

Item No: 1

Reference: B/15/00263/OUT

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Parish: BRANTHAM

Ward Members: Cllrs. Alastair McCraw  
and Harriet Steer

Location: Brantham Industrial Estate and land to the north and peninsula (part of),  
Factory Lane

Proposal: Hybrid application for regeneration of existing industrial estate and  
development of adjoining land. Outline: Mixed use development to comprise  
approximately 320 dwellings; approximately 44,123 sqm of Class B1, B2 and  
B8 employment uses; approximately 720sqm of Class A1, A3, A4 and A5  
retail uses and Class D1 community uses; provision of public open space and  
new playing pitches (Class D2). Full: Proposed new access from Brooklands  
Road; improvements to Factory Lane; new on site road network and structural  
landscaping; and foul and storm water drainage infrastructure (As amplified  
by Transport Assessment (Rev B dated April 2015) received on 7 May 2015).

Applicant: St Francis Group

Case Officer: Stuart McAdam

Date for Determination: 27 July 2016

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**RECOMMENDATION: Subject to a Section 106 Agreement, Grant Planning Permission**

This application is referred to Planning Committee as the proposal raises issues of wider  
public concern and is of a scale that requires consideration by Members.

A Panel of Members inspected the site on 16 December 2015.

## **BACKGROUND**

1. Following the Core Strategy Examination in 2013 a one day hearing session was held by the Planning Inspector on 25<sup>th</sup> September 2013, specifically to deal with the strategic site at Brantham. This was deemed appropriate given the number of representations received relating to the proposed Main Modifications to policy CS6a (Brantham Regeneration Area Allocation), specifically Proviso D and Map F, and as the Inspector considered that written representations would not be sufficient to examine the issues thoroughly.
2. The Core Strategy was adopted in February 2014 and incorporated Policy CS10 which replaced CS6a. CS10 is the key policy against which the proposal is assessed.
3. In his findings, the Inspector commented that the inclusion of some or all of the Proviso D land rests almost exclusively on viability evidence to demonstrate that, without some residential development to subsidise it, the regeneration scheme is undeliverable. In conclusion, the Inspector stated that "prior to the inclusion of the potential enabling housing development on the Proviso D land, the justification and evidence base for the Brantham site appeared sound. Particularly given the need to see some sort of development on the site during the plan period, its inclusion was likely. However doubt has been cast on the viability/deliverability of the original allocation by the position of the landowner/developers, broadly supported by the Council, which is that for development to be viable, some or all of the Proviso D land needs to be taken for enabling residential development. Given this position, in the absence of the additional Proviso D land the delivery evidence for the original allocation is very weak. In addition the justification for the Proviso D land, which

rests entirely on viability grounds, is at too early a stage and has too many areas of uncertainty to justify a definite allocation. However, the proposed modifications (MM 25 and MM 26) to address the potential of the Proviso D land is conditional on the submission of viability evidence to justify residential development on some of the additional land. On that basis, the extent of the evidence justifies the 'conditional' inclusion of the Proviso D land, and this in turn adequately justifies the allocation of the main Brantham development. It is the most appropriate option when considered against reasonable alternatives”.

4. A masterplan for the area has been prepared by the applicant in conjunction with the Council. The masterplan is a requirement of the policy and informed the overall development. However, the masterplan does not form part of the application.

## **THE SITE**

5. The site consists of an overall land area of 59.09 ha which falls into four primary areas for the purpose of this proposal, being;
  1. The employment land, which sits to the south of Factory Lane and is bordered to the south by the railway line.
  2. The proposed housing land (Proviso D), which comprises an area of grassland to the north of Factory Lane which abuts existing housing in Brooklands Road and Grimwade Close.
  3. The public open space area to the eastern end of the site, including Decoy Pond, and;
  4. The area known as 'The Peninsula' which sits to the south of the railway line and is accessed via a small underpass leading from the industrial area.
6. Factory Lane runs from the A137 through the middle of the site, concluding close to Decoy Pond at the west end of the site. Much of the industrial area, to the south of Factory Lane, is disused with many abandoned buildings and plant in the process of being demolished. Within the industrial area are some areas which fall outside of the applicants control or have current occupational leases and, as such, these areas do not form part of this application. However, their continued and future potential uses have been considered as part of the master-planning process to ensure a consistency between the proposal and those existing uses. These areas include Chalkwell House, the ITW Imagedata plant, the former CMS premises, the TBS warehouse and current AOC premises.
7. The southern perimeter of the main industrial area is defined by the Colchester to Ipswich railway line that crosses the head of the estuary at Cattawade and also crosses the application site on a 5 metre high embankment that contains a few trees and an understorey of scrub planting running along the north side. High voltage overhead electricity cables follow the northern side of the railway. The western boundary, running alongside Cattawade Creek, is retained by a 3-4 metre high flood protection bund that has a band of scrub vegetation growing adjacent to it. Most of the industrial area is devoid of vegetation, consisting of cleared ground, with the odd disused buildings left in extensive areas of hard surfacing, containing mostly tarmac and concrete.
8. The portion of the application site to the north of Factory Lane is divided into five small fields of agricultural land, which is identified as Grade 3 land. The boundaries to some of the fields and to the existing housing to the north (Brooklands Road) and west (Temple Pattle) of the site contain a few mature, mostly oak trees, indicating the line of former hedgerows. A car park remains immediately adjacent to Factory Lane, at the southern end of one of these fields.
9. At the north east corner, adjacent to understorey Merriam Close, there is a small copse, a continuation of the Decoy Pond woodland with associated understorey vegetation. There is one

residential plot, Palfrey Bungalow, adjacent to Factory Lane which is bordered on the other three sides by the fields and hedgerow.

10. Decoy Pond is a large lake located beyond the eastern end of Factory Lane and to the north of the ITW Imagedata plant. It is surrounded by tall woodland containing poplar, specimen oaks and under-storey vegetation. The area is crossed and bounded to the west by various footpaths and is used informally by local residents for walking, dog exercising and informal recreational activities. The water is leased to a local angling club who manage and maintain this feature.
11. Beyond this, to the east, is agricultural land consisting of two separate fields which surround the Brantham sewage works. A bridleway runs to the edge of this land, running from Marsh Farm to Brantham Church, which is set within a line of mature trees to each side of the track.
12. The area described as the Peninsula was partly previously developed but is no longer used for any industrial purpose. The peninsula lies to the south of the railway, the northern part of which was previously occupied by an extended works area associated with the original plastics factory. The main buildings, which are now disused, are located adjacent to the railway and are accessed by a track running under a low, single arch bridge beneath the railway. Surrounding the disused buildings are expanses of old tarmac which have started to return to nature due to disuse. Beyond this industrial area lies the large open section of the triangular shaped peninsula. The shoreline edging the creek has been raised by approximately 4 metres and reinforced for tidal flood protection. Behind the sea defences the land has also been built up a further 2-4m to leave a rough, undulating profile, which is now colonised by low regenerating vegetation.

## **THE PROPOSAL**

13. The application is hybrid in its form (i.e. part outline/part full planning permission) for the regeneration of the existing industrial estate and development of adjoining land,
14. This proposal has been the subject of various amendments/amplification, as listed below;
15. 11 May 2015 – A revised Transport Assessment (TA) prepared by Richard Jackson was received which superseded the transport information which accompanied the original submission. The TA includes the revised vision modelling and Framework Travel Plan set out in the previous TA.
16. 7 December 2015 – A suite of further information (outlined below) was received from Boyer Planning which included updates to the Environmental Statement.
17. 4 January 2016 – An addendum was received to the Transport Assessment from Richard Jackson Engineering Consultants, dated December 2015, to be read in association with the Transport Assessment.
18. On 11 January, a final masterplan was also submitted for consideration, and whilst this was subject of a notification, comments were not invited specifically on the document as it merely acts to inform and guide the development. Any comments received on the masterplan have been given due consideration
19. 2 March 2016 – An amendment to the application description was made to reduce the Class A use by 720 sq. m and a reduction in the Class B use by 10,000 sq. m as amplified in the email from Boyer Planning dated 2 March 2016, the Environmental Statement Addendum No 2 prepared by Boyer Planning dated February 2016 and the Brantham Network Performance Scenario dated February 2016.

Note - The amendment to the proposal (2<sup>nd</sup> March, detailed above) resulted in a change in the description of the development being considered, and it is this revised development that Members are considering. For clarity, therefore, the development now being sought is as follows;

20. ***A hybrid application (part in outline, part full planning permission) for the regeneration of existing industrial estate and development of adjoining land, consisting of;***

- ***An outline application for a mixed use development to comprise approximately 320 dwellings; approximately 44,123 sqm of Class B1, B2 and B8 employment uses; approximately 720 sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2), and;***
- ***An application for full planning permission for a proposed new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure.***

### **Layout**

21. Policy CS10 requires the form of residential development to be in scale to the existing village and to provide a satisfactory relationship with other land uses and meet an identified housing need and that the development is provided in a suitable location having regard to flood risk.
22. As this planning application is in a hybrid form with the detailed matters to be reserved for later applications in relation to each individual development zone, the indicative masterplan drawing (Ref PL 006) submitted with the application is purely illustrative and details of the precise layout would be required under the submission of the reserved matters. However, the layout has been informed by the masterplan process and represents a realistic solution to achieving the required quantum of development across a range of uses.
23. The masterplan for the application site is comprised of a series of parameter plans that detail the constraints across the site and shape how any Reserved Matters application for each development zone should be approached. The parameters have been set following an evaluation exercise to identify the constraints to development and also highlight where opportunities exist for the creation and/or enhancement of landmark and high quality development.
24. The indicative layout has been prepared with the aim of demonstrating that a wide range of uses
25. Can be accommodated on site with a degree of flexibility that will allow future reserved matters
26. Applications to come forward with the certainty of deliverability. The indicative layout can be measured against the parameters plans as well as the individual environmental reports that accompany the planning application.
27. The western zone of the industrial area has been shown as being for employment uses, community uses and small scale retail uses in order to ensure that the development does not conflict with the existing or future occupiers of the employment area and are not classified as sensitive to flooding.

28. The land to the north of Factory Lane and south of Brooklands Road has not been previously developed and, whilst it has a variety of constraints and issues due to topography, this area is not contaminated and largely falls outside of the area at risk of flooding. The immediately adjacent areas to the west and north of this area comprise existing residential development and therefore there are no incompatibility issues with residential development in this area, as required by policy CS10. An access point would be created from Brooklands Road into the site from the north.
29. The applicants building for life assessment envisages that the residential area will follow a traditional vernacular utilising Suffolk County Council's Suffolk Design Guide to influence any housing scheme coming forward. It also states that within non-residential areas a more contemporary approach will be encouraged. In addition, the indicative layout demonstrates that there can be clear definition between the public and private realm.
30. It is considered that residential development, with a sympathetic scale and massing, could be brought forward in this zone.
31. The development site areas are covered in the following table:-

<b>Site Description</b>	<b>Size (ha)</b>	<b>Net developable Area (ha)</b>
Peninsular	14.4	0
Brownfield Employment for redevelopment (additional to area west of ITW Image data)	14.07	7.66
Existing Employment Area (partially occupied by ITW Image Data and AOC UK Ltd including all of the area to be regenerated to the east of ITW)	9.06	7.7
Greenfield Residential	9.56	9.56
Greenfield Public Open Space	12.00	0
<b>Total</b>	<b>59.09</b>	<b>24.92</b>

### **Phasing**

32. The delivery and implementation of the development will need to be phased in order to achieve a number of technical requirements and commercial expectations. The early phases of the regeneration are clear, in terms of the sequence of works, with the later stages being subject to further planning approvals (Reserved Matters) and commercial agreements.
33. The new infrastructure and the upgrading of the existing infrastructure is key to unlocking the development potential of both the employment and residential zones which can only be carried out once the initial stages site remediation has been completed and, as such, completion of the remediation of the industrial zone will form the initial works.
34. The site infrastructure will include a number of elements such as roads and footways, drainage (including swales), utilities and structural landscape. This infrastructure in itself is likely to be phased with the works to Factory Lane forming part of the next stage of

development in order to unlock access to the residential zone and employment areas. A further access from Brooklands Road is required prior to completion of the residential area and, as such, is likely to be carried out in tandem with any residential development. Public open space will be completed on a proportional basis linked to the phasing of the residential zone and will also come forward during the works to develop the residential zone.

35. The areas set aside for community use will be formed as part of the early infrastructure works, although actual development will be subject to further agreement and approvals.
36. The new infrastructure within the employment zone will form part of the site wide drainage strategy and will need to be operational during the residential works and fully complete prior to any residential occupation. This will give the opportunity for employment space to be developed in tandem with the residential zone in accordance with occupier requirements.

### **Drainage**

37. It is proposed that the water from the northern housing area and its highways shall pass through one SuDS water treatment phase (permeable paving on private driveways, trapped gullies and catchpit chambers within the receiving highway network), before passing through the southern commercial area SuDS swale network storage/conveyance system, which will provide a second phase of water treatment before outfall to the estuary.
38. The surface water attenuation has been sized in order to manage the 1 in 100 annual rainfall event including an allowance for climate change of +30% on the site, and a 1 in 200 tidal event plus climate change occurring at the same time.
39. The attenuation for the whole development shall be provided by a combination of open swales within the southern commercial land and a detention basin within the southern peninsular (south of the rail line). The swales shall store and convey run-off from all development parcels to the existing estuary outfall located south of Factory Lane (north-west corner of the commercial land).
40. The outfall has been considered to tide locking based upon a 1 in 100 year event with a 40% allowance for climate change assuming a 100 year design life for the whole site, as the system will also serve the northern housing development. The tidal conditions assumed also include climate change and hence the performance of the surface water storage network will exceed that shown in the calculations if sea levels do not rise. This system will be provided in phases to ensure that, as development progressed, the surface water flood risk with the peninsular area is not increased.
41. This reduces the impact of both the housing development and commercial development such that will be a minor benefit as flood risk from Surface Water flooding with the land to the south of Factory Lane will be reduced.
42. This system will receive water from the housing via a new sewer system sized to convey a 1 in 100 year plus climate change event. The swales will attenuate flows and hence will mitigate the change in time that runoff exists the housing land. The introduction of such a system will improve surface water runoff quality such that this become a negligible magnitude, and hence reduce to a minor effect. Indeed this enhance site wide system will be designed to cope with a far larger rainfall event than that which the existing system can accommodate. There will also be a minor benefit in the reduction of flood risk on the commercial site.

43. The application is accompanied by a suite of plans and documents (which includes the scheme as amended), including;
- Application form and certificates
  - Covering Letter including draft Heads of Terms and evidence of Title
  - Environmental Statement and Non-Technical Summary (February 2015) which addresses:
    - Planning policy context;
    - Landscape and Visual Effects;
    - Ecology including Habitat Regs.;
    - Flood Risk;
    - Air Quality;
    - Noise;
    - Heritage and Archaeology;
    - Socio-economics including open space assessment;
    - Transport including Framework Travel Plan; and
    - Ground Conditions.
  - Application Plans:
    - 8831\_PL\_001 Site Identification Plan
    - 8831\_PL\_002 Green Infrastructure Plan
    - 8831\_PL\_003 Movement Framework Plan
    - 8831\_PL\_004 Land Use Plan
    - 8831\_PL\_005 Building Heights Plan
    - 8831\_PL\_006 Indicative Master Plan
    - 8831\_PL\_007 Management Plan
    - 8831\_PL\_008 Phasing Plan
    - 8831\_PL\_009 Indicative Sections
    - 8831\_PL\_010 Proposed Highways/ Structural Landscape & Suds Layout
    - 40442/P/102A Factory Lane Preliminary Improvement Plan
    - 40443/P/101 C Second Access Plan
    - 40443/P/103 Adoptable Highway Construction Details
    - 40443/P/104 Proposed Cattawade/Factory Lane Junction
    - 40433/P/105A Factory Lane Junction Mini Roundabout Option
    - 40443/P/106 Factory Lane Junction Two Lane Approach
    - 40443/P/107A Proposed Shared Route Pedestrian Cycle Route – Sheet 1
    - 40443/P/108A Proposed Shared Route Pedestrian Cycle Route – Sheet 2
    - 40443/P/109A Proposed Shared Route Pedestrian Cycle Route – Sheet 3
    - 40433/P/110 New Access Road Long Section
    - 40443/P/111A Proposed Shared Pedestrian/Cycle Route – Sheet 4
    - 40443/P/001 F Drainage Strategy
  - Arboricultural Report and Plan (October & December 2013, updated January 2015)
  - Building for Life Assessment Report (February 2015)
  - Design and Access Statement (February 2015) including green infrastructure landscape strategy.
  - Statement of Community Involvement (February 2015)
  - Sustainability and Energy Statement (February 2015)
  - Utilities and Services Report (February 2015)
  - Flood Risk Assessment (March 2015)
  - Transport Assessment
  - Strategic Masterplan

44. Following consultation responses, the following additional/supplementary information was received on 7 December:-
- Anglian Water Pre Planning Assessment Report
  - Travel Plan Residential and Commercial
  - A series of additional drawings and information requested by Suffolk CC
  - Traffic Sensitivity assessment responding to Essex CC comments
  - Environmental protection Air/Noise notes
  - Remedial options and Implementation strategy
  - Flood Risk and Drainage Consultation Response
  - Brantham Regeneration Area- Ecology Update Note
  - Reptile Survey
  - Visitor Survey for Brantham Regeneration Area
45. The following updates to the Environmental Statement were also received on 7 December:
- Updated Transport Chapter
  - Updated Flood and Drainage Chapter
  - Updated notes on Noise
  - LVIA addendum
  - New Chapter 1 Introduction
  - Addendum to chapter 2 Cumulative Effects
  - New Chapter 3 Site Description and Alternatives
  - New Non-Technical Summary
46. This application has been revised through amendments as outlined above. All information received has been subject to additional round(s) of consultation with relevant parties.
47. The Environmental Statement has also been the subject of an independent review by the Council's appointed consultants who are experts in assessing such documents. The Temple Group has advised that following the submission of addendums to the original ES, it is much more robust, particularly the Landscape and Visual Chapter which now follows GLVIA guidance. The majority of issues can be closed but there are still outstanding issues relating to noise and traffic which need further discussion. These issues have been discussed with Babergh District Council's Environmental Protection Team, and relate to matters which the Council had raised in its consultation response. Environmental Protection are satisfied with the contents of the ES and considers that these matters (noise mitigation, fixed plant, construction works) can be dealt with by appropriately worded planning conditions. General comments are made in respect of the layout and format of the ES itself which, in your officers opinion, are considered to be subjective.
48. Following the amendments to reduce the floorspace, the following comments were received from the applicant's agent *"In terms of changes to the EIA findings, I am happy that the consultant's conclusions are reasonable and that the change in floorspace will have no material effect on the various topic assessments. Similarly, the reduction in traffic resulting from the development will only improve the situation compared to that previously assessed."*
49. The application documents can be viewed on line via the planning pages on the District Council's website.

## RELEVANT HISTORY

50. There have been no previous applications for strategic development of this site. The planning history for the site includes 105 applications dating back to 1948 relating to the previous industrial use of the site.

## **NATIONAL PLANNING POLICY FRAMEWORK**

51. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
52. Paragraph 17 outlines the 12 core land use planning principals which include:
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

## **PLANNING POLICIES**

### **Core Strategy**

53. The Babergh Local Plan – Core Strategy and Policies (2014) was adopted on 25 February 2014 and is now fully operational. The following policies are relevant to this particular planning application:-
- **CS1** – Applying the Presumption in favour of sustainable development in Babergh
  - **CS2** – Settlement Pattern Policy
  - **CS3** – Strategy for Growth and Development
  - **CS10** – Brantham Regeneration Area
  - **CS12** - Sustainable Design and Construction Standards
  - **CS14** – Green Infrastructure
  - **CS15** – Implementing Sustainable Development in Babergh
  - **CS18** – Mix & Type of Dwellings
  - **CS19** – Affordable Homes
  - **CS21** – Infrastructure Provision

### **Saved Policies in the Local Plan**

54. The Development Plan comprises the saved policies in the Babergh Local Plan (Alteration No. 2) adopted 2006. The Plan should be regarded as material consideration in planning decisions. The following policies are applicable to the proposal:
- **EM06** – Land at Brantham Industrial Estate
  - **HS31** – Public Open Space (Sites of 1.5ha and above)
  - **CR02** – AONB Landscape
  - **CR07** – Landscaping Schemes
  - **CN01** – Design Standards
  - **CN03** – Open Space within Settlements

55. The relevant policies can be viewed on line. Please see the notes attached to the schedule.

## CONSULTATIONS

56. As outline above in this report, the application has been subject to further consultations, the last and final one having been sent out on 2<sup>nd</sup> March 2016.

57. The up-to-date position of the statutory consultees is outlined below:-

58. **Brantham Parish Council - Object**

59. Brantham Parish Council objection letter is appended in full to this report.

60. **Tattingstone Parish Council – Object**

- Inappropriate use of prime agricultural land (Grade 3)
- Brantham is a hinterland village and therefore a development of 320 dwellings is unsustainable.
- Major concerns about the highway infrastructure especially the junctions on the A137 at Bourne Bridge and at the Manningtree railway crossing especially with large developments already approved at Holbrook, Shotley and at Lawford the increase in traffic at peak periods will be huge. The highway infrastructure will be unable to cope.
- Insufficient infrastructure to support such development.
- A development of 320 dwellings is not included in BDC's allocation of housing and is therefore unnecessary
- The proposal does not include social housing.

61. **Lawford Parish Council – Object**

- Whilst issues regarding highway capacity at the A137 railway crossing remain unresolved, this Council objects to this planning application.
- The proposed development will add significantly to the traffic problems already experienced in this area to the detriment of local residents and business unless a scheme of mitigation is implemented, at cost to the developer(s) if necessary, to remove this problem.

62. **Anglian Water – No objection**

Odour - Potential loss of amenity at sensitive property due to odour emissions. Effective distance should be maintained between the treatment works and sensitive accommodation. An odour dispersion model is required to establish the range at which the amenity of neighbouring property is likely to be impaired. The results can be reviewed in further consultation

Foul Sewerage Network - The development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

Conditions are requested to deal with the above matters.

63. **Suffolk Fire and Rescue - Condition required for fire hydrants**

64. **Suffolk County Council (Local Highway Authority) – Recommend Approval.**

The comments received from Suffolk County Council are highlighted in their entirety, below:-

*“It is considered that this site has the opportunity to provide a sustainable development which includes both a large residential area and a large employment centre in close proximity. The impact on the Highway network can be reduced provided suitable improvements are made to encourage the use of the train together with improvements to cycle and pedestrian links.*

*The initial modelling presented in the original Transport Assessment undertaken to predict the impact around Manningtree Station, the rail underpass and the Station Road roundabout was misleading in some areas. This was discussed and further transport modelling has been undertaken and information has been provided to help understand the potential impact of this development in relation to highway aspects.*

*During this period detailed discussions have been undertaken between neighbouring Highway Authority’s of Suffolk County Council and Essex County Council to agree what the most appropriate form of mitigation would be to address the increased congestion predicted around the Manningtree Station area. Initially, it was agreed in principle that the concept of reversing the priority at the underpass could offer an overall benefit for this area and should be investigated further.*

*Subsequently a Transport Assessment Addendum report was provided in December 2015 which shows updated modelling results to consider the idea of reversing the underpass to help improve the congestion around the station area. The addendum report considered a range of different scenarios which show potential impacts based on different assumptions on what will happen in the future.*

*It is clear from what was presented at that time that although the proposed reversal would improve the congestion on the south side of the rail line around the station area, it had the potential to cause a severe impact on the north side of the A137. We advised that this was not considered an acceptable impact from our perspective.*

*Following this further modelling was carried out and this also included due consideration of two large planning applications on the Essex side of the County border, namely Bromley Road Lawford and Long Road Mistley. This updated modelling considered a reduction in the employment site reducing the Class B area by 10,000m<sup>2</sup> and the Class A area by 50% which has now become the revised development proposal considered under this application. This has reduced the peak our trips generated by this site and the potential impact to a level that may be significant, but that we do not consider would be severe in transport terms.*

*As with all transport modelling there is assumptions and always uncertainty about what will happen in the future. Although the transport VISSIM model is complex and seeks to predict the impact of the additional trips generated by the developments considered, there is probably more certainty that it does not provide an accurate forecast of what will actually happen in the future.*

*Having considered all the submitted correspondence and technical information, both Suffolk County Council and Essex County Council remain unconvinced the traffic modelling carried out reflects what is actually happening at the railway crossing and that rather than insist changes are made to the layout prior to occupation of the development, it would be better to secure a contribution towards an improvement, thereby giving both authorities the*

ability to monitor the situation, assuming planning permission is granted and the development built out. The Highway Authority would spend the contribution when it considers it either necessary or appropriate and this would be done in consultation with SCC.

