Lighting Scheme) of approved application 19/01896/OUT for Spine Road Infrastructure only.	Pending Consideration	
23/00638/DAC	Application for approval of details as reserved by condition 13 (Refuse Scheme) of approved application 19/01896/OUT for Spine Road Infrastructure only.	Granted	29.06.23
23/00639/DAC	Application for approval of details as reserved by condition 11 (Landscaping Scheme) of approved	Pending Consideration	

	application 19/01896/OUT for Spine Road Infrastructure only.		
23/00640/DAC	Application for partial approval of details as reserved by condition 9 (Biodiversity Enhancement Strategy) of approved application 19/01896/OUT (Areas of Open Space only).	Granted	15.05.23
23/00641/DAC	Application for partial approval of details as reserved by Condition 10 (Landscape Ecological Mitigation Plan) of approved application 19/01896/OUT (Areas of Open Space only).	Granted	15.05.23
23/00753/DAC	Application for partial approval of details as reserved by Condition 11 (Landscaping) of approved application 19/01896/OUT (Main Central Park Area).	Pending Consideration	
23/00781/REM	Application for the approval of Reserved Matters (Access, Appearance, Landscaping, layout and scale) for the central open space (Main Central Park Area), pursuant to outline application 19/01896/OUT approved on 21.07.2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.	Pending Consideration	
23/01098/DAC	Application for partial approval of details as reserved by Conditions 21 (Offsite flooding) & 27 (Dust Contol) of approved application 19/01896/OUT	Pending Consideration	
23/01108/DAC	Application for approval of	Granted	16.05.23

	details as reserved by condition 19 (Part B only) (Archaeology) of approved application 19/01896/OUT		
23/01486/DAC	Application for the approval of details as reserved by condition 12 (Arboricultural Impact Assessment Report) of approved application 19/01896/OUT Arboricultural Impact Assessment Report	Pending Consideration	

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2V: Woodend Farm Witham

Reserved Matters 23/00781/REM Planning Committee Report and Minutes

Minutes

Planning Committee
13th August 2024

Braintree District Council

Present

Councillors	Present	Councillors	Present
J Abbott	Yes	A Hooks	Yes
J Beavis	Yes (until 8.16pm)	A Munday	Yes
K Bowers	Yes	I Parker (Chairman)	Yes
L Bowers-Flint	Yes	F Ricci	Apologies
T Diamond	Apologies	P Schwier	Yes
M Fincken	Yes	G Spray	Yes (from 7.42pm)
D Holland	Yes		

Substitute

Councillor G Prime attended the meeting as a substitute for Councillor F Ricci.

20 **DECLARATIONS OF INTEREST**

INFORMATION: The following interest was declared:-

Councillor Bowers declared a non-pecuniary interest in Application No. 24/00442/FUL – Plot 5, Horizon 120 Business Park, London Road, Great Notley in his role as the Council's Cabinet Member for Finance, Resources and Performance, which included responsibility for Horizon 120. Councillor Bowers left the meeting when the application was considered and determined.

21 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held 30th July 2024 be approved as a correct record and signed by the Chairman.

22 **QUESTION TIME**

INFORMATION: There were no questions asked, or statements made.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

23 **PLANNING APPLICATIONS APPROVED**

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

Plan No.	Location	Applicant(s)	Proposed Development
*23/00781/REM (APPROVED)	Witham	Mr W Wood	Application for the approval of Reserved Matters (Access, Appearance, Landscaping, layout and scale) for the central open space (Main Central Park Area), pursuant to outline application 19/01896/OUT approved on 21.07.2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure, land North of Woodend Farm, Hatfield Road.

The Committee approved this application, subject to the amendment of the list of Approved Plans; and to an additional Information to Applicant as follows:-

Amended Approved Plans

Amend:-

'Specification 'Landscape Specification	D3226-FAB-00-XX-DR-L-1008 P14' to D3226-FAB-00-XX-DR-L-1008 P14'

Add:- 'Elm Tree Arboricultural Method Statement'

Additional Information to Applicant

2. The applicant is requested to give further consideration to the location of the crossing place (the stepping stones shown on Drawing Number D3226-FAB-00-XX-DR-L-1005 P15), to prevent any persons using the route as a desire path,

which would result in persons walking through the planted landscaped border.

Plan No.	Location	Applicant(s)	Proposed Development
*24/00442/FUL (APPROVED)	Great Notley	Mr David Warburton, The Mashgate Group	Erection of an employment building comprising of uses falling within Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process and (B8) Storage or Distribution (or a combination of those uses) with associated access, service areas, parking and landscaping, Plot 5, Horizon 120 Business Park, London Road.
Councillor K Bowers declared a non-pecuniary interest in this application and he left the meeting when it was considered and determined.			

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 8.19pm.

Councillor I Parker
(Chairman)

Braintree District Council

PLANNING COMMITTEE
AGENDA

Tuesday, 13th August 2024 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:
http://www.braintree.gov.uk/youtube

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor J Abbott
Councillor J Beavis
Councillor K Bowers
Councillor L Bowers-Flint
Councillor T Diamond
Councillor M Fincken
Councillor D Holland (Vice-Chairman)
Councillor A Hooks
Councillor A Munday
Councillor I Parker (Chairman)
Councillor F Ricci
Councillor P Schwier
Councillor G Spray

Substitutes: Councillor M Green, Councillor J Hayes, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor M Staines, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright.

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than 24 hours before the start of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI)

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

Public Question Time - Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration **online form** by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

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

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the Council's website.

Health and Safety
Anyone attending a meeting of the Council is asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding, you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point where you should stay until it is safe to return to the building.

Substitute Members
Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

Documents
Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

Data Processing
For further information on how the Council processes data, please see the Council's Privacy Policy:
https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

Webcast and Audio Recording
Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: http://braintree.public-i.tv/core/portal/home. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions
We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you may send these to governance@braintree.gov.uk

PUBLIC SESSION **Page**

1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 30th July 2024 (copy to follow).

