

**Braintree District Council**

Town and Country Planning Act 1990 (as amended)

**Application No.:** 16/02096/OUT

**Date** 6th December 2016

**Received:**

**APPLICANT:**

Arla Foods UIK  
Mr Neil Cowburn  
Arla House  
4 Savanna Way  
Leeds Valley Park  
Leeds  
LS10 1AB

**AGENT:**

Mr Andrew Thomson  
9 Willow Drive  
Bunbury Cheshire  
CW6 9NY

**DESCRIPTION :**

Outline planning application for residential development for up to 145 dwellings (Use Class C3) with public open space, vehicular access and associated infrastructure

**LOCATION :**

Land At Station Road Hatfield Peverel Essex

**APPROVED PLAN(S):**

Location Plan	Plan Ref: 016-011-P001	Version: REV B
Access Details	Plan Ref: 370422-MMD-XX-00-DR-C-0001	Version: REV B
	B Station Rd/Bury	

**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:

1 Details of the:-

- (a) scale;
- (b) appearance;
- (c) layout of the building(s); and the
- (e) 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 reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

**Planning Decision Notice**

**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 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 145 dwellings with public open space, vehicular access and associated infrastructure and shall demonstrate compliance with the approved plan listed above.

**Reason**

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

- 3 No Reserved Matters application shall be submitted until a site wide strategy for the following has been submitted and approved in writing by the local planning authority:
  - Details of a parking strategy for the development;
  - Details of a waste management strategy for the development.
  - Details of a pedestrian and cycle links strategy from the application site to Bury Lane to the West and to land to the south of the application site.

Reserved matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved strategy.

**Reason**

The particulars submitted are insufficient for consideration of the details mentioned.

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

**Reason**

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

- 5 Prior to the first occupation of the development the primary access shall be implemented as shown on approved drawing 370422-MMD-XX-00-DR-C-0001 REV B Station Road/Bury Lane Visibility Splay.

**Reason**

To ensure the access is constructed to an acceptable standard and in the interests of highway safety.

- 6 Prior to occupation of any dwelling, the access at its centre line shall be provided with visibility splays with dimensions of 2.4 x 60 metres to the left and 2.4 x 37 metres to the right, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

**Reason**

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

**Planning Decision Notice**

- 7 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement 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;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials including turning and offloading facilities for delivery/construction vehicles within the limits of the site;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition and construction working hours.

The approved Construction Method Statement 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. 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.

- 8 a) Prior to the commencement of development a comprehensive survey shall be undertaken in accordance with the further works identified as being necessary in the applicant's Geo-environmental Desk Study Report completed by Mott Macdonald and dated 3rd October 2016 to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.
- b) Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

c) The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. 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 office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property 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. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

- 9 Any Reserved Matters application for layout, scale and appearance shall demonstrate that:

a) all external amenity areas shall achieve a noise level of < 50 dB LAeq,16hr. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the external noise limit. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

b) internal noise levels shall not exceed noise levels given within Table 4 of BS8233 (2014) Guidance on Sound Insulation and Noise Reduction in Buildings. The maximum level of 42dB(A) arising from passing trains shall not be exceeded within bedrooms between the hours of 2300 to 0700 hours. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the internal noise limits. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

With reference to determining the levels of insulation then it should be recognised that the performance of acoustic insulation schemes may be below that specified as it is affected by the quality of installation, materials used, source noise spectrum assumed and in future years general wear and tear of the components and therefore there should be a safety margin to account for this within calculations submitted.

#### Reason

In the interests of the amenity of future occupants of the development.

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- 10 No development shall commence until 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, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Limiting the discharge rate to at least 50% betterment of the existing brownfield rate for 1 in 100 year rate plus 40% allowance for climate change;
- Limiting discharge rates to the equivalent greenfield run off rates for the 1 in 1 and 1 in 30 year;
- 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;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SUDs Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that the development of the site is carried out in accordance with an approved drainage scheme.

- 11 No development shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

#### Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. These details need to be agreed prior to the commencement of development to ensure that measures to minimize the risk of offsite flooding are in place when works commence on the site.