It is for this reason that we have jointly agreed with Essex County Council to take a highways contribution from the applicant to allow for monitoring and implementation of a scheme to mitigate adverse impacts around the Manningtree Station area in the future. This will allow us to be more certain about the correct solution to address any adverse impact based on actual movements rather than predictions.

We have jointly discussed the possibility for either (1) reversal of the underpass priority or (2) signalisation through the underpass as potential mitigation schemes, or even a combination of both. Clearly any impact will build up over a period of time and the full occupation of the site may take many years to occur. This is why we have decided to delay the implementation of this element of the mitigation package.

Therefore, provided that a suitable package of mitigation can be agreed to be delivered in the short term prior to any occupation, this development would be considered acceptable from the Highway Authority's perspective.

The agreed package of mitigation relies upon measures to be delivered within Essex and therefore it is essential that Essex County Council is in agreement with the proposed Highway works within their part of the Highway network. From discussions held to date it would seem that we have reached agreement in principle on this and therefore I am satisfied that the proposed package of mitigation can be delivered as proposed.

**NOTE: My recommendation for approval given below is reliant on your confirmation of receipt of similar approval from Essex County Council in due course. Without such approval from Essex to guarantee the pedestrian and cycle improvements and potential highways mitigation scheme in the future, my position will default to one of recommendation of refusal.**

As previously discussed I have some concerns regarding the set of proposed mitigation drawings previously issued and amendments will need to be undertaken before I can approve the details. I have provided detailed comments below which may be helpful in order to provide a revised set of drawings as part of a further consultation in due course. Although I am satisfied that these issues can be address within Highway land or land within the applicants control and therefore could be dealt with by way of suitable Planning Conditions which have been suggested below.

### **Travel Plan**

Having had the chance to review both the Residential and Workplace Travel Plans (dated July 2015) that was submitted to support the planning application for the proposed mixed use development at the Brantham Industrial Estate (B/15/00263).

Both travel plans have included some of the measures that both the Essex and Suffolk County Council Highways teams requested as part of the initial consultation that should attempt to achieve the 10% reduction in single-occupancy vehicle travel in employee and resident travel to and from the site, however more work will need to be done to the travel plan to bring it up to an acceptable standard.

The main issue that needs to be resolved is the likely highway impact the site will have on travel to Manningtree Rail Station during the peak hours, as the close proximity from the residential site to the station may encourage commuters to purchase properties on the

development. There will need to be a further commitment from the developer to reduce single-occupancy vehicle travel from the residential site to the station. Improving the cycle infrastructure that links the residential site to the station should help reduce the likely impact this development may have on the highways that link the site to the station. Walking from the site to the station should also be promoted as well where possible. These improvements will need to be heavily promoted and marketed by the travel plan at a pre and post-sale stage of each residential dwelling, with further incentives to encourage rail travel where possible. There should also be a commitment to discuss travel plan measures with Network Rail and the franchise operator to reduce the need for residents to travel by single-occupancy vehicle from the site to the station. Also further promotion of the cycle links into Manningtree should be promoted as well, due to Manningtree being the nearest town with a good provision of shops and services. This commitment and how it will be implemented must be clearly stated in a revised travel plan.

There should be further incentives for residents to use sustainable travel by providing each dwelling a £200 multi-modal travel voucher that can be redeemed against a cycle (and/or cycle equipment) purchase, or a public transport ticket to further encourage residents using sustainable transport. Other remedial incentives and measures should be identified if the travel plan fails to achieve its target, such as a smarter choices scheme to provide personalised travel plans to residents outside the development in an attempt to further mitigate the highway impact that this development may have. If possible a provision of a discount, or assistance on a house purchase for residents that will work at the commercial element of the site to live on the residential aspect of this development should also be investigated if possible. This measure should completely reduce the need for residents to use a car to travel to the nearby commercial site if they live on the proposed residential site.

Further information on the estimated phasing or build out of the residential site will need to be included to gain an idea of how long the residential travel plan will need to be monitored. The travel plan will need to be monitored annually from the occupation of the 100th residential dwelling, or six months after occupation of the first commercial unit, whichever comes soonest. The travel plan must be monitored for a minimum of five years, or throughout the full build-out plus one year after the final dwelling or commercial unit is occupied, whichever is the longest. There will also need to be some more monitoring measures, such as automatic traffic counts, as the resident and employee travel surveys cannot be completely relied upon; especially if there is a low response rate.

The workplace travel plan will need to have some more information on the estimated number of staff that would work on the completed site. This number should be based on existing commercial sites of a similar size and nature. Also the 2011 Census flow data that was provided in the residential travel plan should also be included with the interim baseline information in the workplace travel plan. This should help gain an understanding of where the future employees of the site are likely to travel from, so the interim measures can be tailored to their needs. There is also no reference to the car club in the workplace travel plan that was mentioned in the residential travel plan. The commercial site may benefit greatly with the employees having access to a car club vehicle, as it may be cheaper than the workplaces offering company cars to employees, which acts as a further disincentive of employees using sustainable modes of transport to travel to work. This should also improve the viability of a car club scheme on the development as well. Further workplace travel plan measures should be included from the Suffolk Travel Plan Guidance as many have been missed out in the travel plan.

There will need to be some more information on the provision of the electric vehicle charging points. This should include the number of charging points that will be provided, in addition to where they will be located across the development. They will need to be installed in accordance of the 2014 Suffolk Parking Standards.

*The requirement for a Travel Plan is supported by National Planning Policy Framework paragraph 32, which sets out that plans and decisions should take account of whether:*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people.*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*

*Other relevant paragraphs include 34, 35, 36, 37 and 38.*

*In addition, a decent quality travel plan will also support Core Policies CS12, CS13, CS14, CS15 and CS21 of the Babergh Core Strategy (2011-2031).*

*I would also require the following Section 106 contributions to assist the delivery of the travel plan:*

- Travel Plan Evaluation and Support Contribution - £1,000 per annum until five years have passed after completion of the whole (both residential and commercial) development. This is to cover Suffolk County Council officer time working with the site-wide Travel Plan Coordinator and agreeing new targets and objectives throughout the full duration of the travel plan*
- Travel Plan Implementation Bond to cover the full residential element of the development (320 dwellings) – £290,215.00*

*I would also require the following Section 106 obligations:*

- Implementation of the Travel Plan*
- Provision of a Full Residential Travel Plan six months after the baseline surveys have been completed*
- Provision of a Full Workplace Travel Plan six months after occupation of the first commercial unit*
- Implementation of a Transport Management Association, or Travel Plan Management group to ensure the travel plan is jointly coordinated across the residential site and all occupiers on the commercial site*
- Provision of at least one Car Club vehicle on the site*
- Provision of electric vehicle charging infrastructure*
- Provision of an approved welcome pack to each new employee and residential dwelling on occupation*
- Smarter Choices scheme for residents located close to the development to further mitigate traffic impact if the 10% single-occupancy vehicle reduction target is not achieved*

*The estimated off-site Smarter Choices cost is £50,000 (£50 per dwelling for 1,000 dwellings). This should cover the cost of producing the travel pack, personalised travel plan credits, a multi-modal voucher, staff cost and monitoring the success of the Smarter Choices measure. Please note that this cost is in addition to the travel plan bond. The 1,000 dwellings are based on the total number of dwellings identified in the 2011 Census for the parish of Brantham. The developer is fully responsible for implementing this measure. The exact requirements of the Smarter Choices scheme will need to be secured by the Section 106 agreement.*

The following planning conditions should be used to secure the following as part of this application:

- The requirement for all individual commercial units to comply with site-wide travel plan (when site-wide travel plan is formally approved) when submitting their individual applications at a later stage of development
- The requirement for individual housing developers to adhere to the residential travel plan if the residential development is sold-off in blocks

**NOTE:**

The County Council does not require the developer to secure a bond in respect of the travel plan. The Travel Plan Bond figure is, instead, an 'up to' cash deposit figure of the amount the applicant may be required to pay to the County Council in the event that the travel plan is not delivered in accordance with the obligations set out in section 106 agreement, and the County Council is required to deliver the Travel Plan.

The applicant will be required to pay to the County Council half of the Travel Plan Bond figure, in the form of a cash deposit, at staged trigger points prior to the occupation of half the Dwellings to be constructed as part of the Development (the staging of the trigger points, and the amount to be paid, will vary depending upon the particular development). Thereafter, the applicant will either be required to pay the second half of the Travel Plan Bond figure, in the form of a cash deposit, at stage trigger points or, if they have complied with a sufficient amount of the Travel Plan obligations, the County Council will carry over the money already paid in lieu of any further payments being made. The sums paid to the County Council will be released back to the applicant at a rate of up to 20% per year, linked to the submission of the Travel Plan Monitoring Report, providing the Travel Plan obligations, and requirements in the Travel Plan, have been complied with.

**Public Transport infrastructure improvements**

Improvements to existing stops on Brooklands Road, new shelters for existing stops and raised kerbs needed - £14,000

The two stops at the Cattawade Slip Road also need enhancing with raised kerbs - £4,000  
New shelters and raised kerbs on the Factory Lane proposed site, location to be agreed - £14,000

Additionally, for a development of this size we would look to see a contribution towards Real Time display screens as well. The current main operator here (Carters) has signed up to give us an RTPI feed which we hope will be up and running later this year. For these we need power to the stop and the screens can then be pole or shelter mounted as appropriate. We normally say £10k per screen to cover supply, installation and some operational costs – this could be reduced for the stops on the new site if the electricity supplies are put in as part of the construction process. Ideally we would like at least two screens within the new site and at another two to go on Brooklands Road at the stops with shelters, Total cost £40,000

Final choice of sites would be dictated by the ultimate service pattern and routes though. If no new services to Manningtree/Mistley etc. are forthcoming then the screens and shelters should only go at Ipswich bound stops.

**Total request for public transport improvements = £72,000.00**

**Public Rights of Way**

The proposed development will have a direct impact on the local public rights of way (PROW) network, please refer to the attached map.

PROW are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism. The long distance promoted walking routes, known as the St Edmund Way, Stour Valley Path and the Stour & Orwell Walk are highlighted below. The St Edmund Way is a 88 mile route through Suffolk linking to the Essex Way, the Stour Valley Path is a 60 mile route through the Dedham Vale AONB and the Stour and Orwell Walk is a 42 mile walk from Manningtree around two estuaries' to Felixstowe.

The anticipated increased footfall of the PROW network of as a result of the development will require the following offsite improvement works:

1. Resurfacing of Public Footpath 13 (along the river wall) which forms part of the Stour and Orwell Walk: 1100m length x 1.5m width = 1,650m<sup>2</sup> @ £25m<sup>2</sup> = £41,250.00
2. Resurfacing of Public Footpath 12: 420m length x 2m width = 840m<sup>2</sup> @ £25m<sup>2</sup> = £21,000.00

*Estimates based on the average market costs to provide a hoggin type surface.*

3. Restricted Byway 16 improvement of existing tarmac surface: 600m length x 1m width = 600m<sup>2</sup> @ £60m<sup>2</sup> = £36,000.00
4. Creation of a public footpath along the river wall within the development site ownership south of the railway line linking to the existing river footpath (FP13) and also a link through the rail underpass into the industrial estate and onto Factory Lane. The railway line is the busy London to Norwich currently crossed by pedestrians via a level crossing. The proposed new footpath link using the underpass will provide a safer additional route for pedestrians and meets SCC policy to reduce risk at level crossings.

Preliminary estimates for points 1 to 3 have been prepared, totalling £129,690 (£98,250 + Officer time @ 12% + Contingency @ 10%). The cost of delivering point 4 will require further investigation with engineers and discussions with Network Rail. Previous estimates for this improvement were approximately £45k, but due to the uncertainty it is likely that this would not be enough therefore an additional contingency for a contribution would be necessary at this stage.

**Total s106 funding requested from this development = £200,000.00**

The policy framework for these requirements is:

- The county council's rights of way improvement plan which, inter alia, highlights the importance of development in rural areas should give people the greatest opportunity to access the countryside by walking and cycling,
- The walking strategy, currently in draft, which seeks to ensure existing communities with a population over 500, and new developments over 10 dwellings have easy access to a one mile natural walk or 2ha of green space, within 500m of their home,
- The Joint Health and Wellbeing Strategy for Suffolk, outcome 2 of which states Suffolk residents should have access to a healthy environment and take responsibility for the own health and wellbeing,

- You will already be aware of course that, amongst other health and wellbeing objectives, para 75 of the NPPF states planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1. Prior to commencement of the development the planning application drawings showing all Highways mitigation shall be revised in accordance with comments made by the relevant Highway Authority and submitted to and approved in writing by the Local Planning Authority:
2. No occupation of the development shall take place until the following have been provided or completed:
  - a) A £90,000 contribution (index linked) towards improvements at the A137 railway crossing
  - b) Improvements at the A137 / B1070 roundabout as shown in principle including two-lane approach and footway improvements, details to be approved
  - c) A shared use footway/cycleway between the proposal site and central refuge island to the north of the A137 railway crossing
  - d) A central refuge island to the north of the A137 railway crossing
  - e) A minimum 2 metre wide footway between the central refuge island to the north of the A137 railway crossing and A137 railway crossing underpass
  - f) A minimum 1.2 metre wide footway, 2.7 metre wide carriageway and 0.6 metre wide protection strip through the A137 railway crossing underpass
  - g) Street lighting at the central refuge island to the north of the A137 railway crossing and between the island and through the A137 railway crossing underpass (if required subject to agreement with Network Rail)
  - h) A pedestrian and cycling safety improvement scheme on Factory Lane
  - i) New footway provided on the south side of the B1070"

Further conditions are requested to address parking, means of preventing surface water onto the highway, estate roads, sight splays, green travel plan and HGV movements.

#### **Essex County Council – Highways – No Objection**

***“From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to condition, prior to commencement of development requiring:***

- a) *The footway/cycleway from the proposal site terminating at the central refuge island to the north of the A137 railway crossing*
- b) *Footway only along the western side of the A137 carriageway between the central refuge island to the north of the A137 railway crossing and south of the crossing*
- c) *A minimum 1.2 metre wide footway, 2.7 metre wide carriageway and 0.6 metre wide protection strip through the A137 railway crossing underpass*
- d) *No coloured surfacing and a full height kerb to the footway through the A137 railway crossing underpass*

- e) *Street lighting at the central refuge island to the north of the A137 railway crossing and between the island and through the A137 railway crossing underpass (if required subject to agreement with Network Rail)*

*No occupation of the development until the following have been provided or completed:*

- a) *A £90,000 contribution (index linked) towards improvements at the A137 railway crossing*
- b) *Improvements at the A137 Coxs Hill/Long Road/Wignall Street mini roundabout as shown in principle on the planning application drawing*
- c) *A footway/cycleway between the proposal site and central refuge island to the north of the A137 railway crossing*
- d) *A central refuge island to the north of the A137 railway crossing*
- e) *A minimum 2 metre wide footway between the central refuge island to the north of the A137 railway crossing and A137 railway crossing underpass*
- f) *A minimum 1.2 metre wide footway, 2.7 metre wide carriageway and 0.6 metre wide protection strip through the A137 railway crossing underpass*
- g) *Street lighting at the central refuge island to the north of the A137 railway crossing and between the island and through the A137 railway crossing underpass (if required subject to agreement with Network Rail)*

*The following notes are also recommended to be attached to any permission granted:*

- *The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate*
- *Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works*
- *All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)*
- *All highway related details which affect Essex should be agreed with Essex County Council as the relevant Highway Authority”*

## **65. Corporate Manager – Sustainable Environment (Sustainability)**

### *Non Residential Elements*

Any non-residential buildings on site will be required to achieve BREEAM Excellent rating for sustainability. At this stage it is impossible for the applicant to demonstrate compliance with Policy CS12 that requires BREEAM excellent as the exact nature of the scheme is not yet fixed. The nature of the development might result in buildings coming forward on a plot by plot basis but any future development will be required to undertake a two phased approach with a pre-commencement assessment of the likelihood of a building achieving the required standard and following construction a post completion certificate to demonstrate final achievement of the standard.

### *Residential Elements*

The applicant is required for all large scale residential schemes to demonstrate compliance with Building for Life 12 (BfL12) standard and achieve at least amber ratings on all aspects under Policy CS13 of Babergh District Councils Local Plan. Currently the exact nature, configurations and design of the residential areas has yet to be fixed by the applicant as a result of the nature of the application being hybrid and as the BfL12 assessment draws on a range of specific details such as design, context, and linkages it is impossible at this stage for the applicant to complete a BfL12 assessment. However, the applicant has produced a summary BfL12 assessment but owing to the stage of the development design not all areas of the BfL12 report have been adequately completed and I believe that the applicant also agrees with this – however the submission of such a report implies the intention of completing a full report when possible.

### *Energy Demand.*

Should the configuration of the development change between the hybrid application and the full application in terms of floor areas or business types then obviously the energy use will need to be amended to reflect the new design.

The applicant has adequately predicted the onsite energy use. A condition is recommended to ensure that the development achieves its 10% obligation, allows for changes in the technology in the renewables sector and allows for variation in the design moving forward beyond the hybrid phase.

## **66. Corporate Manager – Sustainable Environment (Other issues)**

The views of your environment protection officer can be summarised thus:-

### *Existing noise levels*

The Environmental Statement (ES) identifies railway and road traffic as the dominant sources of noise for the site. Short sample measurements have been around the site, which show the existing daytime noise levels to be between 51 – 56dBLAeq, above the BS8233 and World Health Organisation (WHO) guideline values to avoid ‘moderate annoyance’ (50dB) with point 4 (the eastern end of Factory Lane) being above the upper guideline value to avoid ‘significant annoyance’ (55dB). During night-time, average values at points 3 -6 are compliant with BS8223 and WHO guideline values for external noise levels to prevent sleep disturbance.

Therefore, in terms of existing Noise climate, the proposed site is not a desirable area for development. However, BS8223 states that “*in higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted*”. It will be a policy decision as to whether this is the case with this site.

### *Noise from construction phase*

Noise from construction plant operating on the site has the potential to affect noise sensitive dwellings. This may be controlled by means of a (phased) construction management plan.

### *Impact of traffic noise on existing dwellings*

In the long term, traffic noise along Factory Lane will result in a ‘major impact’ in terms of increased noise. Table 9.18 in the ES shows a predicted increase on current levels of +19dB

(daytime) and +12dB (night-time) which is more than a 'doubling' of loudness. These values are both significantly above both the BS8223 and WHO guideline values to avoid daytime 'serious annoyance' and sleep disturbance at night. Therefore the increased traffic noise associated with the proposed development will have a significant impact on amenity at existing dwellings.

In section 9.109 of the ES the applicant identifies that the Noise Insulation Regulations 1975 (amended 1988) threshold criteria for sound insulation to be offered (under discretionary powers) may be met for those dwellings sitting closer to the road. I recommend that an assessment be made of existing dwellings but I would strongly suggest that this is a matter on which you should seek advice from Suffolk County Council highways, who would be financially liable for any insulation measures.

#### *Impact of traffic noise on proposed dwellings*

Dwellings closest to Factory Lane will require windows of a specified thermal double glazing rating with acoustic ventilation, which will need to remain shut to achieve a good internal noise standard for habitation, including sleep. If windows were partially left open it is likely that traffic noise will have a significant and adverse impact on the internal noise climate, causing disturbance and sleep loss. It will be a matter for the planning committee to decide whether such windows should be openable to allow purge ventilation.

In order for the applicants outdoor noise criteria to be met, gardens should be located behind dwellings in order to benefit from shielding. This however will still allow noise levels of 'moderate annoyance' to be experienced.

I would advise you that the above mitigation measures can be regarded as appropriate only if you consider there are significant wider social and economic benefits of the development.

#### *Noise from commercial/industrial development*

The layout and operations of the industrial units should be configured so that noise effects on existing and proposed dwellings are minimised and a noise assessment should be carried out for each proposed unit, in accordance with BS4142:2014 – this should include noise from deliveries/associated traffic and from any fixed or noisy plant. The assessment should rely on current background/ambient levels and I would recommend that a condition be attached requiring that a background noise survey should be carried out prior to any development and future BS4142 surveys to use this background noise level in order to prevent any 'creep' in background noise levels as the site is developed.

Further conditions can be attached to any permission to control noise, odour and light pollution from each commercial/industrial unit.

#### *Noise from sports pitch*

The location and use of the sports pitch requires careful consideration due to potential loss of amenity due to noise and/or lighting and I would urge caution in terms of separation distances. Full details of design, use and management should be submitted to the LPA prior to development of this element of the application.

### **67. Corporate Manager – Sustainable Environment (Contamination) – no objection**

Initial comments made on the Stage 1 and Stage 2 reports by Dr Gareth Thornton of G & J GEO Environmental Consultants and requests made for further information in order to assess risks against the human health impact on the site and interpretation and/or sampling across the

site are required to assess the risks to the groundwater especially given the presence of chlorinated solvents onsite. A detailed remediation method statement for the site, which would precisely specify the remedial works that would be undertaken and remedial targets for both the employment land and the residential allocation is necessary. As the whole development is enabling development we would be required to fully phase the permission of the residential development to that of the remediation of the brownfield land to ensure that the broad objective of the scheme, the reuse and remediation of the employment land, is achieved.

Following the submission of a Remediation Method Statement by G & J GEOenvironmental Consultants, the contaminated land officer is satisfied that the development is acceptable subject to suitably worded planning conditions to address contamination as suggested by the Environment Agency.

#### **68. SCC (Rights of Way) – No objection**

Comments made on the Design and Access Statement which need to be clarified:-

- The DAS (page 18) has a heading 'Pedestrian Access' but this also includes the bridleway – should it be 'non-vehicular access'?
- The first paragraph refers to 'bridleway running parallel to Factory Lane for part of its length'. The second part in italics refers to 'improved road and footway provision along Factory Lane'. Clarification is required but we would require that the bridleway is segregated from vehicular traffic.
- The start of the bridleway at Factory Lane needs clarifying and the alignment agreed. The alignment should run through a wide green corridor with a high quality surface and there are to be no structures placed upon it. The route is an important corridor to the wider countryside and the river.
- Public Footpath 13 (behind the industrial estate up to the rail crossing requires repositioning to widen the path and surfaced with a hoggin type material and the path sited within a green corridor. This has been discussed on site with the developer
- The development is within walking/cycling distance of the Manningtree Station. To provide a safe route along the A137 we would request that the developer seeks to convert the highway verge to a shared cycletrack/footway.