4 Public Question Time

Only Registered Speakers will be invited by the Chairman to speak during public question time.
Please see the agenda notes for guidance.

5 Planning Applications

To consider the following planning applications.

5a App. No. 23 00781 REM - Land North of Woodend Farm, Hatfield Road, WITHAM **5 - 26**

5b App. No. 24 00442 FUL - Plot 5, Horizon 120 Business Park, London Road, GREAT NOTLEY **27 - 62**

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this agenda there were none.

PRIVATE SESSION **Page**

8 Urgent Business - Private Session

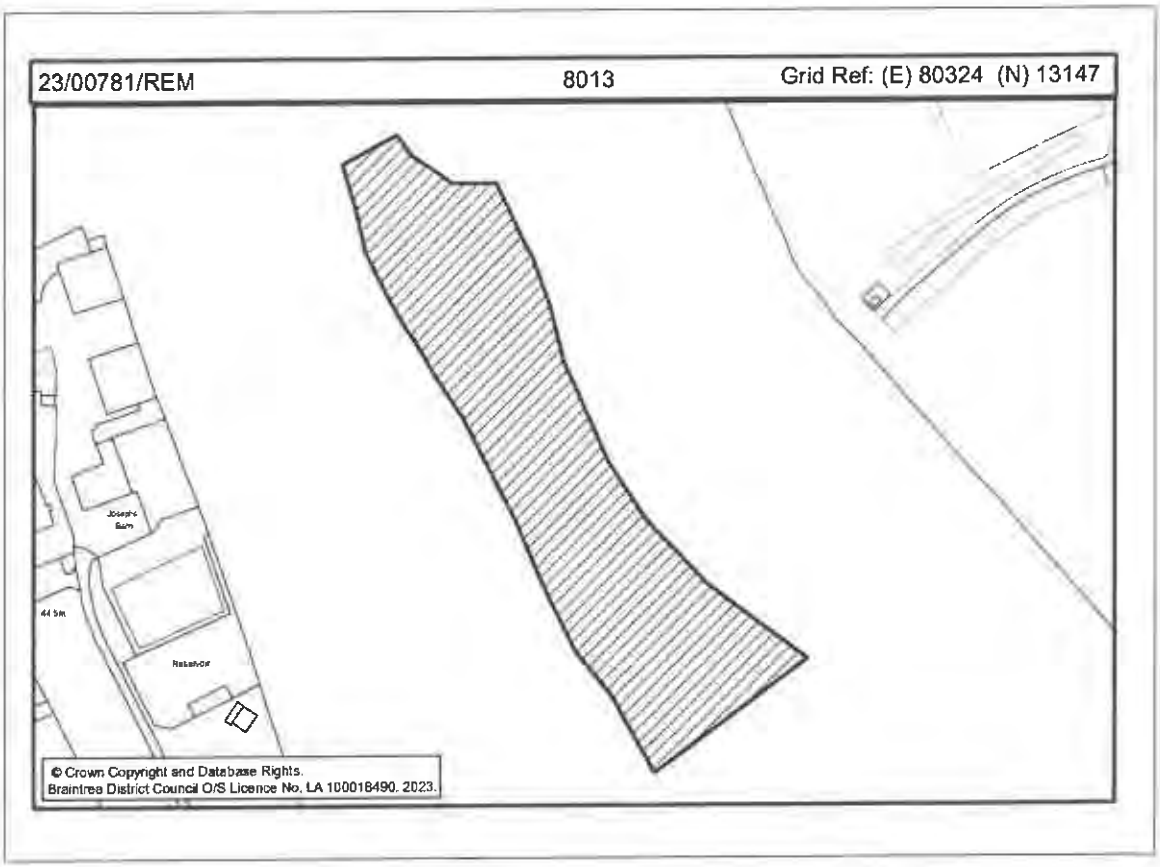
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Braintree District Council

Agenda Item: 5a

Report to: Planning Committee		
Planning Committee Date: 13th August 2024		
For: Decision		
Key Decision: No	**Decision Planner Ref No:** N/A	
Application No:	23/00781/REM	
Description:	Application for the approval of Reserved Matters (Access, Appearance, Landscaping, layout and scale) for the central open space (Main Central Park Area), pursuant to outline application 19/01896/OUT approved on 21.07.2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.	
Location:	Land North Of Woodend Farm, Hatfield Road, Witham	
Applicant:	Mr W Wood, c/o Agent, 270 Avenue West, Skyline 120, Braintree, Essex, CM77 7AA	
Agent:	Kevin Coleman, Phase 2 Planning & Development Ltd, 270 Avenue West, Skyline 120, Great Notley, Essex, CM77 7AA	
Date Valid:	22nd March 2023	
Recommendation:	It is RECOMMENDED that the following decision be made: ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) **Agree** the Recommendation b) **Vary** the Recommendation c) **Overturn** the Recommendation d) **Defer** consideration of the Application for a specified reason(s)	
Appendices:	**Appendix 1**:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Mathew Wilde For more information about this Application please contact the above Officer on: 01376 312769, or by e-mail: mathew.wilde@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the Applicant for the determination of the application.
Legal Implications:	Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report. If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision. Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable. All relevant policies are set out within the report, within Appendix 2.
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to: a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race,

	religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a). The consideration of this application has not raised any equality issues.

Background Papers:	The following background papers are relevant to this application include:
	
	▪ Planning Application submission:
	  ▪ Application Form
	  ▪ All Plans and Supporting Documentation
	  ▪ All Consultation Responses and Representations
	
	The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/00781/REM.
	
	▪ Policy Documents:
	  ▪ National Planning Policy Framework (NPPF)
	  ▪ Braintree District Local Plan 2013-2033
	  ▪ Neighbourhood Plan (if applicable)
	  ▪ Supplementary Planning Documents (SPD's) (if applicable)
	
	The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.
	