- 12 No development shall commence 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 approved in writing by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

**Reason**

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that measures to maintain the surface water drainage system are in place before works commence on the site.

- 13 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

**Reason**

To ensure that the SUDs are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against floor risk.

- 14 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

**Reason**

To prevent environmental and amenity problems arising from flooding. The Foul Water Strategy is required prior to the commencement of development to ensure that the development is constructed in accordance with the agreed details.

- 15 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.

- 16 No vehicular movements relating to the demolition of the existing buildings or the construction of the development to, from or within the site shall take place outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

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Reason

In the interests of the amenity of residents of the locality.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

- 18 Prior to the first occupation of the development a report validating the noise mitigation measures required by Condition 9 and confirming that such measures have achieved the required noise mitigation standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the approved noise mitigation measure are carried out in full in the interests of protecting the amenity of future residents of the development.

- 19 No above ground works shall commence in the relevant phase of the development until a schedule and samples of the materials to be used on the external finishes of the dwellings and buildings on the site 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 that the development does not prejudice the appearance of the locality.

- 20 All electrical and telephone services to the development shall be run underground.

Reason

In the interests of visual amenity.

- 21 All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

- 22 Prior to installation of any meter cupboards on the dwellings details of the location, design and materials for the relevant phase of the development 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

In the interests of visual amenity.

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- 23 Prior to first occupation 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.

- 24 No above ground works shall commence in the relevant phase of the development until details of the location and design of refuse bins, recycling materials storage areas and collection points 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 prior to the first occupation of each respective unit of the development and thereafter so retained.

**Reason**

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 25 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

**Reason**

To ensure nesting birds are not disturbed during the development.

- 26 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no enlargement of any dwelling-house as permitted by Classes A, B, D and E of Part 1 of Schedule 2 of that Order without first obtaining planning permission from the Local Planning Authority.

**Reason**

In order that the Local Planning Authority may exercise control over and proposed future extensions in the interests of residential and visual amenity.

- 27 The landscaping scheme required by Condition 1 of this permission shall incorporate 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, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

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All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

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

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species.

**Reason**

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

- 28 Prior to first occupation details of a scheme for the provision of bat and bird boxes including a strategy for the scheme's implementation shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and thereafter so retained.

**Reason**

In the interests of protecting and enhancing biodiversity.

- 29 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site identified for retention in the approved Tree Quality Survey carried out by Tyler Grange dated 20 December 2016 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 site and shall remain in place until after the completion 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 existing trees, shrubs and hedges identified as being worthy of retention are retained as they are considered essential to enhance the character of the development.

- 30 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

**Planning Decision Notice**

**Reason**

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

- 31 Any Reserved Matters application relating to layout shall demonstrate that the connection between the application site as identified on the approved Site Location Plan and Bury Lane shall be restricted to cycle, pedestrian and an emergency vehicle access only. There shall be no other vehicular access between the application site and Bury Lane.

**Reason**

To protect highway efficiency of movement and safety.

**Policies:**

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

**Braintree District Local Development Framework Core Strategy 2011**

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
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 Local Plan Review 2005**

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within 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
RLP33	Employment Policy Areas
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
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

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RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

**Braintree District Publication Draft Local Plan 2017**

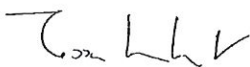
**In forwarding the decision for this application, I have to draw your attention to the following:-**

- 1 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 2 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that diversion works should normally be completed before development can commence.
- 3 Your attention is drawn to the consultation response received from Network Rail on 19th May 2017 which sets out a number of requirements which any Developer will need to comply with.
- 4 Highways England are working on proposals to widen the A12 to three lanes. Such work is likely to lead to the online replacement of the existing bridges across the A12. During the replacement of the Station Road Bridge, Highways England is understood to be considering diverting local traffic through the application site. Please liaise with Highways England before beginning any highway layout work.

**Planning Decision Notice**

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

Dated: 20<sup>th</sup> December 2017.

Signed: 

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**Tessa Lambert**  
Development Manager  
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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SUBJECT TO LEGAL  
AGREEMENT - DETAILS  
AVAILABLE ON REQUEST

### **Appeals against conditions**

- 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.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 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.

### **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.