#### **69. Environment Agency – No objection**

##### *Flood Risk*

An initial objection was received as the FRA did not comply with the requirements set out in the Flood Risk and Coastal change section of the Planning Practice Guidance (Ref 7-030-20140306) and does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Following the submission of the Flood and Drainage Consultation overview note prepared by St Francis Group dated 16 November 2015 and various correspondence in the form of emails and letters, the Environment Agency has withdrawn its objection on flood risk grounds and confirms that this along with contamination can be dealt with by suitably worded conditions.

##### *Surface Water Drainage*

The surface water drainage strategy has adequately demonstrated that the scheme has been designed to ensure that there will be no increase in flood risk on the development site. No objections on surface water.

## *Groundwater and Land Contamination*

The Environment Agency is satisfied that this aspect can be dealt with by a suitably worded condition.

## *Sustainability*

The development should be well designed with a view to improving resilience and adapting to the effects of climate change.

70. **SCC – Flood & Water Engineer** – No objection, subject to conditions requiring details of the Surface Water Strategy to be submitted with the reserved matters applications. The strategy for the detailed element of the proposal is acceptable.

71. **Tendring District Council (Planning Services) – Holding Objection**

Tendring District Council acknowledges the requirements of Section 33A of the Planning and Compulsory Purchase Act, 2004 as amended by the Localism Act 2011 which places a duty upon local authorities and other public bodies to cooperate on strategic matters of cross boundary significance. Reference is made to the Council's Core Strategy to paragraph 2.8.4.7 which highlights the scale and position of the site with Tendring/Colchester and the importance of working on cross boundary matters and the relationship with nearby rural areas and particularly Lawford, Manningtree and Mistley.

Whilst Tendring DC did not object to the Babergh Core Strategy, it did raise the issue of the impact on the highway capacity of the A137 and in particular the railway underpass/overpass at Manningtree Station and that it would be essential for the impact to be fully assessed, understood and mitigated.

A holding objection has been lodged until the highway capacity issues around the railway crossing have been resolved as it is considered that the proposed development would add significantly to the traffic problems already experienced in the area to the detriment of local residents and businesses unless a scheme of mitigation is implemented, at a cost to the developer if necessary, to resolve this problem.

Tendring District Council would be willing to remove this objection if an acceptable mitigation package is identified and there is a firm commitment either through a s106 legal agreement or other means to fund and implement the package before the development can be occupied. To approve the application without the removal of this objection would constitute an infringement of the legal duty to cooperate which, in the interests of both Councils, they would wish to avoid.

72. **Tendring District Council (Economic Development) – comments received**

The development is likely to have a significant impact on Manningtree and the towns established infrastructure. In this regard an appropriate impact assessment should form part of the application.

In principle the B1, B2, B8 element of the proposed development, comprising 54,123 sqm, could compliment the commercial activity currently located along the river front at Manningtree, although new industrial/commercial units at Brantham, of improved quality and unit size, could result in businesses relocating to the Brantham site. The Design and Access Statement provides only scant information on the type of businesses the developer wishes to attract to the area.

**73. Natural England – no objection**

Natural England initially advised that there was not enough information to determine whether the likelihood of significant effects can be ruled out and the Council should therefore not grant planning permission at this time.

Following the undertaking of an Appropriate Assessment which includes a package of mitigation measures to protect the SPA (to be secured through a s106 legal agreement), Natural England has no objection to the proposal. The Appropriate Assessment (final version dated 7<sup>th</sup> March 2016) concludes that, provided the mitigation proposals are implemented in their entirety, this project will not adversely affect the integrity of the Stour and Orwell Estuaries SPA and Ramsar site. On the basis of the information provided, Natural England agree with the findings of the Appropriate Assessment.

**74. RSPB – no objection**

RSPB initially objected to the development as the applicant has not submitted enough information to demonstrate that it does not pose an unacceptable risk to the Stour and Orwell Estuary Special Protection Area, Ramsar site and the Stour Estuary Site of Special Scientific Interest. Concerns were raised over the potential impacts on the mudflats, roosts on the estuary for the population of black-tailed godwits and other species, and Barn Owls. An Appropriate Assessment was requested.

Following the undertaking of an Appropriate Assessment, which includes a package of mitigation measures to protect the SPA (to be secured through a s106 legal agreement), RSPB has no objection to the proposal.

RSPB would still maintain concerns expressed previously about the layout of the improved pedestrian network. In particular, there is concern about exposing the western side of the development area to waterfront access or an improved pedestrian network on the grounds of recreational disturbance pressure on the adjacent SPA and RSPB leased mudflats. This can be addressed by a suitably worded planning condition. Concerns expressed about the timing and operations of the works on the peninsula land and the impact on breeding birds would be helped by an Ecological Management Plan which would help to clarify this matter in respect of timings and extent of operations.

**75. Suffolk Wildlife Trust (SWT) – no objection**

Initial concerns were expressed about the lack of reptile survey information available for the peninsula area and the possible impacts of increased recreational disturbance on the Stour and Orwell Estuaries Special Protection Area (SPA).

Following the submission of further information on these matters, SWT agrees with the conclusions of the reptile survey report prepared by the Landscape Partnership, Aug 2015 and agree that a reptile mitigation strategy is required to ensure that the proposed works on the peninsula do not result in a breach of the relevant legislation. This could be incorporated into an Ecological Management Plan dealt with by a suitably worded planning condition. SWT agrees with both the methodology and the mitigation measures provided by Natural England and the RSPB.

**76. Dedham Vale AONB (Joint response on behalf of DVAONB and Suffolk Coast and Heath AONB) – Comments**

Dedham Vale AONB has made the following comments:-

### *The potential visual impact from the AONB*

The development should seek to avoid adverse impacts of the proposal on the local character of the landscape, visual amenity, dark skies character of the countryside and local seascape. Ideally, visualisations of how the development might look from agreed key locations within the AONBs and from the south shore of the Stour should be included.

### *The setting of the AONB*

Any development adjacent to the AONB should be sympathetic to the purposes of the AONBs, i.e. development should contribute to conserve and enhance natural beauty.

### *The potential for negative impacts on the Stour & Orwell Special Protection Area, Stour Estuary SSSI, Stour & Orwell Ramsar*

The local planning authority will need to be satisfied that the mitigation proposals are sufficient and likely to be effective and ensure that cumulative impacts have been addressed given potential or proposed major developments within the same estuary. A package of measures to ensure that mitigation is effective now and into the future, with facilitation for off-site mitigation where required and that the national importance of the estuary is understood by potential new inhabitants. No public access as part of the development, should be permitted on the peninsula area to the south of the railway line, measures will need to be put in place to secure this.

### *The potential for increased traffic through the AONB*

Particularly along the B1070 for access to the A12 should be fully assessed. This should include potential for loss of tranquillity, reduced road safety for vulnerable road users and impact on local communities. It is noted that there are a range of suggestions relating to improving sustainable transport. We welcome the proposed shared cycleway/footway along the A137 to link to Manningtree Station, but consider that measures should be taken further, to include addressing cycle and pedestrian safety under the railway bridge near Manningtree Station and ensuring that improvements continue as far as possible to the station itself and the town centre of Manningtree.

To mitigate against some of the transport related issues we consider that the applicant should contribute towards a bus service from the development site and Brantham village to Manningtree Station and town centre, as well as other nearby service centres.

We note suggestions (submitted by SCC) for securing and improving the Public Rights of Way network and would reiterate the importance of ensuring that the network provides good connectivity through the development and out into the wider countryside. Where new paths are proposed, opportunities should also be taken to improve ecological networks and enhance local landscape character.

If the Local Planning Authority are minded to approve the application, a number of conditions for both the Full and Outline portions of the application are requested to cover the following:

- a) planting and soft landscaping details including aftercare
- b) Hard landscaping details
- c) Flood attenuation including details of proposed structures and their management
- d) Street lighting
- e) Tree protection

77. **Suffolk County Council (Archaeology) – No objection**

A condition is requested requiring recording of historic buildings as they could be considered non-designated heritage assets (former British Xylonite factory).

78. **Corporate Manager – Community Planning, Heritage and Design – No objection**

*Masterplan*

Initial comments that the planning application has not been accompanied by a Strategic Master Plan document and instead relies solely upon a Design and Access Statement and that the Design and Access Statement has been written in line with the general requirements for such documents, using the required headings. It cannot therefore be said to be a Master Plan and it cannot therefore be readily adapted and a separate document is required if the intended objectives of Policy CS10 of the adopted Babergh Core Strategy are to be fulfilled.

A masterplan was subsequently prepared which addresses the points raised and it was concluded that the document provided strategic urban design guidance as envisaged by Policy CS10 in the Babergh Core Strategy.

*Heritage*

The War Memorial should gain a better setting and appreciation with new development around it. (Note any proposals affecting the listed building would have to be subject of a listed building application).

79. **Corporate Manager – Strategic Planning** - The planning policy view is that the application conforms to Core Strategy policy CS10 and the application is recommended for approval. (Note a full assessment against the policy criteria is detailed in the assessment section, below).

80. **SCC - Development Contributions Manager**

The table below highlights the financial contributions/conditions that the County Council requires to make the development acceptable. These figures have been the subject of ongoing officer discussions since receipt of the consultee responses.

Requirement	Financial Contribution/Requirement	Contribution sum	Triggers
Transport - buses	<p><b>Total: £72,000 (BCIS indexed)</b></p> <p>Improvements to the existing stops on Brooklands Road, new shelters for existing stops and raised kerbs £14,000</p> <p>Two stops at Cattawade Slip Road – two kerbs £4,000</p> <p>New shelters and raised kerbs on the Factory Lane proposed site, location to be agreed £14,000</p> <p>Contribution towards Real Time Passenger information (RTPI) £20,000 Two screens within the new site and another two to go on Brooklands Road at the stops with shelters. £40,000</p>	<b>£72,000 (BCIS indexed)</b>	<p><b>S106</b></p> <p><b>Prior to first occupation of residential dwelling for residential bus stops.</b></p> <p><b>Prior to first occupation of new commercial unit.</b></p>
Transport – Highway improvement Rail Underpass	<b>£90,000</b>	<b>£90,000</b>	<b>S106</b> <b>One sum payment to Essex County</b>

			<p>Council prior to first occupation of residential dwelling or new commercial unit.</p> <p>Payment to be held by Essex County Council for lifetime of the build and subject to monitoring travel impacts.</p> <p>Condition</p>
Transport Pedestrian/Cycleway improvements	– Improvements to pedestrian and cycle network.		
Transport - ROW	<p><b>Total £70,224</b> Comprises:</p> <ul style="list-style-type: none"> <li>• PROW network improvements, flexible but will include. Resurfacing of PF12</li> <li>• Restricted Byway 16 improvement</li> </ul>	<p><b>£70,224</b> <b>(£57,000 plus officer time @12% plus contingency 10%).</b></p>	<p>S106 Full contribution prior to occupation of first dwelling. 10 year period.</p>
Transport – Travel Plan	<p><b>£192, 800 Travel Implementation Bond – as determined by SCC</b> <b>£7,000 Monitoring</b></p> <p>Travel Plan Evaluation and Support Contribution £1,000 per annum 6 year build out assumed plus one year have passed after completion of the whole (both residential and commercial development) to cover SCC officer working time with the site-wide Travel Plan Co-Ordinator and agreeing new targets and objectives throughout the full duration of the travel plan.</p>	<p><b>£199, 815</b></p>	<p>S106 Payment prior to occupation first dwelling.</p>
Education - Primary	<p><b>Total £950,118 (BCIS Indexed)</b> 78 places @ £12,181</p>	<p><b>£950,118 (BCIS indexed)</b></p>	<p>S106 25% payable prior to occupation of first dwelling</p> <p>25% prior to occupation of 75th dwelling</p> <p>25% prior to occupation of 150th dwelling</p> <p>25% prior to occupation of 225<sup>th</sup> dwelling.</p> <p>Cost is indexed by BCIS from date of agreement to trigger point.</p> <p>An overage if more than 320 dwellings are delivered at a figure of £2969 per dwelling</p>

Children's Play Facilities – on-site	1 x LEAP 625 sq m <b>£50,000 - £60,000</b>  If that was to be provided as part of the new development. If not off site contribution, to enhance local play facilities that would increase by an equal amount to a LEAP. adopted by Management Company (not costed).	<b>£60,000</b>	<b>S106</b>
Commuted sum required for on-site space maintenance over 20 years	<b>£300,000 - £600,000 (10 year or 20 year)</b> Assuming BDC Adopted: Maintenance only of large POS Country Park style and new lease agreement with fishing club.  Adequate parking required to serve park. On site provision benches and litter bins.	<b>£400,000</b>	<b>S106 SCC PROW seek improvements to Restricted bridleway 14 in the POS area (adj to decoy pond and sewage works. Costs to be factored into the POS contribution.</b>
Libraries	<b>Total £69, 120 (BCIS indexed) – raised with NM would need specifics on what this would be towards</b> enhanced provision at catchment library Capel St Mary	<b>£69,120 (BCIS indexed)</b>	<b>S106 Prior to occupation of 100<sup>th</sup> dwelling.</b>
Fire	Issues will need to be covered by appropriate planning conditions. (see point 9 SCC letter)		<b>Condition</b>
Waste	In line with Policy WDM17 of the Waste Plan, waste minimisation to be covered by condition. Essex CC may seek contributions toward HWRC in Lawford.		<b>Condition</b>
NHS England Essex Area	<b>Total £71,760</b>  Additional capacity required at the following surgeries:-  <ul style="list-style-type: none"> <li>• Riverside Surgery, Manningtree - £33,720</li> <li>• Lawford Surgery, Manningtree - £33,600</li> <li>• Constable Country Rural MP (including its branch practice at Capel St Mary) - £4,440</li> </ul> Additional floor space required for each surgery – 16.86 sq m Riverside, 16.80 each for Lawford and Constable Country Rural.	<b>£71,760</b>	<b>S106</b>
Ecology AA	<b>Total – approximately £19,960</b> Mitigations measures include:  <ul style="list-style-type: none"> <li>• Maintenance of Stour and Orwell Forum Database for new residents to receive information about SPA from Suffolk Coast and Heath AONB and partners - £500.00</li> <li>• SPA information leaflets for new residents - £1,010.00</li> <li>• SPA footpath marker discs to be installed on footpaths in vicinity - £300.00 + £150.00 for time to fir the discs</li> <li>• SPA information boards (one on footpath between the development and the SPA and one on the Public Open Space viewpoint) - £1,500 x 2 = £3,000</li> <li>• Future monitoring of the Stour and Orwell Estuaries SPA for 3 years - £15,000</li> <li>• Means of providing a post and wire fence with mesh to prevent dogs off the lead entering the mudflats (if required) – note this would be on land owned by the applicant and dependent on 3 year monitoring of situation (following occupation of first dwelling)</li> </ul>	<b>£19,960</b>	<b>S106 Three year monitoring period to commence prior to first occupation of dwelling.  Notification to the developer to erect the fence will be effective from occupation of first dwelling, on- going through development and up to last occupied dwelling plus an additional period 1<sup>st</sup></b>

			<p><b>August – 31<sup>st</sup> March following completion of the dwellings.</b></p> <p><b>SPA Footpath marker discs to be completed prior to commencement of development.</b></p> <p><b>SPA information boards prior to commencement of development.</b></p> <p><b>Obligation: specification of fence</b></p>
Noise Mitigation			<b>Condition</b>
<b>Total</b>		<b>£2,002,997</b>	

The following comments have been received from Suffolk County Council in respect of Secondary School Education:-

*East Bergholt High School is now forecast to be full, and this was reflected in the initial figures that Neil (McManus) set out in his note of 1 April. We recognise that this is a change from the position that was set out in Neil's formal letter to you of 11 June 2015 but .....Since that time we have conducted some further work with the school and with our neighbouring education authority. It is clear that a significant number of pupils are coming from "out of catchment" including from Essex addresses. By contrast the Brantham site would be within the catchment.*

*Therefore children from this development would be likely to take priority over those from the Manningtree High School catchment, where there appears to be forecast capacity. Accordingly it would not be necessary to seek any extension of East Bergholt High School arising from this development.*

*On this basis, the requirements for education provision remain those set out in Neil's letter to you of 11 June 2015.*

81. **Ipswich Borough Council** – No comments to make in respect of this application.
82. **Suffolk Police - Architectural Liaison Officer - No response**
83. **Suffolk Police – Anti Social behaviour – No response**
84. **Suffolk Police - Traffic Management**

No objection to the planning application but request that consideration is given to the volume of traffic that will be using the local roads to get out on to the A137. Once on to the A137 vehicles have three routes to reach the major routes e.g. A137 towards Manningtree, A137 towards Ipswich (A14) and B1070 towards the A12. The latter is a particularly bad junction for vehicles joining the A12. These are all busy locations at peak traffic times.

Brantham is quite a rural area and householders often have more than one vehicle. The plan for 320 properties could realistically result in 600 plus vehicles for just the homes. Additionally there will be visitors and deliveries which will increase that number. Depending on the businesses that move in, there will be staff, visitors and deliveries in and out. The number of vehicle movements are likely to be significant.

Although most traffic will be encouraged to use the main exit on to the A137 roundabout off Cattawade Street, some will use the estate roads e.g. Brooklands Road through to Palfrey Heights. This may well become a rat run especially at peak/busy times.

#### 85. **NHS England**

It has been confirmed that additional capacity at the following surgeries would be required as a result of the development:-

- Riverside Surgery, Manningtree
- Lawford Surgery, Manningtree
- Constable Country Rural MP (including its branch practice at Capel St Mary)

Additional floor space is required for each surgery as set out below:

Riverside Surgery – 16.86 sqm

Lawford Surgery – 16.80 sqm

Constable Country Rural MP – 16.80 sqm

The total level of contribution required therefore is £71,760.

#### 86. **Corporate Manager – Open for Business (Economic Development)** - The Regeneration of the core employment site at Brantham is able to provide a range of sizes and tenures which could accommodate the needs in the market for a range of units of up to 15,000 sq ft identified in the ELA. No other such opportunities exist in the area to provide for this need.

The regeneration will also safeguard existing employment uses and job numbers currently c100 fte's.

This development will see the regeneration of a long term semi derelict site with up front infrastructure provided.

Accordingly the Corporate Manager, Economic Development fully supports the employment led development proposal.

(Note – These issues are amplified in the main assessment below)

#### 87. **Corporate Manager - Public Realm (Arboricultural Officer)**

The preliminary arboricultural report submitted with this application provides a generally accurate assessment of the condition and constraints presented by trees at the site. We will, however, also require a Arboricultural Implications Assessment, Arboricultural Method Statement (including monitoring details) and Tree Protection Plan based upon the finalised layout design before we can fully consider the impact of this proposal. Details should also be provided regarding any special engineering or construction required within Root Protection Areas.

The proposal requires the removal of a considerable number of trees but the majority of these are either in poor condition or of low amenity value and the impact of their loss can be mitigated with new planting. However, in a few instances trees of high value (e.g. oak T2315, Beech T2316) are proposed for removal which should be retained if at all possible.

Further to my previous comments on this application I also wish to highlight concerns regarding the proposed close proximity of public highway to the mature English Oak T2383. This is the largest and oldest tree on site, with extremely high amenity, ecological and cultural value. In order for it to be retained in any sustainable way and avoid being damaged it should be given sufficient space with this reflected in the layout design.

#### 88. **Corporate Manager - Public Realm (Public Open Space Officer)**

Email dated 18<sup>th</sup> April 2016

- **Play sites:** I would expect a development of 320 houses to provide a Locally Equipped Area For Play (LEAP) covering an area of 625m<sup>2</sup> if that was to be provided as part of the new development. If this was not to be provided as part of the development I would expect a developer to make an off-site contribution to enhance local play facilities that would increase local play provision by an equal amount to a LEAP. Local consultation has informed us that play should not be part of the country park and that where possible existing local play facilities should be enhanced off site.
- **POS on-site amenity and landscape areas in the residential areas:** these should be adopted by a management company.
- **POS outside of the residential areas (country park) :** This is of more than just local significance and may attract visitors from the surrounding area. Adequate car parking should be provided to serve the country park. I would recommend that Babergh District Council adopts the country park because of the wider offer for informal recreation, local amenity and nature conservation. Without detailed plans agreed at this outline stage the Council would apply a figure of £60 000 per hectare for a 20 year period that would cover maintenance only. This figure would need to be reviewed if a developer was to put in more detailed plans that required higher levels of maintenance. The Council would expect the land to be managed 'country park style' with informal nature conservation areas, wildflower and woodland areas with minimal on site infrastructure, although the Council accepts there should be some on-site provision for things like benches and litter bins. The country-park
- **Trees:** the Council would expect a developer to deal with any dangerous trees prior to adoption as identified in any report and the Council would also complete an inspection prior to adoption.
- **Angling Club:** if the Decoy Pond is adopted by the Council, the Council would enter into a new lease or license agreement with the club. This would cover the maintenance that the club would be required to complete to manage the fishing. The banks are likely to be enjoyed by the public as well so the area of the Decoy Pond should still be included in the POS calculations for costing purposes.
- **Screening:** there should be an area of screening between old and new development that could be conditioned to be managed by a management company along with the on-site residential amenity areas.
- **Football Pitch:** the community consultation has informed us that local clubs would make use of a facility as they are having to travel to other areas to train and play. This would not be managed by the Council and local arrangements would have to be brokered for this facility.

Further email dated 3<sup>rd</sup> May 2016.

- The area of the lake circa 2 hectares could be excluded from the figures as there will be little maintenance required and a future management agreement with the fishing club would require them to complete aspects of the lakes management for the benefit of the club and its Members. This leaves a 'country park' of 10 hectares.
- Due to the low key nature of the 'conservation style' management I would be prepared to accept a commuted sum that covers a 10 year period rather than 20 years. This would reduce the commuted sum figure to £30, 000 per hectare and if the area of the lake is excluded the total required for this, if the Council was to take on the management, would be £300, 000. The Council would look to support a Friends Group at this location that could take on enhancements of the site, deliver elements of the management plan and apply for external funding for future capital improvements such as benches and other improvements to green infrastructure.
- Large areas would be managed as meadow requiring 1 or 2 cuts per year to prevent the meadows scrubbing over. An area would need to be agreed on site to store the cuttings although over time the meadows could be managed for hay if the conditions are right for this to be completed.
- For a country park of 10 hectares there would be a requirement of approximately 3 km of paths. Litter and dog bins should be provided at each entrance. Without detailed site plans at this stage of the application we would estimate up to 5 litter bins and 4 dog bins based on a country park of that size. These would be installed by the developer and then maintained by the Council as part of the figures already estimated. There would not be a need to surface all of the paths, depending on the final ground conditions, however if an all-weather path was to be provided this should be at least 1.5 km in length and provide a circular walk.
- Costed figures cannot be provided for the 'management company' option but if the site was managed to the standard set out above a developer would have a benchmark to be able to cost out this type of management.
- The LEAP should contain at least 5 different types of play equipment with each piece of equipment designated to stimulate one of the following: balancing, rocking, climbing/agility, sliding and social play. A budget of £50 000 to £60 000 should be used for the provision of a LEAP or off site contribution to enhance existing play provision in the local area.

#### 89. **Corporate Manager – Development (Housing and Regeneration)**

Holding objection – the application as submitted is considered unacceptable, but may be acceptable with the inclusion of affordable housing within the proposed tenure mix provision.

The hybrid application proposes 320 homes as part of the overall application package. Within the 320 homes, no affordable housing units are included. To be policy compliant and in accordance with Babergh Core Strategy the site should provide for 35% of the homes to be affordable dwellings or as in the case of this application – 112 dwellings.