	The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.

1. EXECUTIVE SUMMARY

1.1 The application site is located within an area allocated as a Strategic Growth Location for residential redevelopment in the Adopted Local Plan. Outline planning permission was granted on 21st July 2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure (Application Reference 19/01896/OUT).

1.2 The application seeks Reserved Matters approval for access, appearance, landscaping, layout and scale for the central open space area, referred to as "The Park" by the approved Design Code and accompanying Parameter Plans (attached to the outline consent). The central open space area comprises a broadly rectangular parcel of land in a north-south alignment, in the centre of the wider strategic allocation site.

1.3 The Design Code is very prescriptive about the central open space area (The Park), setting out numerous design principles including its form and function, permeability/accessibility, and planting pallet.

1.4 Officers consider that the development would generally comply with the aspirations of the Design Code to deliver a high quality multifunctional area for informal recreation and leisure for future residents, while providing long term landscape and ecological benefits.

1.5 There are no objections from the relevant statutory consultees, and Officers consider that the proposed layout, scale, access, appearance and landscaping are acceptable.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 Outline planning permission, with all matters reserved, was granted on 21st July 2022. The permission was for up to 400 residential dwellings and a day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure (Application Reference 19/01896/OUT).

5.2 The Outline application site is located to the north-west of Hatfield Road, on the south side of Witham and is approximately 18.9ha in area. It sits to the west of the site known as Lodge Farm, which is currently being developed by Redrow Homes, and to the north-east of the Maltings Lane Estate. The Site is bounded to the north-west by the London-Norwich railway line (operated by Abellio Greater Anglia), and to the south-east by the A12.

5.3 The Outline application site can be broadly split in to two distinct uses at present. The majority of the site is used for agricultural crop production, whilst the lower southern end of the site is fenced off from the agricultural land and was until recently used for commercial purposes.

5.4 The site comprises a single field unit with the peripheral field boundary marked predominantly by hedgerows, and in places hedgerow trees. A shelterbelt encloses the north of the once commercial area. The landscape beyond the site to the north, west and south comprises field units interspersed with woodland blocks.

5.5 Immediately adjoining the site on its south-western boundary, but excluded from the site, is Wood End Farm itself. Witham Town Centre is located approximately 2km to the north-east of the site and provides a wide range of shops, services, and facilities, as well as having a mainline railway station. Hatfield Peverel Station is located approximately 2km to the south, on the same line as Witham.

5.6 This application forms a total of approximately 1.1ha of the wider Outline consent.

6. PROPOSAL

6.1 This Reserved Matters application constitutes the second application to be submitted following Outline approval for the Woodend Farm Strategic Growth Location. It is understood that other areas of the development will come forward in due course.

6.2 The purpose of this Reserved Matters application is to provide the details for the central open space "The Park" as defined by the approved Design Code and accompanying Parameter Plans attached to the outline consent.

6.3 The central open space area comprises a broadly rectangular parcel of land in a north-south alignment, in the centre of the wider strategic allocation site. In accordance with the Design Code, it would comprise active spaces (areas for informal outdoor sport or recreation), more passive spaces (more enclosed / restricted spaces), play equipment in the form of a Local Equipped Area Play (LEAP), three SuDS Basins (two of which are shallow to provide part of the passive space) and a swale, footpaths to allow formal permeability through / around the space, and finally trees and hedgerows on the boundaries and at certain points within the space.

6.4 The central open space would be located adjacent to the main internal spine road, which has already been granted reserved matters approval via 23/00737/REM.

7. SUMMARY OF CONSULTATION RESPONSES

BDC Consultee

7.1 BDC Ecology

7.1.1 Support the planting specifications and schedules from an ecological perspective. Recommends some changes to the landscape maintenance however these details have been secured via condition attached to the outline consent, and therefore it is not necessary to condition on any Reserved Matters approval.

ECC Consultee

7.2 ECC Highways

7.2.1 Initially no objection to the proposals. Following re-consultation, Essex Highways requested that any planting is set back 1m from the footpath edge to avoid overgrowing onto the paths. They also raised concerns about who will be responsible for the features in the public open space area.

7.2.2 The Applicant subsequently engaged with Essex Highways and an agreed set back distance of 1m was made. These form part of the latest plans for approval.

7.3 ECC SUDS

7.3.1 Raised no objection with the drainage solution presented.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 No objection, subject to trees on the site being actively managed for 10 years and that any failing trees are replaced.

9. REPRESENTATIONS

9.1 Neighbours adjoining the site were notified and a site notice was erected at the site entrance. No representations have been received.

10. PRINCIPLE OF DEVELOPMENT

10.1 The site is identified as a Strategic Growth Allocation pursuant to Policy LPP22 within the Adopted Local Plan. The site has the benefit of Outline Planning Permission for up to 400 residential dwellings and a day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure. A suite of Parameter Plans and a detailed Design Code formed part of the approved documents for the site. All matters other than the strategic access point into the site from Hatfield Road were reserved for future determination.

10.2 This application seeks Reserved Matters approval for the specification within the central open space area. As per Condition 2 attached to the Outline permission, the following matters are considered relevant to this application:

- Scale;
- Appearance;
- Landscaping;
- Layout; and
- Access

10.3 The principle of development of the site has been established however, the matters stated above will be assessed in detail for this application.

11. SITE ASSESSMENT

11.1 Layout, Scale and Landscaping

11.1.1 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design. Policy LPP52 of the Adopted Local Plan states that the Council will seek a high standard of layout, design and landscaping in all developments in the District. Policy

LPP63 of the Adopted Local Plan establishes that the Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure.