The lack of any affordable housing in this application represents a **loss of 112 affordable units** to the Babergh District as a whole and specifically has the impact of not contributing to the Council being able to meet the needs of the 1090 households on the register.

The concern over lack of any affordable housing can only be overcome by the inclusion of some affordable homes. The applicant's viability submission states that the scheme cannot financially support the delivery of affordable housing. Affordable housing could be supported in principle if the quantum of development was increased, however it is

understood that once housing is included on the brownfield part of the site, development costs increase due to additional flood defence work which would be required. An increase in overall dwelling numbers is not likely or desired by the local residents.

A provision of a base level of 10% affordable homes (32 dwellings) would remove the holding objection.

An **overage clause** is added as part of the S106 agreement in the event that planning permission is granted. The financial viability is reviewed at a suitable date to be agreed to take account of fluctuations in market conditions. It is suggested that advice is taken from ATLAS colleagues on a suitable mechanism for this.

The overage clause to provide for commuted sum(s) to be paid to Babergh District Council by the applicant or eventual housing developer to be used for the provision of affordable housing within the Babergh District. The viability of the overall application will need to be reviewed several times during the course of the application process in order to ensure that the Council secures any contribution that should be paid.

90. **BDC - Corporate Manager – Policy and Strategy (Health and Wellbeing)**

The Brantham Regeneration development provides opportunities for the local community to get involved in the master plan process in order to shape the development and to extend their community facilities and assets within the local area. The community have been involved in a variety of discussions over a period of time to develop opportunities for local groups and organisations to take advantage of the facilities that are being offered as part of the outline planning application.

Discussions have taken place with a variety of groups and clubs within Brantham that are currently in need of additional and improved facilities. The 1<sup>st</sup> Brantham Scout and Guide Group and the Constable County Childcare group held initial discussions to identify the potential opportunity to operate from a co-located facility within the development area. A building which might be suitable for community use has been offered by the applicant. The building could provide considerable benefits for the community of Brantham by providing additional facilities and provision for a wide variety of groups and organisations.

A meeting was held with stakeholders within the community on 12<sup>th</sup> January 2016 to discuss opportunities for local groups and clubs to understand the opportunities that has arisen as a result of the potential facilities offered within the development. Brantham Leisure Centre identified a need for additional sport and playing pitch facilities as they do not currently have the capacity and facilities to host the all sections of activity and sport within the club. The masterplan indicates a site where a pitch could be provided, to the east of the building that is being offered up by the applicant, although it is understood that it is not the intention of the applicant to deliver this element of the proposals. The club identified a need within the local community for additional provision of facilities which they are currently pursuing funding for via the Football Association for a 3G pitch. The football club has successfully achieved successful funding from the football association in the past. It is therefore hoped that the delivery of this pitch will become a distinct possibility.

The proposals would offer the possibility of local clubs and groups to remain within the local area of Brantham. The potential facilities that are being offered as part of this planning application would support the health and wellbeing of the community as well as providing the much needed additional facilities and assets for the community of Brantham.

91. **BDC – Safe Communities – No response**
92. **BDC – Waste Management – No response.** Waste matters can be dealt with by means of a planning condition
93. **Ipswich Port Authority – No response**
94. **Haven Gateway - No response**
95. **Network Rail – Objects to any proposal to leave the railway crossing open**

The comments received from Network Rail are summarised below:-

Network Rail cannot close the crossing as it is a public right of way. However, Network Rail are applying to divert the footpath through the railway underbridge in the middle of the development site, as part of its Level Crossing Reduction Strategy. We are happy for the footpath to be diverted in any way, provided that the public no longer cross the railway on the level. If the planning authority wished to divert the footpath under its planning powers with a view to delivery early closure of the Level Crossing – Network Rail would be happy to discuss. Network Rail object to any proposal to leave the level crossing open.

Network Rail concerns raised about the queue lengths stemming from the level crossing when the barrier is down but says that the road layout gives routing options which would alleviate the problem. The queuing back is not something that Network rail can comment on but the Local Highway Authority is urged to check the baseline, TEMPRO growth and that the correct trip rate assumptions have been made to forecast the impact in the locality.

## **REPRESENTATIONS**

96. Approximately 453 letters of objection have been received to the development which are summarised below under the relevant headings:-

### The Principle of development

- There is no requirement in the Babergh Core Strategy for this number of new houses in Brantham, especially as it is classed as a hinterland village, with lack of educational, retail and health facilities and poor transport links. The development would be totally disproportionate to the present size of the village.
- The proposed access to the new estate would be on a steep hill on the already congested Brooklands Road that is used by very young children on their way to and from school.
- The only factor driving this housing development forward is financial profit.
- There is no market research evidence to back up the assertion that this application is jobs led. Nor is there any demand for commercial property on the brownfield site with its serious contamination and flood risk issues and lack of arterial road access.
- Brantham is a village and the developers are trying to turn it into a town
- The proposal does not comply with the National Planning Policy Framework
- Applications should be on brownfield (previously developed) land not a greenfield site
- Brantham is a village not a town
- The existing brownfield site is an eyesore and should be developed before any housing on the greenfield site
- There is no justification for this level of housing in Brantham
- Brantham has enough houses and does not need any more

- The number of houses is not outlined in Babergh's housing target
- The core strategy does not support a definite allocation of greenfield land for housing. The planning inspector concluded in Point 160 the viability assessments has not been made public
- This windfall site would provide on third of the district's total windfall housing developments in a non-core village where there is insufficient infrastructure
- Housing on the greenfield site is not required to fulfil Babergh's housing target and Brantham does not need any more houses
- The brownfield land should be developed rather than the greenfield site
- Development should be for employment, retail, leisure or housing in accordance with what is most appropriate for the site, before greenfield.
- Development should be phased – so work on the factory site is completed before the residential
- Brantham is in “no man's land” – forgotten about by Suffolk and not part of Essex
- Issues raised by the Planning Inspector have not been resolved satisfactorily
- Brantham will become a small town if this goes ahead
- The Core Strategy does not support an allocation of greenfield land for housing
- Little or no employment opportunity in the village and therefore high level of commuting, not suitable for more housing.
- 30% increase in population is not sustainable
- Brantham is a hinterland village – and will rely on neighbouring villages to provide essential services.

#### Site access, parking and highway safety considerations

- Inadequate highway infrastructure – increased traffic would prove unsustainable without mass expenditure on upgrading the rail tunnel and putting in relief roads
- Increased traffic through a residential area (Brooklands Road) which is used by a large number of schoolchildren and which is currently full of parked cars. It is even busier at the end of the school day
- Increase in cars (potential for 640 cars – two per household) increases the possibility of an accident
- There is a bottle neck at Manningtree Station (not only at peak times) and a two lane system is required before any application is considered
- When the A12 is closed, the traffic can queue right back to the Cattawade roundabout
- The access to the site is sub-standard and mitigation works would be required (there is no evidence within the proposed application of any mitigation works), nor are there any measures to support sustainable transport and to improve the railway crossing
- There is no information or clear estimate of future effects of additional traffic which might use the industrial site if it ever becomes a viable business site
- Access to the A137 from the Pippins estate is a particularly risky operation for anyone turning right
- Impact on the junctions at Slough Road, Gravel Pit Lane, School Lane and beyond at Tattingstone
- Much of the data in the Traffic Flow report is dated 2008 which makes it 7 years out of date (at the time of submission of the application)
- The new road onto Brooklands Road will increase traffic on the school run where children wait for the school bus
- The existing road infrastructure is inadequate. This will make things even worse
- Brantham only served by one arterial route (A137) and has pinch points at the end of the village.

- Existing traffic is congested
- Will place roads under unsustainable pressure
- Buses already struggle to weave through the parked cars
- Lack of detail provided on proposed cycle routes
- There should be a bypass for Factory Lane.
- HGV movements have already increased out of all proportion
- Additional junction will be hazardous for school children who use the road everyday
- A12 and A137 are already at capacity – despite official definitions
- Brooklands Road is too narrow and congested for additional traffic

#### Comments on the Masterplan

- The current masterplan proposes the provision of shops, retail units, food and drink/drinking establishments and hot food takeaways along with other general business premises and industrial units and storage and distribution units. In my view demand for these type of businesses is currently virtually non-existent given the number of vacant commercial and industrial properties in the locality, and the fact that Tesco have decided it is not good business sense for them to open an outlet in Manningtree.
- The development plan policy requires a masterplan that covers the whole site. The whole site constitutes what is indicated on Map F which forms part of policy CS10.
- Chalkwell House has been omitted from the master plan which is at odds with the requirements of the policy.
- The Masterplan should have been available during the first round of consultation

#### Comments on the Transport Assessment

- If "National Planning Policy reflects and responds to growing concern over environmental issues and a greater public awareness of the problems associated with unrestrained car use" the council should not be considering large housing estates in rural locations such as this where the car is required to travel to Ipswich /Colchester for shopping, work and leisure. In order to reduce pollution, congestion and a lack of facilities in rural areas these large developments should be located close to existing cities/large towns where there is a better road network, journeys are shorter and public transport is viable. This proposed development fails to meet most of the objectives in the national and local policies referred to.
- 3.1 Manningtree station is over 2km from the site and Ipswich is 16km
- 3.11 as someone who has to go to the station daily I question the accuracy of the queue length statements, I believe these have been understated.
- 3.25 as a resident who lives on the hill and has the difficulty of trying to get on to the A137 at peak times I dispute the assumption there has been no traffic growth since 2008. When we have surveyed the traffic flow the figures have on most occasions come out higher than the traffic study, it is important to remember that in 2008 the country was in recession.
- The updated submission does not address the future volume of traffic at the new secondary access via the new junction to the existing Brooklands Road, and it does not address the existing road width of Brooklands Road. This is a relatively small residential road, and these proposals are likely to make this route into a "rat run" for those leaving the village to access the A137.
- I do not believe that the revised submission adequately deals with the increased traffic on the A137 and in particular with issues at the Manningtree crossing which is already causing long delays, and with developments in Brantham, and further building in Lawford and Tendring this is likely to be more of an issue. Reversing the

flow of traffic will simply mean that the problem is experienced on the Brantham side of the crossing instead of the Manningtree side.

- I do not believe that the “Travel plans” offer realistic solutions to reduce the number of extra vehicles on the roads around Brantham. Infrequent bus services, cycle routes along unlit roads and car sharing will not resolve the issues that will be created by the increase in car movements as a result of this development.
- The application is premature – residents have not had the benefit of or consider the pending report from the Highways Agency/ Their report or advise and consultation with the Brantham Residents Group remains pending.
- Traffic count in is out of date as based on 2008 data.
- The modelling needs to take into account current further development proposals for Lawford and East Bergholt.
- There are errors in the document which do not give confidence to the content and accuracy of the report.
- Traffic speeds are excessive along the A137 already.
- No mention of need to alter local bus routes through the village – or cooperation with local providers

#### Issues around Manningtree Railway Station

- Footfall At Manningtree Station - Statistics released by Manningtree Rail Users Association confirm the extraordinary rise in passenger numbers at Manningtree Station. Apparently 1,154,294 journeys were made from Manningtree in 2014. This is an increase of 5.6% over the previous year and 38.4% increase from 2009.
- The underpass at the station is dangerous for cyclists and pedestrians - this proposed development and the increase in vehicles will increase the danger.
- Section 4 fails to mention that most people will have to travel to Ipswich or Colchester for supermarkets and other shopping as well as for most leisure activities.
- Section 4.19 fails to mention the problems of both insufficient space at Manningtree station car park and the increasing problem of commuters parking in Catterwade, Lawford and Manningtree. Any development will worsen the problem.
- Section 5 there is very little demand for the commercial space proposed in this application and therefore new residents will have to travel to find employment which will increase the traffic volumes.
- Cycle access to the station is currently not safe due to the narrow underpass which causes drivers to often accelerate quickly to squeeze through before the priority changes. Cyclists are often surrounded by cars and HGVs having to cross traffic flows and there is no designated cycle route or safe area.
- Housing estates are so often blighted by insufficient parking and narrow roads leading to on pavement parking, I am concerned this may be repeated again on this proposed development as profit seems to come before good planning.
- I assume it is a sign of desperation when a few spare seats on a minibus travelling two times a day to the station is mentioned as a relevant matter when considering the solution to the increased traffic problems if the development proceeds.
- I believe the vehicle trips are understated. It is important to remember that it is unlikely there will be no new employment opportunities on the site for some time, car/vehicle ownership and usage according to various sources is greater in rural East Anglia than most other areas. House prices are forcing working children to stay living with parents leading to the vehicles per house increasing. The roads cannot cope.
- Reversing the priority does nothing to improve this dangerous junction for both pedestrians and cyclists, it will increase the frustration of motorists trying to get a

train and a larger/wider road will be required for high vehicle parking on the north side while the level crossing is closed as there will be increased queuing traffic.

- 7.20 the impact of this development will cause the problems at the underpass/junction to become severe - does a cyclist or pedestrian have to die before common sense is allowed to come before profit?
- Tendring District Council has objected to this application with regard to the impact on the A137 rail crossing, Manningtree station car park and commuter train capacity.
- Train services would not be able to support the additional peak travel to and from London
- Rails service is already overcrowded and the car park cannot cope with the present demand and this development will add to that pressure.
- Inadequate provision for pedestrian and cycle access to station
- They should remove the Lawford/Manningtree rail crossing by raising the Network Rail lines such that lorries can pass under them and have Manningtree Station moved to Brantham on the brownfield site.

### Flooding

- The Environment Agency has objected to this planning application, expressing serious concerns with flood risk and water contamination.
- The flood level laws need to be accommodated and therefore adapt the type of housing to be built to place garages and utilities on the ground floor with accommodation above to enable more the brownfield site to be developed.
- No account of the effect of rising sea-level upon the low-lying Factory Lane site
- No consideration of the effect of the sub service water flow paths and extensive water deposits under the greenfield site.
- Increased surface water run off

### Water and Sewage

- The current sewage system is at capacity. The proposals will cause problems with sewage. The current system is already overflowing and backing up (was this mentioned in the inspectors report)
- There appears to have been no consideration of the effect of the sub surface water flow paths and extensive water deposits under the greenfield site
- No consideration of how the increased population will impact on the volume of sludge which needs to be removed by HGV (tanker) traffic along the Bridle Way.
- Who is responsible for the upkeep of the access to Brantham Sewage Works.
- Anglian Water contains many disclaimers for overall responsibility and mentions problems with possible encroachment.

### Environmental Impacts – Trees, Ecology and Land Contamination

- Impact on wildlife. The site is home to a number of rare and endangered flora and fauna and qualifies for County Wildlife status
- Loss of habitat
- Impact on the Special Protection Area
- Impact on roosting sites from dog walkers/increased activity
- The stag beetle survey is incorrect and very limited. Further consideration to this survey needs
- Polluter pays – should apply here
- Why should Brantham bail out SFG and allow them to make a profit.

- The site appears to qualify for County Wildlife Site Status and should be regarded as being of County importance, due to the presence of Reptiles and the rare and endangered flora and fauna.
- Site is close to an AONB and SSSI
- SFG are specialist in cleaning contaminated land ready for development and therefore it is clear the intention is to make a further planning application for the brownfield site when cleared
- Impact on the Stour and Orwell SPA and a Ramsar Site, these international designations exist to protect important wintering populations of wildfowl and wading birds
- Sensitive nature of roosting sites – birds will be disturbed by dogs and walkers.
- Development will be less than 1000m of the shoreline and high tide roost, when accessed via the public footpath
- “Only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realise that we cannot eat money” Chief Seattle

#### Design, layout, impact on landscape character

- The plan of the residential estate is an overcrowded rabbit warren design completely out of scale, character and design to the existing village
- The new estate should at least confirm to the design and density of the Temple Pattle estate
- There will be a detrimental impact on the area around the ‘Decoy Pond’
- Impact on neighbouring areas
- The greenfield area was left to create a buffer zone to protect the Cattawade/Brantham residents from contamination and risks of explosion from the industrial uses on the site. This space should be maintained as protection from the units that remain.
- Too many houses proposed
- Disproportionate development for Brantham and no apparent demand for properties
- Brantham is an important part of “Constable Country”
- Oil painting of “Mistley Hall viewed from Brantham” was painted by Elias Martin in 1776 and hangs in the National Museum of Sweden and is considered one of the finest landscapes by a Swedish artist.
- Loss of open countryside – natural link between the AONB and Suffolk’s coastline.
- The submitted Visual and Landscape Character Assessment is poorly researched, inaccurate and biased. There is poor photographic evidence, which is desk based with the exception of one site visit on a misty January Day.
- The LVIA does not take account of views from high vantage points on the Essex Way and Stour Valley stretch of the E2 European Long Distance Footpath.
- Impact on the landscape if both this and the proposal at Mistley Park go ahead
- The proposal will dominate and not respect the height, scale form, mass and design of the existing dwellings
- It is an intrusive, incongruous and oppressive feature, detrimental to existing built form, layout and architectural rhythm of the locality
- Tourism will suffer – they do not come to see housing estates
- Housing too near to Westerns End & Pattern Bush Close
- Housing developments are all too close together with too much concrete and not enough garden.

#### Viability

- Despite formal requests to Babergh District Council made under the Environmental Information Regulations (EIR) Act and it being a provision of the Core Strategy, no

viability evidence has been made to support this application to build on a greenfield site.

- The viability evidence has not been made available to the public and consultation with the public on the viability study should take place.
- This problem would not have come about if St Francis Group had investigated more thoroughly, the extent of contamination before purchasing the brownfield land
- There is a need for affordable or social housing.
- Costs of cleaning up contaminated land are misleading.
- Brantham must not be allowed to mirror the issues that Snoasis encountered.
- No evidence that there is demand for the industrial estate
- No evidence that it has a future as a commercial entity
- No housing need has been established – the only reason being given is the need for profit by the applicant which is no reason at all.
- Developer will leave Brownfield site once the Greenfield is developed.
- Given the reduction in commercial floorspace, the viability assessment will need to be reviewed
- “Build to Order” does not give confidence that the commercial units will be delivered.
- The reduction in floorspace weakens the case for any industrial regeneration
- Reduced commercial space just means more profit for the Francis Group
- Lack of commitment to deal with the brownfield site

#### Impact on Residential Amenity

- The development on green space will create noise and disrupt family and individual living
- To suggest the development will have a significant impact on current residents which means that windows and doors would need to be closed at all time means the development is in the wrong place and should be refused.
- Proximity of new road to existing properties
- Elevated noise/dust and pollution in Brooklands Road – vulnerable young children will be exposed to greater health risks.

#### General

- There is no provision of affordable housing. There is an identifiable need for this within the village
- The scale of the development is not in keeping with the existing village
- Other significant developments are proposed in the area or are underway
- There is no supporting evidence that there is any demand for commercial property on this site
- Existing shops and health services will suffer as a result of this new development
- There is no guarantee that the brownfield site will either be properly cleared or developed
- The hybrid application is suspect and mischievous
- Cumulative impact as a result of other developments in the area
- There is no justification for this level of housing
- There is no evidence to support the demand for this level of development on the brownfield land
- Loss of open countryside
- The development is purely for profit
- The development will ruin a lovely and open vista of the Stour

- The disruption could last 10 years if the houses were built out at 30-40 per year. This would result in enormous disruption from construction and contractors vehicles, dust noise and deliveries
- Local schools may lose their playing fields if they have to build more classrooms
- Where is the demand for the commercial/industrial units?
- There are already empty commercial units in Manningtree There is already over 4 million square feet of commercial floorspace in the area and no evidence has been provided to demonstrate the need for more
- The increase in population will inevitably add to crime in Brantham because the police are ill-equipped to deal with present crime problems
- There is not enough local employment for people to move into the new houses therefore these will be bought by people commuting to London or travelling by car elsewhere, thereby adding to overcrowding of the roads
- St Francis Group will put in roads but not build units. Who would want to order a units and wait for it to be built when there are units available in Manningtree available to occupy immediately?
- There are business parks close to Ipswich and Colchester with vacant office space at affordable rates – I can't understand why this industrial site would have the appeal required to fill it
- It is common knowledge that St Francis Groups intention is to make a further planning application for the brownfield site when cleared. This would mean 620 houses being built.
- The development was to be phased in with assurances that development of the Greenfield Site would be phased in in parallel with the brownfield site.
- The development was to be phased in over 10 years – this is not within the submitted documentation.
- There are deep water pits adjacent to the site – how will the development impact on these deep water channels.
- The application fails to address the impact on local infrastructure, education and medical facility requirements plus transportation provision of the village.
- No demand for significant residential property expansion on the Greenfield site
- The plan is completely out of scale, character and design to the existing village
- Hybrid application is completely at odds with its original intention.
- Increased crime will occur with 320 more houses
- Existing sports field is in the line of fire if further accesses are required.
- The proposed extension to the graveyard is next to a sewage works – which is not acceptable for those visiting deceased loved ones.
- Grant Shapps suggests powerful new incentive will give communities a reason to say yes to new homes but these incentives are not benefiting local communities but Babergh District Council and therefore I say NO!
- Site should be used for a solar farm
- Development is not employment led – as no requirement for industrial units in Brantham
- Insufficient consideration of the cumulative impact of development (new and proposed in the area)
- There is no direct bus route to Colchester
- Buses find it difficult to navigate the route and the services are only two hourly.
- There should be a small hotel – to bring increased leisure trade to Manningtree and Mistley
- The travel plans do not offer realistic solutions
- Houses should instead be built on vacant Tesco site
- Babergh have lodged their own objection to 300 dwellings in a village only a few miles from the Brantham site.

- Brantham needs more 1 & 2 bedroom dwellings, not 3 & 4 bedroom dwellings near an industrial estate
- Tourism should be encouraged and greenfield land embraced, not concreted over.
- The housing is not part of Babergh's target and therefore is not required

#### Impact on infrastructure

- The existing schools are overcrowded and there are no provisions to build or develop them.
- There is no doctor's surgery in Brantham and the Constable/Manningtree practices are already heavily subscribed.
- Impact on Colchester A & E which already experiences major problems
- Children will need to be educated in porta-cabins resulting in loss of playing field
- Development should consider sustainable solar farm; park and ride for the area; wildlife habitat area; community park with free amenities such as skateboarding/roller skating; running/walking track; volley ball; tennis courts; basketball courts. These could then be used for small scale outdoor exhibition space for summer months.
- Plans should include a new GP surgery on the site

A letter from 'Sustrans' has been received making the following comments:-

- We would like to see a 'Dutch Style' cycle route to Manningtree Station, separate to traffic and pedestrians, to include junction treatments
- Conversion of the Brantham and Manningtree station roundabouts to 'Dutch Style' roundabouts to allow for future expansion of cycle routes
- Cycle routes north and east from the site into Brantham and towards Holbrook
- A better connection to Manningtree town centre, perhaps via the seawall but not asphalted
- A contribution towards a possible future tourism cycle/footway connection between Manningtree Station, Dedham and Flatford
- We would like to see high quality cycle parking for each of the new homes

## **PLANNING CONSIDERATIONS**

### **Main Considerations**

97. In light of the above planning policy context and the representations/consultation responses received, the following are identified as the main considerations in assessing this application
- The Principle of Development - Policy Context
  - Access, parking and highway safety considerations
  - Design, layout, impact on landscape character
  - Environmental Impacts – Trees, Ecology and Land Contamination
  - Impact on Residential Amenity

### **Principle of Development - Policy Context**

98. The Babergh Core Strategy (2014), the relevant saved policies of the Babergh Local Plan Alteration No. 2 (June 2006) and the National Planning Policy Framework (NPPF) provide the framework against which, along with other relevant material considerations, the planning application should be determined.