11.1.2 At the national level, Paragraph 135 of the NPPF states, amongst other things, that developments should ensure that they: function well and add to the overall quality of the area for its lifetime; are visually attractive as a result of good architecture layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment and landscape setting. It also states that they should establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

11.1.3 The purpose of this Reserved Matters application is to provide details for the central open space area, referred to as "The Park" by the approved Design Code and accompanying Parameter Plans (attached to the outline consent). The submitted details seek to stay within the remit of the Design Code but provide the next level of information necessary for delivery.

11.1.4 In this case, the red line site boundary for the Reserved Matters application has been designed to match the shape and size of The Park as defined by the Design Code and Parameter Plans. It therefore consists of a broadly rectangular piece of land located within the centre of the wider development.

11.1.5 The Design Code is very prescriptive about the central open space area (The Park), setting out numerous design principles including its form and function, permeability/accessibility, and planting pallet. For ease of assessment, each of these elements have been split up below into different sections.

Form and Function

11.1.6 The Design Code sets out a number of important considerations about the form and function of the central open space. Page 23 and 24 of the Design Code sets out what function each space should provide; this includes areas of Active Space (areas for informal outdoor sport or recreation), Passive Spaces (more enclosed / restricted spaces), as well as a swale, pond and LEAP. The Design Principles on page 22 of the Design Code reiterate these points and further specify that the attenuation basins 1 and 2 should be designed to be usable for informal recreation.

11.1.7 The submitted details with the reserved matters application seek to mirror the spatial distribution of the different spaces of the central open space as shown indicatively in the Design Code. The northern aspect of the park would comprise a large open area, enclosed by new planting on the west side and by new planting and the swale on the east side. The Design Code

states that this area should be an active "Kick-about lawn" space to provide recreation. It is considered that the space proposed in this area would meet the aspirations of the Design Code.

11.1.8 The north east side of the central open space would also include a swale which would run parallel with the red line boundary (north-south) which is also specified in the Design Code. The main difference between the submitted plans and the Design Code, is that it was envisaged that there would be a bridge over the swale "*to link level grassed areas.*" The bridge is shown indicatively on the illustrative landscape design and mentioned in character area two of the Design Code. However, at the detailed design stage the bridge has been omitted as the Applicant has stated that the bridge would require a robust engineering solution given its size, which would likely be out of keeping with the semi-rural character of the park. Furthermore, the maintenance costs of the bridge would be high, and this would ultimately be incurred by the residents through the management company. As such, the developer omitted the bridge from the plans, and instead included steps in the bank and stepping stones to the bed, to enable crossing but in an informal way.

11.1.9 Officers consider that the omission of the bridge is regrettable, however the justification for its removal provided by the Applicant is considered to be fair. Ultimately, the bridge was never intended to act as a pedestrian link through the open space, but instead be more of a decorative / informal feature. As such, changing to an informal crossing solution with the stepping stones, similar to that of the other SuDS basins in the park, is not considered to diminish the quality which the Design Code sought to achieve. Overall, not delivering the bridge would represent a minor departure from the Design Code, but not one that Officers consider would be unacceptable. As such, it is considered that this change is justified and acceptable.

11.1.10 The middle portion of the park comprises the Local Equipped Area Play (LEAP), details of which are not for approval now and are instead to be secured via a separate reserved matters application at a later date. Below this, further open grassland is provided, providing an opportunity for active space, bound by proposed planting on either side. This is akin to the Design Code, which sets out this area as flexible active space. It is considered that this section also achieves the aspirations of the Design Code.

11.1.11 The lower portion of the open space comprises the three SuDS basins; the first is on the eastern boundary and is designed to be the deepest of the three, generally inaccessible to the public with lockable maintenance access gates and fencing around. The detail of fencing has not been included in the submission. However, Condition 15 of the outline consent requires details of walls and enclosures to be submitted. No discharge of condition application has been submitted at the time of writing for Condition 15. The approved Design Code identifies this basin as a 'pond' which is akin to what is proposed.

11.1.12 The other two SuDS basins by contrast have been designed to be capable of providing either active or passive space; this is because these basins are much shallower and will not hold water all of the time. Basin 1 is proposed to have stepping stones as a base, while Basin 2 would have a mown path within, with amenity land grass mix and stepping stones on the sloping sections. Overall, the submitted details are akin to the illustrative landscape design set out in the Design Code and are considered to be acceptable.

11.1.13 The form and function of the central open space "The Park" is therefore considered to meet the aspirations of the Design Code in delivering a multi-functional, usable space for future occupiers. While a bridge over the swale will not be delivered, overall this would not detract from the function of the spaces. It is therefore considered that the form and function of the central open space is acceptable.

Accessibility/Permeability

11.1.14 The Design Code had aspirations that there would be good pedestrian linkages through the central open space area; this included providing multiple access points as well as a leisure route through the park. Indeed, the design principles set out inter alia that *"pedestrian crossings should be implemented at logical locations around the park green to ensure the space is easily and safely accessible for all users, and to connect the park with the wider network of footpaths through open spaces and green corridors."*

11.1.15 The submitted plans aim to achieve this aspiration; there are access points to the wider development, both on the northern and southern edges, but also multiple entry and exit points on the west and eastern edges. The southern entrance was not indicatively shown in the Design Code but included at Officer request to allow for increased pedestrian permeability, even if said path may not be useable at certain times connecting into the SuDS basin.

11.1.16 In terms of internal linkages, the footways would enable north-south and east-west connections, albeit these are predominantly close to the edges of the park in order to avoid breaking up those active spaces which the Design Code seeks to achieve. Critically, there is an entrance to the central open space adjacent to where the bus stop would be located, providing an easy access link through the site. The footways themselves would comprise compacted gravel surfacing with rounded top PCC (concrete) kerb edging. Compacted gravel surfacing would provide a durable yet visually softer treatment for the park, which would assist in retaining the semi-rural character of this area. Furthermore, Officers preferred a concrete edge to the paths over a timber treatment, due to its durability qualities. The developer subsequently undertook this amendment at Officer request.

11.1.17 Overall, it is considered that the accessibility and permeability of the park as proposed would meet the aspirations of the Design Code, and Officers consider that these linkages are acceptable.

Planting Pallet

11.1.18 The Design Code also sets out a number of key principles around new planting for the central open space "The Park". These key principles include inter alia:

- Large tree species (which would grow to a minimum of 12m high) should be planted along the edges of the park, to be visible above roof line in local and long-distance views.
- Medium tree species should be included through the rest of the park to provide variety and to frame the spaces within the park.
- Tree planting should be located to enable maintenance access to the attenuation basins.

11.1.19 Furthermore, the Design Code on pages 38-39 sets out an illustrative planting pallet, which identifies what species should be included for primary street trees, secondary street trees, gateway and feature trees, boundary trees, hedgerows, shrub planting, herbaceous planting and grass panting. Page 25 of the Design Code sets out an indicative tree planting pallet for the park specifically.

11.1.20 In this case, Officers have spent a considerable amount of time reviewing the proposed vegetation planting for the central open space against the planting in the Design Code. It became apparent that the planting on the initial submitted drawings did not match the key principles highlighted above, and indeed some trees, hedges and shrubs were included which were either not the right size or not taken from the approved Design Code planting pallet.

11.1.21 These omissions have subsequently been rectified; looking first at the key design principles, one is that large tree species should be planted along the site edges. This has now occurred, with large species such as Hornbeam framing the edge of the open space on the eastern side at semi-regular intervals, with other smaller trees such as small leaved lime, hedges and shrubs interspersed. On the western side there is a greater mix of larger trees including small leaved lime, tulip tree, silver birch, scotts pine and london plane. All of these trees are included within the planting pallet of the Design Code and were amended to larger stock trees. As such, the key design principle of framing the edge of the open space with larger trees is considered to be achieved.

11.1.22 In terms of the next design principle, this is to ensure that medium trees are provided through the rest of the park. The updated plans achieve this with Rowan trees framing some of the SuDS Basins, as well as london plane and hornbeam trees framing some of the more active spaces. Finally, a key design principle was that tree planting should enable maintenance of the SuDS basins. It is considered that the tree planting in this case would not interfere with the potential for maintaining the Suds Basins.

11.1.23 In terms of some of the shrub, herbaceous and grass planting, this has also been updated to generally accord with the Design Code in terms of species. Some additional herbaceous planting has been included that are not in the Design Code pallet, but these are limited and would only add to the diversity of shrub/ herbaceous planting.

11.1.24 One of the key points raised by Essex Highways was that shrubs should be set back 1m from the highway boundary, so that they have room to grow and do not overhang the pavement. In this case, the planting has been stepped back by 1m to allow for this. Furthermore, Essex Highways wanted some species to be greater than 1m away from the road, this included Cornus s. 'Midwinter Fire', Elaeagnus 'Quicksilver' and Olearia macrodonta. Changes were made to remove these species from the planting pallet. As these changes address Essex Highways concerns, no further re-consultation was deemed necessary. A different Cornus species was added in the place of Cornus 'Midwinter Fire', but with a note in the landscape schedule that states "Cornus species within mixes to not be planted within 2.5 m of highway" to ameliorate any issues that Essex Highways may have with Cornus species. Overall, Officers are satisfied that there would not be any conflict with Essex Highways following these changes.

11.1.25 In terms of hard landscaping, where the shrubs had to be stepped back, a knee rail fence is proposed around some of the periphery of the open space to restrict people parking. This is consistent with the Design Code, but again the details would come forward as part of Condition 15 (walls and enclosures) attached to the outline consent. The Park also includes a small number of benches at strategic resting points across the central open space, which is consistent with the Design Code.

11.1.26 Overall, it is considered that the planting pallet, and hard landscaping (as proposed in principle subject to Conditions) is acceptable and would generally accord with the Design Code – where it deviates it is considered to be justified and only minor in nature. As such, Officers are satisfied that the central open space "The Park" would achieve the aspirations of the Design Code and deliver a high-quality space for future occupiers of this development.

11.2 Landscape Maintenance

11.2.1 Witham Town Council requested that trees on the site are actively managed for 10 years. A site wide Landscape Ecological Management Plan (LEMP) has been approved through discharge of Condition 10 attached to the outline consent (Application Reference 23/00641/DAC). This sets out the required maintenance and management of the open space (including trees etc) at the site. Furthermore, Condition 11 of the outline consent requires a landscaping scheme to be submitted (as has been here) which requires any failed trees and hedges to be replaced within 5 years. As such, while Witham Town Council's aspirations for 10 year management are noted, this should be achieved via the LEMP through

the management company, a requirement of the S106 attached to the outline consent, once they are appointed.

11.3 Ecology

11.3.1 The Outline application adopted a landscape-led approach. Important landscape and ecological features that contributed to the character of the site were to be retained. These existing features, in combination with new strategic planting including new trees, hedges, shrubs and grass, seek to create a comprehensive green infrastructure into which the built form will sit. The landscape-led approach enables the adoption of a strong sense of place and identity.

11.3.2 In terms of Ecology, the details have been assessed by the Councils Ecology Consultant. No objection has been raised and support is given to the proposed planting schedules and specifications from an ecological perspective.

11.3.3 In terms of Biodiversity Net Gain, this application pre-dates the Statutory requirements, however, Condition 9 of the Outline consent requires a Biodiversity Enhancement Strategy to be submitted concurrent with each reserved matters applications for the site. These details have been approved (Application Reference 23/00640/DAC).

11.4 Impact upon Neighbouring Residential Amenity

11.4.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

11.4.2 The nearest residential properties are those of the existing Woodend Farm to the west, and Lodge Farm development to the east. Due to the nature of this application, there will be no impact on existing residential amenity by way of overlooking, overbearing, loss of light or overshadowing, however, there will inevitably be an impact during the construction process.