99. The application is a hybrid application consisting of a full application for new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure, and an outline application for mixed use development to comprise approximately 320 dwellings; approximately 44,123 sqm of Class B1, B2 and B8 employment uses; approximately 720sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches.
100. The proposal is a hybrid application with the details for the infrastructure having been submitted for consideration. The further details can be addressed through the reserved matters submissions.
101. The consideration of this application is primarily in the context of National Guidance and the following strategic local policies:

Core Strategy policies:

- **CS10** – Brantham Regeneration Area
- **CS14** – Green Infrastructure
- **CS21** – Infrastructure Provision

Babergh Local Plan policy

- **EM06** – Land at Brantham Industrial Estate

*Policies CS10 (Core Strategy) and EM06 (Local Plan)*

Babergh Core Strategy Policy CS10: Brantham Regeneration Area Allocation makes provision for the regeneration of the application site. The Local Plan also contains saved policy EM06. Both Local Plan policy EM06 and Core Strategy policy CS10 remain in place, however CS10 is the most up to date policy and therefore considered the most directly applicable to the assessment of this application in accordance with the advice contained in the NPPF, Annex 1 (para 215).

Policy CS10 sets out that the comprehensive redevelopment proposals for the entire allocated site will be informed and guided by feasibility / viability evidence and a masterplan. There have been two viability assessments undertaken to guide the application in accordance with the CS10 policy requirement, and the outcome of the assessments has informed the composition of the proposal and the degree of conformity with policy.

*CS10*

The aim of development on the site, as set out in policy CS10, is for the comprehensive regeneration of the site to:

- *...ensure the enhancement and balanced regeneration of the site;*
- *Provide for the maximum possible retention and enhancement of local employment opportunities*
- *Deliver an appropriate level of residential development and community facilities*
- *Create new areas of public open space and enhancement of pedestrian and cycle links between the site and the village.*

Achievement of the above outcomes will inform the planning policy consideration of the application. Specifically, in consideration of the above outcomes, policy CS10 sets out the following policy considerations which are each considered in turn.

**A. The land north of the railway line (25 ha), being the former Wardle Storey and ICI (now ITW) works site, forms the priority area for redevelopment, where new and retained employment land uses should predominate in principle.**

The Brantham Regeneration Area Strategic Masterplan, which accompanies the application, sets out the indicative land uses. The current employment area located to the north of the railway land is proposed to remain predominately in employment use. The proposal is for *approximately 44,123 sqm of Class B1, B2 and B8 employment use and approximately 720sqm of Class A1, A3, A4 and A5 retail uses* (as amended in March 2016). Whilst this revision reduces the floor area of employment B1 land by 10,000sqm, this reduction does not change the land footprint area of employment use (that reduced space would have been provided on mezzanine/upper floor areas) and employment remains the predominant land use in principle.

The site redevelopment works proposed on the land north of the railway line include the following: S.278 highways works; onsite drainage; decontamination and remediation; land stabilisation to the proposed residential area; demolition and asbestos and hardstanding removal; utility overhead power changes and reinforcement; second access to the proposed residential area; peninsular surface clearance; estate road improvement on the employment area, flood risk and secondary defence works with protected access. Once implemented, the site will be fully serviced and available for employment use on a freehold and / or leasehold basis.

It should be noted that since the adoption of the Core Strategy in 2014, a recent Employment Land Needs Assessment Study has been completed (March 2016). The study has set out findings that are of relevance to the consideration of this application. The study was conducted across the wider Ipswich Policy Area (encompassing Waveney, Suffolk Coastal, Ipswich, Mid Suffolk and Babergh districts). Overall the study has found that for Babergh, there has been a 6.8% increase in the number of jobs in the five year period from 36,557 in 2009 to 39,032 in 2013. A longer term analysis shows that total employment in Babergh has increased by 7,700 or 24.8% over the 20 year period. The largest sectors in employment terms comprise public administration; health and education; retail and wholesale; manufacturing; professional, business and employment services. All of these sectors recorded growth in this five-year period. Further detail on this is contained in the supplementary information received from economic development which is covered later in this report.

With regard to consideration of future employment land requirements, employment space in the Economic Area is dominated by industrial (B1c, B2 and B8) uses with the largest concentration in Ipswich Borough. The stock of employment space has steadily been increasing over the period 2000 to 2012 and industrial uses have accounted for the majority of new development in recent years. The scale of net B class floorspace requirements for Babergh is estimated at 70,360sq.m between 2011 and 2031. Whilst this space requirement suggests that the Council already has more than sufficient land allocated for employment (the forecast requirement being 13.9 hectares compared with current availability of 88 hectares) such a solely quantitative assessment needs to be treated with caution and considered on a site

specific basis. On a site specific basis the Study identified a need for industrial units up to 15,000sq ft. (1394 sq m) which could be provided for through this proposal.

Furthermore, the implications of Government policy concerning employment land is relevant to consideration. The NPPF (para 22) sets out that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The recent consultation on changes to the NPPF (para 35) reaffirmed this policy position and set out that: *A balance needs to be struck between making land available to meet commercial and economic needs, and not reserving land which has little likelihood of being taken up for these uses.* The current application, which proposed significant upfront investment into the site, assists to provide evidence of the market signals and demand. Further information on market demand is detailed in the additional information provided by Economic Development (see later in this report).

Accordingly, in consideration of the economic potential of the site, the NPPF (para 19) requirement for significant weight to be placed on the need to support economic growth and the role that the planning system should do... *everything it can to support sustainable economic growth...* should be fully taken into account.

The proposal should enable the current employment provision which is currently in use (c.24,000 sqm. – source VOA), to be safeguarded and, in accordance with Policy CS10, the potential for the remaining land to be regenerated for employment use.

In conclusion, based upon national and local policy and the findings of the Employment Land Needs Assessment Study, it is considered that the application conforms with the NPPF and Policy CS10 (a) with priority given to the redevelopment of the land to the north of the railway line (i.e. being the former Wardle Storey and ICI (now ITW) works site) and the new and retained employment land uses predominating in principle.

**B. The land south of the railway line (partly previously developed) (15 ha) is expected to be subject to minimal or no new development. In this area, the opportunity to provide and enhance natural ecological assets should be prioritised.**

This area of land (often referred to as 'The Peninsular') is proposed for surface level clean up, installation of SUDs for surface water storage with no access for the general public. It would, in effect, be handed back to nature.

The area of land included within the application for SUDs and swale is intended to include an area of wetland to complement the existing wetland habitat on the sites periphery.

For habitat mitigation, the applicant has proposed recreational enhancements on more accessible areas of the application site, particularly around the Decoy Pond with agreement to monitor impacts on the Special Protection Area (SPA). Should further mitigation be required there is potential to restrict access further onto The Peninsular.

This proposed approach has been subject to Habitat Regulation screening and is considered to be in accordance with Policy CS15 by avoiding impacts and / or providing mitigation within the proposed development for potential recreational impacts on the SPA and Ramsar site. In particular it conforms with Policy CS15 (vii) *protecting and enhancing biodiversity, prioritising the use of brownfield land for development and ensuring any risk of contamination is identified and adequately managed...*

This is addressed in the biodiversity and Protected Species section of this report.

**C. The scale, location and form of residential development should be determined with regard to:**

- i) a level that is proportionate in scale to the existing village/ parish and capable of satisfactory assimilation;**
- ii) the need to ensure that new residential development is provided in suitable locations in relation to flood risk;**
- iii) the need to provide a satisfactory relationship with other land uses, including potential bad neighbour activities and processes;**
- iv) where access to employment opportunities and local facilities/ services that have capacity to accommodate growth or new facilities/ services are maximised.**
- v) addressing the meeting of identified housing need.**

- i) As a strategic site and special policy area identified for economic regeneration, the consideration of the appropriate scale, location and form of residential development should be informed by the feasibility and viability information as well as the above criteria.

The feasibility and viability work initially undertaken to inform the pre application process tested alternative scales, compositions and locations for housing. The scale as proposed in the current application was considered and verified to be the minimal necessary to make feasible the regeneration of the site with provision for 320 dwellings.

At 2011 (Census) Brantham contained 1086 homes and by 2015 1088 dwellings. The East Bergholt cluster which Brantham is located within contains 3,544 dwellings and a further 189 with outstanding planning permission and / or a planning decision to approve but not yet been implemented. The stock change in dwellings as permitted with the Brantham application proposal equates to 14% across the cluster. All the dwellings are proposed on the 'Proviso D' land contained within the strategic allocation site.

The public consultation and responses to the application questioned and objected to the location of the housing on the greenfield 'proviso D' land rather than on the brownfield site which contains the employment use. Having reviewed the configuration of the site, the land area and the viability information it is considered that locating the housing on the brownfield site would not result in a scheme which conforms Policy CS10 objective of securing the ...'retention of current and future use is to be prioritised...and...for the maximum possible retention and enhancement of employment opportunities'.

- ii) Furthermore the brownfield land is at a greater level of flood risk (zone 3) combined with significant contamination. The level of mitigation that would be required to address the flood risk and de-contamination would significantly reduce the amount of net additional employment land area, contrary to the policy objective of enabling maximum possible retention and enhancement of local employment opportunities and would not result in a balanced regeneration proposal.
- iii) In consideration of criteria iii, there are employment uses, including manufacturing and distribution uses, operating currently on this part of the site and residential units would need to be located next to and potentially surrounding these established uses which may be incompatible with one another.

- iv) The scheme proposes the access improvements which will connect to services and facilities. The improvements as proposed above are considered acceptable by the highway authority and education authority and accordingly conform to policy requirements. The impact upon education is considered to be effectively mitigated through the contributions to be secured through the S106 agreement and other contributions proposed conform to the requirements of policy CS21. Note as a Strategic Site, this proposal is not subject to CIL)
- v) Finally, in consideration of criteria V, the proposal which is a strategic allocation would contribute to the district wide housing need. The site, as a Special Policy Area, has been allocated primarily for the purpose of economic regeneration, rather than housing supply. The potential contribution to housing need from the site was not taken into account in the allocation of the Core Strategy housing distribution (as set out in Policy CS3). The delivery of housing on site would therefore be categorised equivalent of windfall provision.

The proposal does not contribute to affordable provision unless there is a financial uplift in the value of the site as a contribution at the level of residential currently proposed would impact upon the level necessary to render the economic regeneration viable.

**D. If viability evidence for a comprehensive and integrated planning solution to the whole site suggests additional residential development on some of the adjacent Greenfield land, between the site and the village this will be consideration relation to the benefits of the overall regeneration package**

From an early stage in the process it has been apparent that due to the abnormal costs involved with the redevelopment of this site, the employment regeneration objectives would have to be subsidised by residential development. The policy allows for this.

Initial testing was undertaken at the pre-application stage by the applicant for 500 and 600 dwellings. Further viability testing was then carried out on differing scenarios of between 160 and 590 dwellings on both the brownfield and greenfield site.

Due to differences of opinion between the Councils viability officer and the developer at this stage it was agreed that an independent review would be undertaken by the District Valuer (DVS). This work included an analysis of agreed scenarios of 270, 320 and 590 dwellings and informed the Bridgehouse Report which accompanies the application. Due to commercial sensitivities, the contents of this report cannot be disclosed.

The initial assessment was undertaken by the District Value Services (DVS, February 2015). This assessment tested a range of options for the required quantity of residential units on both greenfield and brownfield land ranging from 270 units (on both brown and greenfield land), 320 (on both brown and greenfield land) to 590 (on both brown and greenfield land and including an element of affordable provision). The assessments also tested the potential uplift in value from the net developable employment land. The assessment concluded that the scheme with 270 units was not viable and the scheme of 320 was only viable on the greenfield site with 0% affordable provision at this time. However, the report set out that if the Council is prepared to reduce the policy level of affordable housing to assist viability, a review mechanism can be secured through a S106 legal agreement to direct any additional funds towards the provision of affordable housing (see below for further detail).

Following the reduction of the commercial floor space in March 2016, the viability testing was again reviewed by the DVS and the overall outcome remains the same (the development can only deliver a mitigation package of £6,250 per dwelling with the residential element being delivered on the greenfield site).

The veracity of this assessment has been further independently assessed and it has been confirmed verbally by the Viability Peer Review, Peter Brett Associates LLP (February 2016) that the overall findings of the development are acceptable and the methodology adopted by The DVS and Bridgehouse is robust.

Members are advised that a review clause will be included in the s106 legal agreement to capture any uplift. Any uplift would be used for a commuted sum towards affordable housing.

The Core Strategy policy CS10 states in a footnote to the policy (Page 56) that applications will be assessed against a set of criteria. The following table highlights aims to summarise these points in turn.

<b>Policy Criteria</b>	<b>Comments</b>
i) An appraisal of the nature, extent and means of remediation of any land contamination present on the site.	Subject to condition, this has been met to the satisfaction of the relevant consultees.
ii) Production of a flood risk assessment.	Subject to condition, this has been met to the satisfaction of the relevant consultees.
iii) Protection of the biodiversity and wider river environment in the locality and any opportunities for enhancement.	Subject to appropriate conditions and an HRA which can be addressed through a s106 legal agreement, this has been met to the satisfaction of the relevant consultees.
iv) Protection of the areas cultural heritage.	This has been met to the satisfaction of the relevant consultees.
v) Impacts on existing landscaping tracts, together with proposals for mitigation/ further landscaping measures.	Subject to condition, this has been met to the satisfaction of the relevant consultees.
vi) Landscape impacts on the wider Dedham Vale and Suffolk coast and heaths areas of outstanding natural beauty.	Subject to condition, this has been met to the satisfaction of the relevant consultees.
vii) No material adverse impact on neighbouring residential amenity.	The detailed design of the residential layout can be addressed through the submission of reserved matters. In respect of noise impacts on existing residential properties in Factory Lane, this can also be addressed through appropriate mitigation by means of a planning condition or s106. However, this may have financial implications.
viii) Satisfactory improvements to and integration with the local road network, including vehicle access to the A137, separation of industrial and residential traffic within the site, the integration of pedestrian and cycle links, the production of a green travel plan, and contribution(s) to provision of local bus services.	Subject to condition/s106 this has been met to the satisfaction of the relevant consultees
ix) Development of feasibility/ viability evidence.	This has been assessed and the approach independently verified.

### *Economic Development Supplementary information - Context*

Brantham Regeneration Area is an employment-led allocated site in the Babergh Core Strategy that benefits from being located in an Assisted Area for which there is potential for enhanced support (such as tax incentives and additional state aid benefits available for businesses). As such it provides an excellent opportunity for inward investment to the district and for local businesses to expand into.

The site, with its close proximity to Manningtree Railway Station which benefits from direct links to London in around an hour, make it a particularly attractive proposition for businesses that need access to London but with more affordable land and rental values.

Similarly, easy main line access to Colchester, Ipswich, Norwich and Cambridge provides the ability to attract regional and local businesses seeking to relocate or grow.

#### *Employment land needs and existing market conditions*

The Ipswich and Waveney Economic Areas Employment Land Needs Assessment (March 2016) identifies the Ipswich Economic Area (including Brantham) as a good industrial location. 72% of survey respondents indicated that they expected to expand in terms of land and premises during the next 5 to 10 years. Demand is largely localised as, with very few examples of inward investment in the area in recent years, take up of existing opportunities has reduced the supply of new sites and premises.

The report highlights that the scale of net B class floorspace requirements is similar for Babergh and Mid Suffolk, at 70,360sq.m and 74,600sq.m respectively between 2011 and 2031. A particular gap in the market exists for industrial units up to 15,000 sq. ft. (1,393 sq m)

Members are advised that BDC's Economic Development Team has received a number of confidential enquiries from local businesses who are experiencing shortages of suitable modern accommodation or serviced employment land that is development-ready. This current shortage of suitable sites clearly hinders local economic growth and positive job creation.

It is also understood from the applicant that a legal agreement has been entered into with a commercial party for part of the employment site, although details cannot be disclosed at this time due to commercial sensitivities.

Provision of the right type of employment land to meet rapidly-changing needs is essential for a balanced local economy to grow. Good upfront infrastructure and provision of serviced plots (varying sizes and tenures) is essential for the successful delivery of employment proposals. Recent local examples such as Church Field Road, Sudbury (Chilton Industrial Estate) and Crockatt Road, Hadleigh (extension to Lady Lane Industrial Estate) are prime examples where a quick take up of land (c10 year period to build out with around 80 businesses in a mix of headquarter buildings, small business parks, and individual commissions) was possible because of the up-front investment.

That being said, across Babergh there are other strategic sites where employment build has not come forward at the rate anticipated, predominately being where up front key infrastructure hasn't been provided by the developer.

The remediation and regeneration of the main core employment site future proofs this location for employment generating uses. Full remediation and decontamination together with provision of service plots provides a de-risked employment site for businesses to be able to readily invest into. It will also help safeguard existing employment uses and job numbers in Factory Lane. Businesses operating include ITW, AOC and TBS who have a current combined workforce of c100 fte's.

To gauge current land availability, a commercial search for B-Class uses within 5 miles of Brantham was undertaken in March 2016 by the Council's Economic Development Team using Estates Gazette, Property Link and Rightmove Commercial web sites, and web site-specific searches for the Gatinetts East Bergholt, and Holton Park, Holton St Mary. It is felt this focussed search is representative in terms of Use Class type and relevant to the site location and the application proposal.

The search results demonstrate that there is a limited amount and range of available accommodation, mainly comprising smaller land parcels, older stock, storage yards and newly constructed offices on business parks. The search confirmed that there is no serviced land available.

See tables below for further details (highlight denotes comparable B-class sites in Babergh).

*Table 1 Commercial land/premises search March 2016 Freehold*

Location	Use	Size
Wix	Commercial development	1 acre (0.4 ha)

**Table 2 Commercial land/premises search March 2016 Leasehold.**

Location	Use	Size (Sq ft)
Factory Lane (Brantham)	Industrial	17275 (1605 ha)
Site search 5 mile radius Brantham		
Manor Farm Business Centre	Office/light industrial	642 (60 ha)
Unit 13 Court Farm	Office/light industrial	488 (45 ha)
Vale Business Centre, Ardleigh	Office	1850 (172 ha)
Vale Business Centre, Ardleigh	Office	790 (73 ha)
Crown Business Park, Ardleigh	light industrial	357 (33 ha)
Lodge Lane, Langham	Office	9000 (836 ha)
Jubilee End, Lawford	light industrial	1200 (111 ha)
The Stables, Wherstead Park	Office	517 (48 ha)
Tendring	Storage/warehouse	8000 (743 ha)
Tendring	Storage	5400 (502 ha)
Tendring	Storage/warehouse	1350 (125 ha)
Capel St Mary	Surfaced Yard	20000 (1858 ha)
Park Lane, Langham	Office	350 32 ha)
Lodge Park, Langham	Office	n/a
Copdock	Office	n/a
Spinnels Way, Wix	Office	2500 (232 ha)
Harkstead Hall Barns, Harkstead	Office	654 (61 ha)
Hazel Shrub, Bentley	light industrial/office	338 (31 ha)
Land 3 miles off Horsley Cross	Storage land	5000 (465 ha)
22a High Street, Manningtree	Office	643 (60 ha)
Steam Mill Road, Lawford	Warehouse	7500 (697 ha)
13-14 Jubilee End, Lawford	light industrial/sales	2500 (232 ha)

Although there is accommodation/land identified for around 22,000 sq ft ( 2044 sq m) in Babergh, 20,000 sq ft (1858 sq m) of this is a single surfaced open yard site in Capel St Mary. Other opportunities comprise mainly small offices and light industrial units c500 – 650 sq ft (46 – 60 sq m) . There are no larger industrial units available meeting the gap market size of 15,000 sq ft (1394 sq m) as identified by the ELA.

The above provides a realistic analysis of what is currently being actively marketed and available within a reasonable search area of Brantham.

Furthermore, the ELA notes the estimated loss of office floorspace through Permitted Development conversions totals 12,900sq.m in the Ipswich Economic Area. It estimates that a further 11,400sq.m of office floorspace has the potential to be lost from the supply through Permitted Development Rights. The report also notes that in Babergh District, the main areas of development for B class uses have been at the Chilton Industrial Estate in Sudbury and at the Lady Lane Industrial Estate in Hadleigh. There have also been completions spread across the rural areas of the District. There has been a reduction in land used for B class uses in the Ipswich fringe, partly as a result of the change of use of land to a wedding venue within the D use class at Wherstead. There has also been a trend in Babergh District for allocated employment land being used for other non-B class employment uses such as a community health centre at Church Field Road and a supermarket at the Woodhall Business Park in Sudbury and a sixth-form college, veterinary centre and supermarket on land at Scrivener Drive, Pinewood on the Ipswich fringe. A number of other employment sites are being lost to residential use including Bulmer Road, Sudbury, E.W. Downes and Silk Factory, Glemsford and Sika Armorex, Lavenham. This clearly demonstrates a need for more appropriate employment provision that meet the current needs of the changing market structure.

The study notes that the most commonly cited difficulties in finding suitable premises in the Ipswich Economic Area included a lack of affordable business premises (for both office and industrial uses), availability of modern, quality premises that are purpose built to meet future business requirements, high rents and rates and limited onsite car parking provision (particularly in town centre areas). The proposed development would address these qualitative needs as well as the quantitative needs expressed.

In summary therefore, The Regeneration of the core employment site at Brantham is able to provide a range of sizes and tenures which could accommodate the needs in the market for a range of units of up to 15,000 sq ft (1394 sq m) identified in the ELA. No other such opportunities exist in the area to provide for this need.

This development will see the regeneration of a long term semi derelict site with up front infrastructure provided.

### **Access, parking and highway safety considerations**

Following an initial consultation response, dated 25/06/15 an ongoing dialogue has taken place between the LHA and the applicant. This resulted in the submission of additional information and remodelling, all of which has been the subject of further consultations. The original proposal has reduced the commercial floor space (as outlined earlier in the report).

The LHA comments are outlined in full in the consultation section and so it is not proposed to cover all the detail again in this section of the report, where Members are referred to those comments made by SCC and ECC respectively.

Consideration has been given to the proposed impacts of the development on the local highway network. Issues around the existing highway network around Manningtree Station have been raised by objectors and indeed a holding objection has been submitted by Tendring District Council where one of the reasons cited is the highway capacity problem that exists around that area. Members will note that discussions have taken place between SCC and ECC to agree what the most appropriate form of mitigation would be to address the increased congestion predicted around the Manningtree Station area.

A series of traffic modelling exercises have taken place including the submission of a Transport Assessment Addendum report in December 2015 which showed a number of modelling scenarios and the idea of reversing the underpass to help improve the congestion around the station area. Whilst the proposed reversal would improve the congestion on the south side of the rail line around the station area, it had the potential to cause a severe impact on the north side of the A137 and consequently this was not acceptable to the highway authority.

The applicant undertook further modelling, including assessing the impact of two large planning applications in Lawford and Mistley. This updated modelling considered a reduction in the employment site reducing the Class B area by 10,000m<sup>2</sup> and the Class A area by 50% which has now become the revised development proposal considered under this application. This has reduced the peak hour trips generated by the development proposals and the potential impact to a level that may be significant, but the highway authority does not consider would be severe in transport terms.

Having considered all the submitted correspondence and technical information, both Suffolk County Council and Essex County Council remain unconvinced the traffic modelling carried out reflects what is actually happening at the railway crossing. The preferred joint solution is to secure a contribution towards highway improvement, rather than by implementing changes to the existing highway network immediately. This will give both authorities the ability to monitor the situation, should members approve the development. Such monitoring can be secured through a s106 legal agreement.