11.5 Flooding and Drainage Strategy

11.5.1 The application site is located in Flood Zone 1 (low probability). Flood risk and drainage were considered in general terms at the Outline planning stage and relevant conditions were attached to the Outline planning permission for the wider Woodend Farm site.

11.5.2 Essex County Council as the Lead Local Flood Authority, having been consulted on the Outline application raised no objection to the application in flood risk terms, being generally satisfied with the basin and swale details

included within the application. Further details are to be submitted via conditions attached to the Outline consent.

11.6 Lighting

11.6.1 No details of lighting have been submitted with this reserved matters application. This is because no lighting is proposed to be erected within the open space area. The highways around the periphery of the open space area would be lit to adoptable standards. If lighting were to be required in future, this would be submitted pursuant to Condition 8 of the Outline consent. Overall, Officers are satisfied that the park would not be lit, nor would there be a need for it to be lit with other lit walking routes available around the open space at nighttime.

12. CONCLUSION

12.1 The application is located within an area allocated as a Strategic Growth Location for residential redevelopment in the Adopted Local Plan. Outline planning permission was granted on 21st July 2022 for up to 400 residential dwellings and a day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.

12.2 The application seeks to provide the details for how the central open space ("The Park") comes forward for development. The form, function, accessibility and landscaping of the park are all considered to be in general accordance with the Design Code and Parameter Plans. Overall, the central open space will deliver a high quality multifunctional area for informal recreation and leisure, while providing long term landscape and ecological benefits.

12.3 There are no objections from the relevant statutory consultees, and Officers consider that the proposed development is acceptable.

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1005 P15	N/A
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1006 P15	N/A
Landscape Masterplan	D3226-FAB-00-XX-DR-L-1007 P14	N/A
Specification	D3226-FAB-00-XX-DR-L-1008 P14	N/A
Location Plan	D3226 FAB 00 XX DR L 1010 P02	N/A

Condition(s) & Reason(s)

Condition 1
The development hereby permitted shall be carried out in accordance with the approved plans listed above.

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

Condition 2
No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- Measures to manage the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control mud during construction;
- A scheme to control noise and vibration during the construction phase;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

Condition 3
The scheme of landscaping indicated upon the approved plans, shall be carried out during the first available planting season after the commencement of the development.

Reason: To enhance the appearance of the development and in the interests of amenity.

Condition 4
Notwithstanding what is shown on landscaping plan D3226-FAB-00-XX-DR-L-1006 P15, details of the LEAP are NOT approved as part of this Reserved Matters Application.

Reason: For the avoidance of doubt as the details are not to be approved.

Informative(s)

Informative 1
Full details of the means of enclosure submitted as part of this reserved matters application, will need to be submitted as part of a separate Discharge of Condition for Condition 15 attached to outline application 19/01896/OUT.

Positive and Proactive Statement

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.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 – 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Climate Change
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
19/01896/OUT	Application for Outline Planning Permission with all matters reserved for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.	Granted with S106 Agreement	21.07.22
22/01993/DAC	Application for approval of details reserved by condition 19 (a only) (Archaeological Trial Trenching) of approved application 19/01896/OUT	Granted	15.08.22
23/00350/DAC	Application for approval of details reserved by condition 34 (Feasibility Study) of approved application 19/01896/OUT	Granted	12.10.23
23/00559/DAC	Application for approval of details as reserved by condition 4 (Phasing Plan) of approved application 19/01896/OUT	Granted	08.06.23
23/00637/DAC	Application for approval of details as reserved by Condition 8 (Lighting Scheme) of approved application 19/01896/OUT for Spine Road Infrastructure only.	Granted	13.05.24
23/00638/DAC	Application for approval of details as reserved by condition 13 (Refuse Scheme) of approved application 19/01896/OUT for Spine Road Infrastructure only.	Granted	29.06.23
23/00639/DAC	Application for approval of details as reserved by condition 11 (Landscaping Scheme) of approved	Pending Consideration	

	application 19/01896/OUT for Spine Road Infrastructure only.		
23/00640/DAC	Application for partial approval of details as reserved by condition 9 (Biodiversity Enhancement Strategy) of approved application 19/01896/OUT (Areas of Open Space only).	Granted	15.05.23
23/00641/DAC	Application for partial approval of details as reserved by Condition 10 (Landscape Ecological Mitigation Plan) of approved application 19/01896/OUT (Areas of Open Space only).	Granted	15.05.23
23/00737/REM	Application for the approval of Reserved Matters (Infrastructure) (Access, Appearance, Landscaping, layout and scale) for the installation of the Spine Road with associated footpaths, cycleways and bus turning head, linking into the approved access works at Hatfield Road to the south pursuant to outline application 19/01896/OUT approved on 21.07.2022 for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.	Granted	15.11.23
23/00753/DAC	Application for partial approval of details as reserved by Condition 11 (Landscaping) of approved application 19/01896/OUT (Main Central Park Area).	Pending Consideration	
23/01098/DAC	Application for partial approval of details as	Pending Consideration	

	reserved by Conditions 21 (Offsite flooding) & 27 (Dust Control) of approved application 19/01896/OUT (Strategic Infrastructure and Open Space only).		
23/01108/DAC	Application for approval of details as reserved by condition 19 (Part B only) (Archaeology) of approved application 19/01896/OUT	Granted	16.05.23
23/01486/DAC	Application for the approval of details as reserved by condition 12 (Arboricultural Impact Assessment Report) of approved application 19/01896/OUT for Spine Road Infrastructure only. Arboricultural Impact Assessment Report	Granted	13.05.24
23/02962/DAC	Application for approval of details as reserved by Condition 18 (Ecological) of approved application 19/01896/OUT	Pending Consideration	
24/00853/DAC	Application for approval of details as reserved by condition 24 (Arboricultural Method Statement) of approved application 19/01896/OUT for Spine Road Infrastructure only. Note this is the same document that has been submitted for discharge of Condition 12 in respect of this area, as the document covers both the impact of the scheme and the method statement for tree protection. Note there are no trees within the area covered by application 23/00781/REM, and the protection of the boundary	Pending Consideration	

	trees that lie at the outer edge of 23/00737/REM were considered as part of that RM application, on the basis of the same information submitted with this application.		
24/01466/DAC	Application for approval of details as reserved by condition 17 (CEMP) of approved application of 22/02446/FUL	Pending Consideration	
24/01579/DAC	Application for approval of details as reserved by condition 26 of approved application 19/01896/OUT	Pending Consideration	

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 2W: Woodend Farm Witham

Schedule of Discharge of Conditions

Woodend Farm Witham Progress on 19/01896/OUT, Discharge of Conditions and Reserved Matters submissions

Ref No.	Description	Submitted	Approved
Discharge of conditions			
22/01993/DAC	Condition 19 (a only) (Archaeological Trial Trenching)	27.07.2022	15.08.2022
23/00350/DAC	Condition 34 (Feasibility Study into relocation of elm tree)	10.02.2023	12.10.2023
23/00559/DAC	Condition 4 (Phasing Plan)	02.03.2023	08.06.2023
23/00637/DAC	Condition 8 (Lighting Scheme) for Spine Road Infrastructure only.	09.03.2023	13.05.2024
23/00638/DAC	Condition 13 (Refuse Scheme) for Spine Road Infrastructure only.	09.03.2023	29.06.2023
23/00639/DAC	Condition 11 (Landscaping Scheme) of approved application for Spine Road Infrastructure only.	09.03.2023	16.05.2024
23/00640/DAC	Condition 9 (Biodiversity Enhancement Strategy) (Areas of Open Space only).	09.03.2023	15.05.2023
23/00641/DAC	Partial approval of details reserved by Condition 10 (Landscape Ecological Mitigation Plan) (Areas of Open Space only).	09.03.2023	15.05.2023
23/00753/DAC	Partial approval of details reserved by Condition 11 (Landscaping) (Main Central Park Area).	20.03.2023	pending
23/01098/DAC	Partial approval of details reserved by Conditions 21 (Offsite flooding) & 27 (Dust Control)	25.04.2023	13.05.2024
23/01108/DAC	Condition 19 (Part B only) (Archaeology)	26.04.2023	16.05.2023
23/01486/DAC	Condition 12 (Arboricultural Impact Assessment Report)	06.06.2023	13.05.2024
23/02962/DAC	Condition 18 (Ecological)	07.12.2023	14.08.2024
24/00853/DAC	Condition 24 (Arboricultural Method Statement) for Spine Road Infrastructure only. (This is the same document that was submitted for discharge of Condition 12 in respect of this area, as the document covers both impact of the scheme and the method statement	19.04.2024	pending
24/01466/DAC	Condition 17 (Construction Environmental Management Plan)	08.07.2024	14.08.2024
24/01579/DAC	Condition 26 (Foul Water Drainage)	22.07.2024	pending
24/01601/DAC	Condition 25 (Geo-Environmental Assessment)	24.07.2024	pending
24/01730/DAC	Condition 33 (landscaping strategy)	12.08.2024	pending
24/01850/DAC	Conditions 20 and 22 (SUDS)	27.08.2024	pending
Reserved Matters submissions			
23/00737/REM	Application for the approval of Reserved Matters (Infrastructure) (Access, Appearance, Landscaping, layout and scale) for the installation of the Spine Road with associated footpaths, cycleways and bus turning head, linking into the approved access works at Hatfield Road to the south	17.03.2023	15.11.2023
23/00781/REM	Application for the approval of Reserved Matters (Access, Appearance, Landscaping, layout and scale) for the central open space (Main Central Park Area).	22.03.2023	19.08.2024

Evidence of Braintree District Council in relation to Five Year Housing Land Supply

Appendix 3: Review of recent delivery rates on housing sites in Braintree District

Appendix 3: Review of delivery rates on receent and current developments in Braintree District