Essex County Council would then be in a position to react to any issues as they arise. Members will be mindful that it will take a significant time period to build out the development if approved and therefore it would be some years before full occupation was achieved. Appropriate mitigation could include a reversal of the priority under the railway and/or a traffic signalling system and both the Brantham proposal and the two in Essex would fund highway improvements.

Essex County Council has confirmed that it is in agreement with the proposed Highway works within their part of the Highway network (see earlier consultation response). Without such approval from Essex County Council to guarantee the pedestrian and cycle improvements and potential highways mitigation scheme in the future, the Local Highway Authority's position (Suffolk County Council) would default to one of recommendation of refusal.

Whilst the proposal is acceptable to Essex County Council, a request has been made for improvements at the A137 Cox's Hill/Long Road/Wignall Street mini roundabout in Lawford which it is suggested will potentially be affected by the Brantham proposal. These improvement works are highlighted in the Transport Assessment submitted by Ardent Consulting acting for the developer for 360 dwellings at Lawford South, Manningtree. These have been discussed with Suffolk County Council highways (who were not consulted on the application at Lawford) who have reviewed the TA Addendum (Ardent Consulting report Ref K294-04 dated Feb 2016) and taken a view about the need for the Brantham site to mitigate the effects as indicated by ECC. It is agreed that the modelling indicates that the mini-roundabout at the A137 / B1352 junction is likely to become over capacity during the am/pm peak periods. However, this is only the case when the combined effect of the predicted traffic from several unconsented sites is considered.

When one looks at the effect of the 2020 base traffic flows case, which includes a development at Lawford (Dale Hall) 'with' and 'without' the impact of the Brantham site, there is no evidence to conclude that mitigation is required based on this site alone. The Transport Assessment for Dale Hall presents 'uncalibrated' and 'calibrated' modelling

results because the uncalibrated results gave results that were less in accordance with the observed queue levels. The calibrated modelling shows that the existing layout will operate within adequate reserve capacity. It is only when you include the Brantham, Lawford South and Tendering Farms sites together that a severe impact is predicted at this junction which would certainly require mitigating.

Given that the modelling indicates that the Brantham flows on their own can be accommodated without severe impact, officers believe that it would be unreasonable to expect this site to fund the mitigation scheme on its own, as has been suggested by Essex County Council highways. Both Local Highway Authorities (Essex and Suffolk County Council's) already agreed a pooling approach with Essex County Council in order to mitigate the effects at the railway underpass, if anything, a similar approach would be appropriate in this location, rather than expecting whichever development comes online first to take the full cost as suggested below. It is therefore not considered appropriate to seek a financial contribution for this work from the applicant for Brantham.

Both Local Highway Authorities have raised concerns with the set of proposed mitigation drawings that have been presented by the applicant. Whilst the drawings are broadly acceptable, amendments will need to be secured to make them acceptable. This can be achieved through the imposition of 'Grampian' conditions.

### *Travel Plan*

Residential and Workplace Travel Plans (dated July 2015) have been submitted to support the planning application. These seek to achieve the 10% reduction in single-occupancy vehicle travel in employee and resident travel to and from the development site. The agreed requirements of a Travel Plan are itemised in the 'Planning Obligations' section of this report and the applicant is agreeable to the requested Travel Plan contribution.

The main issue that needs to be resolved is the likely highway impact that the development will have on travel to Manningtree Rail Station during the peak hours.

The Travel Plan can be improved by:-

- Improving cycle and walking infrastructure that links the residential site to the station
- Provision of travel plan information/packs at a pre and post-sale stage of each residential dwelling, with further incentives to encourage rail travel where possible.
- Encouraging a commitment to discuss travel plan measures with Network Rail and the franchise operator to reduce the need for residents to travel by single-occupancy vehicle from the site to the station.
- Promotion of the cycle links into Manningtree as it is the nearest town with a good provision of shops and services.
- incentives for residents to use sustainable travel by providing each dwelling a £200 multi-modal travel voucher that can be redeemed against a cycle (and/or cycle equipment) purchase, or a public transport ticket to further encourage residents using sustainable transport.
- Other remedial incentives and measures should be identified if the travel plan fails to achieve its target, such as a smarter choices scheme to provide personalised travel plans to residents outside the development in an attempt to further mitigate the highway impact that this development may have.

The travel plan arrangements will need to be monitored annually for a minimum of five years, or throughout the full build-out plus one year after the final dwelling or commercial unit is occupied, whichever is the longest. The workplace travel plan will need to have more information on the estimated number of staff that would work on the completed site, an

understanding of where the future employees of the site are likely to travel from and perhaps access to a car club vehicle.

Any financial requirements of a travel plan would need to be addressed through a s106. However, such requirements would be considered to meet the CIL tests. This is covered further in the 'obligations' section later in this report.

#### *Public Transport infrastructure improvements*

Improvements are considered necessary to:-

- existing stops on Brooklands Road (new shelters for existing stops and raised kerbs needed);
- The two stops at the Cattawade Slip Road ( raised kerbs);
- New shelters and raised kerbs on the Factory Lane proposed site (location to be agreed)
- A contribution towards Real Time display screens

Are also deemed CIL compliant and necessary to encourage use of public transport and reduce the reliance on the private motor car, thereby assisting with mitigating the impact of the development.

#### *Public Rights of Way*

The proposed development will have a direct impact on the local public rights of way (PROW) network, which are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism.

It is anticipated that there would be increased footfall as a result of the development offsite improvement works would be required and financial contributions have been sought to improve the ROW network. Discussions have taken place about where s106 monies would be directed. It is accepted that FP12 and 16 require some upgrading. However, any proposal to improve FP13 has the potential to increase safety implications at the level crossing. These issues have been raised by Network rail in its response which highlights that *"the level crossing is on the London to Norwich Main Line, with heavy rail traffic (passenger and freight) and a maximum speed of 100MPH. An increase in usage by pedestrians would be expected to lead to an increase in risk at the level crossing."*

Although Network Rail has aired its intention to close or divert the crossing, the Council does not seek to do so through this planning application. Consideration has been given to diverting the footpath under the railway and running along the south side of the railway. However, this has been dismissed due to safety considerations. The Council would also wish to avoid additional footfall which could impact upon nesting birds on the saltmarshes and would prefer to divert any monies to the improvement of alternative footpath improvements which will allow safer access to the south side of the railway and also encourage use of the proposed Public Open Space to the east of the site. The financial contributions have been agreed and would be covered in the s106 agreement. A total of £70,224 has been secured for public footpath improvements.

In summary and subject to the conditions/s106 requirements outlined in the consultation response and above, the development is considered to be acceptable in highway terms.

Issues raised by objectors in respect of vehicle movements in the vicinity and including access to and from the application site have been considered by the Local Highway Authority and there is no objection to the proposals. Whilst the concerns of the objectors

on highway issues are noted, it is not considered that there is a planning reason for refusing planning permission on highway grounds.

### **Design, layout, impact on landscape character**

#### *Master Plan*

Policy CS10 in the Babergh Core Strategy indicates that comprehensive redevelopment proposals for the site will be informed and guided by feasibility/viability evidence and a Master Plan.

The master plan should seek to ensure that new developments:

- function well and will add to the overall quality of an area for the lifetime of a development,
- establish a strong sense of place and create attractive places,
- optimise the potential of the site to accommodate a mix of uses, including green space, and support local facilities and transport services,
- respond to local character and reflect the identity of the surroundings while not discouraging innovation,
- create safe and accessible environments where the fear of crime does not undermine the quality of life, and,
- are visually attractive as result of good architecture.

The Brantham Strategic Master Plan Document seeks to establish a set of overarching principles for the Regeneration Area but by its very strategic nature it purposefully does not contain any specific design details. The detailed design and layout of the proposed development along with access and drainage matters will be determined via subsequent planning applications.

The stated aim of the document is to secure the regeneration of the area and surrounding land to create a high quality working and living environment which is integrated into the village. This is to be achieved by:

- creating a new mixed use development which provides space for different types of business generating new jobs and enhancing existing employment opportunities,
- providing new housing and community facilities and potentially small-scale retail premises, and
- improving access to the surrounding countryside.

The masterplan seeks to ensure that any landowners outside the application site would not be compromised by the masterplan and similarly that any redevelopment of these sites could be incorporated into the overall plan should third party landowners seek to redevelop their sites. The Strategic Master Plan Document contains a contextual appraisal of the site and its surroundings and identifies the potential opportunities and physical constraints that have informed the design process. The process has been very iterative and a number of development permutations and options have been explored via a series of layers.

In summary the Master Plan provides for:

- the provision of employment areas containing a mix of uses in locations which will avoid bad neighbour issues,
- the siting of housing adjacent to existing residential areas,
- the widening of Factory Lane and the provision of a new access from Brooklands Road,

- new and improved pedestrian links to the village and surrounding countryside,
- the creation of amenity areas in locations which make good use of existing features\*, and
- the provision of community uses in accessible locations.

Overall the Strategic Master Plan Document provides the necessary framework and high level guidance required for the consideration of future planning applications as expected by Policy CS10.

While the infrastructure of the employment site is submitted in detailed form (i.e. the infrastructure, highway improvements and new accesses), the employment units and residential elements would be subject of reserved matters submissions where the finer detailed design and layout would be required to be agreed.

#### *Play Areas, Provision and Maintenance*

The residential development of 320 houses would be expected to provide a Locally Equipped Area For Play (LEAP) covering an area of 625m<sup>2</sup> if that was to be provided as part of the new development.

If this was not to be provided as part of the development, an off-site contribution to enhance local play facilities that would increase local play provision by an equal amount to a LEAP would be required. Local consultation has informed the Council that play areas should not form part of the country park and that, where possible, existing local play facilities should be enhanced off site. The LEAP should contain at least 5 different types of play equipment with each piece of equipment designated to stimulate one of the following: balancing, rocking, climbing/agility, sliding and social play. A budget of £50 000 to £60 000 should be used for the provision of a LEAP or off site contribution to enhance existing play provision in the local area.

A scheme for the provision of play facilities and their specification can be agreed through an appropriately worded planning condition/and or s106, and the play areas and landscaped areas associated with the residential development would be managed by a management company, dealt with by planning condition. The applicant is agreeable to this.

#### *POS outside of the residential areas (the 'Country Park')*

This area to the east of the main site is considered to be of more than just local significance as it is likely to attract visitors from the surrounding area. Adequate car parking should be provided to serve the country park. Babergh District Council would wish to adopt the 'country park' because of the wider offer for informal recreation, local amenity and nature conservation. This can be secured in the s106 legal agreement.

The Council would expect the land to be managed 'country park style' with informal nature conservation areas, wildflower and woodland areas with minimal on site infrastructure, although the Council accepts there should be some on-site provision for facilities such as benches, litter bins and dog waste bins.

There would not be a need to surface all of the paths, depending on the final ground conditions, however an all-weather path (approximately 1.5 km in length) should be provided to allow for a circular walk. Improvements to restricted bridleway 14 should also be considered as part of the specification (i.e. from the decoy pond to the sewage works). Large areas would be managed as meadow requiring 1 or 2 cuts per year to prevent the meadows scrubbing over. An area would need to be agreed on site to store the cuttings although over time the meadows could be managed for hay if the conditions are right for

this to be completed. This would be dealt with under a landscape management plan to be agreed with the Council.

#### *The Decoy Pond*

If the Decoy Pond is adopted by the Council, the Council would enter into a new lease or license agreement with the club. This would cover the maintenance that the club would be required to complete to manage the fishing. The banks are likely to be enjoyed by the public as well so the area of the Decoy Pond should still be included in the POS calculations for costing purposes.

The area of the lake (circa 2 hectares) could be excluded from the figures as there will be little maintenance required and a future management agreement with the fishing club would require them to complete aspects of the lakes management for the benefit of the club and its Members. This leaves a 'country park' of 10 hectares.

Due to the low key nature of the 'conservation style' management, the Council would look to support a Friends Group at this location that could take on enhancements of the site, deliver elements of the management plan and apply for external funding for future capital improvements such as benches and other improvements to green infrastructure.

#### *Football Pitch*

The community consultation has informed the Council that local clubs would make use of a facility as they currently have to travel to other areas to train and play. This facility would not be managed by the Council and local arrangements would have to be brokered for this facility. The delivery of the pitch does not form part of the application. However, the land would be set aside for the development at a future date.

#### *Screening/Structural Landscaping*

There should be an area of screening between old and new development that could be conditioned to be managed by a management company along with the on-site residential amenity areas. This would be expected as part of the reserved matters condition along with a programme of maintenance (a management company).

#### *Trees*

The Council would expect a developer to deal with any dangerous trees prior to adoption as identified in any report and the Council would also complete an inspection prior to adoption and the applicant has confirmed that they would deal with any on site trees as per the tree survey. Again this can be dealt with by planning condition.

#### *Density of residential development*

The amount of residential development has been developed following consideration of the constraints of the site and the character of the surrounding development. In addition, the applicant has factored in the value of the development which would finance enabling works for the regeneration of the employment area.

The application proposes a maximum of 320 dwellings only within the northern portion of the application site, equating to 9.3 ha which gives a density of 34.4 dwellings per hectare which is considered to be a medium density.

The application is currently in outline and therefore permission is not sought at this stage for the detailed layout of the proposed residential development. However, an indicative plan has been submitted which demonstrates how a mix of dwellings comprising 1 bedroom flats, 2 bedroom flats and houses and 3 and 4 bedroom houses, could be successfully accommodated on the application site given the constraints and other technical requirements that will need to be met for a scheme of this size.

The proposed number of dwellings is considered to be achievable without detrimental impact on the character and quality of the setting and is capable of satisfactory assimilation with the existing village.

### *Landscape*

Babergh District Council commissioned Suffolk County Council's Landscape Development Officer to provide guidance on the landscape implications of the proposed development. The work involved a full assessment of the submitted information and included a site visit carried which was undertaken on 30 April 2015 with SCC's Senior Ecologist. The following comments were received.

Prior to the submission of the application, the County Landscape Officer was not consulted regarding the locations of the viewpoints etc. used in the LVIA presented with the application. At the Scoping Stage for the ES, SCC commented that the Landscape and Visual Assessment should incorporate the use of the GLVIA3 model. However, the GLVIA 2 methodology was used and has not been justified (note this was picked up by the Temple Group who were appointed by Babergh District Council who assessed the ES). The absence of photomontages to indicate building massing was considered unhelpful and the photographs provided were not of a high standard. Furthermore, the assessment did not appear to deal with any cumulative impacts. This is required for the LIVIA (and EIA) to be complete. I suggest the applicant will need to prepare an addendum to cover this issue.

Following the review of the ES a revised Visual Impact Assessment was submitted in accordance with the GVLIA methodology and the applicant also dealt with the outstanding issues regarding cumulative assessment and the presentation of photographs and photomontages. The photomontages and viewpoints were agreed with the LPA in accordance with the Landscape Officer.

#### **1) *The site and landscape***

The site is on the edge of the rising ground adjacent to the confluence of the Stour and Orwell Estuaries. The proposed development area can be divided as follows;

- The proposed new housing site on the rising ground, of former arable fields with associated boundary features and trees, between the industrial area and the existing settlement edge of Brantham.
- The current and former industrial areas to the west of the railway line that is proposed to be redeveloped with industrial units.
- The peninsula area to the east of the railway line which is derelict industrial land and decaying buildings, part of this area is proposed to be used for the Sustainable Drainage System.
- The proposed greenspace which consists of the decoy pond and an area of rolling arable land in the northern portion of the development site. Although the site is not within a designated landscape, it is adjacent to both the Dedham Vale AONB and the Suffolk Coasts and Heaths AONB. The site is clearly visible from the Manningtree shore of the Stour estuary, which is currently a candidate site for the extension by Natural England of the Suffolk Coast and Heaths AONB. Paragraph

115 of the NPPF states that “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”

2) *The information provided by the applicant*

The applicant has provided a Landscape and Visual Assessment that is sufficient to allow the LPA to understand the landscape and visual effects of the proposal. The applicant has presented a hybrid application which includes details of strategic landscaping and that identifies important trees to be retained within the development. The detailed layout, design code and planting proposals for the site are reserved matters. These will require detailed reserved matter conditions in order to secure appropriate design, retention of existing landscape features and adequate access, play space and greenspace provision. Furthermore, detailed information regarding the management and maintenance of vegetation and greenspace within the development is also required along with a secure and robust provision for its management in the long term.

3) *The landscape and visual impacts*

The proposal will mean a significant change the outlook for local residents and users of the fishing lake, as well as users of local rights of way. In general the wider visual impacts will contained by the landform and vegetation. The proposed new housing also has a strong visual relationship to the existing settlement. However, in views from the Manningtree shore of the Stour, there will be a visible expansion of urban form and the dark skies impacts are likely to be particularly apparent with the increase in the extent and magnitude of lighting. Although much of the industrial portion of the development will be screened by the existing vegetation and embankment, upper parts of the large buildings may well be visible over a wide area. These impacts should be considered, when selecting the colour of roofing materials for the industrial buildings. It is notable that in key views the industrial buildings do not break the skyline. Therefore dark recessive colours are likely to be appropriate to mitigate visual impacts.

The principle landscape change, to land cover and landscape features, will occur on the proposed housing site. This area of former arable fields is sloping, (steeply in places), and has ditches and boundary features across it, some of which will be lost while others are retained within the design. It is notable that it does not appear that the principle ditch across the site is to be retained; this seems to carry significant amounts of water. There also trees, some of which are large and visually prominent, these are largely retained within the design. (D&A page25-26)

4) *The full application*

Proposed new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure.

- i. It is notable that although a detailed tree survey has been undertaken, it does not extend to the peninsula even though this is part of the development and trees in and around the proposed SuDs will need to be felled or retained as part of the work.
- ii. The layout and form of the SuDS has been provided in respect of the flood attenuation structures on the peninsula and elsewhere on the site. However,

details such as cross-sections, and their associated planting and management, will need to be controlled by condition. When prepared these proposals should ensure maximum landscape and ecological benefits. I also understand that construction of SuDs on the peninsula may have adverse disturbance impacts on the adjacent SPA and on any reptiles on that part of the site; so a construction management plan to minimise these impacts may be required.

- iii Given the importance of the structural landscaping to minimise the adverse impacts of the proposal I suggest the aftercare period for this element should be 10 years.

#### 5) *The outline application*

Mixed use development to comprise 320 dwellings; 44,123 sqm of Class B1, B2 and B8 employment uses; 720 sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2).

- The outline application includes a large area of new greenspace. Furthermore it is notable that this is similar in size to the area of new housing. The site of the new housing is currently on derelict farmland and, as seen on the site visit, is used as an informal open space by the current residents of Brantham, (particularly by dog walkers, as there are none of the restrictions associated with pitches and playgrounds).
- The current condition and informal access to the proposed housing site suggests that the housing site could reasonably be classified as natural greenspace in accordance with Annex 2 of *Nature Nearby Accessible Natural Greenspace Guidance* ( *Natural England March 2010*) and not farmland.

#### *RECOMMENDATIONS*

The outline proposal is acceptable in terms of landscape and visual impacts subject to conditions to secure reserved matters. The details of these matters should demonstrably minimise adverse impacts on visual amenity, the dark skies character of the countryside and local seascape/ landscape and contribute to a high quality of design for the project. The details should be in accordance with; the *Building Heights Perimeters Plan* Drawing PL 8831 005 and the *Land Use Parameters Plan* Drawing 8831 004.

#### **Environmental Impacts – Trees, Ecology and Land Contamination**

##### *Trees*

The illustrative drawing shows the removal of two trees in Factory Lane which are considered to have amenity value. The trees (an Oak T2315, Beech T2316) are located at the point where a vehicular access will be created to the residential development. The Council's Tree Officer has requested that these trees be retained if at all possible as they are worthy of a Tree Preservation Order. The applicant has stated that the removal is necessary to allow for the improvements/widening of Factory Lane and access to the residential part of the layout. There not appear to be scope for any movement on this point. If members were minded to do so, an advisory note could be attached to highlight the significance of the trees and explore an alternative proposal which would secure their retention, if possible, at the reserved matters stage. If their retention cannot be secured then regrettably, the LPA would 'on balance' permit their removal to allow for the redevelopment to take place as there would be significant benefits accruing as a result of the proposals. These benefits are considered to outweigh the removal of these two specimens.

## Ecology

The Council appointed Suffolk County Council's Natural Environment Team to provide comments on the ecological aspects of the proposal. The comments are as follows:-

*The site is in a very sensitive location, close to the Stour Estuary which is part of Stour & Orwell Estuaries SPA & Ramsar site designated for international numbers of wintering wildfowl. The site itself is comprised of brownfield industrial land and farmland some of which has lain fallow and provided accessible greenspace to local residents. The development footprint supports protected & priority species as well as priority habitats including the Decoy pond. Indeed the land north of Factory Lane therefore appears to qualify for County Wildlife Site status for reptiles, and should be regarded as being of County importance.*

*There is sufficiently detailed information provided with the application regarding the likely additional recreational pressures generated by both the development alone and in-combination effects. The mitigation measures on offer identified in Tables 3 & 4 of the Appropriate Assessment (March 2016) approved by Natural England, to avoid adverse impacts on site integrity of the Stour and Orwell Estuaries SPA/Ramsar site, have been agreed with the applicant and funding secured by way of a legal agreement.*

*The ecological chapter of the Environmental Statement (prepared by The Landscape Partnership) provides the necessary surveys in line with industry good practice, together with full assessment and the principles for a scheme of mitigation to minimise impacts on Protected and Priority Species and Habitats, particularly wintering wildfowl & reptiles. This is based on BS42020 model conditions and is sufficient to allow determination of both the outline and full proposals".*

The ecologist has recommended that a condition be attached to require mitigation measures to be put in place for skylark nest plots. An area of some 25 acres plus has been set aside for ecological purposes and birds on the Peninsular, over which the applicant has full legal and management control. The skylark nest facilities could be created by adapting suitable grassland in and around the attenuation basin, and we other suitable grassland on other parts of the peninsula to form scrub or hardstandings. An appropriately worded planning condition can require details of skylark nesting habitat to be created on the peninsula land to be agreed in writing implemented in full in advance of works starting on the Public Open Space.

### *Appropriate Assessment*

The Conservation of Habitats and Species Regulations 2010 (as amended) requires the Competent Authority to undertake a Habitat Regulations Assessment before making a decision about permission for any plan or project, which may result in a likely significant effect upon a European Site.

With this in mind, an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (as amended) has been prepared by Suffolk County Council's Ecologist for Babergh District Council.

The site falls into three distinctive areas: south and north of Factory Lane and south of the railway line. These sections are described further in the Environmental Statement (Boyer, 2015, p. 39). The site is adjacent to two Sites of Special Scientific Interest (SSSIs), which together comprise the Stour and Orwell Estuaries Special Protection Area (SPA), which is a

European site given protection under 'The Birds Directive' (Council Directive 79/409/EEC) on the conservation of wild birds. The Estuaries also qualify as a Ramsar site.

This Appropriate Assessment seeks to ascertain whether or not this proposal (either alone or in combination with other proposals) would adversely affect the integrity of a European Site.

The range of potential impacts on the Stour and Orwell Estuaries SPA and various mitigation measures have been considered and assessed and key consultees such as Suffolk Wildlife Trust, Natural England and RSPB have been instrumental in this piece of work. A programme of mitigation includes a package of Green Infrastructure and efforts to improve visitor behaviour through education (as highlighted below).

Funding for this package has been offered to make this development acceptable in planning terms. This planning obligation needs to be secured to ensure that implementation of the package of mitigation measures described in Tables 3 and 4 will have no adverse effect on the integrity of the Stour and Orwell Estuaries SPA. This therefore demonstrates compliance with the Conservation of Habitats and Species Regulations 2010.

The indicative costings for the SPA mitigation measures (total £19,960 as agreed with the applicant) are as follows:-

- £500 Maintenance of the Stour and Orwell Forum database for new residents to receive information about the SPA and Suffolk Coast & Heaths AONB and Partners
- £1,010 Towards the production of SPA information leaflets for new residents
- £450 For installation of marker discs to be installed on footpaths in the vicinity (materials and time)
- £3,000 For two SPA information boards at edge of SPA and in POS area
- £15,000 To allow for 3 year monitoring of the Stour and Orwell Estuaries SPA

The ecologist has confirmed that subject to conditions and mitigation measures (to be dealt with in a s106 agreement), the proposals are acceptable.

### *Land Contamination*

Whilst detailed survey information was provided with the application as initially submitted, both the Environment Agency and the Council's Contaminated Land Officer identified some issues around the relationship of the proposed mitigation works and the layout of the site which required further work/clarification. Subsequently, following detailed discussions between the EA, the Council's Environmental Protection Team and the applicant's contamination specialists, a Remedial Options and Implementation Strategy was submitted on behalf of the applicant in December 2015.

This document sets out the historical background to the site, the works that have been undertaken to identify the risk from contaminants and the possible mitigation solutions. A significant amount of site investigation has been carried out in order to be able to ascertain the ground conditions across the site, and the submitted documentation provides for mitigation including the selective excavation, segregation and bioremediation treatment of soils, followed by direct reuse on the site. Once the development is complete, some treated soils in soft landscaping areas may also require a suitable thickness of clean cover for aesthetic and perceptual risk reasons, and the wider site may also potentially require a layer of low permeability clay to restrict infiltration of rainwater and minimise mobilisation of residual contaminants. Both the Environment Agency and the Council's Contaminated Land Officer have raised no objections to the scheme as now proposed, subject to appropriate conditions being applied to any permission granted.

In respect of the Environment Agency's position, they have confirmed that they are satisfied that there are remedial options available to deal with the risks to controlled waters posed from contamination at this site. Those conditions would include, amongst other things, further risk assessments, the subsequent verification of works completed to remediate the phases of the development and a long term monitoring and maintenance plan including a timetable of submission of reports. It is, therefore, considered that possible contaminants in the land have been demonstrated to be capable of being remediated, and that suitable controls will be put in place to ensure that any unexpected contaminants can be dealt with and resolved appropriately.

The manner in which the overall site is laid out, as informed by the masterplan, is also considered to be a sensible design approach to mitigating the potential impacts of contamination by seeking to ensure that the most appropriate development is found for the most appropriate site (e.g. least sensitive end uses on the most contaminated ground, and vice versa). As such, it is considered that it has been demonstrated that the land allocated to residential use is suitable for that use, albeit that additional sampling and/or a watching brief will need to be secured to ensure vigilance during the carrying out of the development.

The residential element of the proposal enables the redevelopment of the brownfield land. As such, it is important that the phasing of the residential element of the proposal is such that enables the successful phased remediation of the brownfield land, and this will be secured through the agreed phasing plan.

### **Impact on Residential Amenity**

The issue of residential amenity needs to be considered in terms of two separate parameters, being;

- The impact on existing residential properties in the vicinity of the site, and;
- The impacts on future occupiers of the proposed development.

There are a number of factors which can affect residential amenity and, in this case, the primary issue is that of noise. However, other factors such as the relationship between dwellings, outlook and the availability and accessibility of useable space for relaxation and enjoyment all contribute to people's ability to positively experience their property. Therefore, whilst noise will be a key consideration, it is necessary to assess other elements of the proposal to consider overall how amenity is affected.

#### *Noise from Road and Rail*

In terms of the impact on existing residential properties, there are a number of sources of noise which require consideration, and these have been identified through the responses provided by the Council's Environmental Protection Team. The revised Environmental Statement (ES) identifies railway and road traffic as the dominant sources of noise for the site. In order to assess this, sample measurements have been taken at six points around the site. Three of these points are located in the area proposed for residential development, specifically along Factory Lane and at the rear of Brooklands Road.

Readings taken at these points identify noise levels that are above those which are identified to give rise to 'moderate annoyance', with one reading point being above the level identified to avoid 'significant annoyance'. However, BS8223 identifies that "*in higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development*

*needs can be met, might be warranted*'. This provision is considered more specifically later in this section of the report.

In terms of night-time levels, average values at the three points mentioned are compliant with BS8223 and WHO guideline values for external noise levels to prevent sleep disturbance. However, due to the short duration of the readings taken, it is unclear whether the readings took account of impulsive noise events from train passbys/sounding of train horns.

Vibration measurements have been found to be below the threshold values to avoid adverse comment, as given in BS6472, and thus are considered to be unlikely to result in loss of amenity.

The application is accompanied by an 'Additional Noise and Air Quality Information' (ANAQI) document which discusses the increase in traffic noise likely to result from the development. Some of the conclusions reached in this document, particularly with regards to the short term predicted increase in noise levels to properties in Brooklands Road and Bergholt Road, are such that the Council's Environmental Protection Officer cannot currently be satisfied that such effects have been demonstrated to be capable of mitigation. As such, discussions are ongoing with colleagues at Suffolk County Council with regards to the extent of mitigation that can/should be provided. It would be appropriate to attach a planning condition, should permission be granted by members requiring an assessment of these properties.

With regards to longer term impacts, concerns have also been expressed that traffic noise along Factory lane will result in a major impact in terms of noise. As above, the mitigation issues are under consideration and will be the subject of clarification through the addendum paper.

#### *Noise from construction phase*

The ES identifies that noise from construction plant operating on the site will have the potential to affect noise sensitive dwellings on occasion. It is suggested that this could be controlled by means of a construction management plan (or plans if phased) which would include restrictions on working hours and would take account of detailed calculations of demolition and construction noise at specific receptors in order to identify appropriate mitigation measures. A condition is therefore proposed to deal with this issue.

#### *Impact of traffic noise on proposed new dwellings*

The ES states that new dwellings are only proposed to the north of Factory Lane and, therefore, noise from future traffic on Factory Lane will be the dominant noise source. The Council's Environmental Protection Officer (EPO) identifies that specific mitigation will be required, particularly to those properties proposed closest to Factory Lane, including the requirement to keep windows closed, the provision of thermal double glazed windows of sufficient acoustic specification as required to attenuate the noise to acceptable levels and the provision of passive acoustic ventilation.

In response to the issue of windows being kept closed, the applicant has requested that the windows are openable to allow for occupier preference and 'purge' ventilation. Whilst this is discouraged by the EPO, it is not considered unreasonable to give the occupiers of properties the opportunity to open their windows should they choose to do so, and such an action would not necessarily result in a loss of amenity. For example, the option to open windows at times when the house is unoccupied, for example to allow the flow of fresh air at first-floor level on summer days, would not result in a loss of amenity to occupants.

Conditions are, therefore, proposed to seek a scheme of mitigation to be agreed with the local planning authority.

Whilst the above position deals primarily with the internal areas of new properties, it is also necessary to consider the external amenity areas associated with the development. In order for the applicants selected outdoor noise criteria of 55dB LAeq to be met, the ES identifies that gardens should be located behind dwellings in order to benefit from attenuation from shielding and increased distance. The Council's EPO identifies, however, that this will still allow noise levels of 'moderate annoyance' to be experienced. As such, an assessment of the benefits of delivering this scheme against the elevated noise levels must be undertaken.

#### *Noise from commercial/industrial development*

In terms of noise from the industrial/commercial development, the ES identifies that the noise mitigation measures proposed to mitigate against traffic noise would also mitigate against industrial noise. The EPO suggests that, notwithstanding the mitigation scheme that will be sought by condition, a noise assessment should be carried out for each proposed unit, in accordance with BS4142:2014 – this should include noise from deliveries/associated traffic and also noise from any fixed or noisy plant such as air handling units.

The EPO also recommends conditions relating to;

- a) No tonal reversing alarms should be used between 23.00 – 0700hrs.
- b) For any units comprising a commercial kitchen (to include canteens) then full details of the kitchen exhaust system, including odour abatement, shall be submitted for prior approval by the LPA – the applicants attention is drawn to the Defra document 'guidance on the control of odour and noise from commercial kitchen exhaust systems'.
- c) Each proposed unit shall provide full details of the proposed scheme of external lighting including types, angle and position of luminaire, hours of operation, and a polar luminance diagram based on vertical luminance at the site boundary, or at the nearest residential property if this will be affected. The applicant attention is drawn to the Institute of Lighting Professionals document 'guidance notes for the reduction of obtrusive light'.

These conditions are considered to be necessary to ensure that suitable controls are in place with regards to the commercial units in order to protect both existing and future occupants.

#### *Noise from sports pitch*

The location and use of the sports pitch is a matter also requiring careful consideration due to potential loss of amenity due to noise and/or lighting at nearby residences and the EPO urges caution in terms of separation distances. Full details of hours of use, any proposed noise mitigation and full details of lighting (to include types, angle and position of luminaire, hours of operation, and a polar luminance diagram based on vertical luminance at the site boundary, or at the nearest residential property if this will be affected) should be submitted to the LPA prior to development of this element of the application. As such, conditions are proposed to address these issues as necessary.

### *Balance*

As detailed above, the balance to be considered in this situation is the extent to which the convenience of living in this location, or making efficient use of land resources to ensure development needs can be met, warrants a compromise with regards to elevated noise levels. It is considered that there are significant wider social and economic benefits of this development which would, in this case, warrant such a compromise to be made. The Core Strategy identifies that this site remains an important planning objective that the Council is committed to working proactively to achieve. The proposed development would make effective use of this existing underused brownfield site that is considered to require regeneration, and the development proposes a comprehensive, sustainable, scheme that is both deliverable and would make a significant contribution to delivery of jobs and homes within the district. The balance is, therefore, considered to fall in favour of compromising the elevated noise levels to achieve the delivery of the development.

### *Relationship between Existing and Proposed Dwellings*

An important factor of the development will be the relationship between the existing and proposed dwellings. An indicative master plan shows what the development might look like and therefore an indication of the relationships. Further consideration would be given to this at the reserved matters stage.

Consideration also needs to be given to the potential impacts on amenity from users of the new link road from Brooklands Road from the north. The proposed road would be sited between existing dwellings whereby the extent of use could give rise to impacts to those adjoining properties. However, the space created by the demolition of properties on Brooklands Road would enable the access road to be accommodated with a green buffer adjacent, thereby providing some separation from properties such that the resultant impacts are not considered to be at a level that would give rise to particular detriment to the occupiers of those properties.

Overall, whilst many of the amenity issues that could arise will be considered in specific detail at the reserved matters stage, the masterplan and supporting documentation enable consideration to be given to the likely impacts of the proposed development and a balanced judgement made. In this respect, the proposed development is considered to be acceptable in terms of the amenity impacts that would result, and where the Local planning Authority considers that the balance to be made falls in favour of the social and economic benefits of the development being such that enable a compromised position to be taken with regards to elevated noise levels.

### *Other Matters*

#### *Crime and Disorder*

Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any

#### *Loss of Agricultural Land*

Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land. The Core Strategy has no direct reference to the loss of agricultural land so the application is primarily assessed against the test in the NPPF. The loss of this site to allow for the provision of public open space associated with the benefits to the community for recreational purposes along with the

regeneration of the wider area (and the delivery of the required 320 residential units to make the scheme viable) would outweigh the harm that would be caused from permanently developing best and most versatile agricultural land.

### Planning Obligations

Requirement	Financial Contribution/Requirement	Contribution sum	Triggers
Transport - buses	<b>Total: £72,000 (BCIS indexed)</b> Improvements to the existing stops on Brooklands Road, new shelters for existing stops and raised kerbs £14,000 Two stops at Cattawade Slip Road – two kerbs £4,000 New shelters and raised kerbs on the Factory Lane proposed site, location to be agreed £14,000 Contribution towards Real Time Passenger information (RTPI) £20,000 Two screens within the new site and another two to go on Brooklands Road at the stops with shelters. £40,000	<b>£72,000 (BCIS indexed)</b>	<b>S106</b> <b>Prior to first occupation of residential dwelling for residential bus stops.</b>  <b>Prior to first occupation of new commercial unit.</b>
Transport – Highway improvement Rail Underpass	<b>£90,000</b>	<b>£90,000</b>	<b>S106</b> <b>One sum payment to Essex County Council prior to first occupation of residential dwelling or new commercial unit.</b> <b>Payment to be held by Essex County Council for lifetime of the build and subject to monitoring travel impacts.</b>
Transport - ROW	<b>Total £70,224</b> Comprises: PROW network improvements including:- <ul style="list-style-type: none"> <li>• Resurfacing of PF12</li> <li>• Restricted Byway 16 improvement</li> </ul>	<b>£70,224 (£57,000 plus officer time @12% plus contingency 10%.</b>	<b>S106</b> <b>Full contribution prior to occupation of first dwelling. 10 year period.</b>
Transport – Travel Plan	<ul style="list-style-type: none"> <li>• Travel Plan Co-ordinator £83,475</li> <li>• Car Club Car and Membership £28,500</li> <li>• Website for Development £1,900</li> <li>• Public transport voucher £64,000</li> <li>• Cycle incentives £3,500</li> <li>• Survey incentives £250</li> <li>• Green Travel Maps £3,140</li> <li>• Design and printing of RTP £1,850</li> <li>• Personalised Travel Plans £3,200</li> <li>• Travel Plan Monitoring £10,000</li> </ul>	<b>£199, 815</b>	<b>S106</b> <b>Payment prior to occupation first dwelling.</b>
Education - Primary	<b>Total £950,118 (BCIS Indexed)</b> 78 places @ £12,181	<b>£950,118 (BCIS indexed)</b>	<b>S106</b> <b>25% payable prior to occupation of first dwelling</b> <b>25% prior to occupation of 75th dwelling</b> <b>25% prior to occupation of</b>

			150th dwelling 25% prior to occupation of 225 <sup>th</sup> dwelling. Cost is indexed by BCIS from date of agreement to trigger point. An overage if more than 320 dwellings are delivered at a figure of £2969 per dwelling
Children's Play Facilities – on-site	1 x LEAP 625 sq m <b>£50,000 - £60,000</b> The LEAP should contain at least 5 different types of play equipment with each piece of equipment designated to stimulate one of the following: balancing, rocking, climbing/agility, sliding and social play. A budget of £50 000 to £60 000 should be used for the provision of a LEAP or off site contribution to enhance existing play provision in the local area.  If that was to be provided as part of the new development. If not off site contribution, to enhance local play facilities that would increase by an equal amount to a LEAP. adopted by Management Company (not costed)	<b>£60,000</b>	S106
Commuted sum required for on-site space maintenance over 20 years and associated works	<b>£300,000 - £600,000 (10 year or 20 year)</b> Assuming BDC Adopted: Maintenance only of large POS Country Park style and new lease agreement with fishing club.  Adequate parking required to serve park. On site provision benches and litter bins, footpaths.	<b>£400,000</b>	S106/Condition
Libraries	<b>Total £69, 120 (BCIS indexed) – raised with NM would need specifics on what this would be towards</b> enhanced provision at catchment library Capel St Mary	<b>£69,120 (BCIS indexed)</b>	S106 Prior to occupation of 100 <sup>th</sup> dwelling.
NHS England Essex Area	<b>Total £71,760</b> Additional capacity required at the following surgeries:-  <ul style="list-style-type: none"> <li>Riverside Surgery, Manningtree - £33,720</li> <li>Lawford Surgery, Manningtree - £33,600</li> <li>Constable Country Rural MP (including its branch practice at Capel St Mary) - £4,440</li> </ul> Additional floor space required for each surgery – 16.86 sq m Riverside, 16.80 each for Lawford and Constable Country Rural.	<b>£71,760</b>	S106
Ecology AA	<b>Total – approximately £19,960</b> Mitigations measures include: <ul style="list-style-type: none"> <li>Maintenance of Stour and Orwell Forum Database for new residents to receive information about SPA from Suffolk Coast and Heath AONB and partners - £500.00</li> <li>SPA information leaflets for new residents - £1,010.00</li> <li>SPA footpath marker discs to be installed on footpaths in vicinity - £300.00 + £150.00 for time to fir the discs</li> <li>SPA information boards (one on footpath between the development and the SPA and one on the Public Open Space viewpoint) - £1,500 x 2 = £3,000</li> <li>Future monitoring of the Stour and Orwell Estuaries SPA for 3 years - £15,000</li> <li>Means of providing a post and wire fence with mesh to prevent dogs off the lead entering the mudflats (if</li> </ul>	<b>£19,960</b>	S106 Three year monitoring period to commence prior to first occupation of dwelling. Notification to the developer to erect the fence will be effective from occupation of first dwelling, on- going

	required) – note this would be on land owned by the applicant and dependent on 3 year monitoring of situation (following occupation of first dwelling)		through development and up to last occupied dwelling plus an additional period 1 <sup>st</sup> August – 31 <sup>st</sup> March following completion of the dwellings. SPA Footpath marker discs to be completed prior to commencement of development. SPA information boards prior to commencement of development. Obligation: specification of fence
<b>Total</b>		<b>£2,002,997</b>	

The above obligations are considered to be policy compliant (particularly Core Strategy Policy CS21 which requires appropriate infrastructure provision.

In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

## CONCLUSION - PLANNING BALANCE

102. The NPPF states that there is a presumption in favour of sustainable development. Therefore, there is a presumption in favour of planning permission being granted for development that adheres to the NPPF, or a development plan which is up to date, and consistent with the NPPF. If a proposal does not accord with the policies within paragraphs 18 to 219 of the NPPF (to the extent they are relevant) it can reasonably be concluded that it is not sustainable development and consequently there is no presumption in favour of granting planning permission. In this case, the proposed development is considered to comply with the definition of sustainable development set out by the NPPF, with particular regards to the economic, social and environmental roles set out at paragraph 7.
103. The proposal accords with the strategic site allocation (Policy CS10), a major part of which was the need to undertake viability work to demonstrate that the scheme can only deliver the regeneration of the employment site by allowing residential development on the greenfield site ('Proviso D' Land).
104. No affordable housing is delivered as part of the proposals and this has been demonstrated unviable through the viability statement. However a series of measures dealt with through financial obligations in the s106 legal agreement and planning conditions, make the development acceptable. The lack of any affordable housing delivery is not considered to make the development unacceptable given the overall aims of Policy CS10 which is to create economic regeneration on this strategic site allocation.

105. Furthermore, this proposal is considered to be deliverable and will make a substantial contribution to the Council's overall strategic housing requirements and 5-year land supply, in an appropriate sustainable location in Brantham. The scheme would not result in a hazard or inconvenience to users of the public highway or have a severe impact on the wider highway network. The layout and design of the housing proposal reflects the constraints of the site, having regards to the Masterplan.
106. When taken as a whole, and as a matter of planning judgement, the application is considered to represent a sustainable and deliverable scheme of a strategic site allocation where the benefits and mitigation are such that the proposal is considered to be appropriate. The application is recommended for approval.

**STATEMENT REQUIRED BY ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

107. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case, the scheme has been amended/amplified in response to comments received on the Environmental Statement, additional traffic modelling/mitigation, Appropriate Assessment, drainage, viability, noise and contamination issues.

**RECOMMENDATION**

- (1) That the Professional Lead – Growth and Sustainable Planning be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990, to provide the obligations and triggers outlined in the Planning Obligations section of this report (triggers may be subject of amendment), including:

- Ecology - Appropriate Assessment mitigation £19,960
- Overage clause for affordable housing
- Education - £950,118
- Play facilities - £60,000
- Adoption of Public Open Space
- Public Open Space Maintenance - £400,000
- Libraries - £69,120
- NHS - £71,760
- Highway mitigation - £90,000
- Improvements to bus stops - £72,000
- Travel Plan
 

Travel Plan Co-ordinator	£83,475
Car Club Car and Membership	£28,500
Website for Development	£1,900
Public transport voucher	£64,000
Cycle incentives	£3,500
Survey incentives	£250
Green Travel Maps	£3,140
Design and printing of RTP	£1,850
Personalised Travel Plans	£3,200
Travel Plan Monitoring	<u>£10,000</u>
Total for Travel Plan	£199,815
- Rights of Way - £70,224

- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Professional Lead – Growth and Sustainable Planning, that the Professional Lead – Growth and Sustainable Planning be authorised to grant planning permission subject to the following conditions including:

**Full element of the application**

**Proposed new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure (As amplified by Transport Assessment (Rev B dated April 2015) received on 7 May 2015).**

- Time limit - Full
- Approved plans
- Grampian conditions to address LHA issues
- Archaeological scheme of investigation and recording
- Surface water drainage scheme for phase
- Foul water drainage strategy
- Arboricultural Implications Assessment
- Arboricultural method statement and monitoring details
- Soft and hard landscaping
- Structural landscaping scheme and implementation
- Tree protection including method statement and monitoring schedule
- External Lighting scheme
- Ecology – Appointment of ecologist, Construction (and ecological) Management Plan, Timing of works for peninsula land, reptile management
- Construction management plan for Full element
- Construction working hours TBA
- HGV movements subject to Deliveries Management Plan
- Phased provision roads and footpaths
- Phased provision of foul and surface water drainage infrastructure
- Details to show means to prevent discharge of surface water onto the highway
- Contamination

**Outline element of the application**

**Development to comprise up to 320 dwellings; up to 44,123 sqm of Class B1, B2 and B8 employment uses; up to 720sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2).**

- Time limit for submission of reserved matters
- Approved plans
- Reserved matters
- Phased submission of reserved matters
- Phasing plan
- Contamination and remediation method statement to include methodology, measures and timetabling by phase
- Ground water and land contamination measures to include methodology and timetabling by phase
- Scheme of sustainability measures by phase
- Archaeological scheme of investigation and recording

- Flood Risk Assessment
- Site wide strategy for disposal of surface water to be agreed
- Site wide foul water drainage strategy & mitigation measures
- Ecological mitigation measures
- Timing of demolition works etc.
- Structural landscape management and maintenance plan
- Energy use evaluation by phase
- Highways mitigation design measures to be agreed notwithstanding submitted application detail
- Highways mitigation – A137/B1070 roundabout junction details TBA
- Highways mitigation – shared use footway / cycleway to A137 north of railway crossing TBA
- Highways mitigation – central refuge island A137
- Highways mitigation – footway between central refuge island and A137 railway underpass
- Highways mitigation – footway, carriageway, surfacing, kerbing & protection works through underpass
- Highways mitigation – street lighting to A137
- Highways mitigation – pedestrian & cycling safety improvement scheme for Factory Lane
- Highways mitigation – new footway south side of B1070
- Phased provision of highway mitigation measures TBA in consultation with Essex and Suffolk County Council highway authorities
- Noise assessment on existing properties
- Outdoor pitches details
- Waste
- Cycle provision
- Management of POS

### **Residential uses**

- Surface water drainage scheme TBA for each phase
- Foul water drainage scheme TBA for each phase
- Lighting scheme
- Ecological mitigation strategy, including reptile mitigation strategy, and management plan TBA
- Arboricultural Implications Assessment
- Arboricultural method statement and monitoring details
- Retention of TPO tree and tree protection plan
- Waste Strategy
- Ecology – lighting scheme for biodiversity, ecological surveys for land affected by each phase, landscape and Ecological Management plan (LEMP)
- Cycle storage
- Fencing
- Building for Life 12 Standard, evidence to be submitted and agreed prior to occupation of related unit
- Odour dispersion study and mitigation
- Noise assessment and mitigation measures by phase
- Materials
- Fire hydrants
- Levels TBA
- Phased provision roads and footpaths

- Garaging and parking spaces provided and made functionally available prior to first occupation of related unit
- Details to show means to prevent discharge of surface water onto the highway
- Phased provision of open space, play areas and equipment, decoy pond and sports pitch
- Management strategy for open space, play areas and equipment, decoy pond and sports pitch
- Construction working hours
- Construction Management Plan
- HGV movements subject to Deliveries Management Plan
- Soft and hard landscaping
- Boundary treatment

### **Outline - Employment and other uses**

- Employment uses limited to Use Class B1, B2 and B8.
- Retail uses limited to Use Class A1, A3, A4 and A5
- Construction Management Plan
- Noise assessment and mitigation measures for detailed layout TBA
- Improvements to FP13 (widening and potentially moving the fence back to allow more room)
- Diversion of restricted byway 14
- Details of outside working at related unit TBA
- Details of kitchen extract ventilation and odour abatement for any commercial kitchen
- Noise assessment of commercial/residential interface
- Lighting assessment of proposed employment premises impact on residential dwellings
- Sports pitch design & lighting, use and management TBA
- Waste minimisation and recycling strategy
- Bin presentation areas
- Hard and soft landscaping scheme and implementation
- Tree protection including method statement and monitoring schedule
- Arboricultural Implications Assessment
- Arboricultural method statement, including works and monitoring details
- Retention of TPO tree and tree protection plan
- Retention of English Oak T2383 and tree protection measures to protect it
- Surface water drainage scheme TBA for each phase
- Foul water drainage scheme TBA for each phase
- Ecological management plan
- Employment buildings to demonstrate BREEAM standard to be achieved prior to commencement of related unit and to be constructed in accordance with approved details
- Energy Statement
- No employment and building to be occupied until hours of operation are agreed for that user
- Materials
- Fire hydrants
- Levels TBA
- Green Travel Plan
- Street lighting
- Road layout to be agreed

- Phased provision roads and footpaths
- Vehicle loading parking manoeuvring and turning areas
- Areas for loading, unloading, parking and manoeuvring to be agreed
- Parking/cycling spaces provided and made functionally available prior to first occupation of related unit
- Footpath improvements
- Archaeology – recording of Xylonite Factory
- Parking area details near decoy pond
- Details of skylark mitigation

(3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured by the Professional Lead – Growth and Sustainable Planning to be authorised to refuse planning permission, for reason(s) including:-

- Inadequate provision of appropriate mitigation requirements as set out in resolution (1) above and therefore being contrary to Babergh Core Strategy Policy CS19.