		Developer	Site capacity	Date of detailed consent	Date of first completions	Date site completed	Build out period (months)	Delivery rate per month	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Sites completed														
Forest Road Witham (Phases 1, 2 and 3)	Greenfield site, urban location	Bellway Homes	443	Jul-16	Oct-17	Sep-22	60	7.4	71	43	85	108	105	
Oak Road Halstead	Greenfield site, urban location	Bloor Homes and David Wilson Homes	288	Jan 18/ May 18	Oct-18	Jun-21	33	8.7	50	136	82	20		
Land East of Sudbury Road Halstead	Greenfield site, urban location	Belllway Homes	218	Jun-19	Jun-20	Jul-23	38	5.7	66	76	59	17		
Meadow Rise London Road/Pods Brook Braintree	Greenfield site, urban location	Countryside	215	Oct-17	Jul-19	Jun-23	48	4.5	42	38	81	42	12	
Inworth Road Feering	Greenfield site, key village location	Bloor Homes	162	Jun-20	Feb-21	Jul-23	30	5.4	7	59	70	26		
Former Dairy Site Bury Lane Hatfield Peverel (final 2 plots completed 10 months after the rest - probably used as show homes for neighbouring site)	Brownfield site, key village location	Bellway Homes	145	Feb-20	Dec-20	Jan-24	38	3.8	14	78	51	2		
Rayne Gardens Braintree	Greenfield site, urban location	Redrow Homes	127	Apr-18	Feb-19	Mar-22	38	3.3	5	53	49	20		
Mill Lane Cressing	Greenfield site, rural location	Bellway Homes	118	Jan-18	Jan-19	Aug-21	32	3.7	19	57	40	2		
Portway Place Halstead	Urban brownfield site, redevelopment of employment site	Bellway Homes	103	Apr-16	Apr-18	Sep-19	18	5.7	57	28	18			
Land off Birkdale Rise/Gleneagles Way Hatfield Peverel	Greenfield site, key village location	David Wilson Homes	100	Feb-21	May-22	Jan-24	21	4.8	49	51				
Pollys Field Braintree	Greenfield site, urban location	Abbeyfield Society, sheltered	99	Aug-16	Jan-22	Jan-22	1	99.0	99					
Bakers Lane Black Notley/Braintree	Greenfield site, urban location	Crest Nicholson	96	Jan-17	Oct-17	Sep-19	24	4.0	35	48	13			
Harvard Place Earls Colne	Greenfield site, key village location	Bellway Homes	90	Sep-19	Dec-20	Jan-23	26	3.5	11	50	29			
Broomhills Rayne Road Braintree	Urban brownfield site, redevelopment of employment site	Croudace Homes	81	Nov-20	Aug-22	Jun-24			16	59	6			
Gimsons Place Witham	Part brownfield but mainly greenfield site, urban location	Bellway Homes	78	Oct-20	Oct-22	Mar-24			21	57				
Carier site East Street Braintree	Urban brownfield site, redevelopment of employment site	Myriad Homes	74	Nov-18	Feb-21	Jan-22	12	6.2	13	61				
Strawberry Fields Great Yeldham	Village brownfield site, redevelopment of employment site	Linden Homes	60	Apr-19	Jul-20	Jan-23	31	1.9	21	13	26			
Land West of Boars Tye Road Silver End	Greenfield site, village location	Keepmoat Homes	59	Dec-17	Dec-18	Sep-19	10	5.9	40	19				
Former Bramston Sports Centre site Bridge Street Witham	Urban brownfield site	Churchill Retirement living	58	Mar-20	Dec-22	Mar-23	4	14.5	58					
Station Road Earls Colne	Greenfield site, key village location	CALA Homes	56	May-19	Mar-20	Oct-21	20	2.8	1	41	14			
Monks Road Earls Colne	Greenfield site, key village location	Crest Nicholson	50	May-17	Jun-19	Feb-21	21	2.4	1	36	13			
Sorrells Field Hatfield Peverel	Greenfield site, key village location	Countryside	50	Nov-18	Jan-21	Mar-22	15	3.3	3	47				
Land East of Boars Tye Road Silver End	Greenfield site, village location	Sanctuary Homes	50	Dec-19	Mar-22	Jul-22	5	10.0	7	43				
Former Dutch Nursery site Coggeshall	Brownfield site, key village location	Higgins Homes	48	Nov-19	May-21	May-22	13	3.7	41	7				
Land South of Garden Field Western Road Silver End	Greenfield site, village location	Croudace Homes	45	Feb-21	Apr-22	Jan-23	10	4.5	44	1				
Braintree Road Great Bardfield	Greenfield site, rural location	Croudace Homes	37	Jun-18	Aug-19	Jun-20	11	3.4	33	4				
Victoria Place Braintree	Urban brownfield site, mixed use redevelopment	Keir construction	35	Apr-19	Mar-22	Jul-22	5	7.0	23	12				
Land off Hedingham Road Gosfield	Greenfield site, village location	Abbey Developments	35	May-21	Sep-22	Jan-24	17	2.1	18	17				
Nuns Walk Great Yeldham	Greenfield site, village location	Lawford Homes (permission granted to Countryside but in 2021 sold to Lawford Homes who amended plans)	33	Jan-20	Sep-22	Sep-23	13	2.5	13	20				
WJC Hospital site London Road Braintree	Urban brownfield site	Crest Nicholson	29	Sep-13	Nov-14	Jul-15	9	3.2	10	19				
Sites still under construction														
Lodge Farm SW Witham	Greenfield site, urban location	Redrow Homes	665	Sep-17	Jun-18	still under construction			95	88	47	60	47	53
Towerlands Park Panfield Lane Braintree (Phases 1 and 2 under construction: year 2 = April-Sept, still under construction, further completions expected)	Greenfield site, urban location	Dandara	575	Apr-22	Apr-23	still under construction			110	104				
Western Road Silver End	Greenfield site, village location	Redrow Homes	350	Jun-19	Sep-20	still under construction			36	42	68	48		
Land North of Colchester Road Coggeshall	Greenfield site, key village location	Vistry	300	Aug-21	Jun-23	still under construction			97					
Station Field Kelvedon	Greenfield site, key village location	CALA Homes	238	Mar-21	Jan-22	still under construction			1	31	107			

Appendix 3: Review of delivery rates on receent and current developments in Braintree District

		Developer	Site capacity	Date of detailed consent	Date of first completions	Date site completed	Build out period (months)	Delivery rate per month	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Braintree Road Cressing	Greenfield site, village location	Countryside/Vistry	225	Sep-19	Dec-21	still under construction			10	51	23			
Land north of Conrad Road Witham	Greenfield site, urban location	Sanctuary Homes	150	Oct-20	Jan-23	still under construction			2	84				
Stonepath Drive Hatfield Peverel	Greenfield site, key village location	Bellway Homes	140	May-21	May-22	still under construction			58	47				
Halstead Road Earls Colne (construction appears to have paused)	Greenfield site, key village location	Persimmon Homes	80	Feb-22	Feb-23	still under construction			16	37				
Appletree Farm Cressing (developer went into administration, construction halted)	Village brownfield site, redevelopment of employment site	Inland Homes	78	Feb-20	Dec-22	still under construction			15	22				
Land West of Mount Hill (construction appears to have halted)	Greenfield site, urban location	Eastlight Community Housing	71	May-21	Aug-23	still under construction			31					
Bury Farm Hatfield Peverel (developed alomgside the Former Dairy site, above)	Part brownfield but mainly greenfield site, key village location	Bellway Homes	50	Aug-20	Jun-23	still under construction			34					
Bardfield Road Finchingfield	Greenfield site, village location	The Hill Group	50	Mar-22	Sep-23	still under construction			17					