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**BRANTHAM PARISH COUNCIL**

**RESPONSE TO CONSULTATION FOR BRANTHAM REGENERATION AREA**

**BD/15/00263**

**DECEMBER/JANUARY 2016**

YOUR REF: B/15/00263/FUL/SMC.

SUBJECT: Brantham Industrial Estate & Land to the north & the peninsula, Factory Lane, Brantham, MANNINGTREE, Essex.

Hybrid application for regeneration of existing industrial estate and development of adjoining land. Outline: Mixed use development to comprise 320 dwellings; 54,123 sqm of Class B1, B2 and B8 employment uses; 1,440 sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2). Full: Proposed new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure (As amplified by Transport Assessment (Rev B dated April 2015) received on 7 May 2015).

Amendment(s) to Application - As amplified in the letter from Boyer Planning dated 7 December 2015. Documents published on our website on 15 December 2015.

1. Highways and Transport Plans
2. BPC Footpath Survey Results
3. Flood Risks and Drainage
4. Environmental Issues



## **1. HIGHWAYS AND TRANSPORT PLANS**

### **Comments on SFG design response to SCC Highways consultation response**

Transport Assessment referring to the Manningtree Station and roundabout	<p>The supplied response is technical and requires to be fully assessed by SCC. BPC would wish to be able to comment further on SCC response.</p> <p>We note that this document supports a proposed priority reversal at the Manningtree underpass, favouring northbound traffic. It further lists the length of expected tailbacks towards <b>Brantham</b> and suggests that this would alleviate traffic problems in Station Road, Lawford and at the associated roundabout. This approach would only make sense if the document were supporting a planning application on the Essex side. Since a clear attraction of housing in Brantham would be access to the Railway Station we find this to be self-defeating. All southbound journeys, by any means, would be affected by this suggestion.</p>
Junction mitigation - Brooklands	<p>The supplied response requires to be fully assessed by SCC. BPC would wish to be able to comment further on SCC response.</p> <p>Initial comments question the forced nature of the design, requiring a &gt;3m retaining wall and a necessarily steep road and footpath on a residential development.</p> <p>SCC Highways state that 43% of commuter traffic (from the site) is predicted to travel north and therefore likely to use this junction. That equates to <b>138</b> dwellings of the full 320 proposed. There are currently approximately <b>300</b> dwellings in this road network area that would be likely to approach the A137 by the two routes to the the end of Palfrey Heights. Fundamentally these form a circle around the school.</p> <p>Assuming a similar proportion of commuter traffic from the 300 this would see a <b>46%</b> increase in such traffic. Including local use (to reach the shops, school and all other local facilities) plus delivery vehicles, buses and service vehicles to and from both areas we do not believe that junction mitigation as described is sufficient improvement to the road network. Safety is a prime consideration and we do not feel this has been sufficiently addressed.</p>
Junction Mitigation - Cattawade	<p>The supplied response requires to be fully assessed by SCC. BPC would wish to be able to comment further on SCC response.</p> <p>Initial comment is that the “wait and see” approach proposed by SCC</p>



Pedestrian and Cycle  
Improvements

appears the preferred response to us. This is due to the apparent non-maintenance of the southern footpath along Cattawade Street/Factory Lane, especially at the tee-junction. This is simply inadequate for safety.

From the paragraphs above it follows that SCC predict that **57%** of commuter traffic (from the residential site) will travel south using Factory Lane to access the Cattawade roundabout and the A137. This equates to **182** dwellings of the full 320. There are, again, approximately 300 dwellings at the lower end of the village which would seek commuter access via this junction.

Assuming a similar proportion of commuter traffic from these 300 in this feeder network this would see a **60%** increase in such traffic. Non commuter use, current employment use, delivery and services use remain to be properly assessed.

Whichever of the mitigation proposals is chosen it seems to BPC that neither is adequate to deal with predicted traffic flow. In particular, the mini roundabout option leaves a very short distance to the A137, creating, in effect, a double roundabout.

The supplied response requires to be fully assessed by SCC. BPC would wish to be able to comment further on SCC response.

Initial thoughts are that, while any improvement is to be welcomed, the proposed shared two-way cycle way and footpath is not safely achievable for much of its length along the A137, and especially through the railway tunnel, where there appears to be insufficient width to safely accommodate both this and the proposed single – way vehicle traffic. A shared two- way pedestrian and cycle way is inherently dangerous in any case. We also note that the current footpath along the A137 is prone to breaking up at the verges, the hedgerows and ditches. A sustainable and supported surface, unaffected by this, would also be necessary.

The cycleway/pedestrian path cannot achieve the desired width and will certainly require new lighting alongs its entire length, especially where the required design width cannot be achieved.

The advisory cycle lanes proposed along Factory Lane, barely leave enough 'central 'carriageway for a single car vehicle. BPC fears that these will only provide the illusion of safety for cyclists and that



Travel Plans -  
Residential

accidents and/or delays for all traffic will result.

It is appreciated that these Plans cannot be fully detailed at this time, and are intended to be developed as an ongoing action throughout detailed design stage and prior to occupation. It is also understood that the criteria presented are compliant with published guidance.

All of the criteria and the suggested strategies are however wholly reliant upon voluntary acceptance and implementation by the future residential occupants. BPC seriously question whether the likely uptake of Personal Travel Plans, Car Sharing, Car Club, Website, Cycle Buddys, and Annual Bike Surgeries, with or without a Coordinator (TPC), will achieve the targeted 10% reduction in the percentage of single car journeys. We also note that Home Food Deliveries require, often bulky, vehicles to make them.

The 10% reduction from 83.67% to 73.67% for these traffic movements, we believe, must be viewed in the context of the additional 320 dwellings proposed added to the existing 600 dwellings (approx) already in the relevant road network. It is otherwise misleading.

Were the Residential Travel Plan to achieve its target for the new houses it would result in a **47%** increase in such journeys in the road network (North and South). If the same reduction were applied to the entire road network area (roughly Palfrey Heights, Brooklands, New Village, Temple Pattle, Cattawade and the Proviso D houses) it would still see an increase of **35%** of such journeys.

The supplied response requires to be fully re-assessed by SCC with regard to the adequacy and accuracy of what is presented and whether SCC considers that the travel plan is currently suitably developed at this stage, and whether it is considered suitable to be taken forward. It is not "fully detailed" as required by SCC.

BPC would wish to be able to comment further on SCC response.

Travel Plans -  
Workplace

Similar to the above, with further comment made almost impossible due to the unknown nature of what might eventually be built on the Regeneration site. The absence of any figures or analysis for employment use and employment travel concerns BPC greatly. There is no mention of existing employment use and travel, which might provide a starting point. In view of the fact that employment is the purpose of the industrial regeneration that the entire proposal rests



Network Rail  
Consultation

upon we find this to be a serious omission. Even allowing for the fact that the application is at outline stage we think it wholly inadequate.

The supplied response requires to be fully assessed by SCC with regard to the adequacy of what is presented and whether SCC considers that the travel plan is currently suitably developed at this stage, and whether it is considered suitable to be taken forward. It is not “fully detailed” as required by SCC.

BPC would wish to be able to comment further on SCC response.

This states specifically that Network Rail will object to the Application should the existing footpath and rail crossing onto the sea-wall public footpath continue as existing.

BPC has carried out a local survey with regard to the closure of this arrangement and that is attached to these comments. (BPC Footpath Survey Results)

It should be noted that Network Rail propose as a workable solution that the public footpath be relocated to the underbridge crossing within the regeneration site. This is achievable only if the developer is required to create a new footpath on the south side of the railway so that this can connect with the existing footpath.

BPC would expect this entire issue to be a reserved matter for later resolution.

## **2. BPC FOOTPATH SURVEY RESULTS**

### **Brantham Parish Council Footpath Survey results**

#### **Introduction:**

This survey was carried out by volunteers who were members of Brantham Parish Council or their direct relative/spouse.

The survey was conducted between Monday September 14 and Monday October 5 inclusive at different times between the hours of 0700 and 1900. Surveyors would normally volunteer for one or two hours at a time so there were not people there during the whole of this time and some days may have had no surveyors at all. Surveys were carried out in a variety of weather conditions.



### **Location of volunteers:**

The volunteers were asked to base themselves at one of four specific points in order to meet people visiting the area from a variety of different directions. These points were: On the path between old Factory car park and the Decoy Pond; at the pylon opposite the proposed open space and near the path leading to the level crossing; on the concrete path between the sewage works and the railway bridge and on the river wall by the estuary. These points were chosen to enable the volunteers to meet as many users of the paths as possible approaching from a variety of directions.

Our aim was to speak to a minimum of 100 unique users. Records were not taken of people who had already answered the questionnaire, people who passed by when another person was answering or people who chose not to answer (a number said they weren't local or were holidaying here and did not feel their answers would be helpful although some visitors from further afield did choose to take part.)

### **Overview:**

The purpose of this survey was to find out local people's views on two main issues: The railway foot level crossing and the provision of public open space in any development as per the current planning application. We were aware that SFG had organised a survey which focussed on these areas as well as others such as the SSSI and the estuary.

The railway crossing is of interest to our survey because it may be under threat either through the development plans or as part of the 'Norwich in 90' train service campaign although at the moment there is no definite suggestion of this but a number of foot crossings in Suffolk may be under review as part of 'Norwich in 90' and we must be mindful of this.

The Parish Council has been asked to attend a place shaping meeting regarding the Public Open Space element of any development on or around the factory site hence we felt it important to gauge the views of local people before attending such a meeting.

### **Survey results:**

Numbers questioned: We were looking for responses from individuals and did not count numbers seen by any one surveyor (whether or not they participated in the survey). We took a name, gender, age-range and postcode from those who completed the survey only as a way of ensuring that we were not all speaking to the same people each time. The result was 114 individual responses. All but 7 were from the CO11 1\*\* postcode area. Five were still relatively local Mistley, Freston, and Ipswich the other two were from further afield visiting the area.

Around 72% of those questioned used the network of paths either daily or several times a week. 5% used the paths rarely, 22% used them occasionally, 20.5% used a few times a week and 52% used the paths daily.



The vast majority were dog walkers but others were walking or running to enjoy the countryside and a traffic free environment. A small number were on their way to somewhere else. We did not keep records of which respondents had a dog with them at the time of the survey.

### **Railway Crossing**

84% of those questioned said they do use the railway foot crossing. 93% said they would definitely or possibly support a campaign to keep the crossing open (such as signing a petition or writing a letter of support). Of those 89% answered 'yes' they would support such a campaign and 11% said possibly.

72% of the total number questioned said they would be concerned or extremely concerned if the railway crossing was closed. Almost everyone who was questioned said if the crossing did close they would want to see an alternative means of crossing the railway included in the plans such as a new bridge or making use of the foot tunnel in the current factory site and building a new footpath from the tunnel to join the riverbank path that goes to the level crossing.

### **Park Provision**

The majority of respondents wanted the public open space left as a country park or woodland with minimal or no recreational facilities provided.

63% of those questioned were aware of the plans for the public open space/park area

Opinion was about half and half on whether it was important to have a park.

If the development went ahead respondents would like to see:

The open space left as natural as possible such as a country park or woodland 77 (69 %); An enclosed area for off lead dog exercise 16 (14%); Tarmac paths 12 (11%); Swings/playground area 12 (11%); Skatepark 6; Sports pitches/pitch & putt 9; Public toilets 5; Car parking 1; No answer given..... 15

As far as funding the upkeep/maintenance of such a facility 65 respondents (58%) felt that this should only come from any additional council tax revenue raised by the new houses.

31 (28%) felt that it should not be funded by the parish council but in another way (the majority said the developer). Six respondents were happy to see everyone in the village pay more council tax to support such a facility and ten respondents either gave no reply or felt there should not be a facility that required money to be spent on maintenance.



### **Conclusion and recommendations**

There appears to be widespread support from users of the footpaths in this area to keep the railway crossing open or to provide an alternative means of access to ensure that the path along the riverbank is not an 'out and back' walk.

Brantham Parish Council made the following recommendations at the parish council meeting on January 6 2016:

- That any proposed closure of the railway foot level crossing should be subject to its own public consultation period and an alternative means of crossing the railway in the event of the crossing closing should be included in the development plans.
- That the public open space is left as natural as possible in the form of a country park or woodland and that facilities that are costly to maintain are not included unless a sponsor (such as the developer) is prepared to pay for their installation and upkeep.
- That a secure enclosed area for off-lead dog exercise and dog bins are included in the public open space.

### **3. FLOOD RISKS AND DRAINAGE**

1. EA in their letter of 25.6.15 to BDC removed their objection providing BDC was satisfied the development was safe for its lifetime and subject to various conditions.

2. One of the conditions was the construction of secondary Flood Defences, including a 5.63m. AOD earth bund prior to occupation. No plan has been seen showing where or how this will be done. It seems a substantial construction that may be located at Factory Lane or thereabouts.

3. There is, apparently, a Flood Warning and Evacuation Response Plan. This should be seen and must coordinate with Brantham Village Emergency Plan.

4. The statistical basis of calculating a 1 in 100 or 200 year event is, as we are all aware in the light of recent events, being reconsidered. Sir James Bevan, Chief Executive of the EA, " something is different " on the 6th. January to the Select Committee when discussing the assessment of flood risk. Such assessments, as here, need therefore to be handled as somewhat less than mathematically certain.

5. It is a condition that there should be details of who will maintain each element of the surface water system. These have not been given.

There are other conditions and requirements that the EA stipulates BDC will need to consider and be satisfied with, and these are summarised in their letter of 25.6.15.



#### **4. ENVIRONMENTAL ISSUES**

After studying BDC's Environmental Protection Team response, the following three points seem to be significant to the application:

1. "The proposed development site is not a desirable area for development by virtue of the existing noise climate". (Joanna Hart, BDC Senior Environmental Protection Officer)

The measurements undertaken by the Environmental Team show that the existing daytime noise levels are above the BS8233 and World Health Organisation (WHO) guideline values to avoid moderate to significant annoyance.

BS8233 states that it may be acceptable for development to take place in higher noise areas, such as city or urban areas. This cannot apply to this site by virtue of the fact that it is located in a rural area close to a river estuary. This is particularly relevant in view of the RAMSAR, SSSI and AONB considerations.

2. The predicted increase in traffic noise level will have a major and unacceptable impact on existing dwellings in Factory Lane, resulting in a severe loss of amenity for these residents

3. In order to mitigate the impact of traffic noise, both existing and new dwellings on the development site, closest to Factory Lane, will need to keep their windows shut at all times. BPC considers this to be an unacceptable constraint. Retrospective mitigation for existing properties in respect of these noise levels may become necessary and BPC regard this as a matter that should continue to be monitored.

If you have any questions/comments about the response above then please do not hesitate to contact the Parish Council on the contact details below.

With kind regards,

**Brantham Parish Council**

15 Palfrey Heights  
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Manningtree  
CO11 1SE

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January 2016



**BRANTHAM**  
Parish Council

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**BRANTHAM**  
Parish Council

**BRANTHAM PARISH COUNCIL**

**RESPONSE TO CONSULTATION FOR BRANTHAM REGENERATION AREA**

**BD/15/00263**

**MARCH 2016**

**Your Ref. B/15/00263**

**Re-advertisement: Hybrid application for regeneration of existing industrial estate and development of adjoining land. Outline: Mixed use development to comprise approximately 320 dwellings; approximately 44,123 sqm of Class B1, B2 and B8 employment uses; approximately 720sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2). Full: Proposed new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure (As amplified by Transport Assessment (Rev B dated April 2015) received on 7 May 2015). | Brantham Industrial Estate and land to the north and the peninsula (part of), Factory Lane, Brantham, MANNINGTREE, CO11 1NL**

Brantham Parish Council note the changes made to this Application. They appear to degrade the application in its very purpose. Given the imbalance between residential development and any likelihood of industrial development, we find the reduction in Class A uses completely illogical. These would be the most likely uses to be brought forward to provide services and employment for the residential development and surrounding area. The approx. 20% reduction in Class B uses is unlikely to have any immediate impact, but overall this weakens the case for Industrial Regeneration actually being achieved.

It is implied that there is no existing employment in the industrial area, however this is not the case. Job targets may not be stated, but this does not mean that they can be ignored, considering the Policy Objectives of CS10.

Brantham Parish Council have already responded on Highways issues. These changes make no difference to the residential traffic flows. No useful information has been supplied on Industrial traffic flow projections so far. The reduction in commercial floor space is therefore irrelevant in assessing these, as it is impossible to judge a range of completely hypothetical results. However, any increase in industrial traffic can only have a negative impact, over and above the residential effects.

If you have any questions/comments about the response above then please do not hesitate to contact the Parish Council on the contact details below.



**BRANTHAM**  
Parish Council

With kind regards,

**Brantham Parish Council**

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**BRANTHAM**  
Parish Council

Dear Sir/Madam,

YOUR REFERENCE: B/15/00263

OUR REFERENCE:

ADDRESS: Brantham Industrial Estate and land to the north and the peninsula (part of), Factory Lane, Brantham, MANNINGTREE, CO11 1NL

PROPOSAL: Hybrid application for regeneration of existing industrial estate and development of adjoining land. Outline: Mixed use development to comprise 320 dwellings; 54,123 sqm of Class B1, B2 and B8 employment uses; 1,440 sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2). Full: Proposed new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure (As amplified by Transport Assessment (Rev B dated April 2015) received on 7 May 2015).

We refer to your consultation in respect of the above site. Brantham Parish Council (BPC) would like to submit our concerns regarding this Application.

**PROPORTIONALITY**

- A proportionate level of residential development, as described in BDC Core Strategy (Policy CS10), is not clearly defined but the Council regard the proposed proportion of 25-30% to be unreasonable for the proposed infrastructure to support.
- We also find that the provision of amenities for the village is vague and insufficient considering the scale of development and are concerned that any future funding for these, from Section 106 money, is likely to be swallowed up by roads and schools.
- Much of the evidence base provided in the Application is at complete variance with the experience and knowledge of the community most affected, Brantham. There are also a number of simple errors of fact.

**AREAS OF CONCERN**

- The land proposed for the housing element would be the most distant from the A137 in the village. Both the internal road structure and the access points onto the A137 are almost certain to prove inadequate under real conditions.
- The lack of even a token provision of social or low cost housing.
- No serious consideration or provision has been suggested for the Manningtree Rail Crossing. This will have a huge impact upon both industrial and residential development and it must be properly addressed if the proposals are to work.



## BRANTHAM Parish Council

- Sewage capacity is deemed to be capable of absorbing the proposed housing. Existing problems appear to be ignored.
- Wildlife, Water, Environmental and Flood risks are being addressed by other bodies more qualified to comment, but we note their comments and suggested conditions.
- The provision of alternative transport links is also unworkable. The cycle way proposed is virtually identical to the existing poor provision and any 'shuttle service' to the station will face exactly the same constraints as at present.

### VIABILITY

The Planning Inspectorates final conclusion on this part of the Core Strategy states:

*171. However the proposed modifications (MM 25 and MM 26) to address the potential of the Proviso D land is conditional on the submission of viability evidence to justify residential development on some of the additional land. On that basis, the extent of the evidence justifies the 'conditional' inclusion of the Proviso D land, and this in turn adequately justifies the allocation of the main Brantham development. It is the most appropriate option when considered against reasonable alternatives.*

- Viability evidence and studies appear to have focused entirely upon the costs of remediation and flood defenses and the requirement therefore of all of the proviso D 'Greenfield' land to cross fund such costs.
- The essential purpose of Policy CS10 is to achieve Industrial Regeneration on the Brownfield area, specifically to create employment. A figure of 500 EFT in the lifetime of the Core Strategy has been used (reduced from an earlier figure of 1000). This must be considered as the most important 'conditional' justification and central point of the entire application. It does not appear to be addressed at all.
- Brantham Parish Council believes that the commercial viability of the Brantham Regeneration Area is the key point here. An application of this complexity necessitates, such a study.
- The declared interest of at least one Prime Space user and a significant number of secondary users should be sought before proceeding. If these already exist, that should be made known, with relevant timeframes, and within reasonable limits of commercial confidentiality.

Useful evidence of commercial or industrial viability is too important to be allowed to rest with the developer alone. The applicant will obviously present the best case possible. Supplying an infrastructure and hoping employers will come is not sufficient. Economic Development is one of the primary functions of Baberghs Core Strategy and responsibility must lie there.

### SUMMARY

- Historically, the isolation of this site was the very reason it was originally developed. Over 100 years later, and with very poor access to major Arterial routes (A12, A14, A120) this isolation, compared to other available sites, will make this site unattractive to potential employers.



**BRANTHAM**  
Parish Council

- BDC risks needlessly sacrificing an area of Greenfield land, against the overwhelming wishes of the community, to replace an ugly 'white elephant' with a more attractive, but unused, one.
- With Baberghs housing requirement under the Core Strategy already being met elsewhere, incentivised funding should not form any part of any decision made. These should rest upon the purposes of the Core Strategy Policy (CS10) itself, being employment led and capable of delivery.

Brantham Parish Council believe the present application to be deeply flawed, over optimistic and unlikely to fulfill BDC's policy objectives. We urge Babergh District Council to take a viability based approach, with a focus on results, and to look for further guarantees to ensure that these points are addressed.

We thank Babergh DC for the extension granted during the recent election period and look forward to contributing to further discussion and consultations on these issues.

**Brantham Parish Council.**

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